

**CORONAVIRUS ADVISORY
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CITY COUNCIL

Devin T. Murphy, Mayor
Maureen Toms, Mayor Pro Tem
Cameron Sasai, Council Member
Anthony Tave, Council Member
Norma Martínez-Rubin, Council Member

**PINOLE CITY COUNCIL
MEETING AGENDA**

**TUESDAY
September 5, 2023
5:00 P.M**

Please note: HYBRID MEETING FORMAT

**Attend in Person: PINOLE CITY COUNCIL CHAMBERS - 2131 PEAR STREET
OR**

Attend VIA ZOOM TELECONFERENCE – Details provided below

How to Submit Public Comments:

In Person: Attend meeting at the Pinole City Council Chambers, fill out a yellow public comment card and submit it to the City Clerk.

Via Zoom:

Members of the public may submit a live remote public comment via Zoom video conferencing. Download the Zoom mobile app from the Apple Appstore or Google Play. If you are using a desktop computer, you can test your connection to Zoom by clicking [here](#). Zoom also allows you to join the meeting by phone.

From a PC, Mac, iPad, iPhone or Android:

<https://us02web.zoom.us/j/89335000272>

Webinar ID: 893 3500 0272

By phone: +1 (669) 900-6833 or +1 (253) 215-8782 or +1 (346) 248-7799

- Speakers will be asked to provide their name and city of residence, although providing this is not required for participation.
- Each speaker will be afforded up to 3 minutes to speak (subject to modification by the Mayor)
- Speakers will be muted until their opportunity to provide public comment.

When the Mayor opens the comment period for the item you wish to speak on, please use the “raise hand” feature (or press *9 if connecting via telephone) which will alert staff that you have a comment to provide and press *6 to unmute. **To comment with your video enabled, please let the City Clerk know you would like to turn your camera on once you are called to speak.**

Written Comments: All comments received **before 3:00 pm the day of the meeting** will be posted on the City’s website on the agenda page ([Agenda Page Link](#)) and provided to the City Council prior to the meeting. **Written comments will not be read aloud during the meeting.**

Email comments to comment@ci.pinole.ca.us Please indicate which item on the agenda you are commenting on in the subject line of your email.

Please note: Updated COVID-19 safety protocols will be posted outside the City Council Chambers. Please review this information before entering the Council Chambers.

OTHER WAYS TO WATCH THE MEETING

LIVE ON CHANNEL 26. They are retelecast the following Thursday at 6:00 p.m. The Community TV Channel 26 schedule is published on the city's website at www.ci.pinole.ca.us.

VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.ci.pinole.ca.us. and remain archived on the site for five (5) years.

If none of these options are available to you, or you need assistance with public comment, please contact the City Clerk, Heather Bell at (510) 724-8928 or hbelle@ci.pinole.ca.us .

Americans With Disabilities Act: In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a City Meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the City Clerk's Office at (510) 724-8928. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Note: Staff reports are available for inspection on the City Website at www.ci.pinole.ca.us. You may also contact the City Clerk via e-mail at hbelle@ci.pinole.ca.us .

Ralph M. Brown Act. Gov. Code § 54950. *In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

2. LAND ACKNOWLEDGMENT

Before we begin, we would like to acknowledge the Ohlone people, who are the traditional custodians of this land. We pay our respects to the Ohlone elders, past, present, and future, who call this place, Ohlone Land, the land that Pinole sits upon, their home. We are proud to continue their tradition of coming together and growing as a community. We thank the Ohlone community for their stewardship and support, and we look forward to strengthening our ties as we continue our relationship of mutual respect and understanding.

3. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT

An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself /herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov't Code § 87105.

4. CONVENE TO A CLOSED SESSION

***Citizens may address the Council regarding a Closed Session** item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.*

A. PUBLIC EMPLOYEE APPOINTMENT

Gov. Code § 54957

Title: Interim City Manager

5. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION

6. CITIZENS TO BE HEARD (Public Comments)

*Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future Council meeting. **PLEASE SEE THE COVERSHEET OF THE AGENDA FOR INSTRUCTIONS ON HOW TO SUBMIT PUBLIC COMMENTS***

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

B. Mayoral & Council Appointments

C. City Council Committee Reports & Communications

D. Council Requests for Future Agenda Items

E. City Manager Report / Department Staff

F. City Attorney Report

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Acknowledging the Retirement of John Anderson

2. California Firefighter Memorial Day
3. Constitution Day
4. National Suicide Prevention Week
5. Suicide Prevention Day
6. National Punctuation Day
7. Rosh Hashanah
8. Building and Code Staff Appreciation Day

B. Presentations

1. ConFire
2. Car Show Committee

9. CONSENT CALENDAR

All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Council member(s) wishes to comment on an item, they may do so before action is taken on the Consent Calendar. Following comments, if a Council member wishes to discuss an item, it will be removed from the Consent Calendar and taken up in order after adoption of the Consent Calendar.

- A. Approve the Minutes of the Special City Council Meeting on August 8, 2023 and the Regular City Council Meeting on August 15, 2023.
- B. Receive the August 12, 2023 – September 1, 2023 – List of Warrants in the Amount of \$1,017,849.94, the August 18, 2023, Payroll in the Amount of \$587,293.34 (\$527,212.41 Regular Payroll; \$60,081.00 Local 1 Retention Payments) and the September 1, 2023, Payroll in the amount of \$501,049.23.
- C. Approve an Amendment to the Employment Agreement for the City Clerk **[Action: Adopt Resolution per Staff Recommendation (Shell)]**
- D. Appoint Councilmembers as Voting Delegates to Represent Pinole at League of Ca Cities Annual Conference General Assembly **[Action: Appoint Voting Delegates by Minute Order per Staff Recommendation (Bell)]**
- E. Adopt Resolution Authorizing City Manager to Award Two-Year Contracts to Townsend Public Affairs and Evan Brooks Associates for Grant Research, Writing and Management Services and Authorizing the Finance Director to Amend the Adopted Budget to Allocate Funds from the General Fund Unencumbered Fund Balance **[Action: Adopt Resolution per Staff Recommendation (Guillory)]**
- F. Authorize Response to Grand Jury Report No. 2306, Affordable Housing: “A Plan Without a Home” **[Action: Approve and Authorize the Mayor to Sign the Response to the Grand Jury Report on Affordable Housing per Staff Recommendation (Whalen)]**
- G. Award A Contract to Tetra Tech to Complete an Energy Conservation, Generation and Storage Assessment in an Amount not to Exceed \$47,938 **[Action: Adopt Resolution per Staff Recommendation (Mishra)]**
- H. Ordinance Amending Pinole Municipal Code Section 2.04.200 Council-Manager Relations and Section 2.12.010 Time of Regular City Council Meetings **[Action: Adopt Ordinance on Second Read per Staff Recommendation (Casher)]**

- I. Adopt a Resolution Authorizing the Application to and Participation in the California Department of Housing and Community Development (HCD) Prohousing Designation Program [Action: Adopt Resolution per Staff Recommendation (Whalen)]

10. PUBLIC HEARINGS

Citizens wishing to speak regarding a Public Hearing item should fill out a speaker card prior to the completion of the presentation, by first providing a speaker card to the City Clerk. An official who engaged in an ex parte communication that is the subject of a Public Hearing must disclose the communication on the record prior to the start of the Public Hearing.

None

11. OLD BUSINESS

None

12. NEW BUSINESS

- A. Background Information on Commercial Cannabis Tax [Action: Receive Report and Provide Direction (Guillory)]
- B. Background Information on Vacant Parcel Tax [Action: Receive Report and Provide Direction (Guillory)]

13. CITIZENS TO BE HEARD (Continued from Item 6) (Public Comments)

Open only to members of the public who did not speak under the first Citizens to Be Heard, Agenda Item 6

Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes for City Council items and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future meeting.

14. ADJOURNMENT to the Regular City Council Meeting of September 19, 2023 in Remembrance of Amber Swartz.

I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 24 hours prior to the meeting date set forth on this agenda.

Heather Bell, CMC

City Clerk

POSTED: August 31, 2023 at 3:30 pm

**CITY COUNCIL MEETING
MINUTES
August 8, 2023**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

The City Council Meeting was held in a hybrid format (in-person and via Zoom videoconference and broadcast) from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Pro Tem Toms called the Special Meeting of the City Council to order at 5:01 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

Before we begin, we would like to acknowledge the Ohlone people, who are the traditional custodians of this land. We pay our respects to the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land that Pinole sits upon, their home. We are proud to continue their tradition of coming together and growing as a community. We thank the Ohlone community for their stewardship and support, and we look forward to strengthening our ties as we continue our relationship of mutual respect and understanding.

3. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT

An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov. Code § 87105.

A. COUNCILMEMBERS PRESENT

Maureen Toms, Mayor Pro Tem
Norma Martinez-Rubin, Council Member
Cameron Sasai, Council Member
Anthony Tave, Council Member

COUNCILMEMBERS ABSENT

Devin Murphy, Mayor

B. STAFF PRESENT

Andrew Murray, City Manager
Alex Mog, Assistant City Attorney
Heather Bell, City Clerk
Misha Dhillon, Capital Improvement and Environmental Program Manager

City Clerk Heather Bell announced the agenda had been posted on Thursday, August 3, 2023 at 2:15 p.m. with all legally required written notices. No written comments had been received in advance of the meeting.

Following an inquiry, the Council reported there were no conflicts with any items on the agenda.

4. CITIZENS TO BE HEARD (Public Comments)

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Andrew Uch, Pinole, stated he had lived in the City of Pinole all his life and he liked the diverse culture as opposed to other areas of the state. He emphasized the importance of infrastructure which determined the quality of life. In that regard, he advocated for better infrastructure in Pinole, particularly for bicyclists and public transit. He detailed his family's personal experience having to drive a vehicle to their jobs rather than be able to walk or bicycle. He found residents of Pinole wanted better bicycle infrastructure and public transit and at a minimum suggested the frequency of bus stops be increased or improvements be made to the existing bicycle network. Having reviewed the City's plans for bicycle improvements, he found there were no plans for bicycle improvements other than re-pavement of some City roads. Such investment would benefit the City economically and ecologically, particularly during global warming.

Cordell Hindler, Richmond, referenced the July 18, 2023 City Council meeting and expressed concern the public and invited guests had to wait 40 minutes for the City Council meeting to reconvene, which had shown a lack of transparency. During the same meeting, speaker Anthony Vossbrink's comments had been cut off, which was inappropriate, and having spoken to other West County Mayors, he had learned that in other cities speakers were allowed to complete their comments. In addition, he had reviewed the City's budget and advocated for the position of Assistant City Manager, who could be designated as the second-in-command when the City Manager was not available. He asked that the funds for the position be allocated for next year's budget.

5. PUBLIC HEARING

A. Sewer Service Rate Assessment for Fiscal Year 2023-2024 [**Action: Conduct Public Hearing and Adopt Resolution per Staff Recommendation (Mishra)**]

Capital Improvement and Environmental Program Manager Misha Dhillon provided a PowerPoint presentation for the Sewer Service Rate Assessment for Fiscal Year 2023-2024, which included the background, levy and future sewer service rate with all information contained in the August 8, 2023 staff report. She recommended the City Council conduct a public hearing regarding the sewer service rate to be collected on the Fiscal Year (FY) 2023-24 tax roll and adopt a resolution approving the sewer service rates for Fiscal Year 2023-24 and direct the filing of Charges for Collection by the County Tax Collector.

Council member Tave clarified with Ms. Dhillon the City expected to receive approximately \$5.8 million in revenue from the proposed sewer service rates, which included the last three percent increase that had been approved and with no increase built in from the last year. There were no changes proposed to the current rate and the funds would go to the Sewer Fund.

Council member Sasai asked for more details on the next steps for the proposed Rate Study and asked whether the plan was for staff to return with a five-year wastewater rate proposal.

Ms. Dhillon explained that in the past a five-year period had been pursued, although since heading into fall and because there would now be a full condition assessment, a different structure may be prescribed. When the study commenced and was ready to be accepted, it would be presented to the City Council. If for a five-year period, annual rate increases would be built in but as an example, with a five-year period, industry standards may have changed based on what the consultant provided moving forward. She added that generally annual rate increases had been built in. Staff was waiting for the collection system and CCTV work to be completed, and while the process could have been started earlier, they were waiting for the completion of the Sewer System Master Plan and the completion of the Collection System before identifying costs for improvements.

Council member Tave asked whether this action included the City of Hercules, and Ms. Dhillon clarified that the action would be just for the City of Pinole’s collection system.

PUBLIC HEARING OPENED

Rafael Menis, Pinole, asked absent a rate study whether the City was still legally able to impose and continue rates at the prior rate. Once the rate study had been completed, he asked when new rates could be imposed. He also commented that absent the data from the treatment studies, whether staff had a rough idea as yet as to how much of an increase would be expected over a five-year term once the new studies had been implemented.

PUBLIC HEARING CLOSED

Assistant City Attorney Alex Mog stated in response to the public comment that the City still had the authority to impose the rate increase. The prior rate study that had been the basis of the prior five-year study supported and provided justification for the rates, although additional study was needed if rates were to be increased.

Ms. Dhillon commented that when the new study had been completed, if not in place or accepted by the City Council this time next year, staff would likely keep the rate consistent unless the rate study had been accepted and approved by the City Council, at which time staff would ask that a new levy be imposed as of July 1 of the new fiscal year. She added there was not enough information at this time to gauge what that five-year structure may look like to estimate a potential increase.

ACTION: Motion by Council members Martinez-Rubin/Sasai to adopt a resolution for the City of Pinole setting the City’s Sewer Service Rates for Fiscal Year 2023-24, and directing that said sewer service rates be placed on the Contra Costa County Property Tax Roll.

Vote:	Passed	4-0-1
	Ayes:	Toms, Martinez-Rubin, Sasai, Tave
	Noes:	None
	Abstain:	None
	Absent:	Murphy

6. **ADJOURNMENT** to the Regular City Council Meeting of August 15, 2023 in Remembrance of Amber Swartz.

At 5:22 p.m., Mayor Pro Tem Toms adjourned the meeting to the Regular City Council Meeting of August 15, 2023 in Remembrance of Amber Swartz.

Submitted by:

Heather Bell, CMC
City Clerk

Approved by City Council:

**CITY COUNCIL MEETING
MINUTES
August 15, 2023**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

The City Council Meeting was held in a hybrid format (in-person and via Zoom videoconference and broadcast) from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Murphy called the Regular Meeting of the City Council to order at 5:02 p.m. and led the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT

Before we begin, we would like to acknowledge the Ohlone people, who are the traditional custodians of this land. We pay our respects to the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land that Pinole sits upon, their home. We are proud to continue their tradition of coming together and growing as a community. We thank the Ohlone community for their stewardship and support, and we look forward to strengthening our ties as we continue our relationship of mutual respect and understanding.

3. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT

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A. COUNCILMEMBERS PRESENT

Devin Murphy, Mayor
Maureen Toms, Mayor Pro Tem
Norma Martinez-Rubin, Council Member
Cameron Sasai, Council Member*
Anthony Tave, Council Member
*Via Zoom
Sheraton Grand Sacramento Hotel, 1230 J Street, Sacramento, CA, Room 1

B. STAFF PRESENT

Andrew Murray, City Manager
Eric Casher, City Attorney
Alex Mog, Assistant City Attorney
Heather Bell, City Clerk
Sanjay Mishra, Public Works Director
Lilly Whalen, Community Development Director
Markisha Guillory, Finance Director
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on Friday, August 11, 2023 at 4:00 p.m. with all legally required written notices. Written comments had been received in advance of the meeting, distributed to the City Council and staff, posted on the City website and made available to the public in the Council Chambers.

Following an inquiry, the Council reported there were no conflicts with any items on the agenda.

4. CONVENE TO A CLOSED SESSION: None

Citizens may address the Council regarding a Closed Session item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.

5. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION: None

6. CITIZENS TO BE HEARD (Public Comments)

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Anthony Vossbrink, Pinole, asked the status of street light outages throughout the City, in and around City parks and parking lots, and turnabouts around Adobe Road and Pinole Valley Road; the dog park and restrooms where a spot light had been out for over six months and a light that had been out in the barbeque grove across from the dog park. The Public Works Director had previously reported on the cost to replace light bulbs and he had asked the number of people required to change light bulbs. He had also asked why there appeared to be a double standard with respect to the maintenance of public parks, with some parks properly maintained whereas others appeared to be a lower priority. Fernandez Park appeared to be well maintained whereas Pinole Valley Park's playground, restrooms and the dog park were in need of maintenance. He asked when the Public Works Department and the City Manager would turn things around.

Mayor Murphy asked City staff to look into the issues raised and return with a status report on how those issues would be addressed if they had not already been addressed.

Mayor Murphy moved onto agenda Item 8, Recognitions / Presentations / Community Events, B. at this time.

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations: None

B. Presentations

1. AB 43 – Setting Speed Limits – by Public Works Director Sanjay Mishra

Public Works Director Sanjay Mishra presented a PowerPoint presentation on Assembly Bill (AB) 43, Setting Speed Limits, which would amend and add to various sections of the California Vehicle Code related to traffic safety and which had been approved in October 2021. He highlighted how the speed of traffic had been measured and California law that required cities to conduct a speed survey every ten years in order for a speed limit to be enforceable even if no changes had been made to the roadway.

Public Works Director Mishra also highlighted the Zero Traffic Fatalities Task Force, whose purpose was to make recommendations to the Legislature on what reforms the State should make to change the way speed limits had been set. AB 43 would authorize local authorities to consider the safety of vulnerable pedestrian groups and designate safety corridors and the like.

Public Works Director Mishra further highlighted the changes to existing law with AB 43: Vehicle Code changes and how local authorities may reduce speed limits to be reasonable and safe; Caltrans definition of a Safety Corridor and with AB 43 implementing policy recommendations from the State Transportation Agency, as outlined in the Zero Traffic Fatalities Task Force, by providing for more flexibility on setting speed limits based on safety and not just on traffic speed.

Council member Martinez-Rubin was pleased the City would have another tool to respond to concerns from the public and the perceptions with respect to safety. She asked how close the City was to implementing something consistent with AB 43.

Public Works Director Mishra clarified that nothing had been done to date to implement AB 43. A Safety Corridor would have to be declared with locations identified. As an example, the San Pablo Avenue Downtown Area or the Business District Area of Pinole Valley Road had a lot of bicycle and pedestrian activities. If those areas were declared a Safety Corridor by ordinance, the City could set a speed limit for those areas but a traffic study would be required to provide the rationale for why the areas should be declared a Safety Corridor.

Council member Martinez-Rubin recalled the City had conducted a safety study that had asked members of the public to identify locations in the City where there may have been injuries or accidents. She asked whether that study had been completed and if so whether it would help to support the declaration of a Safety Corridor.

Public Works Director Mishra explained the Local Road Safety Plan (LRSP) addressed traffic deficiencies in the City but did not include pedestrian counts. The LRSP was the best document to use in defining a Safety Corridor.

Council member Martinez-Rubin understood there were few accidents, fatalities or injuries in the City but there was still the risk of those occurrences as evidenced by public input. She asked what conditions would be acceptable to make the argument or the case a Safety Corridor could be defined even though the number of accidents, fatalities or injuries were not at the volume that would reach the required threshold.

Public Works Director Mishra understood a number of fatalities was not needed to be defined. AB 43 would allow a local authority the ability to define a Safety Corridor without having that data, but would ask for verification of specific traffic data. As an example, if the Business District had been defined with a high volume of pedestrians and bicyclists, the local authority could define the area as a Safety Corridor.

Mayor Pro Tem Toms asked of the types of surveys or traffic studies needed to be added to the LRSP to allow Safety Corridors to be declared in the City before the time in which to implement AB 43.

Public Works Director Mishra stated a pedestrian and bicyclist count survey would be needed. Vehicle surveys were already part of the LRSP, but the LRSP did not include the count for pedestrians and bicyclists. He added this item was only a presentation but the City Council may provide direction that a pedestrian and bicyclist count would be part of a future Capital Improvement Plan (CIP) project to fund a project to complete the survey, with the desire to consider Safety Corridors for certain sections of the City.

Council member Sasai asked for the definition of a Business Activity District.

City Attorney Eric Casher reported the definition of a Business Activity District had been defined as *An area that prioritizes commercial land uses at the downtown or neighborhood scale and meets at least three of the following four different requirements: 1) No less than fifty percent of the contiguous property fronting the highway consists of retail or dining commercial uses including outdoor dining that open directly onto sidewalks adjacent to the highway; 2) there are parking spaces including parallel, diagonal or perpendicular spaces located alongside the highway; 3) traffic control signals or stop signs regulating traffic flow on the highway are located at intervals or no more than 600 feet; and 4) there are marked crosswalks not controlled by a traffic controlled device, pursuant to Vehicle Code Section 22358.9.*

Council member Sasai asked whether the maximum speed reduction would be five miles per hour in any corridor or whether speed limits could be reduced by another ten or fifteen miles per hour.

Public Works Director Mishra clarified the City had always been able to reduce speeds by five miles per hour. AB 43 allowed flexibility for a Business District or Safety Corridor, whereby local authorities may reduce the speed further by another five miles per hour and enforce that speed.

Council member Sasai asked of the soonest date when the speed limits may be reduced pursuant to AB 43, and Public Works Director Mishra advised that speed limits may be reduced after June 20, 2024, if the City was ready at that time.

PUBLIC COMMENTS OPENED

Anthony Vossbrink, Pinole, requested better visuals for the telephone numbers for people to participate in the meeting remotely, to be posted on the bottom and top of the screen. He otherwise suggested there should be better police enforcement, more police officers patrolling hot spots in the City including Fitzgerald Drive, Appian Way, San Pablo Avenue, Pinole Valley Road and Wright Avenue. He reiterated past requests for semi or annual status reports from the Police Department, with the Police Chief and a Sargent having promised a report would be provided to the Traffic and Pedestrian Safety Committee (TAPS) but that had never happened. The report was to provide the number and location of citations given by the Police Department pre-, during and after the pandemic. He urged a proactive response rather than reactive, with the installation of speed bumps, better signage and consequences for those perpetrators who did not follow traffic laws. He again urged a presentation be provided as promised.

John Bender, Pinole, asked for clarification of the definition of a Safety Corridor and whether it included the zoning designation of a property as Commercial Mixed-Use with residential on the street, citing San Pablo Avenue east of Pinole Valley Road towards the City of Hercules as an example.

PUBLIC COMMENTS CLOSED

City Attorney Casher clarified in response to public comment that the statutory section of the Vehicle Code did not get into that level of detail for the definition of a Safety Corridor but there was annotation of the statute he could look into and would provide a follow-up.

Mayor Pro Tem Toms asked that the item be earmarked for the next quarterly CIP report to allow the City Council to provide direction. She suggested it would be nice on the effective date of June 30, 2024, when local authorities may lower the speed limit pursuant to the Vehicle Code changes and have speed limit signs installed to take effect on that date.

Mayor Murphy looked forward to follow-ups as part of the next CIP update.

2. East Bay Municipal Utility District – Updates

Clifford Chan, General Manager, East Bay Municipal Utility District (EBMUD) introduced the EBMUD Team present including Director Lesa McIntosh, Ward 1; Florence Wedington, Senior Civil Engineer; David Woodard, Manager, Regulatory Compliance; and Y'Anad Burrell with the Team providing a PowerPoint presentation which included an extensive overview of EBMUD's Water Portfolio, 2019 Recycled Water Plan, Recycled Water Strategic Plan Update, Emergency Planning and the Customer Assistance Program (CAP).

Mayor Pro Tem Toms asked about emergency services and work with the City of Pinole to identify distribution points via hydrants. She asked whether several sites needed to be identified or whether it would include distribution via trucking in water.

Mr. Chan understood the City may already have identified points of distribution for supplies including water, which locations needed good egress/ingress. If the City had identified those distribution points, EBMUD would work with the City to set up a location for a manifold.

Council member Tave commented that through the pandemic and the drought there had been community concerns with the reliability of the EBMUD system and water delivery. He asked about projects planned in West County, particularly specific to the City of Pinole, which would address the current system's ability to handle emergencies. He found the current plan to be more reactive to emergencies and characterized the current system as old and brittle.

Mr. Chan detailed EBMUD's Seismic Improvement Program which started in the 1990s and had been upgraded with many drinking water tanks and facilities providing reliable water supply; replacement of many distribution pipelines over the years with the most vulnerable pipelines replaced first along with major transmission mains; and highlighted EBMUD's improvement projects in the cities of Berkeley, El Cerrito and El Sobrante. He was unaware of specific projects planned for the City of Pinole.

Y'Anad Burrell, EBMUD, reported EBMUD held quarterly coordination meetings with the cities in the EBMUD service area. She detailed the purpose and discussion of the meetings and stated the next meeting had been scheduled in the next week. She would have to review the notes from the last coordination meeting and circle back to provide accurate information as to whether there were any specific projects proposed for the City of Pinole.

Council member Tave understood EBMUD had a lot of ongoing recycled water projects. He asked whether there were any cost savings from the Regional Water Quality Control Board (RWQCB) along with the distribution of recycled water for use and if there was any benefit that could be missing in an analysis, and Mr. Chan confirmed there were benefits when reducing the discharge into the Bay when dealing with nutrients and if going to full nutrient removal, such improvements would be very costly with lower cost options under consideration.

Council member Martinez-Rubin asked whether EBMUD was considering points of distribution or tools to access potable water working with property management firms. She requested that if the relationships were not there in the coordination meetings, they should be formed and continue to be developed with property management firms as an incentive to renters or owners.

EBMUD Director Lesa McIntosh, Ward 1, explained that had been an issue for years and for years EBMUD had not done enough to reach out to those entities; however, they had come a long way at the urging of the EBMUD Board and EBMUD was now reaching out to those entities and working diligently on that effort. If the City of Pinole was not seeing that effort, she asked that anyone reach out to EBMUD and let them know whether or not the City's management companies were receiving information from EBMUD that could be passed along to homeowners or renters.

Mayor Murphy commented the City had conducted a recent survey about climate action, drought and water usage, which had elicited huge interest from Pinole residents. He also commented on the City Council's consideration of a points of distribution program and he asked the status of that process.

David Woodard, Manager, Regulatory Compliance, reported that EBMUD met regularly with the counties in its service area with a focus on the actual unit/size. There was now a system that would work and EBMUD was moving on to the Memorandum of Understanding (MOU) process and would be reaching out to everyone at some point. He clarified, when asked, that two cities had signed up for a points of distribution program with EBMUD pre-pandemic. EBMUD had signed MOUs with the City of Pleasant Hill and the Town of Danville, although those MOUs may have to be modified as it related to changes to the manifold equipment.

Mr. Chan asked Mr. Woodard when he worked with the County to ask about the City of Pinole and work with them to set up a point of distribution, which Mr. Woodard confirmed he would do.

City Manager Andrew Murray reported he had met with Emergency Management staff including Mr. Woodard a few months ago to follow up on the City Council request for a point of distribution MOU with EBMUD, at which point he had learned EBMUD had a couple of dated MOUs they wanted to revisit to address changes to the manifold equipment. He had discussed with EBMUD the fact the Pinole City Council wanted the same agreement and access other communities had with EBMUD and he looked forward to continuing that conversation.

Mayor Murphy asked about the estimated timeline for the partnership between the County, EBMUD and the cities, and Mr. Woodard explained that EBMUD was in the process of churning out the manifolds, was moving the focus to the MOUs, would go as fast as possible, and hoped to avoid administrative challenges.

On the discussion, Mr. Chan stated he would not be happy if they were two to three years out but he would provide information when possible.

Mayor Murphy emphasized that working with other agencies around emergency planning was critical. He reported that Marin Clean Energy (MCE) allocated \$1.5 million in a resiliency fund, which had been doubled in an effort to address climate resiliency and emergency planning. Some of the funds had been used for battery storage units for people who were medically vulnerable. He asked how EBMUD would work with MCE and other agencies as a way to overlap services as it related to emergency planning.

Mr. Chan explained as part of its emergency planning EBMUD worked with local power agencies to ensure reliable power supplies. EBMUD had its own backup power supply to supply power and worked with refineries to ensure access to fuel for any pipeline repair or any other needed work. EBMUD worked to develop its own power supplies, some of which would allow EBMUD to be independent of the grid, but most would not absent battery storage. He noted that a battery storage facility was being considered in the City of Oakland. EBMUD also worked with larger facilities such as hospitals and others, where they could have access to different water lines in the street and worked with those agencies/companies to improve reliability.

PUBLIC COMMENTS OPENED

Rafael Menis, Pinole, understood there were potential fuel issues with EBMUD equipment in the aftermath of a disaster. He asked whether EBMUD had considered electrification of its equipment to the extent feasible. As to pipelines and impacts from wildfires, citing the recent wildfire in Maui, Hawaii, he asked about the number of pipelines of the new restored pipelines being installed that were made of potentially hazardous materials if melted down, and how many were made of less hazardous materials. As to the emergency recommendations for two gallons of water per household member and a seven-day supply for each person, he asked how feasible that recommendation was in practice. As to the manifolds, he understood they were pipes that would be hooked into fire hydrants in the event of a water distribution breakdown and he sought clarification of that situation.

Mr. Chan explained the manifolds (hose bibs) would be an area where residents could go to get water and fill up containers; portable storage was feasible for residents and the water could be changed at the same time as one changed batteries on smoke detectors. As an example, water was able to be disinfected with chlorine tablets or be boiled. All water supply maintenance information had been posted on the EBMUD website. In terms of the pipes, about a third were comprised of cast-iron material, a third steel and the remaining third consisted of asbestos cement. The standard material for pipe replacement today was ductal iron pipe.

As to possible electrification of the fleet, Mr. Chan commented on the challenges purchasing electrical equipment and the fact the current electric grid was not reliable although that may change in the future. He added there were new rules pushing EBMUD to move towards zero emission vehicles, but that equipment currently did not exist. He reiterated that with the electrical grid currently unreliable there were a number of challenges, but working with the state and various agencies he was confident that would be fixed in the decades to come.

Anthony Vossbrink, Pinole, understood several wastewater treatment plants in the Bay Area had to dump excess volumes of treated or untreated water into the Bay. He asked whether EBMUD had a hand in that by diverting too much water from the winter storms that caused impacts to wildlife and beaches. He also understood EBMUD may start asking residents to use treated wastewater for drinking water.

Mr. Vossbrink asked about the volume of water that would come to West Contra Costa County. Given the City of Pinole had its own wastewater treatment plant, he asked whether the City would benefit from a manifold, which could provide relief to ratepayers. He also commented on the recent tragedy in Maui and asked that the meeting adjourn in memory of those lost. In that case, he understood that electrical pumps had been impacted by the fires since power lines were down and he asked whether EBMUD coordinated with PG&E with respect to its electrical power grid.

Mr. Chan spoke to PG&E's Public Safety Power Shut-Offs (PSPSSs) and explained that EBMUD was not immune to the PSPS but it did have backup power. EBMUD never had issues delivering water to its customers even when electricity had been lost in their facilities and much of that had to do with the coordination with PG&E. He added that nutrients into the Bay and the cause of Red Tides did not occur during the wet periods and reported that from January 1 to December 1, 2022, EBMUD's normal flow into its wastewater plant was around 50 million gallons per day and during a two-day period EBMUD experienced an increase of around 650 million gallons per day, with the remaining 600 gallons per day from infiltration into the sewer lines and sewer laterals from homes and city sewer lines, and there had been a decree to reduce that infiltration inflow. Nutrient issues that led to Red Tides and fish kills during the summer of 2022 had impacted all wastewater discharges into the Bay and EBMUD had reduced its nutrient load into the Bay consistently over a number of years and would continue to do so.

Florence Wedington, Senior Civil Engineer, further clarified EBMUD's Strategic Plan for recycled water, as previously described, with several things to be considered to provide recycled water as part of EBMUD's water supply. She also reported the state had recently released draft regulations for how the water would be treated to ensure a level for safe drinking, which regulations would not be finalized until the end of 2023 and which would also be taken into consideration.

Ms. McIntosh added that EBMUD was a public agency and its meetings were open to the public. She urged the public, City Council and staff to participate in EBMUD meetings held the second and fourth Tuesday of each month. She also detailed the various EBMUD committees and encouraged everyone to reach out and share during EBMUD meetings to ensure everyone was fully informed.

Mayor Murphy thanked EBMUD for the presentation and looked forward to future partnerships.

PUBLIC COMMENTS CLOSED

The City Council returned to agenda Item 7 at this time.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Murphy wished everyone a happy new school year and extended special wishes to students, teachers and schools that had started the new school year. He reminded residents of the start and launch of the Parks Master Plan and noted that more information was available at pinoleparksmasterplan.com.

Mayor Murphy also welcomed new business Pinole Pizza and Deli at the Del Monte Center on San Pablo Avenue and encouraged residents and visitors to participate in Foster Freeze Cruise Nights of Summer on San Pablo Avenue, with events scheduled for August 27, September 24 and October 29, 2023 at 4:00 p.m. All events were family friendly. He further encouraged residents to read the City's fire prevention brochure available on the City's website.

Mayor Murphy also offered his thoughts and prayers to the Maui community and asked everyone to consider ways to support the community with a number of organizations working to provide support and take action.

Mayor Murphy otherwise recognized it has been a wonderful summer for the City of Pinole with more community events planned and he again looked forward to what the new school year brought, and in that regard asked everyone to keep the community as healthy and safe as possible.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Council member Sasai reported he had attended the WestCAT Board of Directors meeting and briefed the Council on the discussions; and had met with representatives from the State Civil Rights Department to discuss a hate initiative sponsored by the Governor's Office, which he detailed and which discussion he hoped to advance to the City Council. He also reported a resident of Pinole Shores had recently reached out to him about the collapsed portion of the Bay Trail. He had recently walked that portion of the trail with that individual and had reached out to the Executive Director of the East Bay Regional Park District (EBRPD). He hoped a presentation from the EBRPD would be made to the City Council to allow questions to be asked and solutions to be discussed.

Council member Martinez-Rubin reported she had attended the City Seal and Logo Subcommittee meeting; participated in the Crafts Fair at the Senior Center and invited participation and input on City activities; the League of California Cities East Bay Division meeting; and the Mayors' Conference, and briefed the Council on all presentations and discussions.

Mayor Pro Tem Toms reported she had attended the WestCAT Board of Directors meeting and briefed the City Council on the discussions.

Council member Tave reported the Bay Area Rapid Transit (BART) District had expanded its service hours significantly to increase ridership and he identified the new hours of operation. He also reported that goats got out at Shea Drive and while the situation was not as bad as reported, the situation had been brought under control and was part of a fire prevention measure that had been implemented. He thanked the Pinole Police Department for handling the incident and expressed his hope the program could also be implemented in other areas of the City.

PUBLIC COMMENTS OPENED (Items A through C)

Deputy City Clerk Roxane Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

D. Council Requests for Future Agenda Items

ACTION: Motion by Council member Martinez-Rubin/Mayor Murphy to approve a request for a brief report on the Classic Car Show from the Classic Car Show Committee as well as a brief presentation on whom the Committee would be making donations from proceeds from the Classic Car Show, to be considered at the September 5, 2023 City Council meeting.

Vote: Passed 5-0
 Ayes: Murphy, Toms, Martinez-Rubin, Sasai, Tave
 Noes: None
 Abstain: None
 Absent: None

ACTION: Motion by Council members Sasai/Tave to approve a request for a presentation from the California Versus Hate Initiative.

Vote: Passed 5-0
 Ayes: Murphy, Toms, Martinez-Rubin, Sasai, Tave
 Noes: None
 Abstain: None
 Absent: None

PUBLIC COMMENTS OPENED

Cordell Hindler, Richmond, requested the following future agenda items to be considered at an October City Council meeting agenda including a presentation from Contra Costa County Supervisor John Gioia and Lisa Motoyama regarding a study to address homelessness; a proclamation for Breast Cancer Awareness Month and a presentation from Danny Wan or designee on the Port of Oakland's plans as it recovered from the pandemic.

PUBLIC COMMENTS CLOSED

Mayor Pro Tem Toms reported a proclamation for Breast Cancer Awareness Month had already been scheduled for an October City Council meeting and City Clerk Bell clarified she would verify the list of proclamations for the month of October.

E. City Manager Report / Department Staff

City Manager Murray provided an overview of the tentative agenda items for the September 5, 2023 regular City Council meeting. He also clarified the situation with the goats on Shea Drive had not involved the City but the City was progressing with fire fuel mitigation on City-owned property and open spaces with the use of goats as a possible option.

F. City Attorney Report

City Attorney Casher reported the Municipal Code Update Subcommittee would meet on Monday, August 21, 2023 to discuss updates to the Single-Use Plastics Ordinance.

The Municipal Code Update Subcommittee would also consider updates to the Pinole Municipal Code (PMC) regarding Electric Vehicle (EV) Charging Station Usage restrictions and a Panhandling Ordinance. Updates to the Campaign Sign Ordinance would be presented to the Planning Commission at its next meeting and thereafter to the City Council once approved.

PUBLIC COMMENTS OPENED (Items 7D through 7F)

Anthony Vossbrink, Pinole, requested a report from the Police Chief as a future agenda item, as he had previously requested, and also asked for a presentation from the Executive Director of Contra Costa Animal Services on the increase in taxes and a status report on the vacant former Pinole Animal Shelter and proposed plans for a feral spay and neuter clinic, which he understood was to be a non-profit but that was not the case. He also spoke to the situation with the goats, and suggested Caltrans had lacked proper supervision, had only one herder and dog and there had been a lack of adequate fencing. He asked the City Manager whether the Public Works Department would consider the use of goats to clean-up the exterior of the Pinole-Hercules Wastewater Treatment Plant.

PUBLIC COMMENTS CLOSED

9. CONSENT CALENDAR

All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Council member(s) wishes to comment on an item, they may do so before action is taken on the Consent Calendar. Following comments, if a Council member wishes to discuss an item, it will be removed from the Consent Calendar and taken up in order after adoption of the Consent Calendar.

- A. Approve the Minutes of the Regular City Council Meeting on July 18, 2023.
- B. Receive the July 14, 2023 – August 11, 2023 – List of Warrants in the Amount of \$3,741,157.74, the July 21, 2023, Payroll in the amount of \$491,186.62 and the August 4, 2023 Payroll in the amount of \$475,534.19.
- C. Staff recommends that the City Council adopt a resolution approving a Memorandum of Understanding (MOU) between the City and American Federation of State, County, and Municipal Employees (AFSCME) Union Local 512 for the period of July 1, 2023 – June 30, 2025. **[Action: Adopt Resolution per Staff Recommendation (Shell)]**
- D. Award a Contract to Tetra Tech to Complete an Energy Conservation, Generation and Storage Assessment in an Amount Not to Exceed \$47,938. **[Action: Adopt Resolution per Staff Recommendation (Dhillon)]**
- E. Authorize Response to Grand Jury Report No. 2306, Affordable Housing: “A Plan Without a Home.” **[Action: Approve Response and Authorize Mayor’s signature per Staff Recommendation (Whalen)]**

- F. Award a Contract for the Development of a Storm Drain Master Plan (CIP Project #IN1703) to West Yost in an Amount Not to Exceed \$243,264.00. **[Action: Adopt Resolution per Staff Recommendation]**
- G. Approve a Second Contract Amendment to the Agreement with Tripepi Smith for Additional Work on the City Seal, Logo and Branding Guidelines to Increase the Not to Exceed Amount to \$32,000 and Appropriate Additional Funding in the Amount Not to Exceed \$11,750. **[Action: Adopt Resolution per Staff Recommendation (Epps)]**
- H. Resolution Authorizing the City Manager to Execute the Third Amendment to the Agreement with the Natelson Dale Group to Develop a Comprehensive Economic Development Strategy and Appropriate an Additional \$3,000 in Funding. **[Action: Adopt Resolution per Staff Recommendation (Whalen)]**
- I. Adopt a Resolution Approving a Memorandum of Understanding Between the City of Pinole and the American Federation of State, County and Municipal Employees (AFSCME) Union Local 1 for the Period of July 1, 2023 - June 30, 2025. **[Action: Adopt Resolution per Staff Recommendation (Shell)]**

PUBLIC COMMENTS OPENED

Ana Avila, Pinole, referenced Item 9I, and speaking on behalf of the American Federation of State, County and Municipal Employees (AFSCME) Union Local 1 and as the President of the unit, introduced representatives from the unit and expressed her sincere gratitude for the two-year contract she hoped would be approved on the Consent Calendar. She thanked the City's negotiation team by name and everyone who had taken part to ensure the great outcome for the unit and recognition of its needs.

Rafael Menis, Pinole, referenced Item 9C, Page 84 of 594 of the un-amended agenda packet, and noted the market equity adjustments for the positions shown appeared to show the City had been underpaying for the positions. He asked whether market equity adjustments had been made in the past decade or whether this was this first time for the adjustment.

For Item 9I, Page 460 of 594 of the un-amended agenda packet, again for the positions shown under equity adjustment, there were notable increases and Mr. Menis asked again when a market equity study had last been done.

Speaking again to Item 9C, Page 154 of 594 of the un-amended agenda packet and the redline edits as shown under Section 7.4 Regular Work Week-Amount of Overtime Earned, which reads: *Effective the first full pay period after adoption, hours in paid leave status for holidays as outlined in Section 15. 2 (excluding floating holiday(s)) and sick leave used will count toward time worked for purposes of determining eligibility for the overtime rate*, Mr. Menis asked whether that was normally done, whether it was a standard that was now being considered or whether a new thing had been negotiated. The same applied for Item 9E as well.

Mr. Menis also referenced Page 561 of 594 of the un-amended agenda packet for Item 9I, the strike out dates shown for holidays and identified an error in how the numbers had been listed. The information was correct in the union proposal but not in the amended agenda packet.

For Item 9E, Mr. Menis referenced Page 269 of 594 of the un-amended agenda packet, the City's response to Finding 5, and found the response to be a misinterpretation of the finding which was not asking whether the City had taken steps to resolve the obstacle but stating an obstacle actually existed, and he questioned why the City had indicated a "partial disagreement." He suggested the response should show the steps the City had taken to address the obstacles.

Mr. Menis further referenced Page 276 of 594 of the un-amended packet, again for Item 9E, and the City's response to Grand Jury Recommendation R1, with the City's response as shown, although Recommendation R1 was talking more about a specific staff member being assigned with accountability and there appeared to be partial disagreement rather than the City's response that Recommendation R1 had been implemented. Lastly, he referenced Table 2: 2022 CCC Wages, Rent to Income, AMI Status, as shown on Page 234 of the 594 of the un-amended agenda packet, and asked whether or not it would be possible to generate a similar table for City of Pinole data as opposed to Countywide data based on information the City had to supplement the report and integrate the findings on a more local level to be more actionable on a local level.

PUBLIC COMMENTS CLOSED

In response to the public comment, City Manager Murray reported the City had done a total compensation benchmarking study around every round of negotiations and it would have been done two years ago and did not always result in changes to the MOU but targeted market increases, which was part of the negotiation process. The definition of hours worked for purposes of overtime was a negotiated agreement on how that had been defined with various external standards that was a result of priorities expressed by the labor groups and the City Council's willingness to meet them as part of the negotiation process. Also, the incorrect dates identified for the holidays would be clarified and corrected, if needed.

Community Development Director Lilly Whalen responded to the comments with respect to Item 9E, and clarified the City's response to Finding 5, as "partial disagreement" was because the obstacles did exist and the City was partially in disagreement since the City had taken steps to reduce the obstacles by providing affordable housing in the community. In response to who had been assigned to ensure that the Housing Element was implemented, the Community Development Department had indicated in the response that the Director of the Community Development Department would be responsible to ensure annual reports were submitted to the state. As to the request with respect to Table 2, she had no response at this time but would look into it.

Mayor Murphy offered a motion, seconded by Council member Tave to continue items 9D and 9E to the next meeting of the City Council to allow more time for review.

Council member Tave asked whether there were any time restrictions with respect to Item 9E.

Community Development Director Whalen advised the response to the Grand Jury was due in mid-September and there would be time to continue the item to the September 5, 2023 City Council meeting.

ACTION: Motion by Mayor Murphy/Council member Tave to continue Items 9D and 9E to the next City Council meeting to allow more time for review.

Vote:	Passed	5-0
	Ayes:	Murphy, Toms, Martinez-Rubin, Sasai, Tave
	Noes:	None
	Abstain:	None
	Absent:	None

Council member Martinez-Rubin requested that Items 9A and 9B be removed from the Consent Calendar for discussion. For Item 9A, she requested the following revision to the sixth paragraph on Page 8 of 594 of the un-amended agenda packet to read:

Council member Martinez-Rubin reported on her attendance at a meeting of the Revenue and Taxation Policy Committee of the League of California Cities and briefed the City Council on the discussions. Also, along with Council member Sasai and the Assistant to the City Manager discussed a possible agreement with a firm to help the City update its seal and logo.

For Item 9B, Council member Martinez-Rubin identified an overlap in dates when the List of Warrants had been paid, and in reviewing the last month and this month's warrants she had found duplicates. She asked how and when the City reconciled the warrants paid to ensure a more current balance of funds used for the different payments the City made. She suggested the City Manager or Finance Director provide clarification and she provided examples from the List of Warrants as shown in Item 9B.

Finance Director Markisha Guillory stated she would review the List of Warrants and overlapping dates and would provide a response to the question via email or at the next City Council meeting. She added there were processes that were followed in terms of reconciling payments with bank reconciliation and with the budget as well.

Council member Martinez-Rubin asked that a response be provided to the entire City Council.

Mayor Pro Tem Toms understood there were no duplicate payments, although some warrants had been shown twice because they were on the cusp of a time period and the City Council could still move forward with the List of Warrants.

Council member Martinez-Rubin commented that either time periods or a statistical report ensured figures were not included in two sets of dates, which was why she wondered why that had been done. She wanted a true reconciliation to know the balance of the budget.

Council member Tave understood the concern was with the fiscal year overlap and Finance Director Guillory confirmed there could be overlaps between fiscal years, but again she would have to conduct some research.

ACTION: Motion by Mayor Pro Tem Toms/Council member Martinez-Rubin to approve Item 9A, as amended and Items 9B, 9C, 9F, 9G, 9H, and 9I, as shown.

Vote:	Passed	5-0
	Ayes:	Murphy, Toms, Martinez-Rubin, Sasai, Tave
	Noes:	None
	Abstain:	None
	Absent:	None

10. PUBLIC HEARINGS

Citizens wishing to speak regarding a Public Hearing item should fill out a speaker card prior to the completion of the presentation, by first providing a speaker card to the City Clerk. An official who engaged in an ex parte communication that is the subject of a Public Hearing must disclose the communication on the record prior to the start of the Public Hearing.

- A. Introduction and First Reading of an Ordinance Amending Pinole Municipal Code Section 2.04.200 Council-Manager Relations and Section 2.12.010 Time of Regular City Council Meetings Consistent with the Updated City Council Meeting Procedures. **[Action: Conduct Public Hearing and Introduce Ordinance on First Read (Casher)]**

City Attorney Casher provided a PowerPoint presentation for an ordinance updating the PMC to align with City Council Meeting Procedures, which included an overview of the background and the Municipal Code Update Subcommittee's identification of two sections of the PMC which needed updating based on the revised City Council meeting procedures, as shown in Chapter 2.04, "City Manager," Section 2.04.200 "Council-Manager Relations" and Chapter 2.12 "Council Meetings," Section 2.12.010, "Time of Regular Meeting." He read into the record the language changes to each section referenced that had been included in the August 15, 2023 staff report.

City Attorney Casher also identified a typographical error in the ordinance as it appeared on the meeting agenda, to be corrected on the second reading of the ordinance. He recommended the City Council introduce and waive the first reading of an Ordinance amending Pinole Municipal Code Section 2.04.200 to update the description of City Council and City Manager relations, and amending Section 2.12.010 to modify the start time of regularly scheduled City Council meetings, consistent with the updated City Council Meeting Procedures. He added the changes had been reviewed and approved by the Municipal Code Update Subcommittee. The actual City Council Meeting Procedures would be approved upon conclusion of amending the Ordinance.

In response to Council member Tave, City Attorney Casher explained for committee and committee assignments, the authority had been delegated to the subcommittee members. As an example, the duly appointed members of the Municipal Code Update Subcommittee had been deputized with the authority to make recommendations to staff in their capacity as subcommittee members, which ultimately flowed up to the City Council for formal approval of any changes. Pursuant to the Brown Act, decisions were to be made at the dais by the full City Council as opposed to individual Council members. He also offered examples of administrative decisions within the purview of the City Manager.

Council member Martinez-Rubin referenced the language modifications to Section 2.04.200 Council-Manager Relations, and matters that required City Council approval. She asked whether an approach had been discussed by the Municipal Code Update Subcommittee on matters that required City Council approval. She asked whether the language could be made even clearer to allow a Council member to become better informed of the role of a Council member.

City Attorney Casher stated the discussion at the Municipal Code Update Subcommittee level had been focused on finding language in this particular chapter of the PMC that would allow for Council members to continue to operate in the way they had been operating and he offered examples.

City Attorney Casher stated if there was a directive from the City Council regarding an administrative matter such as bringing in more goats for fire prevention, as an example, that would be a discussion at the City Council level.

Council member Tave offered examples of the current City Council practices that were in-line with the Ordinance.

PUBLIC HEARING OPENED

Rafael Menis, Pinole, spoke to the changes to Section 2.04.200, and while some of the changes made sense, he had concern with the language that had been stricken from this section. Section 2.04.200 Council-Manager Relations originally read: *The City Council and its members shall deal with the administrative services of the city only through the City Manager, except for the purpose of inquiry, and neither the member of the City Council nor any member thereof shall give orders or instructions to any subordinates of the City Manager. The City Manager shall take his or her orders and instructions from the City Council on matters requiring City Council approval only when sitting in a duly convened meeting of the City Council and no individual councilman shall give any orders or instructions to the City Manager.*

Mr. Menis explained as a member of the public he sometimes had questions and he would be directed by the City Manager to reach out to the individual Department Head to address those questions rather than to go through the City Manager each time. The new language proposed for Section 2.04.200 would prevent individual Council members from giving orders to a particular Department Head or ask questions of particular Department Heads with any questions to administrative staff falling under the City Manager's control. Specifically striking the phrase *except for the purpose of inquiry* seemed to imply to a layperson's reading of the Ordinance that individual Council members may not make direct inquiries. While the new language would cover the Brown Act and possible usurping the City Manager's power or the City Council taking over the City Manager's role, he would like the language to still leave space for individual inquiry.

PUBLIC HEARING CLOSED

City Attorney Casher explained that the language stricken from Section 2.04.200 had been intended to broaden the ability of the City Council to work with the City Manager. It would not prevent the City Manager from authorizing the City Council to reach out to Department Heads, and was not intended to be more restrictive than the prior version of the Ordinance, which had restricted the City Manager's role a bit more.

In response to the Mayor, City Attorney Casher again read into the record the original language in Section 2.04.200, the same section with the proposed new language and the reason for the proposed changes, as outlined in the August 15, 2023 staff report.

Mayor Pro Tem Toms confirmed that was the understanding of the Municipal Code Update Subcommittee when it had met as a subcommittee.

Council member Martinez-Rubin suggested it was also a matter of having a City Manager understand how best to work with City staff and how staff would want inquiries to occur.

Council member Martinez-Rubin also suggested it could become a volume issue, where the City Manager may want to know about being responsive and how that responsiveness would occur, where the City Manager would have the prerogative to determine and City Council members would have the expectation to understand, how the flow of communication would occur.

City Attorney Casher again walked through the changes to Section 2.04.200 and the reason why some of the verbiage had been stricken and reiterated it was not intended to limit direct communication with the City Manager but allow for those requests to flow through the City Manager and then allow some discussion from a practical point how that would be implemented.

Mayor Murphy thanked the Municipal Code Update Subcommittee for its work on this matter.

Council member Tave clarified the Municipal Code Update Subcommittee did not want to bombard the City Manager with all details the City Council received from the community, but if a question escalated to the City Manager that could be addressed by the verbiage proposed in Section 2.04.200, which would provide a balance that could be acknowledged.

ACTION: Motion by Mayor Pro Tem Toms/Tave to introduce and waive the first reading of an Ordinance amending Pinole Municipal Code Section 2.04.200 to update the description of City Council and City Manager relations, and amending Section 2.12.010 to modify the start time of regularly scheduled City Council meetings, consistent with the updated City Council Meeting Procedures.

Vote:	Passed	5-0
	Ayes:	Murphy, Toms, Martinez-Rubin, Sasai, Tave
	Noes:	None
	Abstain:	None
	Absent:	None

11. OLD BUSINESS: None

12. NEW BUSINESS: None

13. CITIZENS TO BE HEARD (Continued from Item 6) (Public Comments)
Only open to members of the public who did not speak under the first Citizens to be Heard, Agenda Item 6.
Citizens may speak under any item not listed on the Agenda. *The time limit is 3 minutes and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future Council meeting.*

Rafael Menis, Pinole, reported he had received a message from a member of the community, stating there were organizations doing partial donation shares with organizations like the American Red Cross, Maui Food Bank and Hawaii Community Foundation. He identified the links for each organization for those interested in providing support for the people of Maui.

Council member Tave asked that the meeting adjourn in Memory of Megan Soriano, Office Manager with Sequoia Real Estate, who had been involved in the small business community in Pinole and in community events.

- 14. ADJOURNMENT** to the Regular City Council Meeting of September 5, 2023 in Remembrance of Megan Soriano; Americans lost in Maui, Hawaii, as well as those who were still struggling and who had survived the fires in Maui; and in Remembrance of Amber Swartz.

At 7:48 p.m., Mayor Murphy adjourned the meeting to the Regular City Council Meeting of September 5, 2023 in Remembrance of Megan Soriano; Americans lost in Maui, Hawaii, as well as those who were still struggling and who had survived the fires in Maui; and in Remembrance of Amber Swartz.

Submitted by:

Heather Bell, CMC
City Clerk

Approved by City Council:



City of Pinole, CA

9B WARRANT LISTING

By Vendor Name

Payment Dates 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 4LE00 - 4LEAF, INC.					
J1909A60-R	102914	09/01/2023	100-465-42101	CODE ENFORCEMENT OFFICER JUNE 2023	7,560.00
Vendor 4LE00 - 4LEAF, INC. Total:					7,560.00
Vendor: 2699 - AAA BUSINESS SUPPLIES & INTERIORS					
2283951-0	102915	09/01/2023	500-641-42201	SUPPLIES WPCP	187.83
2284532-0	102915	09/01/2023	500-641-42201	TONER CARDTRIDGES WPCP	657.53
2284542-0	102915	09/01/2023	500-641-42201	OFFICE SUPPLIES WPCP	58.06
C2277878-7	102915	09/01/2023	500-641-42201	CREDIT 2 BINDERS	-79.13
C2283951-7	102915	09/01/2023	500-641-42201	CREDIT OFFICE SUPPLIES WPCP	-58.06
Vendor 2699 - AAA BUSINESS SUPPLIES & INTERIORS Total:					766.23
Vendor: PRO18 - ADT COMMERCIAL					
AUGUST 2023	102815	08/18/2023	209-553-42108	TINY TOTS ALARM SYSTEM SERVICE 082423-092323	101.59
Vendor PRO18 - ADT COMMERCIAL Total:					101.59
Vendor: ALH01 - ALHAMBRA & SIERRA SPRINGS					
5025519 080623	102864	08/25/2023	500-641-42201	WATER FOR WPCP	131.91
5025531 080623	102864	08/25/2023	100-343-44306	WATER CY	177.88
Vendor ALH01 - ALHAMBRA & SIERRA SPRINGS Total:					309.79
Vendor: AME41 - AMERICAN LEGAL PUBLISHING					
27332	102916	09/01/2023	100-112-42101	INTERNET RENEWAL PERIOD 092023-09202024	495.00
Vendor AME41 - AMERICAN LEGAL PUBLISHING Total:					495.00
Vendor: AME22 - AMERICAN STAGE TOURS					
31036	102917	09/01/2023	209-552-43805	ROARING CAMP AND CAPITOLA TRIP PSC	5,076.00
Vendor AME22 - AMERICAN STAGE TOURS Total:					5,076.00
Vendor: 2721 - APPLESEED PRACTICE MANAGEMENT					
08112023	102816	08/18/2023	100-231-34215	REFUND FIRE INSPECTION	158.00
Vendor 2721 - APPLESEED PRACTICE MANAGEMENT Total:					158.00
Vendor: ARM04 - ARMOR LOCKSMITH SERVICES					
83228	102817	08/18/2023	100-343-44306	TRUCK DOOR LOCK	85.13
83247	102817	08/18/2023	100-343-44306	KEY DUPLICATES	115.07
Vendor ARM04 - ARMOR LOCKSMITH SERVICES Total:					200.20
Vendor: ATT01 - AT&T					
000020351611	102818	08/18/2023	525-118-43101	MIS PHONE	858.98
000020355143	102818	08/18/2023	525-118-43101	PW PHONE	913.63
000020355144	102818	08/18/2023	525-118-43101	ADMINISTRATION PHONE	3,864.05
000020355145	102818	08/18/2023	525-118-43101	RECREATION PHONE	956.03
000020355146	102818	08/18/2023	525-118-43101	CDD PHONE	190.66
000020355148	102818	08/18/2023	525-118-43101	EOC PHONE	208.53
000020413576	102918	09/01/2023	525-118-43101	PD PHONE	2,964.03
Vendor ATT01 - AT&T Total:					9,955.91
Vendor: 2421 - AVTEC SOFTWARE, INC.					
GSPI-0000147723	102919	09/01/2023	525-118-42105	UPGRADE ROOM ALERT	149.95
Vendor 2421 - AVTEC SOFTWARE, INC. Total:					149.95
Vendor: 2715 - BAKER TILLY US, LLP					
BT2505006	102865	08/25/2023	100-115-42101	STRATEGIC FINANCIAL PLANNING SUPPORT	17,575.00
Vendor 2715 - BAKER TILLY US, LLP Total:					17,575.00

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: ESP01 - BELINDA ESPINOSA					
SEPTEMBER 2023	102866	08/25/2023	100-117-41101	RETIREE MEDICARE REIMB SEPTEMBER 2023	361.20
Vendor ESP01 - BELINDA ESPINOSA Total:					361.20
Vendor: 2727 - BIG BLUE PLUMBING					
578200	102920	09/01/2023	209-552-42107	DISH WASHER PLUMBING INSTALLATION PSC	1,712.35
Vendor 2727 - BIG BLUE PLUMBING Total:					1,712.35
Vendor: BIR05 - BIRITE FOODSERVICE DISTRIBUTORS					
6576724	102819	08/18/2023	209-552-43804	FOOD PROGRAM PSC	803.11
6581150	102819	08/18/2023	209-552-43804	FOOD PROGRAM PSC	786.18
6585345	102867	08/25/2023	209-552-43804	FOOD PROGRAM PSC	744.23
6587209	102921	09/01/2023	209-552-43804	FOOD PROGRAM CREDIT PSC	-97.20
6589383	102921	09/01/2023	209-552-43804	FOOD PROGRAM PSC	952.31
Vendor BIR05 - BIRITE FOODSERVICE DISTRIBUTORS Total:					3,188.63
Vendor: DEN09 - BRIAN DENIS					
08092023	102820	08/18/2023	500-642-42101	DOT PHYSICAL REIMBURSEMENT	85.00
Vendor DEN09 - BRIAN DENIS Total:					85.00
Vendor: LOW01 - BRIAN LOWRY					
SEPTEMBER 2023	102868	08/25/2023	100-117-41101	RETIREE MEDICAL REIMB SEPTEMBER 2023	30.74
Vendor LOW01 - BRIAN LOWRY Total:					30.74
Vendor: PER03 - CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTM					
100000017245180	102821	08/18/2023	100-117-41004	674 MISC CLASSIC ANNUAL UNFUNDED LIABILITY	114,440.25
100000017245190	102821	08/18/2023	100-117-41004	675 SAFETY CLASSIC ANNUAL UNFUNDED LIABILITY	144,002.17
100000017245196	102821	08/18/2023	100-231-41004	25716 PEPRA SAFETY FIRE UNFUNDED LIABILITY	90.25
Vendor PER03 - CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTM Total:					258,532.67
Vendor: CAL01 - CALTEST ANALYTICAL LAB					
710941	102869	08/25/2023	500-641-44305	LAB SUPPLIES WPCP	2,560.70
Vendor CAL01 - CALTEST ANALYTICAL LAB Total:					2,560.70
Vendor: CCP03 - CCP INDUSTRIES					
IN03336534	102870	08/25/2023	500-641-44410	POWDER FREE EXAM GLOVES WPCP	385.77
IN03337161	102870	08/25/2023	500-641-44306	WIPES FOR LAB WPCP	159.50
Vendor CCP03 - CCP INDUSTRIES Total:					545.27
Vendor: 2663 - CIMARRON ENERGY, INC.					
INV0057126	102922	09/01/2023	500-641-42107	FIELD SERVICE AND LABOR WPCP	1,936.00
Vendor 2663 - CIMARRON ENERGY, INC. Total:					1,936.00
Vendor: CIT08 - CITY MECHANICAL, INC					
96183	102923	09/01/2023	100-343-42108	HVAC	983.69
Vendor CIT08 - CITY MECHANICAL, INC Total:					983.69
Vendor: CLA01 - CITY OF CLAYTON					
08312023	102924	09/01/2023	100-110-42301	MAYORS CONFERENCE	70.00
Vendor CLA01 - CITY OF CLAYTON Total:					70.00
Vendor: COM20 - COMCAST					
0050875-07182023	102823	08/18/2023	525-118-43101	CABLE CH	29.89
0363450-08012023	102823	08/18/2023	215-341-43101	I80 CORRIDOR PROGRAM INTERNET	250.06
0419492-08022023	102823	08/18/2023	525-118-43101	INTERNET SWIM CENTER	156.89
179506418	102822	08/18/2023	525-118-43101	INTERNET PD	888.41
Vendor COM20 - COMCAST Total:					1,325.25

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: CON56 - CONCENTRA MEDICAL CENTERS					
80074902	102925	09/01/2023	100-116-42101	RANDOM DRUG TEST	63.00
Vendor CON56 - CONCENTRA MEDICAL CENTERS Total:					63.00
Vendor: CON93 - CONCORD UNIFORMS LLC					
20549	102824	08/18/2023	100-222-44410	EXPLORER UNIFORM PD	274.05
Vendor CON93 - CONCORD UNIFORMS LLC Total:					274.05
Vendor: 1727 - CONTRA COSTA COUNTY LIBRARY					
FY22-23 Q4 MAINT	102926	09/01/2023	209-551-42101	FACILITIES MAINTENANCE Q4	8,310.25
Vendor 1727 - CONTRA COSTA COUNTY LIBRARY Total:					8,310.25
Vendor: CCC13 - CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT					
705999	102871	08/25/2023	200-342-42101	TRAFFIC SIGNAL MAINTENANCE MAY 2023	13,140.98
705999	102871	08/25/2023	310-347-42101	TRAFFIC SIGNAL MAINTENANCE MAY 2023	337.44
706160	102871	08/25/2023	200-342-42101	TRAFFIC SIGNAL MAINTENANCE JUNE 2023	13,181.25
706160	102871	08/25/2023	310-347-42101	TRAFFIC SIGNAL MAINTENANCE JUNE 2023	2,001.96
Vendor CCC13 - CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT Total:					28,661.63
Vendor: CON95 - CONTRA COSTA COUNTY TREASURER					
ASD M7142 FY23-24 Q1	102927	09/01/2023	209-551-42101	ANIMAL CONTROL SERVICES JULY 1, 2023-SEPT. 30, 202	42,425.00
Vendor CON95 - CONTRA COSTA COUNTY TREASURER Total:					42,425.00
Vendor: CON26 - CONTRA COSTA HEALTH SERVICES					
IN0281634	102872	08/25/2023	100-231-42108	HAZMAT CUPA OPERATING PERMIT	525.25
Vendor CON26 - CONTRA COSTA HEALTH SERVICES Total:					525.25
Vendor: 1639 - COOKING ROUND THE WORLD					
1352	102825	08/18/2023	209-554-42101	CELEBRITY CHEFS CAMP PYC	840.00
1353	102825	08/18/2023	209-554-42101	INTERNATIONAL BAKING CAMP PYC	840.00
Vendor 1639 - COOKING ROUND THE WORLD Total:					1,680.00
Vendor: COR12 - CORELOGIC SOLUTIONS LLC					
82182683	102826	08/18/2023	525-118-42510	USAGE OF REALQUEST PROGRAM CITYWIDE	770.41
Vendor COR12 - CORELOGIC SOLUTIONS LLC Total:					770.41
Vendor: 1445 - CORTEZ TIRES AND AUTO REPAIR					
21222	102827	08/18/2023	100-221-42107	VEHICLE INSPECTION BRAKES, BATTERY	1,159.77
Vendor 1445 - CORTEZ TIRES AND AUTO REPAIR Total:					1,159.77
Vendor: 2424 - CROCKETT AWARD & TROPHY SERVICES					
833815	102828	08/18/2023	100-111-42201	PC NAME PLATE FOR COUNCIL CHAMBER	39.33
Vendor 2424 - CROCKETT AWARD & TROPHY SERVICES Total:					39.33
Vendor: COO13 - DANA COOK					
SEPTEMBER 2023	102873	08/25/2023	100-117-41101	RETIREE MEDICAL REIMB SEPTEMBER 2023	343.06
Vendor COO13 - DANA COOK Total:					343.06
Vendor: HUG01 - DANNY HUGHES					
SEPTEMBER 2023	102874	08/25/2023	100-117-41101	RETIREE MEDICAL REIMB SEPTEMBER 2023	113.36
Vendor HUG01 - DANNY HUGHES Total:					113.36
Vendor: DEP03 - DEPARTMENT OF TRANSPORTATION					
SL230998	102829	08/18/2023	200-342-42101	SIGNAL AND LIGHTING APRIL 2023 - JUNE 2023	1,788.22
SL230998	102829	08/18/2023	310-347-42101	SIGNAL AND LIGHTING APRIL 2023 - JUNE 2023	336.70

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
SL230998	102829	08/18/2023	310-348-42101	SIGNAL AND LIGHTING APRIL 2023 - JUNE 2023	848.97
Vendor DEP03 - DEPARTMENT OF TRANSPORTATION Total:					2,973.89
Vendor: 1443 - DIESEL DIRECT WEST, INC.					
85307046	102875	08/25/2023	100-10601	GASOLINE UNL CY	1,966.57
85321282	102928	09/01/2023	100-10601	GASOLINE UNL	3,197.99
85321297	102928	09/01/2023	500-10601	CLEAR RENEWABLE DIESEL	5,401.44
Vendor 1443 - DIESEL DIRECT WEST, INC. Total:					10,566.00
Vendor: DIT03 - DONNA DITO					
APRIL 2023	102876	08/25/2023	209-20015	GIFT SHOP SALES APRIL 2023	2.10
MAY 2023	102876	08/25/2023	209-20015	GIFT SHOP SALES MAY 2023	4.16
Vendor DIT03 - DONNA DITO Total:					6.26
Vendor: EBM01 - EBMUD					
435748-08172023	102929	09/01/2023	209-553-43102	2454 SIMAS AVE-TINY TOTS	55.00
435748-08172023	102929	09/01/2023	209-557-43102	2454 SIMAS AVE-TINY TOTS	1,778.32
532364-08172023	102929	09/01/2023	100-345-43102	1267 ADOBE RD-HAZEL DOWNER-THORNTON PICNIC GROVE	123.55
532606-08172023	102929	09/01/2023	100-345-43102	1270 ADOBE RD-CARETAKER'S SHED FOR PINOLE PARK	63.93
534462-08152023	102929	09/01/2023	100-345-43102	3450 SAVAGE AVE-IRRIGATION USE ONLY	63.93
539199-08082023	102877	08/25/2023	500-642-43102	05005 HYDRAND PERMIT-CONSTRUCTION	757.53
554181-08172023	102929	09/01/2023	100-231-43102	3790 PINOLE VALLEY RD-FIRE STATION	317.62
554182-08172023	102929	09/01/2023	100-231-43102	3790 PINOLE VALLEY RD-FIRE STATION	331.89
Vendor EBM01 - EBMUD Total:					3,491.77
Vendor: 2380 - ELIZABETH A. LYNN					
JULY 2023	102830	08/18/2023	209-552-43802	POSTURE CLASSES PSC	34.30
Vendor 2380 - ELIZABETH A. LYNN Total:					34.30
Vendor: 2728 - ERICA OBANDO					
08242023	102930	09/01/2023	209-554-36405	REFUND TENNIS CAMP RECREATION	254.00
Vendor 2728 - ERICA OBANDO Total:					254.00
Vendor: 1612 - FIRST VANGUARD RENTALS & SALES					
1-507640-2	102831	08/18/2023	209-551-42515	LIGHT TOWER RENTALS REC	507.38
Vendor 1612 - FIRST VANGUARD RENTALS & SALES Total:					507.38
Vendor: FIS01 - FISHER SCIENTIFIC					
4483774	102832	08/18/2023	500-641-44305	POT IOD 1LT WPCP LAB SUPPLIES	89.21
Vendor FIS01 - FISHER SCIENTIFIC Total:					89.21
Vendor: 2054 - FLO-LINE TECHNOLOGY, INC.					
230666	102833	08/18/2023	500-641-44306	REPAIRS TO PUMP WPCP	3,827.97
Vendor 2054 - FLO-LINE TECHNOLOGY, INC. Total:					3,827.97
Vendor: FOR02 - FORENSIC SERVICES DIVISION					
PINPD-2307	102931	09/01/2023	100-222-42101	ALCOHOL, DRUG TESTING SERVICES PD	1,680.00
PIPD-223	102878	08/25/2023	100-221-42101	BLOOD WITHDRAWAL APRIL - JUNE 2023 PD	669.90
Vendor FOR02 - FORENSIC SERVICES DIVISION Total:					2,349.90
Vendor: GAT07 - GATEWAY PINOLE VISTA, LLC					
SEPTEMBER 2023	102879	08/25/2023	201-343-42513	1340 FITZGERALD LEASE PAYMENT VISTA CROSSING	100.00
Vendor GAT07 - GATEWAY PINOLE VISTA, LLC Total:					100.00

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 1191 - GERALDINE A. PORTER					
JULY 2023	102880	08/25/2023	209-20015	GIFT SHOP SALES JULY 2023	10.00
				PSC	
JUNE 2023	102880	08/25/2023	209-20015	GIFT SHOP SALES JUNE 2023	5.00
Vendor 1191 - GERALDINE A. PORTER Total:					15.00
Vendor: 2724 - GOVERNMENT FINANCE RESEARCH GROUP, LLC					
PI-0823-01	102881	08/25/2023	100-115-42510	ANNUAL SUPPORT MUNI CAST	1,995.00
				FINANCE	
Vendor 2724 - GOVERNMENT FINANCE RESEARCH GROUP, LLC Total:					1,995.00
Vendor: 2439 - GOVINVEST INC.					
2022-4020	102932	09/01/2023	100-115-42101	GASB 75 FULL VALUATION	2,750.00
Vendor 2439 - GOVINVEST INC. Total:					2,750.00
Vendor: 2279 - GREEN VALLEY ALOHA SAW AND MOWER					
69191	102882	08/25/2023	100-345-42107	MAINTENANCE FOR MOWER	259.73
Vendor 2279 - GREEN VALLEY ALOHA SAW AND MOWER Total:					259.73
Vendor: HAC01 - HACH COMPANY					
13700736	102933	09/01/2023	500-641-44303	LAB SUPPLIES WPCP	465.61
Vendor HAC01 - HACH COMPANY Total:					465.61
Vendor: HAR01 - HARRINGTON INDUSTRIAL PLASTIC, LLC					
006N8778	102883	08/25/2023	500-641-44306	PVC SUPPLIES WPCP	1,261.94
006N8789	102883	08/25/2023	500-641-44306	PVC VALVE BALL AND ADAPTER	300.61
				WPCP	
006N9321	102883	08/25/2023	500-641-44306	ADAPTER WPCP	17.22
Vendor HAR01 - HARRINGTON INDUSTRIAL PLASTIC, LLC Total:					1,579.77
Vendor: HAS01 - HASA, INC.					
904139	102834	08/18/2023	500-641-44303	MULTI-CHLOR WPCP	14,075.36
905002	102834	08/18/2023	500-641-44303	MULTI-CHLOR WPCP	14,225.10
910307	102884	08/25/2023	500-641-44303	MULTI CHLOR WPCP	14,031.67
Vendor HAS01 - HASA, INC. Total:					42,332.13
Vendor: HEA01 - HEALTH CARE DENTAL TRUST					
336518	102934	09/01/2023	100-110-41002	DENTAL FOR SEPTEMBER 2023	287.72
336518	102934	09/01/2023	100-111-41002	DENTAL FOR SEPTEMBER 2023	364.69
336518	102934	09/01/2023	100-112-41002	DENTAL FOR SEPTEMBER 2023	383.55
336518	102934	09/01/2023	100-113-41002	DENTAL FOR SEPTEMBER 2023	108.99
336518	102934	09/01/2023	100-115-41002	DENTAL FOR SEPTEMBER 2023	364.69
336518	102934	09/01/2023	100-116-41002	DENTAL FOR SEPTEMBER 2023	306.58
336518	102934	09/01/2023	100-221-41002	DENTAL FOR SEPTEMBER 2023	1,800.46
336518	102934	09/01/2023	100-221-41002	DENTAL FOR SEPTEMBER 2023	108.99
336518	102934	09/01/2023	100-222-41002	DENTAL FOR SEPTEMBER 2023	50.88
336518	102934	09/01/2023	100-222-41002	DENTAL FOR SEPTEMBER 2023	536.19
336518	102934	09/01/2023	100-223-41002	DENTAL FOR SEPTEMBER 2023	1,323.68
336518	102934	09/01/2023	100-341-41002	DENTAL FOR SEPTEMBER 2023	396.71
336518	102934	09/01/2023	100-341-41002	DENTAL FOR SEPTEMBER 2023	50.88
336518	102934	09/01/2023	100-343-41002	DENTAL FOR SEPTEMBER 2023	1,067.98
336518	102934	09/01/2023	100-465-41002	DENTAL FOR SEPTEMBER 2023	127.85
336518	102934	09/01/2023	105-221-41002	DENTAL FOR SEPTEMBER 2023	434.43
336518	102934	09/01/2023	106-222-41002	DENTAL FOR SEPTEMBER 2023	127.85
336518	102934	09/01/2023	106-231-41002	DENTAL FOR SEPTEMBER 2023	108.99
336518	102934	09/01/2023	209-551-41002	DENTAL FOR SEPTEMBER 2023	255.70
336518	102934	09/01/2023	209-552-41002	DENTAL FOR SEPTEMBER 2023	91.58
336518	102934	09/01/2023	209-554-41002	DENTAL FOR SEPTEMBER 2023	267.71
336518	102934	09/01/2023	209-554-41002	DENTAL FOR SEPTEMBER 2023	-86.66
336518	102934	09/01/2023	212-461-41002	DENTAL FOR SEPTEMBER 2023	255.70
336518	102934	09/01/2023	212-462-41002	DENTAL FOR SEPTEMBER 2023	287.72
336518	102934	09/01/2023	500-641-41002	DENTAL FOR SEPTEMBER 2023	914.04
336518	102934	09/01/2023	500-642-41002	DENTAL FOR SEPTEMBER 2023	229.61
336518	102934	09/01/2023	505-119-41002	DENTAL FOR SEPTEMBER 2023	255.70
336518	102934	09/01/2023	998-20105	DENTAL FOR SEPTEMBER 2023	229.61

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
336518	102934	09/01/2023	998-20105	DENTAL FOR SEPTEMBER 2023	108.98
336518	102934	09/01/2023	998-20105	DENTAL FOR SEPTEMBER 2023	10.18
336518	102934	09/01/2023	998-20105	DENTAL FOR SEPTEMBER 2023	12.79
Vendor HEA01 - HEALTH CARE DENTAL TRUST Total:					10,783.77
Vendor: 1665 - HEATHER BELL					
08082023	102835	08/18/2023	100-20402	REISSUE STALE DATE CHECK 93184	27.70
Vendor 1665 - HEATHER BELL Total:					27.70
Vendor: MOO14 - ISSAC MOORE					
JULY 2023	102836	08/18/2023	209-552-43802	EXERCISE CLASSES PSC	405.00
Vendor MOO14 - ISSAC MOORE Total:					405.00
Vendor: COR15 - JACQUELINE L CORL-SEIDEL					
JULY 2023	102837	08/18/2023	209-552-43802	BALANCE FLOOR AND YOGA CLASSES PSC	447.65
Vendor COR15 - JACQUELINE L CORL-SEIDEL Total:					447.65
Vendor: MEL05 - JAMES MELVIN					
SEPTEMBER 2023	102885	08/25/2023	100-117-41101	RETIREE MEDICARE REIMB SEPTEMBER 2023	164.90
Vendor MEL05 - JAMES MELVIN Total:					164.90
Vendor: 1611 - JANICE M. BYER					
JULY 2023	102838	08/18/2023	209-552-43802	EXERCISE CLASSES PSC	675.00
Vendor 1611 - JANICE M. BYER Total:					675.00
Vendor: 1630 - JOHN AND CLAIRE INVESTIGATIONS					
1476	102839	08/18/2023	100-222-42101	POLICE OFFICER BACKGROUND PD	1,927.50
Vendor 1630 - JOHN AND CLAIRE INVESTIGATIONS Total:					1,927.50
Vendor: HAR29 - JOHN HARDESTER					
SEPTEMBER 2023	102886	08/25/2023	100-117-41101	RETIREE MEDICARE REIMB SEPTEMBER 2023	243.00
Vendor HAR29 - JOHN HARDESTER Total:					243.00
Vendor: MIS01 - JULIAN MISRA					
SEPTEMBER 2023	102887	08/25/2023	100-117-41101	RETIREE MEDICARE REIMB SEPTEMBER 2023	479.30
Vendor MIS01 - JULIAN MISRA Total:					479.30
Vendor: KAI02 - KAISER PERMANETE					
320903364865-08092023	102935	09/01/2023	100-116-42101	PHYSICAL EXAM PW	1,653.00
Vendor KAI02 - KAISER PERMANETE Total:					1,653.00
Vendor: MCP02 - KEITH McPHERSON					
SEPTEMBER 2023	102888	08/25/2023	100-117-41101	RETIREE MEDICAL REIMB SEPTEMBER 2023	147.36
Vendor MCP02 - KEITH McPHERSON Total:					147.36
Vendor: KEL09 - KELLER CANYON LANDFILL					
4212-000032341	102889	08/25/2023	500-641-44302	SLUDGE REMOVAL WPCP	6,606.69
Vendor KEL09 - KELLER CANYON LANDFILL Total:					6,606.69
Vendor: COP02 - KENETH COPPO					
SEPTEMBER 2023	102890	08/25/2023	100-117-41101	RETIREE MEDICLA REIMBUR SEPTEMBER 2023	1,045.20
Vendor COP02 - KENETH COPPO Total:					1,045.20
Vendor: 2720 - KEVIN PRIDE					
08142023	102840	08/18/2023	100-221-42302	MILEAGE REIMBURSEMENT TO POLICE ACADEMY	277.72
08282023	102936	09/01/2023	100-221-42302	MILEAGE TO THE POLICE ACADEMY PD	194.40
Vendor 2720 - KEVIN PRIDE Total:					472.12

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 1847 - LILLY WHALEN					
08082023	102841	08/18/2023	100-116-42504	REISSUE STALE DATED CHECK 100848	151.36
Vendor 1847 - LILLY WHALEN Total:					151.36
Vendor: MAN01 - MANNA FOODS, INC.					
995066	102937	09/01/2023	209-552-43804	FOOD PROGRAM PSC	219.76
Vendor MAN01 - MANNA FOODS, INC. Total:					219.76
Vendor: DRA01 - MARY DRAZBA					
SEPTEMBER 2023	102891	08/25/2023	100-117-41101	RETIREE MEDICAL REIMBUR SEPTEMBER 2023	543.54
Vendor DRA01 - MARY DRAZBA Total:					543.54
Vendor: ROB21 - MARY ROBERTS					
SEPTEMBER 2023	102892	08/25/2023	100-117-41101	RETIREE MEDICARE REIMB SEPTEMBER 2023	360.40
Vendor ROB21 - MARY ROBERTS Total:					360.40
Vendor: MCM05 - MCMASTER-CARR SUPPLY CO.					
12002558	102842	08/18/2023	500-641-44306	MISC PARTS FOR REPAIR WPCP	350.19
12302203	102893	08/25/2023	500-641-44306	SOLENOID ON/OFF VALVE WPCP	167.95
12435979	102938	09/01/2023	500-641-44306	GASKET HOSE CLAMP SUPPLIES WPCP	96.61
Vendor MCM05 - MCMASTER-CARR SUPPLY CO. Total:					614.75
Vendor: MEY01 - MEYERS NAVE, A PROFESSIONAL CORPORATION					
206190	102894	08/25/2023	100-20011	CITY COUNCIL MEETINGS	2,511.00
206191	102894	08/25/2023	100-20011	PUBLIC RECORDS ACT REQUESTS	2,232.00
206192	102894	08/25/2023	100-20011	RISK MANAGEMENT	217.00
206193	102894	08/25/2023	100-20011	PINOLE SHORES II CR	9,606.00
206194	102894	08/25/2023	100-20011	2801 PVR CR	1,176.00
206195	102894	08/25/2023	100-20011	811 SPA CR	784.00
206196	102894	08/25/2023	100-20011	600 ROBLE AVE/ 1230 SPA	1,196.00
206197	102894	08/25/2023	100-20011	GENERAL SERVICES FINANCE	1,414.00
206198	102894	08/25/2023	100-20011	GENERAL SERVICES PW	4,649.94
206199	102894	08/25/2023	100-20011	INTEGRATED WASTE MANAGEMENT JPA ISSUES	546.00
206200	102894	08/25/2023	100-20011	PUBLIC WORKS NON-ROUTINE PROJECTS	210.00
206201	102894	08/25/2023	100-20011	MVP CONSTRUCTION LLC DISPUTE	34,133.00
206202	102894	08/25/2023	100-20011	1580 PVR LLC V PINOLE	16,880.00
206203	102894	08/25/2023	100-20011	GENERAL SERVICES CITY CLERK	280.00
206204	102894	08/25/2023	100-20011	GENERAL SERVICES POLICE	2,744.00
206205	102894	08/25/2023	100-20011	LABOR AND EMPLOYMENT	5,862.50
206206	102894	08/25/2023	100-20011	GENERAL SERVICES CODE ENFORCEMENT	3,335.00
206207	102894	08/25/2023	100-20011	GENERAL SERVICES COMMUNITY DEVELOPMENT	2,826.00
206208	102894	08/25/2023	100-20011	GENERAL SERVICES FIRE	155.00
206209	102894	08/25/2023	100-20011	GENERAL SERVICES FIRE	3,669.00
206210	102894	08/25/2023	100-20011	HOUSING SUCCESSOR RDA AFFORDABLE	30,006.00
206785	102894	08/25/2023	100-20011	CITY ATTORNEY SERVICES	12,744.34
207278	102894	08/25/2023	100-20011	CITY ATTORNEY SERVICES	12,574.51
207280	102894	08/25/2023	100-20011	CITY COUNCIL MEETINGS	1,755.00
207281	102894	08/25/2023	100-20011	PUBLIC RECORDS REQUESTS	1,129.40
207282	102894	08/25/2023	100-20011	RISK MANAGEMENT	1,209.00
207283	102894	08/25/2023	100-20011	PINOLE SHORES II CR	9,705.00
207284	102894	08/25/2023	100-20011	600 ROBLE AVE / 1230 SPA	423.95
207285	102894	08/25/2023	100-20011	GENERAL SERVICES FINANCE	639.00

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
207286	102894	08/25/2023	100-20011	GENERAL SERVICES PUBLIC WORKS	7,233.95
207287	102894	08/25/2023	100-20011	CLAIM AGAINST PG&E FOR DELAYS TO PROJECT	36.00
207288	102894	08/25/2023	100-20011	MVP CONSTRUCTION LLC DISPUTE	2,861.89
207289	102894	08/25/2023	100-20011	1580 PVR LLC V PINOLE	9,558.00
207290	102894	08/25/2023	100-20011	GENERAL SERVICES CITY CLERK	757.00
207291	102894	08/25/2023	100-20011	GENERAL SERVICES CITY ATTORNEY	372.70
207292	102894	08/25/2023	100-20011	GENERAL SERVICES POLICE	5,945.00
207293	102894	08/25/2023	100-20011	LABOR AND EMPLOYMENT	5,923.00
207294	102894	08/25/2023	100-20011	GENERAL SERVICES GENERAL SERVICES CODE ENFORCEMENT	338.00
207295	102894	08/25/2023	100-20011	GENERAL SERVICES COMMUNITY DEVELOPMENT	5,637.00
207296	102894	08/25/2023	100-20011	GENERAL SERVICES FIRE	279.60
207297	102894	08/25/2023	100-20011	GENERAL SERVICES RECREATIONAL	2,125.00
207298	102894	08/25/2023	100-20011	SUCCESSOR AGENCY ADMINISTRATIVE	138.00
207299	102894	08/25/2023	100-20011	HOUSING SUCCESSOR RDA AFFORDABLE	886.50
Vendor MEY01 - MEYERS NAVE, A PROFESSIONAL CORPORATION Total:					206,704.28
Vendor: 1311 - M-GROUP					
2003920	102843	08/18/2023	212-20346	PROFESSIONAL SERVICES JUNE 2023	19,440.00
2003946	102939	09/01/2023	212-20346	ON CALL PLANNING SERVICES	7,961.25
2003946	102939	09/01/2023	212-461-42101	ON CALL PLANNING SERVICES	29,823.75
2003956	102939	09/01/2023	212-461-42101	ON CALL PLANNING SERVICES JULY 2023	16,623.75
Vendor 1311 - M-GROUP Total:					73,848.75
Vendor: 1115 - MICHELLE FITZER					
SEPTEMBER 2023	102897	08/25/2023	100-117-41101	RETIREE MEDICARE REIMB SEPTEMBER 2023	361.20
Vendor 1115 - MICHELLE FITZER Total:					361.20
Vendor: MUN07 - MUNICIPAL POOLING AUTH.					
INV003367	102898	08/25/2023	100-221-46201	UNMET LIABILITY DEDUCTIBLE JULY 2023	389.99
INV003367	102898	08/25/2023	100-342-46201	UNMET LIABILITY DEDUCTIBLE JULY 2023	1,250.00
Vendor MUN07 - MUNICIPAL POOLING AUTH. Total:					1,639.99
Vendor: 2466 - MUNICIPAL RESOURCES GROUP, LLC.					
03-23-737	102844	08/18/2023	100-111-42101	PROJECT MANAGER SERVICES JULY 2023	5,512.50
Vendor 2466 - MUNICIPAL RESOURCES GROUP, LLC. Total:					5,512.50
Vendor: MYE01 - MYERS STEVENS & TOOHEY CO					
1407306	102940	09/01/2023	100-221-41008	LTD INSURANCE PREMIUM PD	534.60
1407306	102940	09/01/2023	100-223-41008	LTD INSURANCE PREMIUM PD	287.70
1407306	102940	09/01/2023	105-221-41008	LTD INSURANCE PREMIUM PD	59.40
Vendor MYE01 - MYERS STEVENS & TOOHEY CO Total:					881.70
Vendor: GAN04 - NEIL GANG					
08212023	102941	09/01/2023	100-221-42302	REIMBURSEMENT FOR TRAINING- PD	75.60
Vendor GAN04 - NEIL GANG Total:					75.60
Vendor: 2426 - NEW FRONTIER TENNIS					
08162023	102942	09/01/2023	209-554-42101	JR. TENNIS SUMMER CAMP INSTRUCTOR	2,047.50
Vendor 2426 - NEW FRONTIER TENNIS Total:					2,047.50

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 2422 - NORCAL SCAFFOLDING, INC.					
15713	102943	09/01/2023	500-641-42108	MAINTENANCE TO DIGESTER II WPCP	2,166.00
Vendor 2422 - NORCAL SCAFFOLDING, INC. Total:					2,166.00
Vendor: 2712 - NORTHERN LIGHTS POWER & ENERGY, INC.					
1082740/A	102944	09/01/2023	500-641-44306	SUPPLIES FOR COGEN WPCP	663.55
Vendor 2712 - NORTHERN LIGHTS POWER & ENERGY, INC. Total:					663.55
Vendor: OLI01 - OLIVERS TOWING INC					
21-10765-18	102845	08/18/2023	100-221-42107	STORAGE FEE PD	310.00
Vendor OLI01 - OLIVERS TOWING INC Total:					310.00
Vendor: OTI01 - OTIS ELEVATOR COMPANY					
100401275330	102945	09/01/2023	100-343-42108	MAINTENANCE SERV CH SEPT. 2023	124.91
Vendor OTI01 - OTIS ELEVATOR COMPANY Total:					124.91
Vendor: 1555 - OWEN EQUIPMENT					
00060874	102946	09/01/2023	207-344-44306	TAIL LIGHT	206.07
Vendor 1555 - OWEN EQUIPMENT Total:					206.07
Vendor: 2722 - P&D APPLIANCE					
0231577	102947	09/01/2023	209-552-47107	DISH WASHER INSTALLATION PSC	4,233.06
Vendor 2722 - P&D APPLIANCE Total:					4,233.06
Vendor: PAC41 - PACIFIC ECORISK					
19187	102846	08/18/2023	500-641-44305	ACUTE TOXICITY TESTING WPCP	1,304.00
Vendor PAC41 - PACIFIC ECORISK Total:					1,304.00
Vendor: 2725 - PACIFIC RIM PLUMBING, INC.					
08172023	102899	08/25/2023	100-000-31510	REFUND OVERPAYMENT BL 23-11076	112.00
Vendor 2725 - PACIFIC RIM PLUMBING, INC. Total:					112.00
Vendor: PAC55 - PACIFIC SITE MANAGEMENT					
62960	102847	08/18/2023	100-222-42108	MONTHLY LANDSCAPE SERVICES	125.93
62960	102847	08/18/2023	100-231-42108	MONTHLY LANDSCAPE SERVICES	337.43
62960	102847	08/18/2023	100-343-42108	MONTHLY LANDSCAPE SERVICES	180.02
62960	102847	08/18/2023	100-345-42108	MONTHLY LANDSCAPE SERVICES	5,787.95
62960	102847	08/18/2023	200-342-42108	MONTHLY LANDSCAPE SERVICES	335.81
62960	102847	08/18/2023	201-343-42108	MONTHLY LANDSCAPE SERVICES	548.93
62960	102847	08/18/2023	209-552-42108	MONTHLY LANDSCAPE SERVICES	204.23
62960	102847	08/18/2023	209-553-42108	MONTHLY LANDSCAPE SERVICES	212.31
62960	102847	08/18/2023	209-557-42108	MONTHLY LANDSCAPE SERVICES	212.31
62960	102847	08/18/2023	310-347-42108	MONTHLY LANDSCAPE SERVICES	62.16
62960	102847	08/18/2023	310-348-42108	MONTHLY LANDSCAPE SERVICES	65.37
Vendor PAC55 - PACIFIC SITE MANAGEMENT Total:					8,072.45
Vendor: ATH02 - PATRICIA ATHENOUR					
SEPTEMBER 2023	102900	08/25/2023	100-117-41101	RETIREE MEDICAL REIMB SEPTEMBER 2023	164.90
Vendor ATH02 - PATRICIA ATHENOUR Total:					164.90

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: LON02 - PATRICIA LONG					
JULY 2023	102848	08/18/2023	209-552-43802	CWLD JULY 2023 PSC	246.40
Vendor LON02 - PATRICIA LONG Total:					246.40
Vendor: CLA17 - PAUL CLANCY					
SEPTEMBER 2023	102901	08/25/2023	100-117-41101	RETIREE MEDICARE REIMB SEPTEMBER 2023	430.78
Vendor CLA17 - PAUL CLANCY Total:					430.78
Vendor: PGE01 - PG&E					
0081-08172023	102948	09/01/2023	200-342-43103	2501 SAN PABLO AVE TRAFFIC CONTROLLER	85.43
0209-08172023	102948	09/01/2023	200-342-43103	S/E CORNER SAN PABLO AVE & TENNENT TRAFFIC SIGNAL	94.62
0217-08162023	102948	09/01/2023	100-345-43103	TENNENT & PARK ST CLUB HOUSE	19.17
0466-08172023	102948	09/01/2023	209-554-43103	635 TENNENT AVE YOUTH CTR/CATV	133.83
0466-08172023	102948	09/01/2023	505-119-43103	635 TENNENT AVE YOUTH CTR/CATV	200.74
0498-08102023	102902	08/25/2023	100-231-43103	3790 PINOLE VALLEY RD FIRESTATION	1,307.63
0813-08162023	102948	09/01/2023	200-342-43103	2149 1/2 APPIAN WAY TRAFFIC SIGNAL	63.63
0883-08112023	102948	09/01/2023	100-222-43103	800 TENNENT AVE PUBLI C SAFETY FACILITY	766.12
0883-08112023	102948	09/01/2023	100-223-43103	800 TENNENT AVE PUBLI C SAFETY FACILITY	153.22
0883-08112023	102948	09/01/2023	100-231-43103	800 TENNENT AVE PUBLI C SAFETY FACILITY	612.90
0887-08022023	102849	08/18/2023	200-342-43103	PINON AVE & SAN PABLO AVE TRAFFIC SIGNAL	88.14
0923-08162023	102948	09/01/2023	100-110-43103	2131 PEAR ST	144.03
0923-08162023	102948	09/01/2023	100-111-43103	2131 PEAR ST	189.51
0923-08162023	102948	09/01/2023	100-112-43103	2131 PEAR ST	208.47
0923-08162023	102948	09/01/2023	100-115-43103	2131 PEAR ST	519.26
0923-08162023	102948	09/01/2023	100-116-43103	2131 PEAR ST	151.61
0923-08162023	102948	09/01/2023	100-117-43103	2131 PEAR ST	1,686.66
0923-08162023	102948	09/01/2023	100-343-43103	2131 PEAR ST	3,142.11
0923-08162023	102948	09/01/2023	200-342-43103	2131 PEAR ST	549.59
0923-08162023	102948	09/01/2023	212-461-43103	2131 PEAR ST	227.41
0923-08162023	102948	09/01/2023	212-462-43103	2131 PEAR ST	572.33
0923-08162023	102948	09/01/2023	285-464-43103	2131 PEAR ST	189.51
1093-08012023	102849	08/18/2023	500-642-43103	W END/HAZEL AVE SEWAGE PLANT	752.68
1121-08172023	102948	09/01/2023	200-342-43103	DEL MONTE & SAN PABLO TRAFFIC CONTROL LIGHT	86.60
1156-08112023	102948	09/01/2023	209-554-43103	635 TENNENT AVE YOUTH CTR/CATV	21.99
1156-08112023	102948	09/01/2023	505-119-43103	635 TENNENT AVE YOUTH CTR/CATV	32.98
1233-08172023	102948	09/01/2023	200-342-43103	SAN PABLO AVE TRAFFIC SIGNAL	92.04
1462-08112023	102948	09/01/2023	209-552-43103	2500 CHARLES ST SENIOR CENTER	130.66
1801-08092023	102902	08/25/2023	209-553-43103	2454 SIMAS AVE REC CTR & POOL	20.05
2182-08022023	102849	08/18/2023	200-342-43103	OAKRIDGE/SAN PABLO AVE TRAFFIC SIGNAL	79.30
2222-07262023	102849	08/18/2023	100-345-43103	STREET AND HIGHWAY LIGHTING	49.39
2222-07262023	102849	08/18/2023	200-342-43103	STREET AND HIGHWAY LIGHTING	15,659.26
2222-07262023	102849	08/18/2023	310-347-43103	STREET AND HIGHWAY LIGHTING	280.00

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
2222-07262023	102849	08/18/2023	310-348-43103	STREET AND HIGHWAY LIGHTING	400.00
2506-08162023	102948	09/01/2023	215-341-43103	701 Pinon/2489 San Pablo-Electric CHGS	26.76
2620-08172023	102948	09/01/2023	200-342-43103	N/W CORNER APPIAN WAY & FITZGERALD DR TRAFFIC SIG	123.60
2793-08172023	102948	09/01/2023	200-342-43103	1451 FITZGERALD DR TRAFFIC SIGNAL	101.32
3029-08112023	102948	09/01/2023	100-345-43103	1270 ADOBE RD @ OUTSIDE BATHROOMS	103.69
3311-08172023	102948	09/01/2023	200-342-43103	PINOLE VALLEY RD & HENRY TRAFFIC CONTROLLER	116.70
3537-08162023	102948	09/01/2023	100-343-43103	659 TENNENT AVE PARKING LOT LIGHTS	79.44
3834-08062023	102902	08/25/2023	100-231-43103	3790 PINOLE VALLEY RD FIRESTATION	39.77
3850-08162023	102948	09/01/2023	100-345-43103	601 TENNENT AVE CARETAKER'S SHED	131.27
3914-08162023	102948	09/01/2023	100-345-43103	FERNANDEZ PARK BALLPARK LIGHTING	119.29
4065-08162023	102948	09/01/2023	209-559-43103	2937 PINOLE VALLEY RD TENNIS CT LIGHTS	390.24
4157-08102023	102902	08/25/2023	100-222-43103	809 CITY HALL	15.18
4193-08172023	102948	09/01/2023	200-342-43103	HWY 80 PINOLE VALLEY RD TRAFFIC CONTROLLER	69.66
4368-08162023	102948	09/01/2023	200-342-43103	APPIAN WAY & TARA HILLS TRAFFIC SIGNAL	137.93
4612-08162023	102948	09/01/2023	201-343-43103	2100 SAN PABLO AVE FARIA HOUSE	30.64
5127-08172023	102948	09/01/2023	500-642-43103	893 1/2 SAN PABLO AVE PUMP STATION	138.83
5137-08152023	102948	09/01/2023	209-557-43103	2450 SIMAS AVE SWIM CTR	577.73
5374-08172023	102948	09/01/2023	200-342-43103	1220 PINOLE VALLEY RD TRAFFIC SIGNAL	111.27
5387-08172023	102948	09/01/2023	100-345-43103	588 MARLESTA RD LOUIS FRANCIS PARK	43.04
6043-08102023	102902	08/25/2023	100-231-43103	3790 PINOLE VALLEY RD	21.69
6969-08162023	102948	09/01/2023	201-343-43103	2361 SAN PABLO AVE PARKING LOT LIGHTS	113.33
7114-08172023	102948	09/01/2023	200-342-43103	2429 SAN PABLO AVE	99.80
7186-08112023	102948	09/01/2023	209-558-43103	601 TENNENT AVE PUBLIC MEETING HALL	9.08
7509-08162023	102948	09/01/2023	200-342-43103	TARA HILLS DR 500 FT APPIAN WAY TRAFFIC SIGNAL	65.92
8086-08172023	102948	09/01/2023	200-342-43103	N/S BORDER CITY OF PINOLE	75.40
8687-08172023	102948	09/01/2023	200-342-43103	FITZGERALD DR IFO LONG JOHN SILVERS TRAFFIC SIGNAL	112.70
8716-08112023	102948	09/01/2023	500-641-43103	SEWAGE PLNT-FT OF TENNENT	2,666.84
9824-08172023	102948	09/01/2023	310-347-43103	1303 PINOLE VALLEY RD TRAFFIC CONTROL SVC	114.58
9900-08152023	102948	09/01/2023	200-342-43103	2303 GRANADA CT TRAFFIC CONTROL SERVICE	127.27
9985-08162023	102948	09/01/2023	201-343-43103	NEAR 795 FERNANDEZ PARKING LOT LIGHTS	111.16
				Vendor PGE01 - PG&E Total:	34,585.00
Vendor: 1038 - PINOLE PET HOSPITAL					
2362870	102850	08/18/2023	100-221-42514	MILO MEDICAL VISIT PD	236.48
				Vendor 1038 - PINOLE PET HOSPITAL Total:	236.48
Vendor: PIN16 - PINOLE SEALS SWIM CLUB					
08172023	102951	09/01/2023	209-557-38304	REBATE CHECK REIMB	9,148.00
08182023	102952	09/01/2023	209-557-42101	2023 SWIM SEASON REIMBURSEMENT #2	35,879.74
				Vendor PIN16 - PINOLE SEALS SWIM CLUB Total:	45,027.74

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: PIT06 - PITNEY BOWES					
08182023	102903	08/25/2023	100-111-42203	LATE FEE AND FINANCE CHARGES	108.76
Vendor PIT06 - PITNEY BOWES Total:					108.76
Vendor: 1009 - PRECISION IT CONSULTING					
13628	102851	08/18/2023	525-118-42101	PROFESSIONAL SERVICES	29,000.00
13628	102851	08/18/2023	525-118-42105	PROFESSIONAL SERVICES	820.00
13628	102851	08/18/2023	525-118-42105	PROFESSIONAL SERVICES	995.00
13628	102851	08/18/2023	525-118-42106	PROFESSIONAL SERVICES	128.31
13628	102851	08/18/2023	525-118-42106	PROFESSIONAL SERVICES	530.59
13628	102851	08/18/2023	525-118-42510	PROFESSIONAL SERVICES	329.25
13641	102851	08/18/2023	525-118-42510	PROFESSIONAL SERVICES	3,411.80
Vendor 1009 - PRECISION IT CONSULTING Total:					35,214.95
Vendor: 2388 - PRESTIGE PRINTING AND GRAPHICS					
87595	102953	09/01/2023	100-222-42201	BUSINESS CARDS FOR OFFICERS PD	230.01
Vendor 2388 - PRESTIGE PRINTING AND GRAPHICS Total:					230.01
Vendor: PRI18 - PRIORITY 1 PUBLIC SAFETY EQUIPMENT					
9362	102904	08/25/2023	100-221-42107	INSTALL AND WIRE PUSHBUMPERS WINDSHIELD PD	1,000.00
Vendor PRI18 - PRIORITY 1 PUBLIC SAFETY EQUIPMENT Total:					1,000.00
Vendor: 2453 - RAY'S ELECTRIC					
1953	102954	09/01/2023	106-342-47205	SAFETY IMPROVEMENTS AT APPIAN WAY & MARLESTA RD.	1,966.65
1953	102954	09/01/2023	215-342-47205	SAFETY IMPROVEMENTS AT APPIAN WAY & MARLESTA RD.	4,015.69
1953	102954	09/01/2023	325-342-47205	SAFETY IMPROVEMENTS AT APPIAN WAY & MARLESTA RD.	1,484.66
Vendor 2453 - RAY'S ELECTRIC Total:					7,467.00
Vendor: 1828 - REBECCA CHEYNE					
08142023	102852	08/18/2023	100-221-42302	GTA RECORDS TRAINING PD	107.42
08142023	102852	08/18/2023	100-221-42303	GTA RECORDS TRAINING PD	90.00
Vendor 1828 - REBECCA CHEYNE Total:					197.42
Vendor: 2685 - RJM DESIGN GROUP, INC.					
35874	102955	09/01/2023	106-345-47203	PINOLE PARK MASTER PLAN	8,320.90
Vendor 2685 - RJM DESIGN GROUP, INC. Total:					8,320.90
Vendor: 2646 - ROADS SAFE TRAFFIC SYSTEMS, INC.					
181588	102905	08/25/2023	100-342-42514	WHITE PAINT FOR STREET MARKINGS	500.46
181789	102905	08/25/2023	100-345-44306	SIGNS FOR DOG PARK	329.25
Vendor 2646 - ROADS SAFE TRAFFIC SYSTEMS, INC. Total:					829.71
Vendor: ROS08 - RSG, INC.					
I010541	102853	08/18/2023	285-464-42101	HOUSING CONSULTING SERVICES FY22-23	1,617.50
I010541	102853	08/18/2023	750-463-42101	HOUSING CONSULTING SERVICES FY22-23	68.75
I010555	102853	08/18/2023	100-466-42101	ECONOMIC DEVELOPMENT STRATEGY JUNE 2023	7,018.75
Vendor ROS08 - RSG, INC. Total:					8,705.00
Vendor: 1048 - SARROYA LOMAX					
07182023	102854	08/18/2023	209-20307	REFUND PARK DEPOSIT 06/24/23	200.00
Vendor 1048 - SARROYA LOMAX Total:					200.00
Vendor: 1802 - SCHAAF & WHEELER, CONSULTING CIVIL ENGINEERS					
37929	102906	08/25/2023	106-344-47206	PRELIMINARY ENGINEERING AND DESGN SERVICES	1,655.00
Vendor 1802 - SCHAAF & WHEELER, CONSULTING CIVIL ENGINEERS Total:					1,655.00

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 1714 - SHERRI D. LEWIS					
CC02PINOLE-FY2023/24	102907	08/25/2023	100-112-42101	PREPARE MINUTES CITY COUNCIL MTG 08/08/23	150.00
PC01PINOLE-FY2023/24	102956	09/01/2023	212-461-42514	PLANNING COMMISSION MINUTES 081423	262.50
Vendor 1714 - SHERRI D. LEWIS Total:					412.50
Vendor: 2632 - SHIPLEY POOL SERVICE					
18015	102908	08/25/2023	209-557-42108	MONTHLY MAINTENANCE SWIMMING POOLS	3,507.63
Vendor 2632 - SHIPLEY POOL SERVICE Total:					3,507.63
Vendor: SQU00 - SQUARE DEAL GARAGE					
44547	102909	08/25/2023	100-343-42107	CITY HALL CAR REPAIR	347.79
44589	102909	08/25/2023	100-343-42107	OIL CHANGE FOR PW CAR	61.59
Vendor SQU00 - SQUARE DEAL GARAGE Total:					409.38
Vendor: STA42 - STAPLES BUSINESS CREDIT					
1650150385	102855	08/18/2023	100-115-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	55.75
1650150385	102855	08/18/2023	100-222-42514	CITYWIDE PURCHASES OFFICE SUPPLIES	203.50
1650150385	102855	08/18/2023	209-551-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	37.87
1650150385	102855	08/18/2023	209-551-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	2.47
1650150385	102855	08/18/2023	212-461-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	149.52
JULY 2023	102855	08/18/2023	100-111-42201	CITYWIDE OFFICE SUPPLIES	283.47
JULY 2023	102855	08/18/2023	100-112-42201	CITYWIDE OFFICE SUPPLIES	41.08
JULY 2023	102855	08/18/2023	100-112-42201	CITYWIDE OFFICE SUPPLIES	11.26
JULY 2023	102855	08/18/2023	100-112-42201	CITYWIDE OFFICE SUPPLIES	51.44
JULY 2023	102855	08/18/2023	100-115-42201	CITYWIDE OFFICE SUPPLIES	57.29
JULY 2023	102855	08/18/2023	100-222-42514	CITYWIDE OFFICE SUPPLIES	105.94
JULY 2023	102855	08/18/2023	100-222-42514	CITYWIDE OFFICE SUPPLIES	255.76
JULY 2023	102855	08/18/2023	100-341-42201	CITYWIDE OFFICE SUPPLIES	38.13
JULY 2023	102855	08/18/2023	209-553-42201	CITYWIDE OFFICE SUPPLIES	30.27
JULY 2023	102855	08/18/2023	209-553-42201	CITYWIDE OFFICE SUPPLIES	34.44
JULY 2023	102855	08/18/2023	209-553-42201	CITYWIDE OFFICE SUPPLIES	44.98
JULY 2023	102855	08/18/2023	212-461-42201	CITYWIDE OFFICE SUPPLIES	134.52
JULY 2023	102855	08/18/2023	212-462-42201	CITYWIDE OFFICE SUPPLIES	99.07
Vendor STA42 - STAPLES BUSINESS CREDIT Total:					1,636.76
Vendor: 1253 - TARAH ORNELAS					
962	102856	08/18/2023	209-552-43809	NEWSLETTER PSC	305.90
Vendor 1253 - TARAH ORNELAS Total:					305.90
Vendor: KRI01 - TERRI KRIEGER					
SEPTEMBER 2023	102910	08/25/2023	100-117-41101	RETIREE MEDICARE REIMBURSEMENT SEPTEMBER 2023	243.00
Vendor KRI01 - TERRI KRIEGER Total:					243.00
Vendor: TMO00 - T-MOBILE USA, INC					
9542398734	102957	09/01/2023	100-221-42514	GPS LOCATE PD	100.00
Vendor TMO00 - T-MOBILE USA, INC Total:					100.00
Vendor: TRA20 - TRANSUNION RISK AND ALTERNATIVE DATA SOLUTIONS, INC.					
263397-202307-1	102857	08/18/2023	525-118-42510	DATA SOFTWARE	145.40
Vendor TRA20 - TRANSUNION RISK AND ALTERNATIVE DATA SOLUTIONS, INC. Total:					145.40
Vendor: 2668 - UBE0 BUSINESS SERVICES					
4207795	102911	08/25/2023	525-118-42107	CONTRACT BASE EQUIPMENT BASE CHARGES COPIERS	1,668.22
Vendor 2668 - UBE0 BUSINESS SERVICES Total:					1,668.22

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 2726 - ULTRA PLAY SYSTEMS, INC.					
INV-00119218	102958	09/01/2023	106-345-47103	HEAVY DUTY TABLE DIAMOND FRAME	2,131.31
Vendor 2726 - ULTRA PLAY SYSTEMS, INC. Total:					2,131.31
Vendor: UND01 - UNDERGROUND SERVICE ALERT					
2023124265	102858	08/18/2023	500-642-42514	FY23-24 MEMBERSHIP FEE USA 811	3,772.44
Vendor UND01 - UNDERGROUND SERVICE ALERT Total:					3,772.44
Vendor: UNI07 - UNIVERSAL BUILDING SVCS.					
516695	102859	08/18/2023	100-343-42108	JANITORIAL SERVICES JULY 2023 CH	1,296.00
516696	102859	08/18/2023	100-222-42108	JANITORIAL SERVICES JULY 2023 SAFETY BLDG.	2,649.00
516697	102859	08/18/2023	209-557-42108	JANITORIAL SERVICES JULY 2023	1,400.00
9943	102859	08/18/2023	209-554-42108	JANITORIAL PRODUCTS PYC	252.14
9965	102859	08/18/2023	100-343-42108	JANITORIAL SUPPLIES CY	621.07
Vendor UNI07 - UNIVERSAL BUILDING SVCS. Total:					6,218.21
Vendor: VAL04 - VALLEJO FIRE EXTINGUISHER					
95951	102860	08/18/2023	500-641-42108	FIRE EXTINGUISHER REPLACEMENT WPCP	623.96
Vendor VAL04 - VALLEJO FIRE EXTINGUISHER Total:					623.96
Vendor: VER02 - VERIZON WIRELESS					
9942095926	102912	08/25/2023	525-118-43101	CITYWIDE CELL PHONES	4,782.95
Vendor VER02 - VERIZON WIRELESS Total:					4,782.95
Vendor: VIS01 - VISION SERVICE PLAN					
818626078	102959	09/01/2023	100-110-41003	VISION BENEFITS SEPTEMBER 2023	55.83
818626078	102959	09/01/2023	100-111-41003	VISION BENEFITS SEPTEMBER 2023	55.83
818626078	102959	09/01/2023	100-112-41003	VISION BENEFITS SEPTEMBER 2023	55.83
818626078	102959	09/01/2023	100-113-41003	VISION BENEFITS SEPTEMBER 2023	18.61
818626078	102959	09/01/2023	100-115-41003	VISION BENEFITS SEPTEMBER 2023	55.83
818626078	102959	09/01/2023	100-116-41003	VISION BENEFITS SEPTEMBER 2023	55.83
818626078	102959	09/01/2023	100-221-41003	VISION BENEFITS SEPTEMBER 2023	483.86
818626078	102959	09/01/2023	100-222-41003	VISION BENEFITS SEPTEMBER 2023	130.27
818626078	102959	09/01/2023	100-223-41003	VISION BENEFITS SEPTEMBER 2023	223.32
818626078	102959	09/01/2023	100-341-41003	VISION BENEFITS SEPTEMBER 2023	18.61
818626078	102959	09/01/2023	100-341-41003	VISION BENEFITS SEPTEMBER 2023	18.61
818626078	102959	09/01/2023	100-343-41003	VISION BENEFITS SEPTEMBER 2023	186.10
818626078	102959	09/01/2023	100-465-41003	VISION BENEFITS SEPTEMBER 2023	18.61
818626078	102959	09/01/2023	105-221-41003	VISION BENEFITS SEPTEMBER 2023	74.44
818626078	102959	09/01/2023	106-222-41003	VISION BENEFITS SEPTEMBER 2023	18.61
818626078	102959	09/01/2023	106-231-41003	VISION BENEFITS SEPTEMBER 2023	-37.22
818626078	102959	09/01/2023	209-551-41003	VISION BENEFITS SEPTEMBER 2023	55.83
818626078	102959	09/01/2023	209-552-41003	VISION BENEFITS SEPTEMBER 2023	37.22

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
818626078	102959	09/01/2023	209-554-41003	VISION BENEFITS SEPTEMBER 2023	18.61
818626078	102959	09/01/2023	212-461-41003	VISION BENEFITS SEPTEMBER 2023	37.22
818626078	102959	09/01/2023	212-462-41003	VISION BENEFITS SEPTEMBER 2023	55.83
818626078	102959	09/01/2023	500-641-41003	VISION BENEFITS SEPTEMBER 2023	186.10
818626078	102959	09/01/2023	500-642-41003	VISION BENEFITS SEPTEMBER 2023	55.83
818626078	102959	09/01/2023	505-119-41003	VISION BENEFITS SEPTEMBER 2023	37.22
818626078	102959	09/01/2023	998-20106	VISION BENEFITS SEPTEMBER 2023	74.44
818626095	102959	09/01/2023	998-20106	VISION BENEFITS SEPTEMBER 2023	18.61
Vendor VIS01 - VISION SERVICE PLAN Total:					2,009.88
Vendor: LUK00 - VIVIENNE F. KEARSLEY-LUKE					
JULY 2023	102861	08/18/2023	209-552-43802	GENTLE YOGA CLASSES JULY 2023 PSC	63.00
Vendor LUK00 - VIVIENNE F. KEARSLEY-LUKE Total:					63.00
Vendor: 2678 - WEBSTAIRANT STORE, LLC					
89091858	102913	08/25/2023	209-552-47101	KITCHEN APPLIANCE WARRANTY INSTALLATION PSC	14,432.82
Vendor 2678 - WEBSTAIRANT STORE, LLC Total:					14,432.82
Vendor: WES63 - WESCO GRAPHICS, INC.					
52027	102862	08/18/2023	209-551-42514	FALL/WINTER POST CARD EVENTS REC	1,686.97
Vendor WES63 - WESCO GRAPHICS, INC. Total:					1,686.97
Vendor: 2603 - WEST VALLEY CONSTRUCTION CO, INC.					
138171	102863	08/18/2023	500-642-47201	ENGINEERING DESIGN SERVICES FOR SEWER PROJECT	22,205.80
Vendor 2603 - WEST VALLEY CONSTRUCTION CO, INC. Total:					22,205.80
Grand Total:					1,017,849.94

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Report Summary

Fund Summary

Fund	Payment Amount
100 - General Fund	566,341.11
105 - Measure S -2006	568.27
106 - MEASURE S-2014	14,292.09
200 - Gas Tax Fund	46,386.44
201 - Restricted Real Estate Maintenance Fund	904.06
207 - NPDES Storm Water Fund	206.07
209 - Recreation Fund	142,997.10
212 - Building & Planning	75,930.57
215 - Measure C and J Fund	4,292.51
285 - Housing Land Held for Resale	1,807.01
310 - Lighting & Landscape Districts	4,447.18
325 - City Street Improvements	1,484.66
500 - Sewer Enterprise Fund	103,379.89
505 - Cable Access TV	526.64
525 - Information Systems	53,762.98
750 - Recognized Obligation Retirement Fund	68.75
998 - Payroll Clearing	454.61
Grand Total:	1,017,849.94

Account Summary

Account Number	Account Name	Payment Amount
100-000-31510	Other Tax/Business Lice...	112.00
100-10601	Gas Tanks/Corp Yard	5,164.56
100-110-41002	Emp Benefits/Dental	287.72
100-110-41003	Emp Benefits/Vision Care	55.83
100-110-42301	Travel & Training/Conf-R...	70.00
100-110-43103	Utilities/Electricity & Po...	144.03
100-111-41002	Emp Benefits/Dental	364.69
100-111-41003	Emp Benefits/Vision Care	55.83
100-111-42101	Prof Svcs/Professional Se..	5,512.50
100-111-42201	Office Expense	322.80
100-111-42203	Office Exp/Shipping & M...	108.76
100-111-43103	Utilities/Electricity & Po...	189.51
100-112-41002	Emp Benefits/Dental	383.55
100-112-41003	Emp Benefits/Vision Care	55.83
100-112-42101	Prof Svcs/Professional Se..	645.00
100-112-42201	Office Expense	103.78
100-112-43103	Utilities/Electricity & Po...	208.47
100-113-41002	Emp Benefits/Dental	108.99
100-113-41003	Emp Benefits/Vision Care	18.61
100-115-41002	Emp Benefits/Dental	364.69
100-115-41003	Emp Benefits/Vision Care	55.83
100-115-42101	Prof Svcs/Professional Se..	20,325.00
100-115-42201	Office Expense	113.04
100-115-42510	Admin Exp/Software Pur...	1,995.00
100-115-43103	Utilities/Electricity & Po...	519.26
100-116-41002	Emp Benefits/Dental	306.58
100-116-41003	Emp Benefits/Vision Care	55.83
100-116-42101	Prof Svcs/Professional Se..	1,716.00
100-116-42504	Admin Exp/Recruitment ...	151.36
100-116-43103	Utilities/Electricity & Po...	151.61
100-117-41004	Emp Benefits/PERS Retir...	258,442.42
100-117-41101	Retiree Benefits/Medical...	5,031.94
100-117-43103	Utilities/Electricity & Po...	1,686.66
100-20011	Accounts Payable/Miscel...	206,704.28
100-20402	Deferred Rev/Unclaimed...	27.70
100-221-41002	Emp Benefits/Dental	1,909.45

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Account Summary

Account Number	Account Name	Payment Amount
100-221-41003	Emp Benefits/Vision Care	483.86
100-221-41008	Emp Benefits/Long Term...	534.60
100-221-42101	Prof Svcs/Professional Se..	669.90
100-221-42107	Prof Svcs/Equipment Ma...	2,469.77
100-221-42302	Travel & Training/Milea...	655.14
100-221-42303	Travel & Training/Meal A..	90.00
100-221-42514	Admin Exp/Special Depa...	336.48
100-221-46201	Insurance/General Liabili...	389.99
100-222-41002	Emp Benefits/Dental	587.07
100-222-41003	Emp Benefits/Vision Care	130.27
100-222-42101	Prof Svcs/Professional Se..	3,607.50
100-222-42108	Prof Svcs/Building-Struc...	2,774.93
100-222-42201	Office Expense	230.01
100-222-42514	Admin Exp/Special Depa...	565.20
100-222-43103	Utilities/Electricity & Po...	781.30
100-222-44410	Safety Clothing	274.05
100-223-41002	Emp Benefits/Dental	1,323.68
100-223-41003	Emp Benefits/Vision Care	223.32
100-223-41008	Emp Benefits/Long Term...	287.70
100-223-43103	Utilities/Electricity & Po...	153.22
100-231-34215	Fees/Inspection Fee	158.00
100-231-41004	Emp Benefits/PERS Retir...	90.25
100-231-42108	Prof Svcs/Building-Struc...	862.68
100-231-43102	Utilities/Water	649.51
100-231-43103	Utilities/Electricity & Po...	1,981.99
100-341-41002	Emp Benefits/Dental	447.59
100-341-41003	Emp Benefits/Vision Care	37.22
100-341-42201	Office Expense	38.13
100-342-42514	Admin Exp/Special Depa...	500.46
100-342-46201	Insurance/General Liabili...	1,250.00
100-343-41002	Emp Benefits/Dental	1,067.98
100-343-41003	Emp Benefits/Vision Care	186.10
100-343-42107	Prof Svcs/Equipment Ma...	409.38
100-343-42108	Prof Svcs/Building-Struc...	3,205.69
100-343-43103	Utilities/Electricity & Po...	3,221.55
100-343-44306	Other Materials Supp/M...	378.08
100-345-42107	Prof Svcs/Equipment Ma...	259.73
100-345-42108	Prof Svcs/Building-Struc...	5,787.95
100-345-43102	Utilities/Water	251.41
100-345-43103	Utilities/Electricity & Po...	465.85
100-345-44306	Other Materials Supp/M...	329.25
100-465-41002	Emp Benefits/Dental	127.85
100-465-41003	Emp Benefits/Vision Care	18.61
100-465-42101	Prof Svcs/Professional Se..	7,560.00
100-466-42101	Prof Svcs/Professional Se..	7,018.75
105-221-41002	Emp Benefits/Dental	434.43
105-221-41003	Emp Benefits/Vision Care	74.44
105-221-41008	Emp Benefits/Long Term...	59.40
106-222-41002	Emp Benefits/Dental	127.85
106-222-41003	Emp Benefits/Vision Care	18.61
106-231-41002	Emp Benefits/Dental	108.99
106-231-41003	Emp Benefits/Vision Care	-37.22
106-342-47205	Improvements/Streets	1,966.65
106-344-47206	Improvements/Storm Dr...	1,655.00
106-345-47103	FF&E/Furniture	2,131.31
106-345-47203	Improvements/Parks	8,320.90
200-342-42101	Prof Svcs/Professional Se..	28,110.45
200-342-42108	Prof Svcs/Building-Struc...	335.81

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Account Summary

Account Number	Account Name	Payment Amount
200-342-43103	Utilities/Electricity & Po...	17,940.18
201-343-42108	Prof Svcs/Building-Struc...	548.93
201-343-42513	Admin Exp/Rent	100.00
201-343-43103	Utilities/Electricity & Po...	255.13
207-344-44306	Other Materials Supp/M...	206.07
209-20015	Accounts Payable/Vendo...	21.26
209-20307	Deposits Payable/Recrea...	200.00
209-551-41002	Emp Benefits/Dental	255.70
209-551-41003	Emp Benefits/Vision Care	55.83
209-551-42101	Prof Svcs/Professional Se..	50,735.25
209-551-42201	Office Expense	40.34
209-551-42514	Admin Exp/Special Depa...	1,686.97
209-551-42515	Admin Exp/Special Events	507.38
209-552-41002	Emp Benefits/Dental	91.58
209-552-41003	Emp Benefits/Vision Care	37.22
209-552-42107	Prof Svcs/Equipment Ma...	1,712.35
209-552-42108	Prof Svcs/Building-Struc...	204.23
209-552-43103	Utilities/Electricity & Po...	130.66
209-552-43802	Program Cost/Class Fees	1,871.35
209-552-43804	Program Cost/Food Prog...	3,408.39
209-552-43805	Program Cost/Travel	5,076.00
209-552-43809	Program Cost/Newsletter	305.90
209-552-47101	FF&E/Equipment	14,432.82
209-552-47107	FF&E/Furniture (not-capi...	4,233.06
209-553-42108	Prof Svcs/Building-Struc...	313.90
209-553-42201	Office Expense	109.69
209-553-43102	Utilities/Water	55.00
209-553-43103	Utilities/Electricity & Po...	20.05
209-554-36405	Recreation Chg/Summer...	254.00
209-554-41002	Emp Benefits/Dental	181.05
209-554-41003	Emp Benefits/Vision Care	18.61
209-554-42101	Prof Svcs/Professional Se..	3,727.50
209-554-42108	Prof Svcs/Building-Struc...	252.14
209-554-43103	Utilities/Electricity & Po...	155.82
209-557-38304	Reimbursement/Refunds	9,148.00
209-557-42101	Prof Svcs/Professional Se..	35,879.74
209-557-42108	Prof Svcs/Building-Struc...	5,119.94
209-557-43102	Utilities/Water	1,778.32
209-557-43103	Utilities/Electricity & Po...	577.73
209-558-43103	Utilities/Electricity & Po...	9.08
209-559-43103	Utilities/Electricity & Po...	390.24
212-20346	Developer Deposit/830-...	27,401.25
212-461-41002	Emp Benefits/Dental	255.70
212-461-41003	Emp Benefits/Vision Care	37.22
212-461-42101	Prof Svcs/Professional Se..	46,447.50
212-461-42201	Office Expense	284.04
212-461-42514	Admin Exp/Special Depa...	262.50
212-461-43103	Utilities/Electricity & Po...	227.41
212-462-41002	Emp Benefits/Dental	287.72
212-462-41003	Emp Benefits/Vision Care	55.83
212-462-42201	Office Expense	99.07
212-462-43103	Utilities/Electricity & Po...	572.33
215-341-43101	Utilities/Telephone	250.06
215-341-43103	Utilities/Electricity & Po...	26.76
215-342-47205	Improvements/Streets	4,015.69
285-464-42101	Prof Svcs/Professional Se..	1,617.50
285-464-43103	Utilities/Electricity & Po...	189.51
310-347-42101	Prof Svcs/Professional Se..	2,676.10

WARRANT LISTING

Payment Dates: 8/12/2023 - 9/1/2023

Account Summary

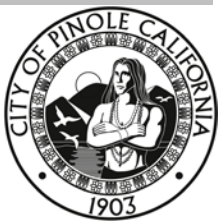
Account Number	Account Name	Payment Amount
310-347-42108	Prof Svcs/Building-Struc...	62.16
310-347-43103	Utilities/Electricity & Po...	394.58
310-348-42101	Prof Svcs/Professional Se...	848.97
310-348-42108	Prof Svcs/Building-Struc...	65.37
310-348-43103	Utilities/Electricity & Po...	400.00
325-342-47205	Improvements/Streets	1,484.66
500-10601	Gas Tanks/Corp Yard	5,401.44
500-641-41002	Emp Benefits/Dental	914.04
500-641-41003	Emp Benefits/Vision Care	186.10
500-641-42107	Prof Svcs/Equipment Ma...	1,936.00
500-641-42108	Prof Svcs/Building-Struc...	2,789.96
500-641-42201	Office Expense	898.14
500-641-43103	Utilities/Electricity & Po...	2,666.84
500-641-44302	Other Materials Supp/SI...	6,606.69
500-641-44303	Other Materials Supp/C...	42,797.74
500-641-44305	Other Materials Supp/La...	3,953.91
500-641-44306	Other Materials Supp/M...	6,845.54
500-641-44410	Safety Clothing	385.77
500-642-41002	Emp Benefits/Dental	229.61
500-642-41003	Emp Benefits/Vision Care	55.83
500-642-42101	Prof Svcs/Professional Se...	85.00
500-642-42514	Admin Exp/Special Depa...	3,772.44
500-642-43102	Utilities/Water	757.53
500-642-43103	Utilities/Electricity & Po...	891.51
500-642-47201	Improvements/Building	22,205.80
505-119-41002	Emp Benefits/Dental	255.70
505-119-41003	Emp Benefits/Vision Care	37.22
505-119-43103	Utilities/Electricity & Po...	233.72
525-118-42101	Prof Svcs/Professional Se...	29,000.00
525-118-42105	Prof Svcs/Network Main...	1,964.95
525-118-42106	Prof Svcs/Software Main...	658.90
525-118-42107	Prof Svcs/Equipment Ma...	1,668.22
525-118-42510	Admin Exp/Software Pur...	4,656.86
525-118-43101	Utilities/Telephone	15,814.05
750-463-42101	Prof Svcs/Professional Se...	68.75
998-20105	Sal & Ben Payable/Denta...	361.56
998-20106	Sal & Ben Payable/Vision...	93.05
Grand Total:		<u>1,017,849.94</u>

Project Account Summary

Project Account Key	Payment Amount	
None	979,856.24	
10634247205RO1714	1,966.65	
10634547203IN1704	8,320.90	
21534247205RO1714	4,015.69	
32534247205RO1714	1,484.66	
50064247201SS2201	22,205.80	
Grand Total:		<u>1,017,849.94</u>

APPROVED BY: 

DATE: 8/30/2023



CITY COUNCIL REPORT

9C

DATE: SEPTEMBER 5, 2023

TO: MAYOR AND COUNCIL MEMBERS

FROM: STACY SHELL, HUMAN RESOURCES DIRECTOR

SUBJECT: APPROVE AN AMENDMENT TO THE EMPLOYMENT AGREEMENT
FOR THE CITY CLERK

RECOMMENDATION

It is recommended that the Pinole City Council approve an amendment to provide a four percent (4%) cost of living adjustment to the employment agreement for Heather Bell as City Clerk.

BACKGROUND

In March 2019, the City Council appointed Ms. Bell to the position of City Clerk. On March 6, 2019, Ms. Bell and Mayor Murray signed a four-year term employment agreement through March 5, 2023. Ms. Bell commenced her duties as City Clerk on March 6, 2019.

The City Council and Ms. Bell had previously entered into subsequent employment agreement amendments to provide cost of living adjustments, merit increases, market rate adjustments, and employee benefit enhancements.

REVIEW & ANALYSIS

The City of Pinole Municipal Code (PMC), Title II, Administration and Personnel, Chapter 2.05, Office of the City Clerk, Section 2.05.010, Office Created, provides the City Council with the authority to establish the office of the City Clerk and appoint a City Clerk on the basis of their administrative and executive abilities and qualifications and hold office for and during the pleasure of the City Council (City of Pinole Ordinance No. Ord. 2004-13, Section 1, 2004).

The City Clerk's employment agreement was made and entered into by and between the City Council and Ms. Bell on March 6, 2019. The agreement provides Ms. Bell with

annual cost of living adjustments equivalent to those provided to City employees represented by the American Federation of State, County, and Municipal Employees, Local 512 (“AFSCME”).

On August 15, 2023, the City Council adopted Resolution 2023-64, approving the Memorandum of Understanding (“MOU”) between the City of Pinole and AFSCME for the period of July 1, 2023 – June 30, 2025. The AFSCME MOU provided unit members with a four percent (4%) COLA effective the first full pay period following July 1, 2023 and a four percent (4%) COLA effective the first full pay period following July 1, 2024.

In accordance with the March 6, 2019 employment agreement, the City Council shall provide Ms. Bell with a four percent (4%) cost of living adjustment as codified in Exhibit A of the Resolution attached to this City Council Report.

FISCAL IMPACT

City staff does not expect there to be any new fiscal impact to the General Fund due to the proposed amendment to the agreement has already been incorporated into the FY 2023/24 Budget.

ATTACHMENT(S):

- A: Resolution to Authorize an Amendment of the Employment Agreement for the City Clerk
EXHIBIT A: Amendment #2-2023 to the Agreement for Employment of Heather Bell

RESOLUTION NO. 2023-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, APPROVING AN AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR THE CITY CLERK

WHEREAS, the City Council and Heather Bell entered into an Employment Agreement (“Agreement”) for the position of City Clerk on March 6, 2019; and

WHEREAS, Ms. Bell commenced her duties as City Clerk on March 6, 2019; and

WHEREAS, the term of the Agreement was for four (4) years; and

WHEREAS, the Agreement provides Ms. Bell with annual cost of living adjustments (“COLA”) equivalent to those provided to City employees represented by the American Federation of State, County, and Municipal Employees, Local 512 (“AFSCME”); and

WHEREAS, on August 15, 2023, the City Council adopted Resolution 2023-64, approving the Memorandum of Understanding (“MOU”) between the City of Pinole and AFSCME for the period of July 1, 2023 – June 30, 2025; and

WHEREAS, the AFSCME MOU provided unit members with a four percent (4%) COLA effective the first full pay period following July 1, 2023 and a four percent (4%) COLA effective the first full pay period following July 1, 2024; and

WHEREAS, the City and Employee now wish to amend the Agreement with a four percent (4%) COLA effective July 3, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Pinole does hereby approve an amendment the Agreement hereunto attached as Exhibit A and authorize the Mayor to execute the said amendment.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on the 5th day of September 2023 by the following vote:

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

I, hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on this 5th day of September 2023.

Heather Bell, CMC
City Clerk

**AMENDMENT #2-2023 TO THE AGREEMENT FOR EMPLOYMENT OF
HEATHER BELL**

This Amendment #2-2023 to the Agreement for the Employment of Heather Bell (the "Amendment") is made and entered into as of _____ by and between the City of Pinole (the "City"), a California general law city, and Heather Bell, an individual ("BELL" or "Employee").

RECITALS

WHEREAS, the City and Employee previously entered into that certain Agreement for the Employment of Heather Bell effective as of March 6, 2019 (the "Agreement"); and

WHEREAS, the City and Employee have previously entered into multiple amendments to the Agreement; and

WHEREAS, the Agreement provides Employee with annual cost of living adjustments ("COLA") equivalent to those provided to City employees represented by the American Federation of State, County, and Municipal Employees, Local 512 ("AFSCME"); and

WHEREAS, on August 15, 2023, the City Council adopted Resolution 2023-64, approving the Memorandum of Understanding ("MOU") between the City of Pinole and AFSCME for the period of July 1, 2023 – June 30, 2025; and

WHEREAS, the AFSCME MOU provided unit members with a four percent (4%) COLA effective the first full pay period following July 1, 2023 and a four percent (4%) COLA effective the first full pay period following July 1, 2024; and

WHEREAS, the City and Employee now wish to amend the Agreement as specified herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the City and BELL agree as follows:

1. Compensation. Section 6(a), Compensation, of the Agreement is hereby amended in its entirety to read as follows:

"a. BELL shall be paid an annual base salary of \$171,411.53, or \$14,284.2943 per month, less all applicable federal, state, and local withholding. BELL shall be considered for a merit increase annually in conjunction with the completion of her performance evaluation, as outlined in paragraph 11. Merit increases shall subject to the City's ability to pay for a salary adjustment."

2. Effective Date. This Amendment shall be effective the pay period commencing July 3, 2023.

3. **Effect.** Except as expressly provided for herein, all other terms and conditions of the Agreement, as previously amended, shall remain in full force and effect.

EMPLOYEE

Heather Bell

DATED: _____

CITY

Devin T. Murphy, Mayor

DATED: _____

ATTEST:

APPROVED AS TO FORM:

Stacy R. Shell
Human Resources Director

Eric S. Casher
City Attorney



CITY COUNCIL REPORT

9D

DATE: SEPTEMBER 5, 2023

TO: MAYOR AND COUNCIL MEMBERS

FROM: HEATHER BELL, CITY CLERK

**SUBJECT: APPOINT A COUNCILMEMBER AND TWO ALTERNATIVE VOTING
DELEGATES TO VOTE ON THE LEAGUE OF CALIFORNIA CITIES
ANNUAL CONFERENCE RESOLUTION**

RECOMMENDATION

Staff recommends that the City Council appoint Mayor Devin Murphy as the voting delegate and Mayor Pro Tem Maureen Toms as the alternate voting delegate to represent the City of Pinole at the League of CA Cities Annual Conference General Assembly meeting.

BACKGROUND

Every year the League of California Cities hosts an annual conference. On the last day of the conference each agency's Voting Delegate may vote on the resolutions presented for consideration. This year the League of California Cities will be hosting its annual conference scheduled on September 20-22.

In years past, the Mayor and/or a Council Member who was registered to attend the conference was designated by the Council as Pinole's Voting Delegate. The voting customarily occurs during the General Assembly which will be held on the last day of the conference, Friday, September 22nd.

REVIEW & ANALYSIS

Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the City Council to vote at the General Assembly.

All five Council members will attend this year's conference. It is recommended that the Mayor be designated as the primary voting delegate and the Mayor Pro Tem be designated as the voting alternate.

League of CA Cities will host a pre-conference information session for voting delegates to explain their role.

FISCAL IMPACTS

There is no fiscal impact.

ATTACHMENTS

A Delegate Packet



Council Action Advised by August 28, 2023
--

DATE: Wednesday, June 21, 2023

TO: Mayors, Council Members, City Clerks, and City Managers

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference and Expo, Sept. 20-22, 2023,
Sacramento SAFE Credit Union Convention Center**

Every year, the League of California Cities convenes a member-driven General Assembly at the [Cal Cities Annual Conference and Expo](#). The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policy.

Taking place on Sept. 22, the General Assembly is comprised of voting delegates appointed by each member city; every city has one voting delegate. Your appointed voting delegate plays an important role during the General Assembly by representing your city and voting on resolutions.

To cast a vote during the General Assembly, your city must designate a voting delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. Voting delegates may either be an elected or appointed official.

Please complete the attached voting delegate form and email it to Cal Cities office no later than Monday, August 28.

New this year, we will host a pre-conference information session for voting delegates to explain their role. Submitting your voting delegate form by the deadline will allow us time to establish voting delegate/alternate records prior to the conference and provide pre-conference communications with voting delegates.

Please view Cal Cities' [event and meeting policy](#) in advance of the conference.

Action by Council Required. Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council.

Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.



Conference Registration Required. The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration is open on the [Cal Cities](#) website.

For a city to cast a vote, one voter must be present at the General Assembly and in possession of the voting delegate card and voting tool. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the voting delegate desk. This will enable them to receive the special sticker on their name badges that will admit the voting delegate into the voting area during the General Assembly.

Transferring Voting Card to Non-Designated Individuals Not Allowed. The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the General Assembly, they may *not* transfer the voting card to another city official.

Seating Protocol during General Assembly. At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

The voting delegate desk, located in the conference registration area of the SAFE Credit Union Convention Center in Sacramento, will be open at the following times: Wednesday, Sept. 20, 8:00 a.m.- 6:00 p.m. and Thursday, Sept. 21, 7:30 a.m.- 4:00 p.m. On Friday, Sept. 22, the voting delegate desk will be open at the General Assembly, starting at 7:30 a.m., but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to Cal Cities office by Monday, Aug. 28. If you have questions, please contact Zach Seals at zseals@calcities.org.

Attachments:

- General Assembly Voting Guidelines
- Voting Delegate/Alternate Form
- Information Sheet: Cal Cities Resolutions and the General Assembly



General Assembly Voting Guidelines

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
2. **Designating a City Voting Representative.** Prior to the Cal Cities Annual Conference and Expo, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the voting delegate form provided to the Cal Cities Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the voting delegate desk in the conference registration area. Voting delegates and alternates must sign in at the voting delegate desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the General Assembly.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the credentials committee at the voting delegate desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and voting tool; and be registered with the credentials committee. The voting card may be transferred freely between the voting delegate and alternates but may not be transferred to another city official who is neither a voting delegate nor alternate.
6. **Voting Area at General Assembly.** At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.
7. **Resolving Disputes.** In case of dispute, the credentials committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the General Assembly.



CITY: _____

**2023 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to Cal Cities office by Monday, August 28, 2023. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

To vote at the General Assembly, voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the General Assembly. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the voting delegate desk.

1. VOTING DELEGATE

Name: _____

Email: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

Email: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

Email: _____

ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ Email: _____

Mayor or City Clerk: _____ Date: _____ Phone: _____
(circle one) (signature)

Please complete and email this form to votingdelegates@calcities.org by Monday, August 28, 2023.

How it works: Cal Cities Resolutions and the General Assembly

Developing League of California Cities policy is a dynamic process that engages a wide range of members to ensure that we are representing California cities with one voice. These policies directly guide Cal Cities advocacy to promote local decision-making, and lobby against statewide policy that erodes local control.

The resolutions process and General Assembly is one way that city officials can directly participate in the development of Cal Cities policy. If a resolution is approved at the General Assembly, it becomes official Cal Cities policy. Here's how Resolutions and the General Assembly works.

Prior to the Annual Conference and Expo

General Resolutions



Sixty days before the Annual Conference and Expo, Cal Cities members may submit policy proposals on issues of importance to cities. The resolution must have the concurrence of at least five additional member cities or individual members.

Policy Committees



The Cal Cities President assigns general resolutions to policy committees where members review, debate, and recommend positions for each policy proposal. Recommendations are forwarded to the Resolutions Committee.

During the Annual Conference and Expo

Petitioned Resolutions



The petitioned resolution is an alternate method to introduce policy proposals during the annual conference. The petition must be signed by voting delegates from 10% of member cities, and submitted to the Cal Cities President at least 24 hours before the beginning of the General Assembly.

Resolutions Committee



The Resolutions Committee considers all resolutions. General Resolutions approved¹ by either a policy committee or the Resolutions Committee are next considered by the General Assembly. General resolutions not approved, or referred for further study by both a policy committee and the Resolutions Committee do not go the General Assembly. All Petitioned Resolutions are considered by the General Assembly, unless disqualified.²

General Assembly



During the General Assembly, voting delegates debate and consider general and petitioned resolutions forwarded by the Resolutions Committee. Potential Cal Cities bylaws amendments are also considered at this meeting.

Who's who

Cal Cities policy development is a member-informed process, grounded in the voices and experiences of city officials throughout the state.

The **Resolutions Committee** includes representatives from each Cal Cities diversity caucus, regional division, municipal department, policy committee, as well as individuals appointed by the Cal Cities president.

Voting delegates are appointed by each member city; every city has one voting delegate.

The **General Assembly** is a meeting of the collective body of all voting delegates — one from every member city.

Seven **Policy Committees** meet throughout the year to review and recommend positions to take on bills and regulatory proposals. Policy committees include members from each Cal Cities diversity caucus, regional division, municipal department, as well as individuals appointed by the Cal Cities president.

What's new in 2023?



- Voting delegates will receive increased communications to prepare them for their role during the General Assembly.
- The General Assembly will take place earlier to allow more time for debate and discussion.
- Improvements to the General Assembly process will make it easier for voting delegates to discuss and debate resolutions.

¹ The Resolution Committee can amend a general resolution prior to sending it to the General Assembly.

² Petitioned Resolutions may be disqualified by the Resolutions Committee according to Cal Cities Bylaws Article VI. Sec. 5(f).



CITY COUNCIL REPORT

9E

DATE: SEPTEMBER 5, 2023

TO: MAYOR AND COUNCIL MEMBERS

FROM: MARKISHA GUILLORY, FINANCE DIRECTOR

SUBJECT: ADOPT RESOLUTION AUTHORIZING CITY MANAGER TO AWARD TWO-YEAR CONTRACTS TO TOWNSEND PUBLIC AFFAIRS AND EVAN BROOKS ASSOCIATES FOR GRANT RESEARCH, WRITING AND MANAGEMENT SERVICES AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND THE ADOPTED BUDGET TO ALLOCATE FUNDS FROM THE GENERAL FUND UNENCUMBERED FUND BALANCE

RECOMMENDATION

Staff recommends that the City Council adopt a resolution (Attachment A) to:

1. Authorize the City Manager to award two-year contracts to Townsend Public Affairs in amount not to exceed \$96,000 and Evan Brooks Associates in an amount not to exceed \$40,000 for Grant Research, Writing and Management Services; and
2. Authorize the City Manager to execute the contracts in a form acceptable to the City Attorney; and
3. Authorize the Finance Manager to amend the adopted budget to allocate \$23,000 from the General Fund unencumbered fund balance to pay for the contracts.

BACKGROUND

In 2020, the Pinole City Council adopted a thoughtful and ambitious Strategic Plan for the City. Among other priorities, Goal 2 (Financially Stable Pinole), Strategy 3 directed the creation of a program to evaluate grant opportunities and capacity.

The City regularly seeks grants to supplement local revenues to enhance the services provided to Pinole residents. In efforts to secure more grant funding by complementing City staff's capacity in grant research, writing, and management, City staff released a Request for Proposals (RFP) soliciting consultant proposals to provide Grant Research, Writing and Management Services on June 8, 2023. The RFP was listed on www.publicpurchase.com, posted on the City of Pinole website, and distributed to firms identified through a web search. Responses were due on July 21, 2023.

The scope of work includes the following:

- A. Grant Funding Needs Assessment and Strategy
- B. Grant Funding Research
- C. Grant Writing
- D. Grant Management and Administration (if requested by the City)
- E. Ongoing Communication

A total of eleven proposals were submitted and provided to the review panel (Panel). The Panel consisted of three City of Pinole staff representing the Finance, Public Works and Community Development Departments and a project management consultant who supported the RFP process. All responses were evaluated using the criteria in the RFP:

- A. Qualifications
- B. Cost
- C. Method for Executing Scope of Work
- D. Exceptions to the Consultant Services Agreement
- E. References

Four firms were selected by the Panel and invited for interviews to further demonstrate their qualifications. The Panel members identified Townsend Public Affairs and Evan Brooks Associates as the preferred consultants. Copies of the Townsend Public Affairs (Attachment B) and Evan Brooks Associates (Attachment C) proposals are attached.

REVIEW & ANALYSIS

City staff recommends approval of a contract with Townsend Public Affairs based on the firm's experience securing competitive grants and earmark funding for its clients, the team assembled to support the City of Pinole, specific knowledge of federal and state funding sources, and the cost of the firm's services. Under the agreement, the firm will perform an assessment to identify the priorities and funding needs of the City and develop an overall strategy for identifying and securing funding. The firm will conduct ongoing research to identify grant funding opportunities from a variety of sources including, but not limited to, federal, state, and regional organizations, and private foundations and businesses. The firm will conduct grant writing and will develop, draft, submit, and follow up on each City grant application submitted. If requested by the City, the firm will perform grant management and administration upon award of a grant. The firm will also consult regularly with the City and provide monthly reports on all funding activity and opportunities. The all-inclusive fee is a \$4,000 fixed fee per month.

City staff also recommends approval of a contract with Evan Brooks Associates on an as needed basis to complement Townsend Public Affairs' work. The firm demonstrated particular knowledge and expertise related to Public Works funding opportunities. The firm will assist with grant writing and technical assistance for complex grants, as

requested by the City. The firm's services will be used as needed on a time and materials basis.

This engagement is on a pilot basis. The City will evaluate the effectiveness of the work at the end of the initial two-year period and determine if it wants to continue to engage external consultants for assistance with identifying, writing, and managing grants.

FISCAL IMPACT

The adopted FY 2023/24 budget includes \$45,000 for grant services. Proceeding with the staff recommendation will require an additional allocation of \$23,000 from the General Fund unassigned fund balance, for a total of \$68,000. The proposed two-year agreement with Townsend Public Affairs would be an amount not to exceed \$96,000 budgeted at \$48,000 in FY 2023/24 and \$48,000 in FY 2024/25. The proposed agreement with Evan Brooks Associates would be on a time and materials basis in an amount not to exceed \$40,000 budgeted at \$20,000 in FY 2023/24 and \$20,000 in FY 2024/25.

ATTACHMENTS

- A. Resolution
- B. Draft Consulting Services Agreement for Townsend Public Affairs
- C. Townsend Public Affairs Proposal
- D. Draft Consulting Services Agreement for Evan Brooks Associates
- E. Evan Brooks Associates Proposal

RESOLUTION NO. 2023 – XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE TWO-YEAR CONTRACTS WITH TOWNSEND PUBLIC AFFAIRS IN AN AMOUNT NOT TO EXCEED \$96,000 AND EVAN BROOKS ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$40,000 TO PROVIDE GRANT RESEARCH, WRITING AND MANAGEMENT SERVICES AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND THE ADOPTED BUDGET TO ALLOCATE FUNDS FROM THE GENERAL FUND UNENCUMBERED FUND BALANCE

WHEREAS, the City recognizes that grants to supplement locally generated tax revenues could enhance the services provided to Pinole residents; and

WHEREAS, the City seeks consultant support with grant research, writing, and management; and

WHEREAS, the City issued a Request for Proposals (RFP) on June 8, 2023, on www.publicpurchase.com, posted the RFP on www.ci.pinoles.ca.us/bids and distributed to firms based on a web search, seeking proposals from qualified consultants to provide professional services for grant research, writing and management services; and

WHEREAS, eleven proposals were received and evaluated by an interview panel based on the criteria outlined in the RFP, including the consultant's experience, qualifications, interview and proposed methodology; and

WHEREAS, the interview panel has recommended that a two-year contract be awarded to Townsend Public Affairs based on the firm's experience securing competitive grants and earmark funding for its clients, the team assembled to support the City of Pinole, specific knowledge of federal and state funding sources, and the cost of the firm's service; and

WHEREAS, the interview panel has recommended that a two-year contract be awarded to Evan Brooks Associates for services on an as needed basis, based on the firm's demonstrated knowledge and expertise related to Public Works funding sources; and

WHEREAS, the anticipated cost for the services by Townsend Public Affairs and Evan Brooks Associates will require an additional allocation of \$23,000 from the General Fund unencumbered fund balance.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Pinole as follows:

1. Townsend Public Affairs and Evan Brooks Associates proposals are found to

be the most responsive to the RFP and are accepted by the City Council for grant research, writing and management services.

- 2. The City Manager is authorized to execute a two-year professional services contract with Townsend Public Affairs in an amount not to exceed \$96,000 for the services in a form to be approved by the City Attorney.
- 3. The City Manager is authorized to execute a two-year professional services contract with Evan Brooks Associates in an amount not to exceed \$40,000 for the services in a form to be approved by the City Attorney.
- 4. The adopted FY 2023/24 budget includes \$45,000 for grant services. Proceeding with the staff recommendation will require an additional allocation of \$23,000 from the General Fund unencumbered fund balance, for a total of \$68,000. The proposed two-year agreement with Townsend Public Affairs would be an amount not to exceed \$96,000 budgeted at \$48,000 in FY 2023/24 and \$48,000 in FY 2024/25. The proposed agreement with Evan Brooks Associates would be on a time and materials basis in an amount not to exceed \$40,000 budgeted at \$20,000 in FY 2023/24 and \$20,000 in FY 2024/25.
- 5. Authorize the Finance Manager to amend the adopted budget to allocate \$23,000 from the General Fund unencumbered fund balance to pay for the contracts.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on the 5th day of September 2023 by the following vote:

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

I hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on the 5th day of September 2023.

Heather Bell, CMC
City Clerk

CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF PINOLE AND
TOWNSEND PUBLIC AFFAIRS

THIS AGREEMENT for consulting services is made by and between the City of Pinole ("City") and Townsend Public Affairs ("Consultant") (together sometimes referred to as the "Parties") as of September 6, 2023 (the "Effective Date") in Pinole, California.

Section 1. SERVICES. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to City the services described in the Scope of Work attached as Exhibit A at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

- 1.1 **Term of Services.** The term of this Agreement shall begin on the Effective Date and shall end on September 6, 2025 and Consultant shall complete the work described in Exhibit A by that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as provided for in Section 8.
- 1.2 **Standard of Performance.** Consultant shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession. Consultant shall prepare all work products required by this Agreement in a professional manner and shall conform to the standards of quality normally observed by a person practicing in Consultant's profession.
- 1.3 **Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.
- 1.4 **Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to satisfy Consultant's obligations hereunder.

Section 2. COMPENSATION. City hereby agrees to pay Consultant an amount not to exceed \$96,000, for all work set forth in Exhibit A and all reimbursable expenses incurred in performing the work. In the event of a conflict between this Agreement and Consultant's proposal regarding the amount of compensation, the Agreement shall prevail. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement.

Consultant shall submit all invoices to City in the manner specified herein. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

- 2.1 **Invoices.** Consultant shall submit invoices, not more often than once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred prior to the invoice date. Invoices shall contain the following information:
 - Serial identifications of progress bills; i.e., Progress Bill No. 1 for the first invoice, etc.;
 - The beginning and ending dates of the billing period;
 - A Task Summary containing the original contract amount, the amount of prior billings, the total due this period, the balance available under the Agreement, and the percentage of completion;
 - At City's option, for each work item in each task, a copy of the applicable time entries or time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense;
 - The total number of hours of work performed under the Agreement by Consultant and each employee, agent, and subcontractor of Consultant performing services hereunder, as well as a separate notice when the total number of hours of work by Consultant and any individual employee, agent, or subcontractor of Consultant reaches or exceeds 800 hours, which shall include an estimate of the time necessary to complete the work described in Exhibit A;
 - The Consultant's signature.
- 2.2 **Monthly Payment.** City shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred. City shall have 30 days from the receipt of an invoice that complies with all of the requirements above to pay Consultant.
- 2.3 **Final Payment.** City shall pay the last 10% of the total sum due pursuant to this Agreement within sixty (60) days after completion of the services and submittal to City of a final invoice, if all services required have been satisfactorily performed.
- 2.4 **Total Payment.** City shall pay for the services to be rendered by Consultant pursuant to this Agreement. City shall not pay any additional sum for any expense or cost whatsoever

incurred by Consultant in rendering services pursuant to this Agreement. City shall make no payment for any extra, further, or additional service pursuant to this Agreement.

In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.

- 2.5 **Hourly Fees.** Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the following fee schedule attached hereto as Exhibit B.
- 2.6 **Reimbursable Expenses.** Reimbursable expenses are specified in Exhibit B, and shall not exceed _____ (\$ _____). Expenses not listed in Exhibit B are not chargeable to City. Reimbursable expenses are included in the total amount of compensation provided under this Agreement that shall not be exceeded.
- 2.7 **Payment of Taxes.** Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.
- 2.8 **Payment upon Termination.** In the event that the City or Consultant terminates this Agreement pursuant to Section 8, the City shall compensate the Consultant for all outstanding costs and reimbursable expenses incurred for work satisfactorily completed as of the date of written notice of termination. Consultant shall maintain adequate logs and timesheets in order to verify costs incurred to that date.
- 2.9 **Authorization to Perform Services.** The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. City shall make available to Consultant only the facilities and equipment listed in Exhibit C, and only under the terms and conditions set forth therein.

Section 4. INSURANCE REQUIREMENTS. Before beginning any services under this Agreement, Consultant, at its own cost and expense, shall procure the types and amounts of insurance specified herein and maintain that insurance throughout the term of this Agreement. The cost of such insurance shall be included in the Consultant's bid or proposal. Consultant shall be fully responsible for the acts and omissions of its subcontractors or other agents.

- 4.1 **Workers' Compensation.** Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant in the amount required by applicable law. The requirement to maintain Statutory Workers' Compensation and Employer's Liability Insurance may be waived by the City upon

written verification that Consultant is a sole proprietor and does not have any employees and will not have any employees during the term of this Agreement.

4.2 Commercial General and Automobile Liability Insurance.

- 4.2.1 General requirements. Consultant, Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than TWO MILLION DOLLARS (\$2,000,000) per occurrence and FOUR MILLION DOLLARS (\$4,000,000) aggregate, combined single limit coverage for risks associated with the work contemplated by this Agreement.
- 4.2.2 Minimum scope of coverage. Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (most recent edition) covering comprehensive General Liability on an "occurrence" basis. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (most recent edition) covering any auto (Code 1), or if Consultant has no owned autos, hired (code 8) and non-owned autos (Code 9). No endorsement shall be attached limiting the coverage.
- 4.2.3 Additional requirements. Each of the following shall be included in the insurance coverage or added as a certified endorsement to the policy:
- a. The Commercial General and Automobile Liability Insurance shall cover on an occurrence basis.
 - b. City, its officers, officials, employees, agents, and volunteers shall be covered as additional insureds for liability arising out of work or operations on behalf of the Consultant, including materials, parts, or equipment furnished in connection with such work or operations; or automobiles owned, leased, hired, or borrowed by the Consultant. Coverage can be provided in the form of an endorsement to the Consultant's insurance at least as broad as CG 20 10 11 85, or both CG 20 10 10 01 and CG 20 37 10 01.
 - c. For any claims related to this Agreement or the work hereunder, the Consultant's insurance covered shall be primary insurance as respects the City, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be excess of the Consultant's insurance and non-contributing.
 - d. The policy shall cover inter-insured suits and include a "separation of Insureds" or "severability" clause which treats each insured separately.
 - e. Consultant agrees to give at least 30 days prior written notice to City before coverage is canceled or modified as to scope or amount

4.3 Professional Liability Insurance.

- 4.3.1 General requirements. Consultant, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000) per occurrence or claim covering the Consultant's errors and omissions.
- 4.3.2 Claims-made limitations. The following provisions shall apply if the professional liability coverage is written on a claims-made form:
- a. The retroactive date of the policy must be shown and must be before the date of the Agreement.
 - b. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the Agreement or the work.
 - c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant must provide extended reporting coverage for a minimum of five (5) years after completion of work under this Agreement.
 - d. A copy of the claim reporting requirements must be submitted to the City prior to the commencement of any work under this Agreement.

4.4 All Policies Requirements.

- 4.4.1 Submittal Requirements. Consultant shall submit the following to City prior to beginning services:
- a. Certificate of Liability Insurance in the amounts specified in this Agreement; and
 - b. Additional Insured Endorsement as required for the General Commercial and Automobile Liability Policies.
- 4.4.2 Acceptability of insurers. All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII.
- 4.4.3 Deductibles and Self-Insured Retentions. Insurance obtained by the Consultant shall have a self-insured retention or deductible of no more than ONE HUNDRED THOUSAND DOLLARS (\$100,000).
- 4.4.4 Wasting Policies. No policy required herein shall include a "wasting" policy limit (i.e. limit that is eroded by the cost of defense).
- 4.4.5 Waiver of Subrogation. Consultant hereby agrees to waive subrogation which any insurer or contractor may require from Consultant by virtue of the payment of any loss. Consultant agrees to obtain any endorsements that may be

necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

4.4.6 **Subcontractors.** Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein, and Consultant shall ensure that City, its officers, officials, employees, agents, and volunteers are covered as additional insured on all coverages.

4.4.7 **Excess Insurance.** If Consultant maintains higher insurance limits than the minimums specified herein, City shall be entitled to coverage for the higher limits maintained by the Consultant.

4.5 **Remedies.** In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option: 1) obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement; 2) order Consultant to stop work under this Agreement and withhold any payment that becomes due to Consultant hereunder until Consultant demonstrates compliance with the requirements hereof; and/or 3) terminate this Agreement.

Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES.

5.1 **General Indemnification.** To the fullest extent permitted by law, Contractor shall defend, indemnify and hold City, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, in law or equity, to property or persons, including wrongful death, in any manner arising out of or incident to any alleged negligent acts, omissions or willful misconduct of Contractor, its officials, officers, employees, agents, subcontractors and subcontractors arising out of or in connection with the performance of the Services, the Project or this Agreement, including without limitation the payment of all consequential damages, attorneys' fees and other related costs and expenses. Contractor shall defend, at Contractor's own cost, expense and risk, any and all such aforesaid suits, actions or other legal proceedings of every kind that may be brought or instituted against City, its directors, officials, officers, employees, agents or volunteers. Contractor shall pay and satisfy any judgment, award or decree that may be rendered against City or its directors, officials, officers, employees, agents or volunteers, in any such suit, action or other legal proceeding. Contractor shall reimburse City and its directors, officials, officers, employees, agents and/or volunteers, for any and all legal expenses and costs, including reasonable attorneys' fees, incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Contractor's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by City or its directors, officials, officers, employees, agents or volunteers. Notwithstanding the foregoing, to the extent Contractor's Services are subject to Civil Code Section 2782.8, the above indemnity shall be limited, to the extent required by Civil Code Section 2782.8, to claims that arise out of,

pertain to, or relate to the negligence, recklessness, or willful misconduct of the Contractor. This Section 5.1 shall survive any expiration or termination of this Agreement.

- 5.2 PERS Indemnification. In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Section 6. STATUS OF CONSULTANT.

- 6.1 Independent Contractor. At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of City. City shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise City shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.
- 6.2 Consultant No Agent. Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

- 7.1 Governing Law. The laws of the State of California shall govern this Agreement.
- 7.2 Compliance with Applicable Laws. Consultant and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.
- 7.3 Other Governmental Regulations. To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.

7.4 Licenses and Permits. Consultant represents and warrants to City that Consultant and

its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to City that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from City.

- 7.5 **Pinole Business License.** Consultant shall obtain a City of Pinole business license according to the terms of Title 5 of the City of Pinole Municipal Code and deliver to City proof of such business license prior to beginning work under this Agreement. Work under this Agreement cannot begin until the City receives proof that Consultant has obtained a City of Pinole business license.
- 7.6 **Nondiscrimination and Equal Opportunity.** Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Consultant shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

Section 8. TERMINATION AND MODIFICATION.

- 8.1 **Termination.** City may cancel this Agreement at any time and without cause upon written notification to Consultant.

In the event of termination, Consultant shall be entitled to compensation for services performed to the effective date of termination; City, however, may condition payment of such compensation upon Consultant delivering to City any or all documents, photographs, computer software, video and audio tapes, and other materials provided to Consultant or prepared by or for Consultant or the City in connection with this Agreement.

- 8.2 **Extension.** City may, in its sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall be specified in writing by the City. Consultant understands and agrees that if City issues such an extension, City shall have no obligation to provide Consultant with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized

by the City, City shall have no obligation to reimburse Consultant for any otherwise reimbursable expenses incurred during the extension period.

- 8.3 **Amendments.** The parties may amend this Agreement only by a writing signed by all the parties.
- 8.4 **Assignment and Subcontracting.** City and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique professional competence, experience, and specialized professional knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the personal reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the City. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the City.
- 8.5 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Consultant shall survive the termination of this Agreement.
- 8.6 **Options upon Breach by Consultant.** If Consultant materially breaches any of the terms of this Agreement, City's remedies shall included, but not be limited to, the following:
- 8.6.1 Immediately terminate the Agreement;
 - 8.6.2 Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement;
 - 8.6.3 Retain a different consultant to complete the work described in Exhibit A not finished by Consultant; or
 - 8.6.4 Charge Consultant the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that City would have paid Consultant pursuant to Section 2 if Consultant had completed the work.

Section 9. KEEPING AND STATUS OF RECORDS.

- 9.1 **Records Created as Part of Consultant's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Consultant hereby agrees to deliver those documents to the City upon termination of the Agreement. It is understood and

agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. City and Consultant agree that, until final approval by City, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both parties.

- 9.2 **Consultant's Books and Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.
- 9.3 **Inspection and Audit of Records.** Any records or documents that Section 9.2 of this Agreement requires Consultant to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds TEN THOUSAND DOLLARS (\$10,000.00), the Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of the City, for a period of three (3) years after final payment under the Agreement.

Section 10 MISCELLANEOUS PROVISIONS.

- 10.1 **Attorneys' Fees.** If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.
- 10.2 **Venue.** In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa or in the United States District Court for the Northern District of California.
- 10.3 **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- 10.4 **No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

- 10.5 Successors and Assigns. The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.
- 10.6 Use of Recycled Products. Consultant shall endeavor to prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.
- 10.7 Conflict of Interest. Consultant may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

Consultant shall not employ any City official in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.*

Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of the City. If Consultant was an employee, agent, appointee, or official of the City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090 *et seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse the City for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, will be disqualified from holding public office in the State of California.

Consultant will comply with all conflict of interest laws and regulations including, without limitation, City's Conflict of Interest Code (on file in the City Clerk's Office). It is incumbent upon the Consultant or Consultant's firm to notify the City pursuant to section 10.10 Notices of any staff changes relating to this Agreement.

- a. In accomplishing the scope of services of this Agreement, all officers, employees and/or agents of Consultant(s), unless as indicated in Subsection b., will be performing a very limited and closely supervised function, and, therefore, are unlikely to have a conflict of interest arise. No disclosures are required for any officers, employees, and/or agents of Consultant, except as indicated in Subsection b.

Initialed by City Attorney's Office

b. In accomplishing the scope of services of this Agreement, Consultant(s) will be performing a specialized or general service for the City, and there is substantial likelihood that the Consultant's work product will be presented, either written or orally, for the purpose of influencing a governmental decision. As a result, the following Consultant(s) shall be subject to the Disclosure Category "1-5" of the City's Conflict of Interest Code:

10.8 Solicitation. Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

10.9 Contract Administration. This Agreement shall be administered by _____ who shall act as the City's representative. All correspondence shall be directed to or through _____ or his or her designee.

10.10 Notices. Any written notice to Consultant shall be sent to:

Christopher Townsend
President
Townsend Public Affairs
1401 Dove Street, Suite 330
Newport Beach, CA 92660

Any written notice to City shall be sent to:

City Manager
City of Pinole
2131 Pear Street
Pinole, CA 94564

10.11 Professional Seal. Where applicable in the determination of the City, the first page of a technical report, first page of design specifications, and each page of construction drawings shall be stamped/sealed and signed by the licensed professional responsible for the report/design preparation.

10.12 Integration; Incorporation. This Agreement, including all the exhibits attached hereto, represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral. All exhibits attached hereto are incorporated by reference herein.

10.13 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

The Parties have executed this Agreement as of the Effective Date.

CITY OF PINOLE

CONSULTANT

Andrew Murray, City Manager

Christopher Townsend, President

Consultant's City of Pinole Business
License #: _____

Attest:

Heather Bell, City Clerk

Approved as to Form:

Eric S. Casher, City Attorney

EXHIBIT A

SCOPE OF SERVICES

The Consultant's scope of services will include the scope of work listed on pages 24-27 of the Consultant's proposal of July 21, 2023 and any modifications or additions agreed to by the Parties.

EXHIBIT B

COMPENSATION SCHEDULE AND HOURLY FEES

The fees charged by the Consultant for work performed shall not exceed the all-inclusive, flat monthly fee of \$4,000 shown in the fee proposal contained on page 28 of the Consultant's proposal of July 21, 2023.

EXHIBIT C CITY-FURNISHED FACILITIES

City shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of the City. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of City. In no event shall City be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.



**Proposal for
Grant Research, Writing, &
Management Services**

July 21, 2023

SACRAMENTO • WASHINGTON D.C.
NORTHERN CALIFORNIA • CENTRAL CALIFORNIA
SOUTHERN CALIFORNIA

TABLE OF CONTENTS

Table of Contents 1

Cover Letter 2

Qualifications 3

Key Personnel..... 11

Method for Executing Scope of Work 24

Fee Proposal..... 28

Successful Grant Applications 30

References..... 32

Conflicts & Termination 35

Standard Agreement..... 36



July 21, 2023

Markisha Guillory, Finance Director
City of Pinole
2131 Pear Street
Pinole, CA 94564

Dear Ms. Guillory:

Thank you for the opportunity for Townsend Public Affairs, Inc. ("TPA") to submit our proposal for Grant Research, Writing, and Management Services to the City of Pinole ("City").

Since its inception in 1998, TPA has earned the reputation as ***Champions for Better Communities*** by providing the experience, resources, and relationships expected from a premier legislative advocacy and grant writing firm while also giving clients the unique brand of customer service they deserve: personal attention, maximum accessibility, and passion for their mission.

Our strategic approach to advocacy and funding is tailored to meet the individual needs of each client by leveraging the breadth and depth of our team as well as our vast network of relationships with key stakeholders and decision makers.

Utilizing this method on behalf of our clients, TPA has shepherded over 100 legislative and regulatory proposals into law, and secured over \$2.7 billion in grants from state, federal, and local government agencies as well as nonprofit foundations and private companies.

Thank you again for your interest in our firm and your consideration of this proposal. TPA affirms this proposal is valid for ninety days following the proposal due date. Please contact Olivia Raymond, Business Development Associate, at ORaymond@TownsendPA.com or (949) 399-9050 if you have any questions or need additional information. We would be honored to serve the City of Pinole.

Yours truly,

A handwritten signature in blue ink, appearing to read "Chris Townsend", is written over a blue circular stamp.

Christopher Townsend (**Authorized to Bind the Firm**)
President
1401 Dove Street, Suite 330
Newport Beach, CA 92660
(949) 399-9050
ChristopherTownsend@TownsendPA.com
www.TownsendPA.com



QUALIFICATIONS

TPA is a legislative advocacy and grant writing firm that provides lobbying and funding services to public agencies and nonprofit organizations throughout California.

- **Founder/Owner/President:** Christopher Townsend
- **Funding Success:** Over **\$2.7 billion** in state, federal, and local government grants as well as grants from nonprofit organizations and private companies
- **Advocacy Success:** Shepherded **over 100** client-sponsored legislative proposals into law
- **Longevity:** 25 years (founded in 1998)
- **Number of Employees:** 20
- **Number of Grant Writers & Registered State and Federal Lobbyists:** 16
- **Number of Offices: Five**
 - TPA State Capitol Office, Sacramento
 - TPA Federal Office, Washington, DC
 - TPA Northern California Office, Oakland
 - TPA Central California Office, Fresno
 - TPA Southern California Office, Newport Beach
- **Types of Clients:**
 - City Governments
 - County Governments
 - Water and Sanitation Districts
 - Transportation Districts
 - K-12 School Districts
 - Community College Districts
 - Parks and Recreation Districts
 - Fire Protection Districts
 - Museums, Science Centers, and Cultural Facilities
- **Areas of Specialization:**
 - Local Governance (Cities, Counties, Special Districts)
 - Transportation Policy and Infrastructure
 - Water and Sanitation Policy and Infrastructure
 - Education Policy and Infrastructure
 - Housing and Economic Development
 - Parks and Community Facilities (Recreational, Cultural, Historical)
 - Energy, Environment, and Natural Resources
 - Public Safety
 - Budget and Finance



Townsend Public Affairs has raised the bar among grant writing firms with a California focus. Founded in 1998 by President and Owner Christopher Townsend, TPA has provided customized grant writing and funding advocacy for over 250 public agencies throughout the state. TPA has excelled in the following areas in order to execute our clients' agendas and secure significant grant funding success for legacy projects:

- **Funding:** Since 1998, **TPA has secured over \$2.7 billion in competitive funding** for client projects in the areas of transportation, water and wastewater, housing and development, parks and recreation, public safety, education, and cultural resources. TPA works with its clients through every step of the funding process, starting as early as the creation of relevant funding opportunities through legislative, budget and bond proposals. TPA then works to influence any legislative and regulatory processes in place to distribute and award funds. In partnership with clients, TPA assists with the development of grant applications and shepherds them through the agency review process, advocating aggressively to get applications funded.
- **Attention to Detail:** The TPA team works with clients to craft and execute an agenda focused on implementing funding solutions for legacy projects at all levels of government. The firm is made up of 16 advocates and grant writers with their own areas of expertise, who will collaborate and work together to achieve ultimate results. This means the City will have a dedicated Project Manager, as well as the benefit of having a variety of subject experts at its disposal who are at the top of their field to tackle projects and issues of the City. These efforts, combined with tactical and consistent follow-up, will ensure the City is positioned as competitively as possible to secure funding.
- **Dedicated Grant Writing Team:** The TPA team oversees a host of local, state, and federal grant opportunities and strategizes with the TPA project management team and clients to identify funding needs and eligible grant programs. TPA then works with Department officials to understand best practices to ensure grant application success. TPA grant experts diligently work to implement quality control measures on grant language and work as an extension of the client to seamlessly submit applications and report on all grant activity relevant to client interests. TPA employs the most effective strategies, including constant communication and updates on relevant funding programs, strategic and pointed application development and submittal, and grant application advocacy to ensure clients' projects are compelling and best positioned for success.
- **Relationships:** TPA has cultivated and maintains an extensive network of powerful and long-standing relationships which will be leveraged to meet the City's needs. TPA works diligently to craft and submit the strongest grant application possible, followed by diligent funding advocacy with key state and federal agency officials in order to ensure the highest likelihood of success. Additionally, TPA works with key members of the State Legislature and Congress to ensure our clients' priorities are regularly voiced at both the state and federal levels and the importance of client projects is well-conveyed. These strategies, in tandem with TPA's expertise, experience, and dedication to our clients, will undoubtedly lead to significant achievements for the City of Pinole.

GRANT FUNDING ACHIEVEMENTS

This table provides an overview of our grant funding achievements on behalf of our clients from state, federal, and local government agencies as well as private and nonprofit grant programs.

These amounts represent grants secured through a competitive and/or legislative process and do NOT include any funds awarded to clients via formulas or related forms of funding entitlements.

Policy Sector	State Funding	Federal Funding	All Sources
Water and Sanitation	\$128.9 Million	\$12.9 Million	\$141.8 Million
Transportation	\$619.2 Million	\$233.3 Million	\$852.5 Million
Education	\$253.1 Million	\$49.9 Million	\$303.0 Million
Parks and Recreation	\$255.4 Million	\$30.1 Million	\$285.5 Million
Cultural Resources	\$139.7 Million	\$14.2 Million	\$154.0 Million
Housing and Development	\$719.2 Million	\$26.7 Million	\$745.9 Million
Public Safety	\$138.7 Million	\$79.0 Million	\$217.8 Million
TOTAL	\$2.3 Billion	\$446.4 Million	\$2.7 Billion

A DETAILED 20-PAGE SCHEDULE OF OUR STATE, FEDERAL, AND LOCAL GRANT FUNDING ACHIEVEMENTS CAN BE PROVIDED UPON REQUEST



QUALIFICATIONS

EXAMPLES OF SUCCESSFUL STATE/FEDERAL EARMARKS

The following charts detail TPA's success in securing state and federal earmarks over the past several years. For each award, TPA strategized with our clients to identify priority projects and transform them into budget requests. TPA then worked closely and diligently with state and federal legislators and their staff, relevant committee members, and other key stakeholders to ensure our client projects were included in the final official budget.

FY 2022–23 STATE BUDGET EARMARKS		
Client Name	Project	Amount Awarded
California Academy of Sciences	Thriving California Environmental Learning Plan	\$2,100,000
City of Agoura Hills	Linear Park Project	\$6,000,000
City of Anaheim	Boysen Park Rehabilitation	\$15,000,000
City of Berkeley	Marina and Pier Projects	\$15,000,000
City of Buena Park	Water System Improvements	\$5,000,000
City of Compton	Artesia Boulevard Bridge Rehabilitation	\$12,000,000
City of Costa Mesa	Citywide Park Project	\$10,000,000
	Ketchum Liboldt Park	\$1,200,000
	Fairview Developmental Center	\$3,500,000
City of Del Mar	Del Mar Bridge Replacement Project	\$2,200,000
City of Dinuba	Fire Department Equipment and Training	\$2,000,000
City of Farmersville	Fire Station Construction	\$7,000,000
City of Fremont	Teen Center Building Upgrades	\$8,000,000
	Sabercat Bridge and Trail project open space acquisition and planning	\$6,000,000
	I-680 Sabercat Bridge Infrastructure	\$6,000,000
	Housing Navigation Center	\$500,000
City of Fullerton	Navigation Center Project	\$6,000,000
City of Gardena	Broadband Infrastructure	\$4,000,000
	Revitalization of Gardena Boulevard	\$2,000,000
City of Hayward	Scattered Site Housing Model to Create Cost-Effective Permanent Housing for Unhoused Individuals	\$5,400,000
City of Huntington Beach	Mental Health Crisis Unit	\$1,500,000
City of Irvine	Sweet Shade Park	\$2,800,000
	Mental Health Crisis Unit	\$1,500,000
City of La Habra	Imperial/Coyote Creek Sinkhole	\$8,500,000
City of Laguna Beach	Mental Health Crisis Unit	\$1,500,000
City of Merced	Merced Regional Fire Training Center	\$3,000,000
City of Oakland	Teachers Rooted in Oakland (TRiO) Program	\$5,000,000
City of Palo Alto	Replacement of Fire Station 4	\$5,200,000
	Newell Road Bridge Replacement	\$2,000,000
City of Parlier	Parlier Police Station	\$2,500,000
City of Santa Clara	Magical Bridge All-Inclusive Playground in Central Park	\$800,000
City of South San Francisco	Linden Park Project	\$3,200,000
	County of San Mateo Union Community Alliance	\$1,500,000



QUALIFICATIONS

City of Tustin	Centennial Park Rehab Project	\$4,800,000
Discovery Cube Los Angeles	Sustainability Park Project	\$5,000,000
Discovery Cube Orange County	Santiago Creek Sustainability Park	\$10,000,000
Imperial County	Lithium Valley Specific Plan and PEIR	\$5,000,000
Land Conservancy of San Luis Obispo County	Camatta Ranch Preservation	\$2,500,000
North Orange County Public Safety Task Force	Servicing the Public Safety Collaborative efforts within the cities of Anaheim, Brea, Buena Park, Fullerton, La Habra, Stanton, and Placentia	\$8,000,000
Oakland Museum of California	Calli Americas Poster Collection Digitizing and Cataloguing Project	\$250,000
Port of Hueneme	eCrane - Electrical Crane Plug-In Infrastructure	\$5,000,000
Tri-Valley Cities Coalition	Valley Link Rail Project (Environmental Study and Preliminary Engineering)	\$5,000,000
TOTAL FY 2022–23 STATE BUDGET EARMARKS		\$200,950,000

FY 2021–22 STATE BUDGET EARMARKS		
Client Name	Project	Amount Awarded
City of Costa Mesa	Regional Fire and Rescue Facility Improvements	\$2,500,000
City of Del Mar	Del Mar Fairgrounds Operating Shortfall	\$3,500,000
City of Emeryville	Affordable Housing Site Remediation	\$2,500,000
City of Farmersville	Fire Engine Acquisition	\$750,000
City of Fremont	Mission Blvd Interchange Modernization Project	\$7,200,000
City of Fullerton	Hunt Library Restoration	\$2,750,000
	Homelessness Recuperative Center	\$4,000,000
City of Half Moon Bay	Carter Park Renovation Project	\$4,750,000
City of Hayward	Hayward Navigation Center	\$662,000
	South Hayward Youth Family Center Project	\$1,000,000
City of Irvine	Bommer Canyon Fire Prevention Efforts	\$1,000,000
City of Lafayette	Safe Pathway for Children Trail	\$238,000
City of Modesto	Infrastructure Improvements to County Islands	\$5,000,000
City of Oakland	Oakland Fund for Public Innovation for the California Entrepreneurship Capital in the Community Initiative	\$8,000,000
	Local Jurisdiction Assistance for Cannabis Equity Program	\$9,905,020
	Oakland MACRO Project	\$10,000,000
	Port of Oakland Freight and Passenger Infrastructure Enhancements	\$280,000,000
City of Pismo Beach	Public Safety Communications Equipment	\$470,000
City of Reedley	Olson/Kings River Sewer Main Replacement	\$2,800,000
City of San Leandro	Memorial Park Rehabilitation Project	\$2,750,000
City of San Pablo	Alternative Policing and Mental Health Program	\$2,000,000
City of Santa Ana	Youth Facilities Improvements	\$4,000,000
City of South San Francisco	Vehicle License Fee Adjustment	\$3,000,000



QUALIFICATIONS

City of Tracy	Multi-Generational Recreation Center	\$5,000,000
City of Tustin	New Emergency Backup Generator	\$1,500,000
Discovery Science Foundation	Discovery Cube of Orange County Re-Opening Operating Expenses	\$2,040,000
	Discovery Cube of Los Angeles Re-Opening Operating Expenses	\$2,600,000
North Orange County Public Safety Task Force	North Orange County Public Safety and Homelessness Task Force Program Extension	\$7,800,000
TOTAL FY 2021–22 STATE BUDGET EARMARKS		\$377,715,020

FY 2019–20 STATE BUDGET EARMARKS		
Client Name	Project	Amount Awarded
City of Agoura Hills	Stormwater Treatment Project	\$1,000,000
City of Avalon	Underground Fuel Tank Removal and Replacement	\$500,000
City of Buena Park	Historical Facilities Renovations	\$500,000
City of Costa Mesa	Lions Community Park	\$1,000,000
City of Dinuba	Water Well Replacement	\$1,000,000
City of Huntington Beach	Multi-Use Blufftop Path	\$1,700,000
City of Laguna Beach	Laguna Canyon Road Fuel Modification	\$1,000,000
City of Oakland	Public Safety Projects	\$4,000,000
	Bus Services	\$1,000,000
City of Selma	Storm Drain, Storage, and Recharge	\$1,500,000
Discovery Cube of Los Angeles	Natural Resources Pavilion	\$5,000,000
Discovery Cube of Orange County	Property Acquisition/Parking Structure	\$10,000,000
East Contra Costa Fire Protection District	Equipment, Vehicles, and Facilities Acquisitions and Improvements	\$500,000
North County Transit District	Del Mar Bluffs Stabilization Project	\$6,130,000
Tri-Valley Cities Coalition	Dublin Sports Grounds All-Abilities Playground	\$1,400,000
TOTAL FY 2019–20 STATE BUDGET EARMARKS		\$36,230,000

**CUMULATIVE TOTAL STATE BUDGET EARMARKS
FOR FY 2019–20, FY 2021–22, AND FY 2022–23:**

\$614,895,020



QUALIFICATIONS

FY 2023 FEDERAL APPROPRIATIONS EARMARKS		
Client	Project	Amount Awarded
City of Avalon	Pebbly Beach Road	\$2,000,000
Affordable Community Living	Veteran Housing Project	\$1,000,000
City of Berkeley	Martin Luther King Junior Youth Services Center Renovation	\$750,000
City of Del Mar	Shoreline Access Improvement Project	\$750,000
Discovery Cube Los Angeles	Community Pavilion and Gardens	\$2,000,000
Discovery Cube Orange County	Santiago Creek Festival Grounds Sustainability Park	\$2,000,000
City of Dinuba	Well 21	\$1,500,000
City of Emeryville	Intergenerational Affordable Housing Project on San Pablo Avenue	\$500,000
City of Gardena	Rosecrans Community Center	\$1,000,000
Guadalupe Union School District	Early Childhood Education Center	\$2,000,000
City of Half Moon Bay	Highway 1/ Frenchman Creek Intersection and Bike/Ped Improvements	\$2,000,000
City of Hesperia	Cedar Street	\$2,000,000
City of Lafayette	School Street Safe Routes to Schools	\$3,100,000
Merced County Association of Governments	YARTS Fleet Replacement Project	\$3,680,000
City of Murrieta	Keller Ave Interchange	\$2,600,000
North Orange County Public Safety Collaborative	Collaborative Funding	\$5,000,000
City of Oakland	Coliseum Place Affordable Housing Project	\$750,000
	Procedural Justice/Community Police Trust	\$646,000
	Lincoln Center Resilience Hub	\$2,000,000
Orange County Housing Finance Trust	Funding to Support Permanent Supportive and Low-Income Housing	\$3,000,000
City of Ontario	Active Seniors on the Go	\$439,094
City of Pleasanton	PFAS Treatment and Well Rehabilitation Project	\$2,000,000
City of Palmdale	Ave. M Grade Separation Project	\$2,000,000
	Ave. M Grade Separation Project	\$1,500,000
City of Parlier	Police Station Rehabilitation and Improvements	\$875,000
Rancho Santiago Community College District	Workforce Development Pathways Targeting Dislocated and At-Risk Populations	\$2,000,000
City of Santa Clara	Fire Station Microgrid Project	\$500,000
	Anna Drive Neighborhood Flood Protection Project	\$3,000,000
City of South El Monte	Merced Avenue Greenway Project	\$3,000,000
Sunline Transit Agency	Fueling Infrastructure Expansion	\$2,500,000
City of Tulare	Water Delivery System	\$500,000
	Emergency Homeless Shelter	\$1,500,000
Yorba Linda Water District	Green Crest Lift Station	\$300,000
Yosemite Community College District	Modesto Junior College Regional Fire Training Facility Apparatuses and Props	\$2,000,000
TOTAL FY 2023 FEDERAL APPROPRIATIONS EARMARKS		\$60,390,094



QUALIFICATIONS

FY 2022 FEDERAL APPROPRIATIONS EARMARKS		
Client Name	Project	Amount Awarded
Amity Foundation	Mother's Hub Residence	\$2,838,521
Cities of Anaheim, Brea, Buena Park, Fullerton, Stanton, Placentia	North Orange County Public Safety and Homelessness Task Force	\$5,000,000
Cities of Dublin, Livermore, and Pleasanton	AXIS Mental Health Urgent Care	\$450,000
City of Agoura Hills	Community Center	\$1,000,000
City of Beaumont	Pennsylvania Avenue Widening	\$1,500,000
City of Berkeley	African American Holistic Resource Center	\$1,000,000
City of Brea	Tracks at Brea Extension	\$2,000,000
City of Chino Hills	Open Space Fuel Reduction	\$565,000
City of El Monte	MacLaren Community Park Project	\$1,500,000
City of Emeryville	Contaminated Remediation for Housing	\$2,000,000
City of Hesperia	Maple Avenue Street Improvements	\$2,000,000
City of Huntington Beach	Sand Mitigation	\$15,500,000
	Mobile Crisis Response Program	\$500,000
City of Murrieta	Homeless Outreach Services Funding	\$500,000
City of Oakland	Mental Health Resilience Project	\$1,230,000
	Mental Health Resilience Project	\$734,000
	Broadway—Bus and Pedestrian Safety	\$2,000,000
	Violence Prevention Project	\$200,000
City of Placentia	Golden Avenue Bridge	\$2,200,000
City of San Ramon	Iron Horse Trail Crow Canyon Road Iron Horse Trail Bicycle-Pedestrian Overcrossing	\$2,000,000
City of Santa Clara	City of Santa Clara De La Cruz Blvd, Lick Mill Blvd, and Scott Blvd Bicycle Projects	\$2,725,000
City of Stanton	Orangewood Parkette	\$850,000
Discovery Cube of Orange County	Land Acquisition and Development for Sustainability Festival	\$2,000,000
East Contra Costa Fire Protection District	Fire Station	\$1,500,000
Guadalupe Union School District	LeRoy Park	\$1,700,000
North County Transit District	Hydrogen Fuel Cell Electric Bus Station	\$1,717,836
Rancho Santiago Community College District	RSCCD Digital Access Consortium	\$2,000,000
Town of Danville	Danville Townwide Traffic Signal Modernization	\$1,000,000
	Iron Horse Trail Bridge, Nature Park, and Pedestrian Safety Project	\$350,000
Yorba Linda Water District	Heli-Hydrant	\$500,000
TOTAL FY 2022 FEDERAL APPROPRIATIONS EARMARKS		\$59,060,357

**TOTAL FEDERAL APPROPRIATIONS EARMARKS
FOR FY 2022 and FY 2023:
\$119,390,451**



KEY PERSONNEL

With a team of 16 grant writers and funding advocates, TPA is able to deploy as many grant writers and advocates as needed to maximize success and minimize the burden on City staff. TPA will NOT use subcontractors to accomplish the scope of work. TPA proposes a dedicated team of six people headquartered in Sacramento to perform grant research, writing, and management services for the City:

Christopher Townsend
President
Role: Managing Principal/Senior Strategic Advisor

Alex Gibbs
Grants Manager
Role: Project Manager/Grant Writer/Funding Advocate

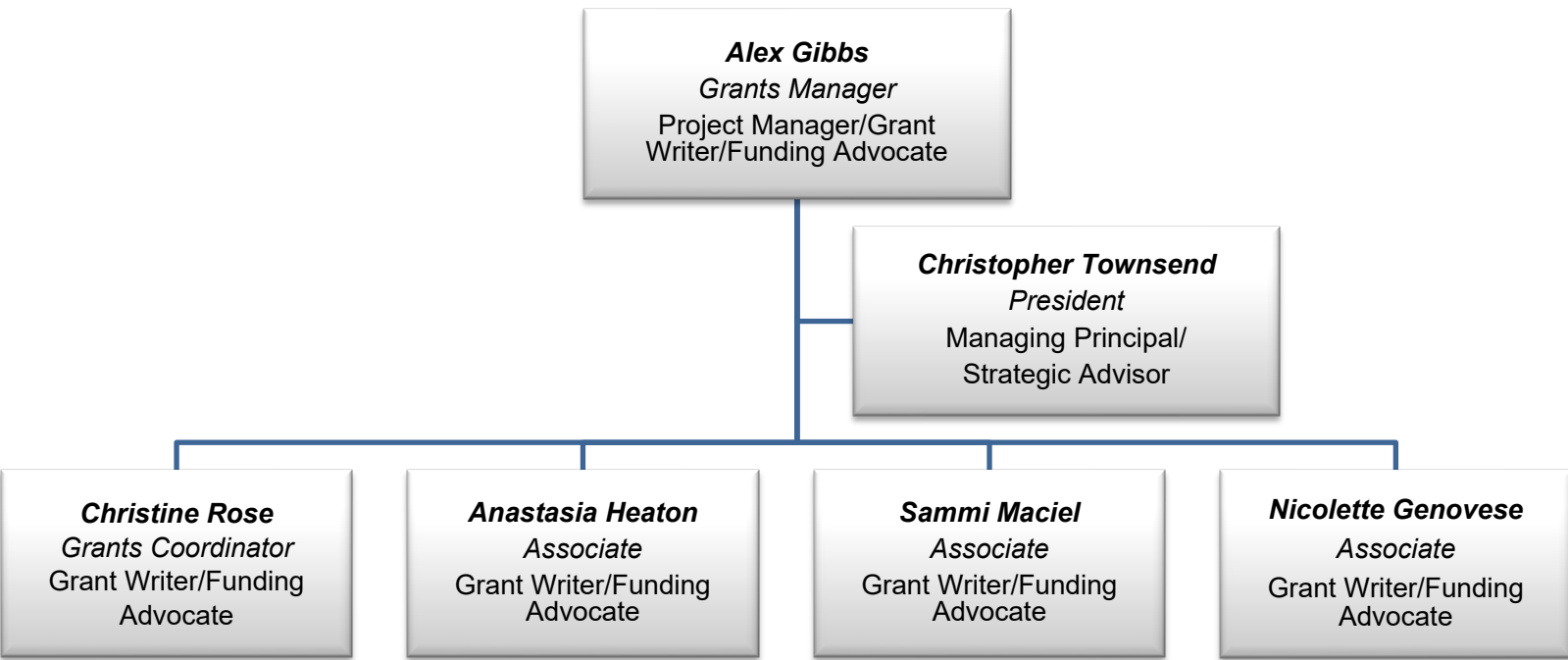
Christine Rose
Grants Coordinator
Role: Grant Writer/Funding Advocate

Anastasia Heaton
Associate
Role: Grant Writer/Funding Advocate

Sammi Maciel
Associate
Role: Grant Writer/Funding Advocate

Nicolette Genovese
Associate
Role: Grant Writer/Funding Advocate

TPA uses a strategic approach to grant writing that will be tailored to meet the specific needs of the City. To maximize success, TPA’s team of advocates and grant writers will utilize a collaborative approach and leverage an expansive collection of relationships in the state and federal governments, as well as a variety of policy expertise, including in transportation and infrastructure, water, education, parks and recreation, and local governance. The following organizational chart delineates the roles and responsibilities of each member of the project team.



Resumes for key personnel can be found on the following pages.



Christopher Townsend, President: Christopher founded TPA in 1998 and has 40 years of experience in public affairs, legislative advocacy, and grant writing. Christopher and TPA have represented over 315 clients, including 250 local public agencies, such as cities, counties, transportation agencies, water and sanitation districts, elementary and secondary school districts, community college districts, park and recreation districts, and other special districts as well as nonprofit organizations.

Townsend Public Affairs, Inc.

President

1998–Present

Christopher provides leadership to a team of 16 advocates and grant writers while managing the development and implementation of strategies for the agendas of each client. His achievements include:

- Under Christopher's leadership, TPA has become one of the most successful advocacy firms in California (and is continually recognized as a "top ten" firm registered with the California Secretary of State) while still providing the personalized attention and focus of a small boutique firm.
- Under Christopher's leadership, TPA has shepherded **over 100** legislative and regulatory proposals into law over a wide range of policy areas, including local governance, water and sanitation, transportation, housing and economic development, parks and natural resources, historical and cultural resources, elementary and secondary education, higher education, and public safety. The bipartisan capabilities of the firm are evidenced by legislative and funding successes over the tenure of several federal and state administrations, including Presidents Bill Clinton, George W. Bush, Barack Obama, and Donald Trump and Governors Pete Wilson, Gray Davis, Arnold Schwarzenegger, Jerry Brown, and Gavin Newsom.
- Christopher and his team have secured over **\$2.7 billion** in local, regional, state, and federal government grants as well as private and nonprofit grants for a multitude of legacy projects in the policy sectors of water and sanitation, transportation, education, housing and economic development, parks and natural resources, historical and cultural resources, and public safety.
- Christopher maintains close bipartisan relationships with several members of the California Congressional delegation, including Senators Feinstein and Padilla and Representatives Torres, Lowenthal, Porter, Levin, Correa, Lee, Swalwell, Napolitano, Garamendi, Carbal, DeSaulnier, Sanchez, Lieu, Harder, Calvert, Garcia, Steel, and Kim.
- Christopher and TPA have participated in the development and implementation of several California bond propositions for the statewide ballot to provide capital funding for major infrastructure projects, including water and sanitation, transportation, education, housing and economic development, parks and natural resources, and historical and cultural resources, including Propositions 1, 1B, 1C, 1D, 1E, 12, 13, 14, 40, 47, 50, 55, 68, and 84. Most recently, Christopher worked closely with the State Legislature and the Governor's office on the drafting of SB 5 (De Leon), which authorized a **\$4 billion** park bond that was approved on the November 2018 statewide ballot as Proposition 68.

KEY PERSONNEL

- In 1999, Christopher was appointed by Assembly Speaker Antonio Villaraigosa to serve on the Speaker’s Commission on State and Local Government Finance.
- In 1997, Christopher was appointed by Assembly Speaker Cruz Bustamante to serve on the California Film Commission.

PepsiCo/Taco Bell Corp., Irvine, CA
Senior Director, Government & Community Affairs 1992–1998

Christopher managed and directed government and media relations, crisis management, internal communications, and marketing publicity. Christopher also managed the political action committee for state and federal political races. Additionally, Christopher managed community relations initiatives, corporate philanthropy, and the Taco Bell Foundation.

Stein-Brief Group, Inc., Dana Point, CA
Vice President, Public Affairs 1982–1992

Christopher directed government, community, and media relations at the local, state, and federal levels, including the management of all political, civic, charitable, and cultural activities. Christopher provided land-use planning and entitlement process analysis for domestic and international projects. Christopher also managed activities with numerous state and federal agencies to ensure compliance with all applicable laws and regulations governing land use. Finally, Christopher created and directed a political action committee that supported various local, state, and federal candidates and ballot initiatives.

JFK School of Government, Harvard University, Cambridge, MA
Master of Public Administration 1991

Claremont McKenna College, Claremont, CA
Bachelor of Arts, Political Science, Magna cum Laude, Political Science Honors Prize 1982

Coro Fellow
Southern California 1981

Harry S. Truman Scholar
California 1980



Alex Gibbs, Grants Manager: Alex brings 11 years of public policy and legislative advocacy experience to TPA. Alex has four years of experience working for the State Legislature analyzing, researching, writing, and shepherding bills through the legislative process. Alex has also secured significant grant funding for clients throughout California. Alex has expertise in the policy sectors of parks and recreation, local governance, public safety, transportation, cap and trade, and labor relations.

Townsend Public Affairs, Inc.
Grants Manager

2014–Present

During his tenure at TPA, Alex has been responsible for securing millions in competitive grant funds at the private, state, and federal levels for local public agency clients. In addition to his expertise on parks and recreation, transportation, and public safety, Alex has a strong network of relationships with State Legislators and key staff as well as various state departments and agencies. Some of his accomplishments include:

- Alex worked with the City of San Leandro staff to secure **\$4.5 million** in grant funding from the Building Forward Library Infrastructure Program administered by the California State Library to upgrade multiple libraries throughout the City. Alex tailored the grant application's message and narrative and worked with City staff to create a project budget and timeline that would ensure competitiveness. Alex also utilized advocacy strategies that leveraged the City's strengths during the grant review process to ensure project success.
- Alex worked closely with the City of Oakland staff to secure **\$7 million** in grant funding from the Clean CA Local Grant Program. Alex leveraged relationships with the California Department of Transportation and the City's legislative delegation to successfully advocate for two funded projects. This funding helped the City of Oakland conduct the Courtland Creek Restoration Project as well as the Oakland Mini Parks Beautification Project, both of which provided significant remediation and beautification of public resources for local residents.
- Alex led a team of Kern County staff through the application process to secure **\$6.5 million** in grant funding from the Prop 68 Statewide Parks Program (Round 4). This funded the South Kern Lamont Park Project which provided much needed renovations to an existing park in the community of Lamont, despite grant program guidelines which provided preferences for the construction of new parks.
- Alex collaborated with state Natural Resources Agency staff to secure a **\$3 million** Urban Greening Grant for the Desert Recreation District. This funded the construction of a new park and sports complex in unincorporated Riverside County. Alex then continued to work with the District on grant administration, ensuring the client was able to see the completion of their legacy project that had been years in the making.
- Alex worked jointly with the City of South San Francisco to secure a **\$868,000** grant from the Active Transportation Program (ATP). Alex leveraged relationships with the California Department of Transportation and coordinated among local business stakeholders and school officials to craft a competitive grant application to the statewide ATP. This funding

helped the City with their Linden and Spruce Avenue Traffic Calming Improvement Project to construct major traffic calming improvements to ensure bike and pedestrian safety at crucial intersections to residential and commercial neighborhoods.

- Alex collaborated with state and federal Land and Water Conservation Fund staff to secure a **\$750,000** grant for the City of Imperial. This funded the construction of a 300-plus acre regional park and equestrian center. Alex then continued to work with the City on grant administration, ensuring the client was given the appropriate time to meet deadlines and retain their funding.
- Alex worked in concert with the City of South San Francisco to secure a **\$658,000** grant from the San Mateo County Transportation Authority's Measure A Pedestrian and Bicycle Program. Alex leveraged relationships with stakeholders in the County to ensure that the City received the funding needed for their Sunshine Gardens Project, including major traffic-calming improvements on streets frequented by students walking and riding bicycles.
- Alex worked closely with City of Novato staff to secure a **\$220,500** grant from the Food Waste Recovery program at CalRecycle. This funded a local food waste recovery effort in Marin County that allowed the City of Novato to partner with local nonprofits and ensure that good food that otherwise would go to waste reached food banks and vulnerable residents.
- Alex has developed broad expertise with respect to public safety policy and funding. In conjunction with local stakeholders, Alex has worked successfully on a variety of public safety issues that affect local public agencies in California, including the fight against the trafficking and exploitation of minors as well as the protection of local control regarding the manufacturing of medicinal cannabis products.

California State Senate

Legislative Aide

2012–2014

Alex worked as a member of the Eighth Senate District's legislative team representing San Francisco and San Mateo Counties. Alex's primary responsibilities included monitoring, reviewing, and making recommendations on legislation passing through the Senator's committees as well as bills of interest to the District. Alex annually carried a bill package through the legislative process and assisted with problem bills that required more support. Alex consistently had one of the highest numbers of bills signed into law of any senate staffer.

University of San Francisco, CA

Bachelor of Arts, Politics

2011



Christine Rose, Grants Coordinator: Christine brings a variety of experience and knowledge to TPA, including six years of experience in public policy and four years of experience in higher education. Christine has grant writing experience in areas such as education, cultural resources, public health, and transportation.

Townsend Public Affairs, Inc.
Grants Coordinator

2022–Present

Since joining TPA, Christine has worked with clients to identify their funding needs and develop competitive proposals. She has identified new and strategic funding resources, bringing her clients' proposals from idea to reality. Her work includes:

- Christine collaborated with the City of Fullerton to secure a grant in the amount of **\$7.1 million** through the Active Transportation Program administered by the California Transportation Commission. Christine tailored the grant application to ensure competitiveness, as well as utilized strategic advocacy to guarantee the project's success. The funds will be used to significantly increase connectivity along the Brea-CSUF-Santa Ana River Trail by implementing safe and accessible bike and pedestrian infrastructure.
- Christine worked to secure **\$3.8 million** in California Community Schools Program implementation funding for Merced Union High School District for the expansion of their community school program. Funds will allow the District to offer social, academic, and medical services and resources at each of their community school sites, allowing students and their families to receive needed counseling, mental health services, behavioral support, food services, and more in a linguistically and culturally appropriate environment.
- Christine coordinated efforts between the City of Guadalupe, Guadalupe Union School District, and nonprofit Los Amigos de Guadalupe to secure a **\$52,875** Artists in Schools grant award to initiate an arts program in the area's elementary schools.
- Christine worked with Department of Education staff to secure a **\$200,000** California Community Schools Program planning grant award for Guadalupe Union School District. This funding helped the District plan for the expansion of their community school resources, including hiring additional staff and purchasing supplies.
- Christine advocated for funding for Guadalupe Union School District's early learning center and secured federal community program funding in the amount of **\$2 million**.
- Christine works to create accessible grant writing and development tools for clients such as grant tracking matrices and application breakdowns. These tools allow clients to access key strategic funding opportunities, develop comprehensive and competitive proposals, and ultimately secure grant funding.
- Christine works closely with clients to understand and meet their funding goals. Her collaboration with clients allows her to craft persuasive narratives and strong grant proposals. She is always researching and identifying new funding opportunities that fit the goals and objectives of her clients.

KEY PERSONNEL

California State Assembly
Legislative Director

2018–2022

Christine worked as the lead member of the Twenty-third Assembly District’s legislative team representing portions of Fresno and Tulare Counties. Her primary responsibilities included crafting the Assembly Member’s legislative package and shepherding all bills through the legislative process as well as identifying budget priorities and staffing those requests. Christine was responsible for monitoring all legislation passing through the Member’s committees and the Assembly Floor, analyzing each bill, and making an appropriate recommendation. She had numerous bills signed into law and multiple budget requests included in the state budget.

California State Assembly
Legislative Aide

2017–2018

Christine worked as a member of the Seventy-seventh Assembly District’s legislative team representing San Diego County. Christine’s primary responsibilities included carrying multiple bills through the legislative process as well as monitoring, reviewing, and making recommendations on legislation passing through the Assembly Member’s committees. She worked collaboratively with constituents and stakeholders to help craft the Assembly Member’s legislative package, carrying multiple bills to the Governor’s desk.

Cal Poly, San Luis Obispo
Master of Arts, History

2013

California State University, Sacramento
Bachelor of Arts, History and Government

2011

KEY PERSONNEL



Sammi Maciel, Associate: Sammi brings seven years of federal legislative, funding, and public policy experience. Sammi has experience managing legislative activity, including bill analysis, research, and drafting, particularly for federal funding opportunities. Sammi has expertise in several policy sectors including local governance, transportation, broadband, energy, and cultural resources.

Townsend Public Affairs, Inc.
Associate

2021–Present

Since joining TPA, Sammi has kept clients informed of significant actions and pertinent developments in the federal government and strategizes ways in which to influence and enact changes in Washington, DC that have concrete results for clients. Some of Sammi's experience includes:

- In FY 2023, Sammi worked with the City of Half Moon Bay to secure a **\$2 million** earmark for the City's Highway 1–Frenchman Creek Intersection and Bike/Pedestrian Improvement project. Sammi assisted in developing and submitting the project for consideration and leveraged her extensive federal relationships to ensure success.
- Sammi's four years of experience working for two California Senators has led to an extensive network of relationships both on Capitol Hill and within federal agencies. Her understanding of the regional and political dynamics of the California Congressional delegation and their interactions with other members of the Senate and House are important to successfully advocating for California-based clients.
- Sammi has firsthand knowledge of the current federal appropriations process, including community project funding requests. This process differs from the pre-2011 earmark process and an understanding of the need to balance transparency and politics to submit a competitive request is key. Sammi has utilized her experience to successfully aid clients in securing millions of dollars' worth of earmarks.
- Sammi has identified new and previously underutilized federal grants for the benefit of TPA clients. She has leveraged her relationships with key grant officials at various federal agencies to ascertain their specific priorities and buzz words required for successful grant applications. Sammi then leverages that information to help TPA clients develop and submit more competitive federal grant applications and provides more effective tailored advocacy to secure funding awards.

U.S. Senate, Office of Senator Kamala Harris (CA)
Field Representative

2019–2021

Sammi represented a 30-county region on behalf of Senator Harris, attending events, hosting meetings, and facilitating outreach to constituents. She tracked key issues, facilitated rapid response, and built an extensive network of relationships with local elected officials and advocacy groups within her 30-county region. Additionally, Sammi drafted letters of support on behalf of her region addressed to numerous federal agencies, requesting funding for key projects.



U.S. Senate, Office of Senator Dianne Feinstein (CA)
Legislative Intern

Summer of 2017

As a legislative intern with Senator Dianne Feinstein’s office, Sammi researched and drafted memos for state field representatives regarding state legislature bills in the policy areas of transportation and water infrastructure, cannabis, and sanctuary cities.

Dominican University of California
Bachelor of Arts, Political Science

2017



Anastasia Heaton, Associate: Anastasia brings a variety of experience and knowledge to TPA, including three years of experience in public cultural and historical resources. Anastasia has grant writing experience in areas such as water, parks and recreation, cultural resources, and natural resources.

Townsend Public Affairs, Inc.
Associate

2021–Present

Since joining TPA, Anastasia has worked with clients to develop their funding proposals and secure competitive grant funding on projects. She has also worked to identify strategic funding resources that ensure her clients' visions are transformed into reality. Some of her work includes:

- Anastasia worked with State Department of Water Resources staff to secure **\$2.3 million** in Small Community Drought Relief Grants. This grant funding supported three projects in Kern County and Marin County, ranging in award amounts from \$19,500 to \$1.4 million. These critical drought mitigation projects include a new intake facility and increased storage capacity for water districts hit the hardest by severe drought conditions.
- Anastasia worked closely with the City of Palmdale to secure **\$1 million** in competitive LA County Regional Park and Open Space District Measure A funding for Regional Recreation, Multi-Use Trails, and Accessibility projects. This grant funding will go towards the expansion of a beloved and critical swimming pool in the City's Marie Kerr Park.
- Anastasia worked alongside the City of Agoura Hills and the State Assembly to secure **\$6 million** in funding for the Agoura Hills Linear Park through the State Budget process. This funding will be critical in constructing an innovative park space for the City.
- With the City of Murrieta, Anastasia secured **\$2.4 million** in Economic Development Agency competitive grant funding for the Murrieta Innovation Center, a life-science startup incubator and community resource that will prove integral for job growth and economic development in the City.
- Alongside Merced Union High School District, Anastasia secured **\$750,000** in Outdoor Equity Grant Funding through the California Department of Parks and Recreation for the District's "Our Outdoors Program," which will provide outdoor education excursions and career development for underserved students.
- Anastasia secured **\$10,000** in State Parks and Recreation funding for the City of Murrieta and the Murrieta Public Library through the Parks Pass Program. Grant funds will go towards the creation of outdoor activity kits for Murrieta library patrons to access for outdoor recreation.

KEY PERSONNEL

U.S. State Department and Indian Health Services Agency
Research and Writing VSFS Intern 2020–2021

Anastasia worked as a researcher and writing intern for the U.S. State Department and Indian Health Services Agency, devising creative ways to translate and narrate information and data on cultural resources and public health.

Santa Barbara Mission Archive-Library
Archival Intern 2020

Anastasia worked to research and identify significant historical narratives and bring them to the public through community outreach and public education efforts. She provided key support on managing grant documentation and securing funding for the Mission Archive-Library.

Westmont College, Santa Barbara
Bachelor of Arts, History 2021

KEY PERSONNEL



Nicolette Genovese, Associate: Nicolette brings a variety of experience and knowledge to TPA, including five years of experience in the writing and editing of proposals. Nicolette has grant writing experience in areas such as economic and community development, parks and recreation, cultural resources, and natural resources.

Townsend Public Affairs, Inc.
Associate 2023–Present

Since joining TPA, Nicolette has worked with clients to develop their funding proposals and secure competitive grant funding on projects. She has also worked to identify strategic funding resources that ensure her clients’ visions are transformed into reality. Some of her work includes:

- Nicolette identifies, monitors, and researches relevant funding opportunities that meet the needs of TPA clients to maximize funding success in a multitude of policy areas including economic and community development, parks and recreation, cultural resources, and natural resources.
- Nicolette develops detailed grant opportunity matrixes for a variety of TPA clients to ensure proactive engagement on all relevant funding opportunities.
- Nicolette expertly tailors grant narratives to align closely with project details and program requirements in order to maximize success and ensure client competitiveness.

Proofed Inc.
Freelance Editor and Proofreader 2022–2023

Nicolette edited and proofread a wide range of documents, including grant proposals, scholarly articles, and web content. She ensured document readability, consistency, and clarity, and maximized document impact according to clients’ specifications.

International Rescue Committee (IRC)
Employment Specialist 2021–2022

Nicolette provided comprehensive client services, including intake assessments and job readiness skills training for refugees and other recently resettled individuals. Additionally, she assisted in crafting and editing resumes and professional documents to reflect clients’ personal and professional skills, ensuring appropriate tone and grammar usage. Nicolette managed cases in compliance with the IRC’s ethics and standards and collaborated across departments to ensure the timely implementation of comprehensive programming in accordance with outcome metrics and budgetary restrictions.

Transtec
Monitoring Lead 2020–2021

Nicolette designed, planned, and implemented field monitoring visits to humanitarian and development aid projects in the Middle East being conducted by major international organizations. She coordinated between remote monitoring experts, field staff, and organizations to collect required documentation and efficiently conduct all monitoring activities. Nicolette wrote and edited

KEY PERSONNEL

comprehensive field monitoring reports on projection implementation outcomes to inform donors’ future funding decisions.

Seven Circles
Junior Project Management Consultant 2018–2019

Nicolette assisted with the development of grant and project proposals as well as requests for funding, partnerships, and sponsorships. Additionally, she managed the editing and proofreading of content for “Empowering Through” projects, which aimed to socially and economically empower target groups through cross-sectoral engagement. Nicolette also coordinated and facilitated communication with both local and international project leads and monitored project progression.

Arab Renaissance for Democracy and Development
Assistant to Unit Manager 2018

Nicolette was responsible for the research, writing, and revision of internal and external reports, as well as the creation of the organization’s media content.

King’s College, London
Master of Global Affairs 2020

The University of Manchester
Bachelor of Arts, Middle Eastern Studies and Arabic Language 2016

University of California, San Diego
Copyediting Certification Program 2022

City of Sacramento Planning Academy
City Planning Program 2023

METHOD FOR EXECUTING SCOPE OF WORK

TPA will utilize the following strategic and comprehensive approach to provide grant research, writing, and management services to the City:

- **Grant Funding Needs Assessment and Strategy:** TPA will utilize the following strategies to identify the grant funding needs and priorities of the City and develop an overall strategy for identifying and securing funding:
 - **Conduct Detailed Orientation:** TPA utilizes a comprehensive onboarding process that includes extensive meetings with various relevant members of City leadership and key City departments to help develop a strategic plan that is carefully tailored to satisfy the needs of the City and is designed for maximum success in the current political climate and funding environment.
 - **Craft Strategic Funding Plan:** Utilizing the information gathered during the onboarding process, TPA will coordinate with the City to develop a proactive and comprehensive strategic funding plan that serves the needs of the City's priorities. ***The plan will do more than simply identify City projects;*** it will outline and prioritize multiple funding options for each project and develop a specific plan of work tailored for each project. It will also identify key "strings attached" to help assess the cost/benefit ratio for each grant opportunity.
- **Grant Funding Research:** TPA will conduct ongoing research to identify appropriate grantors and grant programs including, but not limited to, federal, state, and regional organizations and private foundations and businesses, to support the City's Funding needs and priorities in the areas of public safety, infrastructure development and maintenance, parks and recreation, community services, and community and economic development. TPA will then share these opportunities with the City for further assessment and determination if a grant application is warranted. The City will also receive a grant matrix of funding programs that is updated regularly as new opportunities arise.
- **Grant Writing:** TPA will develop, draft, submit, and follow up on each City grant application through the following process:
 - **Prepare Strategic Work Plan:** TPA will coordinate with the City to ensure the assignment of responsibilities and tasks are made clear so that confusion and inefficiency are avoided, and the City is burdened as little as possible while TPA pursues a grant opportunity. TPA will prepare a strategic work plan for each grant application including key dates, responsibilities of TPA and City staff for producing grant application content, key tasks, and specific deliverables.
 - **Provide Overview of Full Application Requirements:** For each grant application, TPA will provide the City with a detailed overview of the requirements for the grant program and corresponding application to ensure that the program is a strong fit for the City's project. This will include:
 - Application timeline
 - Eligible project types
 - Funding availability and award maximums and minimums
 - List of application components, including proposal questions and any required attachments



- **Assemble Project Background and Details:** TPA will conduct a detailed informational interview with City staff most involved with each project in order to gain a full understanding of the project background and scope details necessary for developing the grant proposal and addressing all application questions. TPA will also assist in the preparation of letters of intent and funding abstracts.
- **Coordinate Technical Project Details:** For technical application components such as site plans, detailed cost estimates, project timelines, engineering plans, and cost-benefit analyses, TPA will coordinate with City staff to compile all necessary attachments and ensure consistency across all elements of the application.
- **Draft Written Proposal:** TPA will fully draft all narrative components of the application and, when applicable, will indicate where additional input or project detail from the City could be provided during the proposal review process. TPA will ensure that all required components of each proposal are included in the application, including adherence to grant evaluation criteria.
- **Incorporate Feedback to Finalize Proposal:** Well ahead of the application deadline, TPA will provide the City with a full draft for review and feedback. TPA will incorporate any additional details or revisions provided during this process to finalize the grant application and will obtain City approval for the final version of the application prior to submission. Additionally, TPA will work with designated City staff to edit grant applications for consistency of messaging, ensuring integration of grant requirements and succinctness prior to City review and submittal.
- **Submit Completed Application:** TPA will ensure that applications are submitted prior to the deadline, whether the submission is electronic or through hard copies, in accordance with submission instructions for each individual program. For hard copy submissions, TPA will print and package applications according to submission instructions and will ship applications through a reliable carrier service such as FedEx in order to provide the City with tracking and delivery confirmation for the application. TPA will also obtain a receipt for proof of submission and provide the City with a final copy of all submitted application documents.
- **Funding Advocacy:** Throughout the grant application process TPA will leverage relationships with relevant officials and program officers in various state and federal funding agencies to ensure that City grant applications are aligned with the goals of the specific grant program and that the applications are well-crafted and well-positioned for funding.
- **Distribution of Application Materials:** TPA will organize facts, data, statistics, and narrative collected and written as a part of assigned projects, develop tabular or graphic displays as appropriate, and make those items available to the City for future use.
- **Post-Grant Submittal Advocacy:** TPA will frequently contact legislators and agency officials to follow up on the status of a grant application and promote its need and urgency. This will include drafting letters of support after grant submissions and distributing them to legislators for their consideration. In addition, TPA will work with legislators to reach out to individual granting agencies to provide background on City's projects and convey their support for those projects.

- **Comprehensive Follow-Up on Unsuccessful Applications:** Despite all best efforts, some grant applications are not selected for funding. In those instances where grant applications are unsuccessful, TPA will work with the relevant state and federal funding agencies to set up in-person or telephone debriefing sessions to discuss the grant applications and how to best revise the grant applications for the next funding round to ensure success.
- **Grant Management and Administration:** Upon award of grant, if requested by the City, TPA will provide grant management and administration services, including the following:
 - Securing and finalizing agreements and monitoring funding compliance.
 - Developing schedules and timing for projects.
 - Budgeting and submitting reimbursement requests.
 - Submitting financial and progress reports.
 - Staff grant compliance training (as needed).
- **Ongoing Communication:** TPA will confer regularly with the City on all activities. TPA will provide timely electronic monthly reports on the status of all funding activity, such as current funding opportunities, current applications, submitted applications, and post-grant submittal advocacy. In addition to written reports, TPA will be available to the City for conference calls, in-person briefings, and meetings.
- **Post-Award Services—Above and Beyond Advocacy:** TPA has a track record of success with post-award grant administration and retention. TPA has worked on behalf of clients who, due to unforeseen circumstances, have needed to request an extension of the grant performance period to accomplish project deliverables. TPA is prepared to engage in the legislative process and work with legislators to get bills passed that would allow for the City to retain its grant funding after the performance period would have otherwise ended. Additionally, TPA is prepared to work directly with the City and agencies to secure scope of work changes to already awarded projects to ensure the City will not have to return any hard-won grant funding.
- **State Budget Funding Opportunities:** In an effort to maximize state funding, TPA will work with the City to identify projects and other funding priorities that may be suitable for funding through the State Budget. TPA will coordinate with the City to develop supporting materials for the budget request. TPA will also work with members of the City's state legislative delegation, along with the Assembly and Senate Budget Committees, to gain support for the inclusion of the City's project in the final State Budget approved by the Legislature.
- **Federal Earmark Opportunities:** In an effort to maximize federal funding, TPA will work with the City to identify projects and other funding priorities that may be suitable for funding through the Federal Earmark process. TPA will coordinate with the City to develop supporting materials for the earmark request. TPA will also work with members of the City's federal legislative delegation to gain support for the inclusion of the City's project.

INVOLVEMENT OF CITY STAFF/RESOURCES

TPA grant experts diligently work to compile project details, implement quality control measures, and develop all narrative components to submit applications. TPA also works to report on all relevant grant activity, including upcoming opportunities, application status, and ongoing advocacy efforts. TPA will rely on City staff to provide technical project information, budget details, and project timeline information as appropriate, however, TPA will work to reduce the burden on City staff and develop compelling applications that best reflect the City's priorities. This approach enables the TPA team to be an **extension** of City staff, ensuring that both TPA and the City work together seamlessly to secure the most funding possible.

FEE PROPOSAL

ALL-INCLUSIVE RETAINER:

DESCRIPTION OF SERVICES	MONTHLY FEE
Grant Research, Writing, and Management Services	\$4,000*
• Grant Funding Needs Assessment and Strategy	Included
• Conduct Detailed Orientation	Included
• Craft Strategic Funding Plan	Included
• Grant Funding Research	Included
• Grant Writing	Included
• Prepare Strategic Work Pla	Included
• Provide Overview of Full Application Requirements	Included
• Assemble Project Background and Details	Included
• Coordinate Technical Project Details	Included
• Draft Written Proposal	Included
• Incorporate Feedback to Finalize Proposal	Included
• Submit Completed Application	Included
• Funding Advocacy	Included
• Distribution of Application Materials	Included
• Comprehensive Follow-Up on Unsuccessful Applications	Included
• Grant Management and Administration	Included
• Ongoing Communication	Included
• Post-Award Services—Above and Beyond Advocacy	Included
• State Budget Funding Opportunities	Included
• Federal Earmark Opportunities	Included
<i>*The monthly fee includes all reasonable business and travel expenses</i>	

TPA does NOT institute a limit on the number of funding opportunities that we will pursue on behalf of a client. For this reason, TPA recommends our monthly fee option as the most cost-effective option for the City rather than a per-project or hourly fee.



HOURLY RATES FOR KEY PERSONNEL:

NAME & TITLE	HOURLY FEE
Christopher Townsend, President	\$350*
Alex Gibbs, Grants Manager	\$275*
Christine Rose, Grants Coordinator	\$250*
Sammi Maciel, Associate	\$225*
Anastasia Heaton, Associate	\$225*
Nicolette Genovese, Associate	\$225*
<i>*The hourly fee includes all reasonable business and travel expenses</i>	



SUCCESSFUL GRANT APPLICATIONS

The following chart provides a list of relevant successful grant awards secured by TPA on behalf of our clients. A detailed 20-page document of all of TPA's state, federal, and local grant funding achievements can be provided upon request.

City of Fontana Department of Transportation RAISE Grant	
Client	City of Fontana
Project Description	Building a Better Connected Inland Empire Project
Grant Award Amount	\$15,000,000
Description of Firm's Role	TPA worked with the City of Fontana to develop, prepare, and execute a strategic plan to support the City's FY22 RAISE grant application. This highly competitive federal grant opportunity administered by the U.S. Department of Transportation formed a key component of the City's Complete Streets Upgrades including street, bike, sidewalk, and trail improvements, bringing numerous benefits and better quality of life for Fontana residents. In addition to tailoring the application message, TPA planned advocacy that leveraged the City's strengths during the grant review process. The culmination of this effort was the award of \$15 million in federal RAISE funds for the City's transportation infrastructure improvements. In the FY22 RAISE cycle, Fontana was one of only eight jurisdictions in the State of California to receive a RAISE grant.
Year Awarded	2022
Hours Billed to Client	\$7,500 Application Fee
Key Personnel	TPA Deputy Director Eric Thronson TPA Grants Manager Alex Gibbs TPA Grants Coordinator Christine Rose
City of South San Francisco California Public Utilities Commission Local Agency Technical Assistance Grant	
Client	City of South San Francisco
Project Description	Broadband Master Plan and Fiber Design Project
Grant Award Amount	\$266,185
Description of Firm's Role	TPA worked with the City of South San Francisco to secure \$266,185 in funding through the California Public Utilities Commission's Local Agency Technical Assistance Grant Program for its Broadband Master Plan and Fiber Design Project. TPA leveraged our extensive grant experience and expertise to craft a compelling narrative and submit the strongest application possible. Additionally, TPA worked with relevant state agency officials to ensure the City's priorities were being conveyed and the project received full consideration from CPUC. Funding for the project will ensure that residents have access to reliable broadband connectivity and will further the City's efforts to promote community and economic development.
Year Awarded	2023
Hours Billed to Client	Included in All-Inclusive Monthly Retainer
Key Personnel	TPA Grants Manager Alex Gibbs



SUCCESSFUL GRANT APPLICATIONS

County of Kern Department of Parks and Recreation Statewide Parks Grant	
Client	County of Kern
Project Description	South Kern Lamont Park Project
Grant Award Amount	\$6,515,000
Description of Firm's Role	TPA worked with the County to secure more than \$6.5 million through the Department of Parks and Recreation's Statewide Parks Program. The funding will support the revitalization of South Kern Lamont Park and will ensure that the communities throughout the County have access to the highest quality of recreational spaces. TPA compiled all necessary application information, as well as drafted and submitted the project on behalf of the County. TPA utilized its extensive parks and recreation experience and network of state agency relationships to ensure the project's full consideration and success.
Year Awarded	2022
Hours Billed to Client	\$5,000 Application Fee
Key Personnel	TPA Grants Manager Alex Gibbs
City of San Leandro California State Library Building Forward Library Infrastructure Grant	
Client	City of San Leandro
Project Description	Mulford-Marina Branch, Main Branch, Manor Branch, and South Branch Library Improvement Project
Grant Award Amount	\$4,540,922
Description of Firm's Role	TPA collaborated with the City of San Leandro to secure over \$4.5 million for the City's Mulford Marina Branch Library project through the Building Forward Library Infrastructure Program administered by the California State Library. The proceeds from this grant will be used to build a new library facility on the existing site, as well as upgrade several other library buildings throughout the City with much needed climate and seismic retrofits.
Year Awarded	2022
Hours Billed to Client	Included in All-Inclusive Monthly Retainer
Key Personnel	TPA Grants Manager Alex Gibbs TPA Associate Anastasia Heaton
CalWater Department of Water Resources Small Community Drought Relief Grant	
Client	California Water Service
Project Description	Reconnecting Disadvantaged Communities in Salinas Valley Project
Grant Award Amount	\$4,274,800
Description of Firm's Role	TPA worked on behalf of California Water Service to secure more than \$4.2 million through the Small Community Drought Relief Program administered by the Department of Water Resources. The award will enable CalWater to connect the water systems of several disadvantaged communities in the Salinas District system. The funding will be allocated for project engineering, design, environmental mitigation, and construction.
Year Awarded	2023
Hours Billed to Client	Included in All-Inclusive Monthly Retainer
Key Personnel	TPA Associate Anastasia Heaton



REFERENCES

1. CITY OF SAN LEANDRO

Contact Name: Eric Engelbart
Contact Title: Deputy City Manager
Address: 835 East 14th Street, San Leandro, CA 92577
Phone Number: 510-577-3389
Email Address: eengelbart@sanleandro.org
Project Description: TPA provides state legislative advocacy and grant writing services to the City.
Project Contract Term: 2015 – Present
Fees: \$8,000 Per Month

TPA Funding Wins Secured on Behalf of the City:

Granting Agency/Program	Project	Amount Awarded	Year
Bay Area Council California Resilience Challenge	San Leandro Shoreline Master Plan	\$161,000	2023
California State Library: Building Forward Library Infrastructure Program	Mulford-Marina Branch Library Improvements	\$4,079,701	2022
California State Library: Building Forward Library Infrastructure Program	Main Branch Library	\$316,516	2022
California State Library: Building Forward Library Infrastructure Program	Manor Branch Library	\$128,280	2022
California State Library: Building Forward Library Infrastructure Program	South Branch Library	\$16,425	2022
Department of Forestry and Fire Protection: Urban Forestry Grant	Tree Resilient San Leandro	\$1,500,000	2022
State Budget Earmark	Memorial Park rehabilitation project	\$2,750,000	2021

2. CITY OF SOUTH SAN FRANCISCO

Contact Name: Sharon Ranals
Contact Title: City Manager
Address: 400 Grant Avenue, South San Francisco, CA 94080
Phone Number: 650-877-8502
Email Address: Sharon.ranals@ssf.net
Project Description: TPA provides state legislative advocacy and grant writing services to the City.
Project Contract Term: 2015 – Present
Fees: \$5,000 Per Month

TPA Funding Wins Secured on Behalf of the City:



REFERENCES

Granting Agency/Program	Project	Amount Awarded	Year
CPUC Local Agency Technical Assistance (LATA) Grant	South San Francisco Broadband Master Plan and Fiber Design Project	\$266,185	2023
Department of Parks and Recreation: Land Water Conservation Fund	Linden Park Project	\$830,000	2022
State Budget Earmark:	Linden Park project	\$3,200,000	2022
State Budget Earmark	County of San Mateo Union Community Alliance	\$1,500,000	2022
State Budget Earmark	Vehicle License Fee adjustment	\$3,000,000	2021
City/County Association Governments of San Mateo County: C/CAG Lifeline Transportation Program Cycle 6	Free South City Shuttle Program outreach	\$80,000	2021
Department of Transportation: Highway Safety Improvement Program Cycle 10	Pedestrian Safety Improvement Project	\$249,800	2021
SMCTA 2017 Measure A Grant Program	Railroad Avenue Extension Project	\$206,000	2018
Habitat Conservation Fund	San Bruno Mountain Wildlife Camp	\$9,250	2018
San Mateo C/CAG Transportation Development Act Grant	Regional Bike Network North	\$350,000	2017
Metropolitan Transportation Commission: One Bay Area Grant Program	Grand Boulevard Initiative	\$1,000,000	2017
San Mateo C/CAG Transportation Development Act Grant	Bicycle Master Plan Project	\$100,000	2017
Housing-Related Parks Program	Renovation of Gardiner Playlot	\$256,950	2017
Baseball Tomorrow Fund	Youth Baseball and Softball Program	\$67,590	2016
San Mateo County Transportation Authority: Measure A Pedestrian and Bicycle Program	Pedestrian and Cyclist Infrastructure Improvements	\$658,000	2016
City of South San Francisco: Active Transportation Program Grant	Linden/Spruce Avenues Traffic Calming Improvements	\$868,000	2015

3. CITY OF AGOURA HILLS

Contact Name: Nathan Hamburger
Contact Title: City Manager
Address: 30001 Ladyface Court, Agoura Hills, CA 91301
Phone Number: 818-597-7308
Email Address: nhamburger@agourahillscity.org
Project Description: TPA provides state and federal legislative advocacy and grant writing services to the City.
Project Contract Term: 2019 – Present



Fees: \$5,000 Per Month

TPA Funding Wins Secured on Behalf of the City:

Granting Agency/Program	Project	Amount Awarded	Year
State Budget Earmark	Linear Park Project	\$6,000,000	2022
State Budget Earmark	Community Center	\$1,000,000	2022
State Budget Earmark	Stormwater Treatment Project	\$1,000,000	2019

TPA has provided legislative advocacy and/or grant writing services to the following California municipal clients during the last five years:

Agoura Hills	Huntington Beach	Palmdale
Anaheim	Huron	Palo Alto
Avalon	Imperial	Paso Robles
Beaumont	Irvine	Parlier
Berkeley	Kingsburg	Pismo Beach
Brawley	La Habra	Placentia
Brea	La Verne	Pleasanton
Buena Park	Lafayette	Reedley
Carson	Laguna Beach	San Leandro
Chino Hills	Los Banos	San Luis Obispo
Citrus Heights	Manteca	San Pablo
Compton	Madera	San Ramon
Concord	Mendota	Sanger
Costa Mesa	Menifee	Santa Ana
Cupertino	Merced	Santa Clara
Del Mar	Mission Viejo	Selma
Dinuba	Modesto	Shafter
Duarte	Montebello	Soledad
Dublin	Monterey Park	South El Monte
El Monte	Moreno Valley	South San Francisco
Emeryville	Morro Bay	Stanton
Farmersville	Murrieta	Stockton
Fontana	Newport Beach	Temecula
Fremont	Novato	Town of Colma
Fullerton	Oakland	Town Of Danville
Galt	Oakley	Tracy
Gardena	Oceanside	Tulare
Guadalupe	Ontario	Turlock
Half Moon Bay	Orange Cove	Tustin
Hayward	Orange	Vallejo
Hesperia	Palm Springs	Walnut Creek

CONFLICTS & TERMINATION

TPA does not have any existing or potential conflicts of interest that may arise from our firm's work on this project. TPA has not had a contract terminated by a public agency for cause, negligence, or breach of contract within the past five years, nor at any point in the company's history.

STANDARD AGREEMENT

TPA affirms that we have reviewed the City's Standard Consultant Services Agreement (Attachment A) and is willing the execute an agreement with those terms, including insurance requirements, for this project.



CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF PINOLE AND
EVAN BROOKS ASSOCIATES

THIS AGREEMENT for consulting services is made by and between the City of Pinole ("City") and Townsend Public Affairs ("Consultant") (together sometimes referred to as the "Parties") as of September 6, 2023 (the "Effective Date") in Pinole, California.

Section 1. SERVICES. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to City the services described in the Scope of Work attached as Exhibit A at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

- 1.1 **Term of Services.** The term of this Agreement shall begin on the Effective Date and shall end on September 6, 2025 and Consultant shall complete the work described in Exhibit A by that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as provided for in Section 8.
- 1.2 **Standard of Performance.** Consultant shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession. Consultant shall prepare all work products required by this Agreement in a professional manner and shall conform to the standards of quality normally observed by a person practicing in Consultant's profession.
- 1.3 **Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.
- 1.4 **Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to satisfy Consultant's obligations hereunder.

Section 2. COMPENSATION. City hereby agrees to pay Consultant an amount not to exceed \$40,000, for all work set forth in Exhibit A and all reimbursable expenses incurred in performing the work. In the event of a conflict between this Agreement and Consultant's proposal regarding the amount of compensation, the Agreement shall prevail. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement.

Consultant shall submit all invoices to City in the manner specified herein. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

- 2.1 **Invoices.** Consultant shall submit invoices, not more often than once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred prior to the invoice date. Invoices shall contain the following information:
- Serial identifications of progress bills; i.e., Progress Bill No. 1 for the first invoice, etc.;
 - The beginning and ending dates of the billing period;
 - A Task Summary containing the original contract amount, the amount of prior billings, the total due this period, the balance available under the Agreement, and the percentage of completion;
 - At City's option, for each work item in each task, a copy of the applicable time entries or time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense;
 - The total number of hours of work performed under the Agreement by Consultant and each employee, agent, and subcontractor of Consultant performing services hereunder, as well as a separate notice when the total number of hours of work by Consultant and any individual employee, agent, or subcontractor of Consultant reaches or exceeds 800 hours, which shall include an estimate of the time necessary to complete the work described in Exhibit A;
 - The Consultant's signature.
- 2.2 **Monthly Payment.** City shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred. City shall have 30 days from the receipt of an invoice that complies with all of the requirements above to pay Consultant.
- 2.3 **Final Payment.** City shall pay the last 10% of the total sum due pursuant to this Agreement within sixty (60) days after completion of the services and submittal to City of a final invoice, if all services required have been satisfactorily performed.
- 2.4 **Total Payment.** City shall pay for the services to be rendered by Consultant pursuant to this Agreement. City shall not pay any additional sum for any expense or cost whatsoever

incurred by Consultant in rendering services pursuant to this Agreement. City shall make no payment for any extra, further, or additional service pursuant to this Agreement.

In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.

- 2.5 **Hourly Fees.** Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the following fee schedule attached hereto as Exhibit B.
- 2.6 **Reimbursable Expenses.** Reimbursable expenses are specified in Exhibit B, and shall not exceed _____ (\$ _____). Expenses not listed in Exhibit B are not chargeable to City. Reimbursable expenses are included in the total amount of compensation provided under this Agreement that shall not be exceeded.
- 2.7 **Payment of Taxes.** Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.
- 2.8 **Payment upon Termination.** In the event that the City or Consultant terminates this Agreement pursuant to Section 8, the City shall compensate the Consultant for all outstanding costs and reimbursable expenses incurred for work satisfactorily completed as of the date of written notice of termination. Consultant shall maintain adequate logs and timesheets in order to verify costs incurred to that date.
- 2.9 **Authorization to Perform Services.** The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. City shall make available to Consultant only the facilities and equipment listed in Exhibit C, and only under the terms and conditions set forth therein.

Section 4. INSURANCE REQUIREMENTS. Before beginning any services under this Agreement, Consultant, at its own cost and expense, shall procure the types and amounts of insurance specified herein and maintain that insurance throughout the term of this Agreement. The cost of such insurance shall be included in the Consultant's bid or proposal. Consultant shall be fully responsible for the acts and omissions of its subcontractors or other agents.

- 4.1 **Workers' Compensation.** Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant in the amount required by applicable law. The requirement to maintain Statutory Workers' Compensation and Employer's Liability Insurance may be waived by the City upon

written verification that Consultant is a sole proprietor and does not have any employees and will not have any employees during the term of this Agreement.

4.2 Commercial General and Automobile Liability Insurance.

- 4.2.1 General requirements. Consultant, Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than TWO MILLION DOLLARS (\$2,000,000) per occurrence and FOUR MILLION DOLLARS (\$4,000,000) aggregate, combined single limit coverage for risks associated with the work contemplated by this Agreement.
- 4.2.2 Minimum scope of coverage. Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (most recent edition) covering comprehensive General Liability on an "occurrence" basis. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (most recent edition) covering any auto (Code 1), or if Consultant has no owned autos, hired (code 8) and non-owned autos (Code 9). No endorsement shall be attached limiting the coverage.
- 4.2.3 Additional requirements. Each of the following shall be included in the insurance coverage or added as a certified endorsement to the policy:
- a. The Commercial General and Automobile Liability Insurance shall cover on an occurrence basis.
 - b. City, its officers, officials, employees, agents, and volunteers shall be covered as additional insureds for liability arising out of work or operations on behalf of the Consultant, including materials, parts, or equipment furnished in connection with such work or operations; or automobiles owned, leased, hired, or borrowed by the Consultant. Coverage can be provided in the form of an endorsement to the Consultant's insurance at least as broad as CG 20 10 11 85, or both CG 20 10 10 01 and CG 20 37 10 01.
 - c. For any claims related to this Agreement or the work hereunder, the Consultant's insurance covered shall be primary insurance as respects the City, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be excess of the Consultant's insurance and non-contributing.
 - d. The policy shall cover inter-insured suits and include a "separation of Insureds" or "severability" clause which treats each insured separately.
 - e. Consultant agrees to give at least 30 days prior written notice to City before coverage is canceled or modified as to scope or amount

4.3 Professional Liability Insurance.

- 4.3.1 General requirements. Consultant, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000) per occurrence or claim covering the Consultant's errors and omissions.
- 4.3.2 Claims-made limitations. The following provisions shall apply if the professional liability coverage is written on a claims-made form:
- a. The retroactive date of the policy must be shown and must be before the date of the Agreement.
 - b. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the Agreement or the work.
 - c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant must provide extended reporting coverage for a minimum of five (5) years after completion of work under this Agreement.
 - d. A copy of the claim reporting requirements must be submitted to the City prior to the commencement of any work under this Agreement.

4.4 All Policies Requirements.

- 4.4.1 Submittal Requirements. Consultant shall submit the following to City prior to beginning services:
- a. Certificate of Liability Insurance in the amounts specified in this Agreement; and
 - b. Additional Insured Endorsement as required for the General Commercial and Automobile Liability Policies.
- 4.4.2 Acceptability of insurers. All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII.
- 4.4.3 Deductibles and Self-Insured Retentions. Insurance obtained by the Consultant shall have a self-insured retention or deductible of no more than ONE HUNDRED THOUSAND DOLLARS (\$100,000).
- 4.4.4 Wasting Policies. No policy required herein shall include a "wasting" policy limit (i.e. limit that is eroded by the cost of defense).
- 4.4.5 Waiver of Subrogation. Consultant hereby agrees to waive subrogation which any insurer or contractor may require from Consultant by virtue of the payment of any loss. Consultant agrees to obtain any endorsements that may be

necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

4.4.6 **Subcontractors.** Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein, and Consultant shall ensure that City, its officers, officials, employees, agents, and volunteers are covered as additional insured on all coverages.

4.4.7 **Excess Insurance.** If Consultant maintains higher insurance limits than the minimums specified herein, City shall be entitled to coverage for the higher limits maintained by the Consultant.

4.5 **Remedies.** In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option: 1) obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement; 2) order Consultant to stop work under this Agreement and withhold any payment that becomes due to Consultant hereunder until Consultant demonstrates compliance with the requirements hereof; and/or 3) terminate this Agreement.

Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES.

5.1 **General Indemnification.** To the fullest extent permitted by law, Contractor shall defend, indemnify and hold City, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, in law or equity, to property or persons, including wrongful death, in any manner arising out of or incident to any alleged negligent acts, omissions or willful misconduct of Contractor, its officials, officers, employees, agents, subcontractors and subcontractors arising out of or in connection with the performance of the Services, the Project or this Agreement, including without limitation the payment of all consequential damages, attorneys' fees and other related costs and expenses. Contractor shall defend, at Contractor's own cost, expense and risk, any and all such aforesaid suits, actions or other legal proceedings of every kind that may be brought or instituted against City, its directors, officials, officers, employees, agents or volunteers. Contractor shall pay and satisfy any judgment, award or decree that may be rendered against City or its directors, officials, officers, employees, agents or volunteers, in any such suit, action or other legal proceeding. Contractor shall reimburse City and its directors, officials, officers, employees, agents and/or volunteers, for any and all legal expenses and costs, including reasonable attorneys' fees, incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Contractor's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by City or its directors, officials, officers, employees, agents or volunteers. Notwithstanding the foregoing, to the extent Contractor's Services are subject to Civil Code Section 2782.8, the above indemnity shall be limited, to the extent required by Civil Code Section 2782.8, to claims that arise out of,

pertain to, or relate to the negligence, recklessness, or willful misconduct of the Contractor. This Section 5.1 shall survive any expiration or termination of this Agreement.

- 5.2 PERS Indemnification. In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Section 6. STATUS OF CONSULTANT.

- 6.1 Independent Contractor. At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of City. City shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise City shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.
- 6.2 Consultant No Agent. Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

- 7.1 Governing Law. The laws of the State of California shall govern this Agreement.
- 7.2 Compliance with Applicable Laws. Consultant and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.
- 7.3 Other Governmental Regulations. To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.

7.4 Licenses and Permits. Consultant represents and warrants to City that Consultant and

its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to City that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from City.

- 7.5 **Pinole Business License.** Consultant shall obtain a City of Pinole business license according to the terms of Title 5 of the City of Pinole Municipal Code and deliver to City proof of such business license prior to beginning work under this Agreement. Work under this Agreement cannot begin until the City receives proof that Consultant has obtained a City of Pinole business license.
- 7.6 **Nondiscrimination and Equal Opportunity.** Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Consultant shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

Section 8. TERMINATION AND MODIFICATION.

- 8.1 **Termination.** City may cancel this Agreement at any time and without cause upon written notification to Consultant.

In the event of termination, Consultant shall be entitled to compensation for services performed to the effective date of termination; City, however, may condition payment of such compensation upon Consultant delivering to City any or all documents, photographs, computer software, video and audio tapes, and other materials provided to Consultant or prepared by or for Consultant or the City in connection with this Agreement.

- 8.2 **Extension.** City may, in its sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall be specified in writing by the City. Consultant understands and agrees that if City issues such an extension, City shall have no obligation to provide Consultant with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized

by the City, City shall have no obligation to reimburse Consultant for any otherwise reimbursable expenses incurred during the extension period.

- 8.3 **Amendments.** The parties may amend this Agreement only by a writing signed by all the parties.
- 8.4 **Assignment and Subcontracting.** City and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique professional competence, experience, and specialized professional knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the personal reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the City. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the City.
- 8.5 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Consultant shall survive the termination of this Agreement.
- 8.6 **Options upon Breach by Consultant.** If Consultant materially breaches any of the terms of this Agreement, City's remedies shall included, but not be limited to, the following:
- 8.6.1 Immediately terminate the Agreement;
 - 8.6.2 Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement;
 - 8.6.3 Retain a different consultant to complete the work described in Exhibit A not finished by Consultant; or
 - 8.6.4 Charge Consultant the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that City would have paid Consultant pursuant to Section 2 if Consultant had completed the work.

Section 9. KEEPING AND STATUS OF RECORDS.

- 9.1 **Records Created as Part of Consultant's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Consultant hereby agrees to deliver those documents to the City upon termination of the Agreement. It is understood and

agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. City and Consultant agree that, until final approval by City, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both parties.

9.2 **Consultant's Books and Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.

9.3 **Inspection and Audit of Records.** Any records or documents that Section 9.2 of this Agreement requires Consultant to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds TEN THOUSAND DOLLARS (\$10,000.00), the Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of the City, for a period of three (3) years after final payment under the Agreement.

Section 10 MISCELLANEOUS PROVISIONS.

10.1 **Attorneys' Fees.** If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

10.2 **Venue.** In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa or in the United States District Court for the Northern District of California.

10.3 **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

10.4 **No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

- 10.5 Successors and Assigns. The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.
- 10.6 Use of Recycled Products. Consultant shall endeavor to prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.
- 10.7 Conflict of Interest. Consultant may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

Consultant shall not employ any City official in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.*

Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of the City. If Consultant was an employee, agent, appointee, or official of the City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090 *et seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse the City for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, will be disqualified from holding public office in the State of California.

Consultant will comply with all conflict of interest laws and regulations including, without limitation, City's Conflict of Interest Code (on file in the City Clerk's Office). It is incumbent upon the Consultant or Consultant's firm to notify the City pursuant to section 10.10 Notices of any staff changes relating to this Agreement.

- a. In accomplishing the scope of services of this Agreement, all officers, employees and/or agents of Consultant(s), unless as indicated in Subsection b., will be performing a very limited and closely supervised function, and, therefore, are unlikely to have a conflict of interest arise. No disclosures are required for any officers, employees, and/or agents of Consultant, except as indicated in Subsection b.

Initialed by City Attorney's Office

b. In accomplishing the scope of services of this Agreement, Consultant(s) will be performing a specialized or general service for the City, and there is substantial likelihood that the Consultant's work product will be presented, either written or orally, for the purpose of influencing a governmental decision. As a result, the following Consultant(s) shall be subject to the Disclosure Category "1-5" of the City's Conflict of Interest Code:

10.8 **Solicitation.** Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

10.9 **Contract Administration.** This Agreement shall be administered by _____ who shall act as the City's representative. All correspondence shall be directed to or through _____ or his or her designee.

10.10 **Notices.** Any written notice to Consultant shall be sent to:

Hal Suetsugu
President
Evan Brooks Associates
750 E. Green Street, Suite 301
Pasadena, CA 91101

Any written notice to City shall be sent to:

City Manager
City of Pinole
2131 Pear Street
Pinole, CA 94564

10.11 **Professional Seal.** Where applicable in the determination of the City, the first page of a technical report, first page of design specifications, and each page of construction drawings shall be stamped/sealed and signed by the licensed professional responsible for the report/design preparation.

10.12 **Integration; Incorporation.** This Agreement, including all the exhibits attached hereto, represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral. All exhibits attached hereto are incorporated by reference herein.

10.13 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

The Parties have executed this Agreement as of the Effective Date.

CITY OF PINOLE

CONSULTANT

Andrew Murray, City Manager

Hal Suetsugu, President

Consultant's City of Pinole Business
License #: _____

Attest:

Heather Bell, City Clerk

Approved as to Form:

Eric S. Casher, City Attorney

EXHIBIT A

SCOPE OF SERVICES

The Consultant's scope of services will include the scope of work listed on pages 14-21 of the Consultant's proposal of July 21, 2023 and any modifications or additions agreed to by the Parties.

EXHIBIT B

COMPENSATION SCHEDULE AND HOURLY FEES

The fees charged by the Consultant for work performed shall be charged on a time and materials basis and shall not exceed the hourly rates shown in the fee proposal contained on page 22 of the Consultant's proposal of July 21, 2023.

EXHIBIT C CITY-FURNISHED FACILITIES

City shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of the City. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of City. In no event shall City be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.

GRANT RESEARCH, WRITING AND MANAGEMENT SERVICES

CITY OF PINOLE



July 21, 2023



Firm: Evan Brooks Associates, Inc.

Address: 750 E. Green Street, Suite 301
Pasadena, CA 91101



Contact: Hal Suetsugu, President



Email: hal@ebapanning.com



Phone: (626) 799-8011



Evan Brooks Associates, Inc.
750 E. Green Street, Suite 301
Pasadena, CA 91101

☎ (626) 799-8011

🌐 www.ebaplanning.com

evan
brooks
associates

July 21, 2023

Markisha Guillory, Finance Director
City of Pinole
2131 Pear Street
Pinole, California 94564

Subject: Grant Research, Writing and Management Services

Finance Director Guillory and the Evaluation Committee:

Evan Brooks Associates, Inc. (EBA) — a certified disadvantaged, small business enterprise (D/SBE) and a California Corporation located in Los Angeles County — is pleased to present this proposal to secure funding for projects and programs that achieve the City of Pinole's (City) goals and vision of creating a healthier, more resilient, prosperous, sustainable, and safe future for all community members.

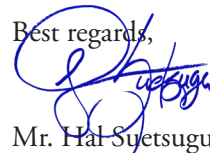
Our experienced team of grant writers, planners, greenhouse gas (GHG) analysts, cost estimators, funding specialists, graphic designers, and cartographers have been successfully securing grants for more than a decade, totaling more than **\$2.2 billion** in funding from sources such as the Active Transportation Program (ATP), Highway Safety Improvement Program (HSIP), Federal Transit Authority (FTA) Transit Oriented Development (TOD), Transit and Intercity Rail Capital Program (TIRCP), Habitat Conservation Fund (HCF), Statewide Park Program (SPP), Urban Forestry, Urban Rivers, and Urban Greening, to name a few.

We start by conducting a comprehensive funding needs analysis, collaborating with City officials to identify high-priority projects, and preparing grant funding forecasts. We use online tools to search for grants that align with City projects. When pursuing an opportunity, we develop detailed cost estimates, prepare compelling grant applications, and collaborate with City staff. We assign a dedicated project manager to oversee operations and manage workload, aligning grants with experienced grant writers. We provide reports on successes and offer ongoing support post grant award.

We are committed to not only meeting the City's grant securing needs, but to exceeding them. Our project manager, Daniel Bartelson, MPA, MBA, has more than 20 years of experience managing similar bench and on-call contracts. With his leadership, EBA's team will prepare high-quality, captivating, and data-driven applications that get funded. As Los Angeles County Metropolitan Transportation Authority's (Metro) former Capital Planning and Programming Manager and EBA's President, I, Hal Suetsugu, will be available to manage grant awarded funds, assuring compliance with grant conditions, and, when necessary, provide updates and reports on grant activities to funding sources.

This proposal is valid for ninety (90) days following proposal due date. Please feel free to contact me via telephone **(626) 799-8011** or via email at **hal@ebaplanning.com** should you like to schedule an interview. We look forward to hearing back from you!

Best regards,



Mr. Hal Suetsugu, President
Evan Brooks Associates, Inc.

QUALIFICATIONS

evan
brooks
associates

CONTACT/LOCATION
Hal Suetsugu, President
Address: 750 E. Green Street,
Suite 301, Pasadena, CA 91101
Phone: (626) 799-8011
Email: hal@ebaplanning.com

SIZE & DESIGNATIONS
Small Business Enterprise (SBE)

Disadvantaged Business
Enterprise (DBE)

SERVING COMMUNITIES
Since October 2010 (CA Corp.)

WEBSITE
www.ebaplanning.com

As Southern California’s leading small business enterprise (SBE) for urban planning and funding, EBA is committed to helping reduce the impacts caused by human activities. Established in 2010, EBA has worked with dozens of public agencies throughout California to secure **\$2,261,727,107** in grant-funded, community-oriented projects.

By providing a range of grant and complementary services (shown in **Figure 1**), our associates are able to customize solutions to meet the specific needs of each community. Regardless of the application or project, we encourage our clients to engage with community stakeholders and utilize the input received to develop grant applications that reflect community values, priorities, and goals, while identifying potential roadblocks and opportunities to maximize the impact of proposals.

Our track record of success in securing grants has transformed neighborhoods, revitalized public spaces, and improved the quality of life for local residents and businesses, demonstrating our commitment to creating lasting positive change.

Figure 1. Services



HISTORY

As a firm, EBA has a wealth of experience working with cities, counties, and public agencies throughout Southern California. Between 2010 and 2016, we focused on serving public agencies located in Los Angeles, Orange, and San Diego counties, as well as the cities in and throughout Southern California. This included serving as the sole grant advisory and writing team for the Southern California Association of Governments (SCAG), in which our team trained staff, so they could learn how to find grants, how to best position projects, and how to competitively align projects to State and Federal grant programs.

From 2016 to 2021, EBA expanded its clientele base from Southern California to Northern California by working with cities and counties in Alameda, Contra Costa, Sacramento, San Joaquin, San Luis Obispo, San Mateo, Yolo, and Shasta counties, to name a few. In fact, in 2020-2021, EBA led the Shasta Regional Transportation Authority's (SRTA) grant writing assistance program, in which staff was responsible for preparing 8 competitive grants for SRTA and local agencies, including Shasta County, and the cities of Shasta Lake, Anderson, and Redding, which resulted in securing \$17.5 million.

Today, EBA is part of the grant writing team for the third largest transportation agency in the nation, the Los Angeles County Metropolitan Transportation Authority (Metro), in which our team has written nearly 50 grant applications, including State and Federal grants, such as the Senate Bill 1 (SB1), Active Transportation Program (ATP), Transit & Intercity Rail Capital Program (TIRCP), and Rebuilding American Infrastructure with Sustainability and Equity (RAISE). Our team has been able to secure more than \$172 million for both LA County cities and Metro under various programs for regional projects that will transform LA County's transportation network leading up to the 2028 Los Angeles Summer Olympics. Currently, we

are preparing Federal grants and conducting cost-benefit analyses with Eugene, Oregon and Bozeman, Montana and helping several coastal California cities, such as Richmond, Oakland, Escondido, Vallejo, Redondo Beach, Fort Bragg, and Pismo Beach.

RFP-RELATED AREAS OF EXPERTISE

Public Safety: Grants for public safety and security are limited. To maximize success, the City should consider applying for grants from the U.S. Department of Justice's Bureau of Justice Assistance (BJA). These grants provide funding for projects that utilize technology, intelligence, and community engagement to swiftly identify criminal activities, locate missing persons, and improve response times. At the foundation level, the City may want to focus on grants offered by esteemed organizations such as the Leary Firefighters Foundation, Brothers Helping Brothers, or Firefighters Charitable Foundation. These grants provide fire departments with training, technology, and equipment to enhance their capabilities.

Infrastructure Development and Maintenance:

EBA has established itself as a prominent leader in securing grants for infrastructure enhancements in municipal facilities. Our recent achievements include successful collaboration with the City of Richmond, where we facilitated a \$5.3 million grant application for the CALOES' Building Resilient Infrastructure and Communities (BRIC) program. This grant aimed to retrofit a 68-year-old wastewater treatment facility. Additionally, we assisted the City of Covina in applying for a \$5.3 million California State Library Building Forward grant, supporting the construction of a new city library.

Our expertise in transportation further strengthens our track record. Notably, we have obtained more than \$127 million in funding through the ATP program and an additional \$16 million under the Highway Safety Improvement

Program (HSIP). These grants enable diverse projects, including the installation of bicycle lanes, sidewalks, high visibility crosswalks, flashing beacons, curb ramps, safety medians, pedestrian refuges, and traffic islands, among others.

EBA has consistently demonstrated its commitment to advancing electric vehicle (EV) infrastructure across cities. Prior to the enactment of the Bipartisan Infrastructure Law (BIL) in 2021, we successfully secured approximately \$3.5 million for EV charger installations and transportation electrification initiatives through local and regional programs. Since then, our team has actively prepared applications for new grant programs established by the BIL. These include the U.S. Department of Transportation's Reconnecting Communities Pilot Program, through which we applied for funding to create a pedestrian bridge. Additionally, we pursued grants under the Safe Streets and Roads for All (SS4A) program, supporting multiple transportation projects. Our collective efforts have resulted in over \$15 million secured under these newly established BIL grants.

Parks and Recreation: Via programs, such as Urban Greening, Urban Rivers, Sustainable Communities, the Habitat Conservation Fund, and the Statewide Parks Program (SPP), EBA has successfully secured more than \$20 million to fund a wide range of recreation and beautification projects. These projects have included the development of trailheads, the construction or renovation of parks, as well as tree planting along major streets. In the first

cycle of Clean California, EBA procured two grants, one of which was worth \$2.5 million and will go towards the City of Santa Maria's Battles Road Green Corridor Rehabilitation and Beautification project. This project will provide features like lighting, a walking path, recreation features, local artwork, and drought-tolerant landscaping along a stretch of 1.1 miles of road. EBA also obtained \$2 million for the cities of Downey and South Gate to renovate existing parks via a local Measure A grant program and \$534,800 for recreational programs and events in the cities of San Fernando, Paramount, and Bellflower.

Climate resilience: Agencies, such as the Ocean Protection Council, California Department of Conservation, and California Strategic Growth Council, among others, offer grants for projects that demonstrate potential for mitigating the effects of climate change. Most recently, EBA helped the City of Desert Hot Springs prepare a request for funding consideration under the USDA's Natural Resources Conservation Service for the development of a preliminary investigation feasibility report to combat future flood events impacting City infrastructure. EBA has also secured \$878,633 via CALFIRE. In 2021, EBA helped the Midpeninsula Regional Open Space District's prepare and secure a \$1.5 million dollar California Wildlife Conservation Board grant for a new Wildland Fire Resiliency Program along the Los Gatos Creek Watershed.

Overall experience: EBA's track record speaks to our success in securing over \$2 billion (**Figure 2**) in grants and our extensive experience working seamlessly across state borders. We have a proven ability to navigate the unique challenges and intricacies of both urban and rural areas (**Figure 3**), demonstrating our adaptability and expertise in planning, preparing, submitting, and effectively managing grants and projects.

Figure 3. Regional Experience

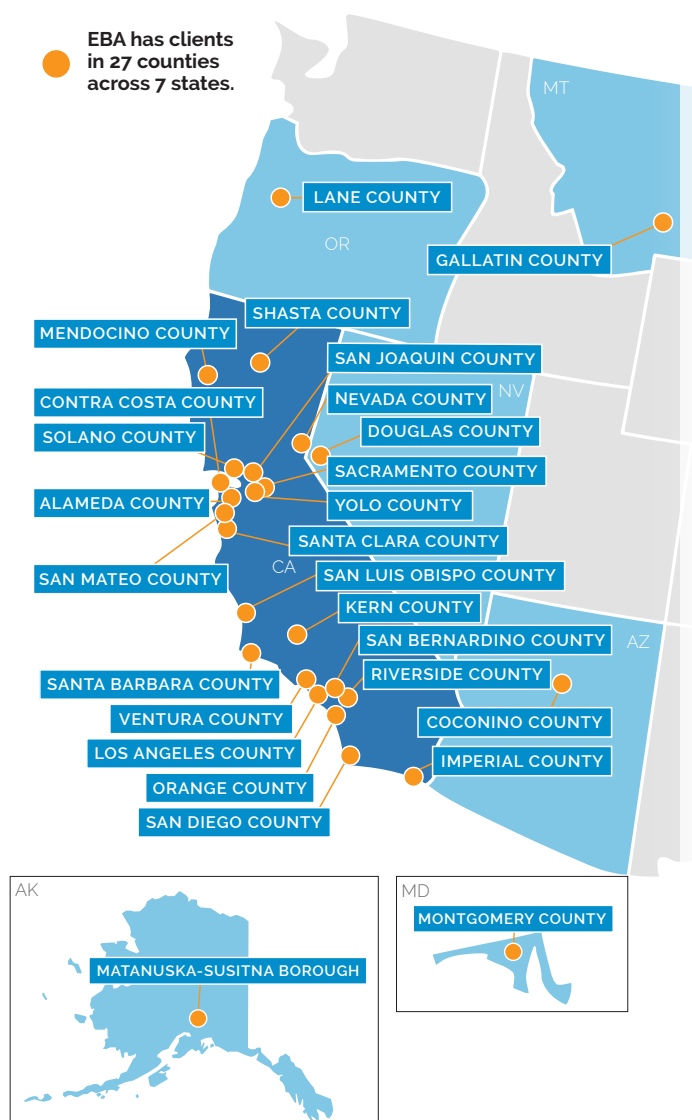
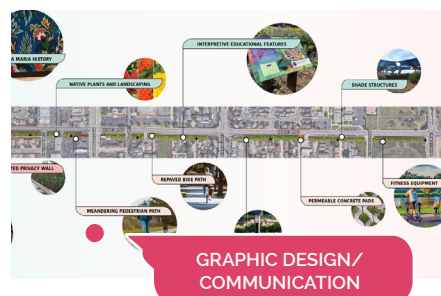
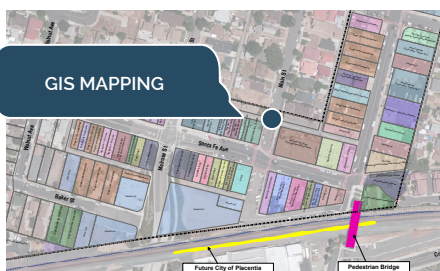


Figure 2. Total Grant Funding Secured by Funding Agency

FUNDING AGENCY	TOTAL SECURED
Air Quality Management District	\$3,996,980
California Department of Forestry and Fire Protection	\$878,633
California Department of Housing and Community Development	\$5,921,622
California Department of Parks and Recreation	\$5,732,751
California Department of Resources Recycling and Recovery	\$1,101,017
California Department of Transportation	\$175,909,507
California Natural Resources Agency	\$3,569,746
California State Library	\$5,377,020
California State Transportation Agency	\$1,195,550,000
California Transportation Commission	\$703,600,000
Federal Transit Administration	\$4,865,205
Los Angeles County Regional Park and Open Space District	\$2,000,000
Metropolitan Transportation Authority	\$97,653,268
Metropolitan Transportation Commission	\$151,000
MLB-MLBPA Youth Development Foundation	\$33,310
San Joaquin County of Governments	\$5,063,000
Santa Clara County Parks	\$322,750
Southern California Association of Governments	\$16,167,500
Strategic Growth Council	\$1,351,541
Rivers and Mountains Conservancy	\$1,000,000
Riverside County Transportation Commission	\$340,000
Wildlife Conservation Board	\$5,000,000
US Housing and Urban Development	\$10,822,000
US Department of Transportation	\$15,320,257
TOTAL SECURED	\$2,261,727,107

Unlike most grant writing firms, our team doesn't just write grants. We manage city projects and utilize our skillset to increase grant application competitiveness by preparing underlying elements that demonstrate to the funding agency a project's readiness, regional connectivity, and vision. Elements include:

-



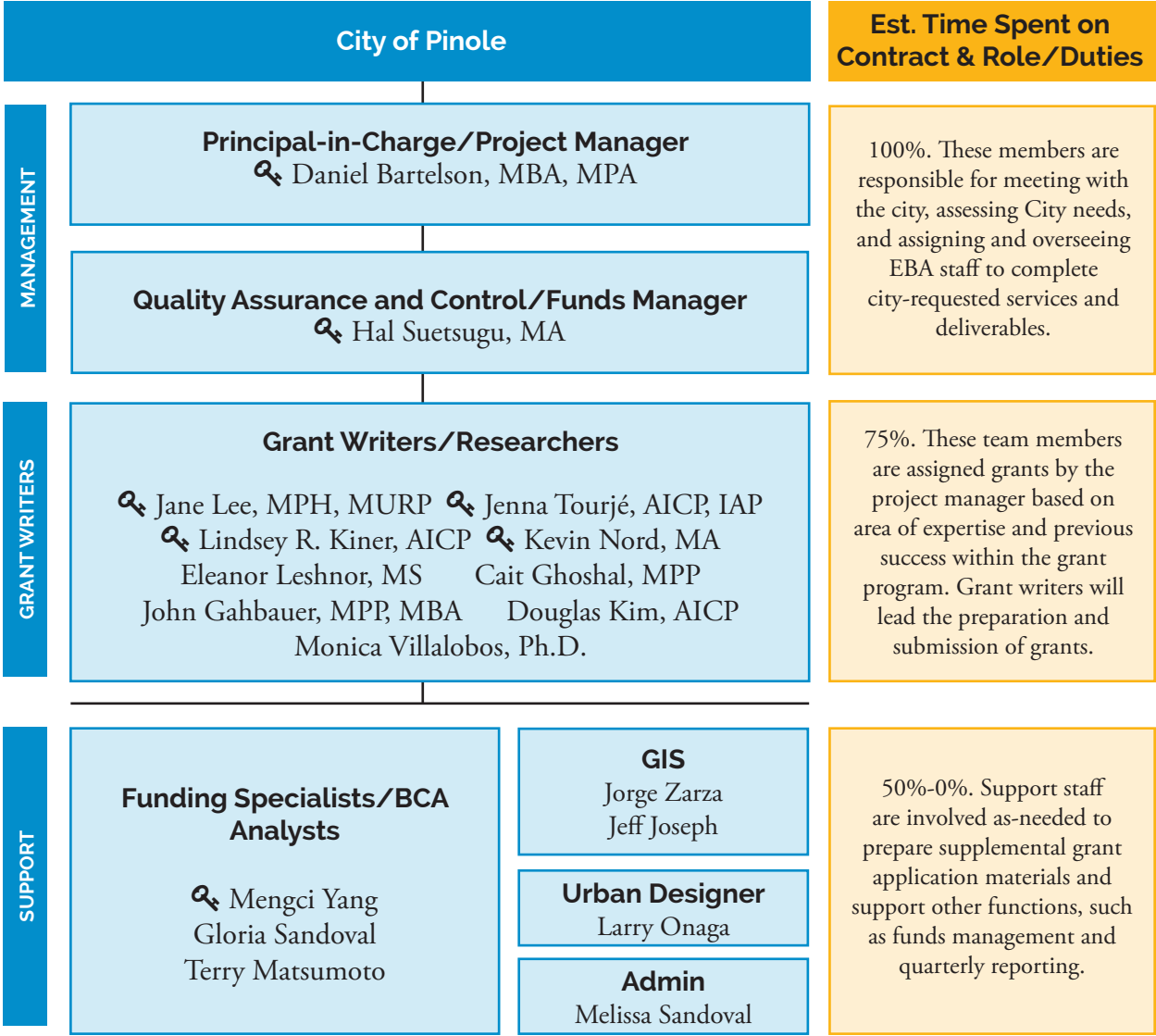
KEY PERSONNEL

To successfully deliver services, a fully integrated team of 19 staff have been assembled for this effort (**Figure 4**). The following organizational chart provides an outline of the management structure and staff allocation for the key task areas. The organizational chart lists the Project Manager, QA/QC lead, and proposed support staff members. Team personnel who will actually be assigned to perform substantial amounts of the work on this project are denoted with a key symbol by their name (🔑).

All EBA members will work from our main Pasadena office or remotely from their nearby home addresses throughout Los Angeles and Orange County, with the exception of northern California residents, including Lindsey Kiner, Doug Kim, and John Gahbauer.

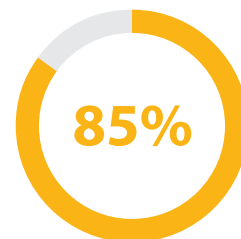
No anticipated subcontractors are expected to be utilized, although EBA will inform the City when/if it may be beneficial to include a subject matter or field expert from our contacts.

Figure 4. Organization Chart



PROJECT DIRECTOR QUALIFICATIONS

Being EBA's founder, **Hal Suetsugu** (EBA) has more than 30 years' experience grant writing for transit, active transportation, and urban planning projects. Hal has coordinated the development of multi-jurisdictional, multi-purpose projects between municipal agencies and the community, all on schedule and within budget. Hal has worked with more than 23 cities in preparing and securing grant applications worth more than \$122 million. He has administered regional, State, and Federal grant awarded funds, managed transportation planning projects, and sustained interagency coordination with several agencies (i.e., Caltrans, CTC, CNRA, FHWA, FTA, and SCAG).



Hal's approximate
success rate obtaining
grants

Having served as Metro's former State/Federal Funding Program Coordinator, Board of Directors Transportation Deputy, and Transportation Planning Manager, Hal has first-hand knowledge of programming funds, funding opportunities, and eligibility strategies relative to grant acquisitions and funds management. He will provide oversight of all grant applications, assist the City in managing grant funds, and provide as-needed assistance/advice relative to programming of funds.

PROJECT MANAGER QUALIFICATIONS

Daniel Bartelson, MPA, MBA will serve as the Project Manager. Daniel has 20 years of experience leading complex, multijurisdictional grant projects that require inclusionary buy-in from multiple stakeholders. He has extensive experience with managing similar bench and on-call contracts across the State, including San Diego Association of Governments (SANDAG), Shasta Regional Transportation Agency (SRTA), Midpeninsula Regional Open Space District (Midpen) and the cities of Manhattan Beach, Pismo Beach, La Verne, West Sacramento, Oakland, Stockton, and Paramount, to name a few. As manager of these contracts, Daniel has been responsible for contract management, change management, QA/QC, resource allocation, conflict resolution, scoping, budgeting, scheduling, risk analysis, and negotiations. Daniel's public-sector career spans more than a decade and includes serving the cities of West Hollywood, Lawndale, and Signal Hill. His relevant experience includes, but is not limited to:

- ✓ USDOT's Safe Streets and Roads for All (SS4A) - Has secured more than \$15 million for clients via this new grant program created under the Bipartisan Infrastructure Law (BIL) of 2021
- ✓ California Department of Parks and Recreation, Statewide Parks Program - Out of 472 applications statewide, secured 1 of 62 awarded grants for the City of Monrovia, CA
- ✓ California Natural Resources Agency's Urban Rivers Grant Program - Secured \$1.8 million for the City of Pico Rivera, CA
- ✓ California Department of Transportation's SSARP and LRSP Program - Secured \$913,300 for multiple cities
- ✓ California Transportation Commission's Local Partnership Program, Trade Corridor Enhancement Program, and Solutions for Congested Corridors - Secured more than \$700 million
- ✓ Los Angeles County Regional Parks and Open Space District's Measure A Grant Program - Secured \$1 million for the City of South Gate, CA

OTHER PERSONNEL

The following pages contain brief biographies of EBA staff/personnel. Resumes for specific key staff the City is likely to work with are included in the Appendix. Though some resumes highlight grants secured, most grants are a group effort. Therefore, please refer to the funded grants list for all grants and amounts obtained for clients.

JANE LEE, MURP. MPH
Planning Associate

Jane is a professional planner and grant writer. With a Masters in Public Health and Masters in Urban and Regional Planning from UCLA, she has more than 5 years of professional experience in several interrelated fields, including community health, public policy, land use planning, and urban development. Through a creative yet grounded approach to grant writing, she has helped solve community challenges for cities and public agencies. Her passion for equity in the built environment, mobility, and health has also allowed her to participate and lend her voice in planning and outreach projects. Jane's experience and work in urban and rural areas throughout California and beyond have provided her with a comprehensive understanding of community challenges and opportunities. In her free time, Jane enjoys traveling abroad, trying new cuisines, and long-distance running.

JENNA TOURJÉ, AICP, IAP2
Senior Planning Associate

Jenna Tourjé is a planner, strategist, and community builder with more than 10 years of experience in active transportation, healthy communities, and community engagement. She is passionate about partnering with communities on the path to creating healthy, whole and equitable places, where people love where they live and have a voice and a stake in the future. Through her career, Jenna has experience working with elected officials, staff, and residents in multiple cities and counties in Southern California. She has led projects related to health, active transportation, transportation planning,

community planning, flood-risk & resiliency, and parks and open space. Her clients include cities, regional and federal agencies, and non-profit collaborations.

CAIT GHOSHAL, MPP
Senior Planning Associate

Cait Ghoshal has provided services ranging from federal and state grant writing, to business process improvement and change management, to infrastructure feasibility and risk analysis. Cait has played an advisory role on more than 25 infrastructure projects in the United States. In addition to her work on alternative delivery projects, Cait is an experienced grant writer. Cait has written federal grants since 2016, including grants for discretionary programs such as Better Utilizing Investments to Leverage Development (BUILD) and Infrastructure for Rebuilding America (INFRA). Cait has also worked as a grant writer in the nonprofit sector, managing initiatives funded by the Ford Foundation, Oram Fund for the Environment & Urban Life, and Surdna Foundation, for six years prior to returning to graduate school.

LINDSEY R. KINER, AICP
Senior Planning Associate

Lindsey Kiner is an urban planner with ten years of experience working on transportation and land use projects in both Northern and Southern California. She is passionate about developing sustainable and practical approaches to improving regional mobility and the viability of alternative modes of travel. Lindsey is experienced with preparing CEQA/NEPA documents including initial studies and environmental impact reports for residential, commercial, mixed-use, as well as large transportation projects and plans. Throughout her career, she has served as project manager and deputy project manager on a variety of integrated land use and transportation studies, including the Caltrain Peninsula Corridor Electrification Project EIS/EIR and the LA Metro Airport Metro Connector Project. While at SamTrans, she also managed a number of

strategic mobility projects as well as the agency's short-range transit planning process. Lindsey earned her Master's in Urban Planning at the University of California, Los Angeles, and is also a graduate of the Coro Fellows Program in Public Affairs in San Francisco.

ELEANOR LESHNER, MS Senior Planning Associate

Eleanor Leshner has dedicated the past 10 years of her career to making communities more walkable, bikeable and transit-friendly in an era of new and emerging mobility. Her career includes managing diverse active transportation and safety related projects such as planning and implementing complete street and transit access improvement projects and helping local agencies develop Vision Zero policy frameworks. She continues to be on the cutting edge of exploring how new mobility impacts transportation networks through research exploring autonomous vehicle (AV) safety and rideshare's effect metropolitan travel patterns. Eleanor completed her dual Masters of City Planning and Transportation Engineering at University of California, Berkeley and her BA in Environmental Economics from Middlebury College. In her free time, Eleanor enjoys spending time outdoors and pitching in on her family's organic farm in Sonoma County.

JOHN GAHBAUER, MPA, MBA Senior Planning Associate

John Gahbauer is a planner and author with experience in planning, outreach, policy analysis, and grant writing. He recently worked as grant writer on two active transportation projects in LA County (Artesia and Burbank). Previously, John worked as a Lead Planner at Parsons Brinckerhoff (now WSP), an architecture and engineering firm, where he worked on multiple high-profile transit projects and, as deputy project manager, coordinated the writing of the two-year, \$2.9 million Metro Gold Line Foothill Extension Azusa-Montclair Environmental Impact Report (EIR). He also contributed to the Metro Airport Metro Connector project and the Metro LA

County Bus Rapid Transit study, among others. John also worked as an intern on the groundbreaking SFpark project at the San Francisco Municipal Transportation Agency ("Muni") and as a policy and programming intern at the San Francisco County Transportation Authority (SFCTA), where he assisted with bid solicitation on an \$11 million grant program for low-income mobility needs. John holds an MPP from the UCLA Luskin School of Public Affairs and an MBA from the UCLA Anderson School of Management.

KAREN WARNER Senior Associate

Karen Warner has more than 25 years of experience in providing housing policy services to municipal clients. She worked as a planner in both the public and private sectors. Private sector experience over the past 25 years included serving as Director of Housing Programs for Cotton/Bridges/Associates, and as General Plan project manager for Envicom Corporation. Public sector experience included current planning work for the City of Paramount and County of Santa Barbara. As a research assistant for HUD in Washington D.C., she produced a guidebook for local jurisdictions to facilitate mixed-use development. Karen supports housing applications and has prepared a wide range of housing services, including Housing Plan Preparation (Housing Elements Consolidated Plans, Fair Housing Assessments (AI)); Special Housing Studies (Inclusionary Zoning Studies, Density Bonus Ordinances, Zoning Ordinance Implementation); and public outreach activities.

DOUGLAS KIM, AICP Senior Associate

In his more than 30 years' experience as a transportation and environmental planner for regional transportation agencies, Douglas Kim has performed dozens of focused greenhouse gas emission (GHG), air quality, climate change, noise, vibration, and traffic and circulation analyses, and studies for projects and grant applications.

Prior to focusing on his environmental work, Douglas served as the Director of Countywide Planning for the Metro for 10 years. In that role he oversaw all long-range transit and multi-modal transportation, land use, sustainability, and environmental planning efforts, as well as managing Metro's \$2 million dollar operating budget. Douglas has worked for other large transportation agencies and organizations as well, including the South Coast Air Quality Management District (AQMD), Monterey Bay Unified Air Pollution Control District, and the San Mateo County Transit District. He also worked as a transportation planner with the City of Santa Monica.

JORGE ZARZA Planning Associate

Jorge Zarza has 15 years' experience as a regional and city planner, specializing in land use planning, urban design, smart growth, bicycle and pedestrian design, and preparing geographic information systems (GIS) maps. Jorge served as a planner for the Southern California Association of Governments (SCAG). In this position, he integrated health concerns and the built environment to collaborate with multiple cities in Los Angeles County, to ensure they understood the benefits of long term planning that addresses economic and developmental challenges affecting public health and the built environment. In addition to his planning expertise, Jorge is an expert in Geographic Information Systems (GIS) mapping and cartographically preparing map layouts for grant applications, studies and other applications using ArcGIS and Adobe Illustrator. He has prepared maps in all cycles of ATP, HSIP, and for several federal grants.

KEVIN NORD, MA Planning Associate

Kevin brings 6 years of professional experience in several interrelated fields, including public policy, transportation and land use planning, geographic information systems, urban development, and sustainability. He has participated in both qualitative and quantitative research projects, including studies on transit-oriented development impacts, land-use regulations, and environmental modeling. He blends his wide variety of interests — accessibility, biking, design, environmentalism, housing, mobility, social justice, spatial analysis, and sustainability — through a creative approach to planning. Kevin's research experience and work throughout Los Angeles County have provided him a broad perspective and understanding of transportation challenges and opportunities.

MENGCI YANG, MPP Planning Associate

Mengci Yang blends her 6 years of professional experience in economics, modeling, research, and cost-benefit analysis to assist public agencies maintain and manage federal, state, and local grant funding compliance. Having obtained her Master of Public Policy with an emphasis in public financial management from the University of Southern California (USC), Mengci oversees the direction and coordination of authorizations to proceed, quarterly reporting, invoicing, audit preparation, closeout, and reporting requirements for awarded client grants. Her experience working with funding agencies coupled with supervising civil engineers on designs and specifications provides her a unique perspective when performing rough-order-of-magnitude estimates at the schematic design level for safety and sustainable facilities because she understands that cost estimation at the grant stage of a project is subject to a number of variables.

METHOD FOR EXECUTING SCOPE OF WORK

The City of Pinole, like many other communities in California, confronts several significant issues. One of the key challenges is inadequate infrastructure, particularly related to aging roads, bridges, and public facilities. The City's infrastructure is in dire need of repairs and upgrades to ensure the safety and convenience of its residents. Additionally, Pinole struggles with affordable housing shortages, which can lead to increased homelessness and housing insecurity. The rising cost of living and limited availability of affordable housing options put a strain on vulnerable populations within the community.

Through this contract, the City has a profound opportunity to resolve the issues it faces and enhance the quality of life for its residents and visitors. The City recognizes that a robust grant-making environment exists, which can augment and stretch its limited resources. Moreover, the recent passage of the Bipartisan Infrastructure Law (BIL) of 2021, combined with Governor Gavin Newsom's Clean California initiative, has opened up more funding opportunities at the Federal and State levels than ever before. The City can benefit from historical legislation like SB 1 (Road Repair and Accountability Act of 2017) and Proposition 68 (California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018), as well as programs such as Caltrans' Active Transportation Program (ATP) and Highway Safety Improvement Program (HSIP), which continue to be vital sources of support for furthering the City's objectives.

By increasing available City funding to pay for community-supported projects and programs,

community members will be able to enjoy things they want, like increased mobility via better designed streets that benefit all users (e.g., motorists, pedestrians, bicyclists, and transit-users); upgraded parks and community connections; and sustainable development that protects the City's environment for future generations to come. The City has a profound opportunity to meet its goals and objectives to its constituents by selecting consultants that are not only committed to help secure and manage grant funding, but that also have the demonstrated experience to make the City's projects and programs a reality.



Fundamentally, this contract is about improving the quality of life for residents, visitors, and community members by securing funding to further the City of Pinole's priorities.

Evan Brooks Associates, Inc. (EBA) is a full-service strategic planning firm, located in Los Angeles County, offering project management, grant writing, multimodal studies, community outreach, and environmental compliance services for public agencies to assist in achieving their desired capital program, operations efficiency, and project

development goals.

EBA recognizes that each project is different and each community is unique; our innovative approach combines customized expertise with creative thinking to create the best possible solutions for each challenge. By infusing grant applications with context-sensitive planning, outreach, visually-engaging concept designs, and subject matter experts, we have secured **\$2.2 billion** in private, foundation, local, state, and federal grant funding for **75 cities** and regional planning agencies throughout the Western United States. While the complexity, locations or communities may vary, our mission to

integrate well-planned projects that infuse and solve community concerns remains constant.

Since our inception more than twelve years ago (October 2010), we have learned from previous experiences (*Figure 5*) and understand that this contract can become deadline-driven and resource-intensive, especially when multiple grant opportunities are released and due within days. As such, we will provide all services requested, including, but not limited to:

- ✓ Match grants to City endeavors utilizing grant databases (e.g., Grant Finder, eCivis, Grants.gov, and CA.gov/grants);
- ✓ Identify, in collaboration with the City, which grants to pursue by involving staff in the decision making process;
- ✓ Prepare well-written grants by assigning writers with the appropriate expertise

and with a high success rate for the grant program;

- ✓ Bring together appropriate stakeholders and utilize existing relationships with funding agency staff and their directives throughout the grant development process;
- ✓ Manage grant awarded funds, assuring compliance with grant conditions, and, when necessary, provide updates and reports on grant activities to funding sources;
- ✓ Seek to understand City goals, finances, and stakeholder relationships and work to support and strengthen all of them.

Our 70% funding rate is based on our team’s methodology. We typically begin with a comprehensive funding needs analysis, in which our team meets with City department directors and elected officials to identify high-priority

Figure 5. Lessons Learned

Lessons Learned

Be more selective and strategic on what project (and project components) to include in an application. If the city has multiple project ideas, we can work with you to rank and score all of them based on the evaluation criteria and past funded projects, historically. This exercise will allow you to save resources by only preparing applications with high funding potential, while also enhancing and improving the project’s competitiveness by incorporating elements that tie directly into the funder’s goals and evaluation criteria.

Spend extra time on the narrative, be thoughtful in each and every response, and read it with a fresh pair of eyes. Many grant writing firms recycle or repurpose content. While it may save time, grant reviewers can tell the extent of work applicants commit to an application and this can influence their decision. Our team will not answer each narrative question by simply entering meaningless content. Rather, we will answer questions thoughtfully and seek to weave a compelling, persuasive, and original story.

Include independent quality assurance/quality control (QA/QC) protocols. Our team includes firm specific independent reviewers that are not currently writing grants for the project who can quickly and effortlessly review applications whenever needed. Our siloed approach will ensure the application is double, even triple checked before submittal.

Test submission portals in advance and submit early.

Maintain an online folder to share and house all information (e.g., Dropbox).

Develop naming conventions for files to ease workflow.

Regularly communicate with funding agencies after an award is made. Though it may not be explicitly stated anywhere, proactively ensuring you are meeting reporting requirements makes a huge impact to the success of obtaining future grants from that agency. If you don’t, you risk being blacklisted!

Figure 6. Example of a Grant Funding Forecast

City of Bogeman
Grant Funding Forecast/Schedule
Last Updated: October 9, 2022 10:08 PM

Fall 2022			Winter 2022-23			Ongoing/Rolling Deadline	TBD (NOFA unavailable)	City Priority Projects
Sept	Oct	Nov	Dec	Jan	Feb			
<i>Quote submitted!</i> Funding for development of a comprehensive safety action plan U.S. Department of Transportation: Safe Streets and Roads for All (SS4A) Grant Program Due: September 15, 2022	Grade Separated Railroad Crossing (reconnecting bridge to northern neighborhood/city limits) QIR Railroad Crossing Quiet Zone U.S. Department of Transportation: Railroad Crossing Elimination Grant Due: October 4, 2022		Grade Separated Railroad Crossing (reconnecting bridge to northern neighborhood/city limits) QIR Railroad Crossing Quiet Zone U.S. Department of Transportation: Consolidated Rail Infrastructure & Safety Improvements (CRISI) Grant Program Due: December 1, 2022			Sourdough Intake QIR City Parking Garage w/ roof-top solar array and battery backup U.S. Department of Commerce, Economic Development Administration (EDA): Public Works and Economic Adjustment Assistance Program including CARES Act and American Rescue Plan Act Funding Due: Ongoing Consult with EDA (Aaron Pratt apratt@eda.gov).	Grade Separated Railroad Crossing (reconnecting bridge to northern neighborhood/city limits). U.S. Department of Transportation: Bridge Formula Program (BFP) Due: TBD Montana Department of Transportation (MDT) will receive funding.	Solar Arrays with Battery Storage at City Facilities --- Net Zero Energy Rebate Program --- Electric Vehicle Charging Stations --- Scalable Renewable Energy Source: Development (Wind and Solar) --- Railroad Crossing Quiet Zone --- City Parking Garage w/ roof-top solar array and battery backup --- Grade Separated Railroad Crossing (reconnecting bridge to northern neighborhood/city limits)
<i>Quote submitted!</i> Tourism and recreation projects, such as infrastructure upgrades that enhance visitor experience and increase expenditures, online branding of destinations, heritage preservation, wayfinding, etc. Montana Department of Commerce: Tourism Grant Program Due: September 15, 2022	Up to \$4 million to entice willing to introduce and prepare justice-involved youth and young adults for the world of work through placement into paid work experiences. The goal is to introduce and prepare youth for the world of work, help youth identify career interests, attain relevant skills, and gain work experience U.S. Department of Labor: Growth Opportunities Due: October 5, 2022		Up to \$2 million to conduct demonstration projects focused on advanced smart city or community technologies and systems in a variety of communities to improve transportation efficiency and safety. U.S. Department of Transportation: Strengthening Mobility and Revolutionizing Transportation (SMART) Due: December 18, 2022			Funding to revitalize a town hall, a senior center, a local little league field, a library, or any space where friends and neighbors gather. T-Mobile Homecare Grants Program Due: Quarterly (for next 5 years) Must have "closed ready" plans Population of city/town must be at or under 50,000.	Solar Arrays with Battery Storage at City Facilities QIR Net Zero Energy Rebate Program QIR Scalable Renewable Energy Source Development (Wind and Solar) U.S. Department of Energy: Energy Efficiency and Conservation Block Grant Program Due: TBD NOFA expected in 4th quarter of 2022!	
Funding for capital projects that support the purchase, design, construction, restoration, or renovation of buildings or sites of national, historical, architectural, or cultural significance and facilities that house humanities collections or are used for humanities activities. National Endowment for the Humanities: Infrastructure and Capacity Building Challenge Grants --- Capital Projects Due: September 27, 2022	Grade Separated Railroad Crossing (reconnecting bridge to northern neighborhood/city limits) U.S. Department of Transportation: Reconnecting Communities Pilot Program Due: October 15, 2022 Necessary feasibility studies and other planning activities must be completed to apply for capital construction grant. Will fund planning activities, if needed.						Electric Vehicle Charging Stations. U.S. Department of Transportation: Charging and Fueling Infrastructure Grants Due: TBD NOFA expected in Winter 2022-2023!	Transportation / Interstate / Highway On and Off-ramp --- Water/Sewer - Sourdough Intake

projects, programs, and initiatives that require funding. Using our collected information from the meeting, as well as reviewing the City’s capital improvement plan, we prepare draft grant funding forecasts (*Figure 6*) that show upcoming grants that align with City projects/needs. The forecast serves as a living document, providing the City with clarity and an action plan to start applying for grant opportunities. The forecast is provided in Microsoft Excel to ensure City staff can edit and update as needed.

Our team continues to identify funding opportunities on a monthly basis. With several new grant programs being created under the Bipartisan Infrastructure Law (BIL) of 2021, our team utilizes several online tools to find and track programs, including, but not limited to:

- **Grants.gov** is the official website of Federal grant programs, and it contains information on more than \$500 billion in

grants awarded each year.

- **California Grants Portal** is a searchable database of more than 5,000 grants and loans available for nonprofit organizations and public agencies across the state.
- **Grantwatch.com** is a subscription-based website that features over 500 grant opportunities worth more than \$10 billion annually for state and local governments, nonprofits, and community-based organizations in California

These, and other websites, allow our team to search by keyword or filter results by funding source, category, or agency. In this way, we are able to find grants that align with City projects.

When the City decides to pursue an opportunity, we outline tasks and provide a timeline, for approval by the City. This process includes analyzing the grant to verify the project is competitive (via reviewing historically-funded project lists) and

ensuring the City has the necessary background documents (e.g., engineering plans, maintenance plans, staffing plans, etc.) or offering technical completion of those documents.

By reviewing each requirement of the grant, each section of the narrative, and identifying the support materials (e.g., benefit-cost analysis, maps, photos etc.) required, the City can select which services are needed and what may be more cost-effective to prepare in-house using City staff. Once the City notifies us to proceed, we prepare compelling grant applications and support materials that are sound, technical, and data-driven. City staff works hand-in-hand with our team to provide the necessary in-house data to complete and submit each application on behalf of the City. Upon submission of a grant application, our team will continue to monitor previously submitted applications and present new funding opportunities to the City based on our in-depth funding needs analysis. To ensure confidence in our work, we also provide reports on our successes, lessons learned, and return-on-investment when requested by City staff and/or City Council

Finally, we will assign one (1) project manager for the duration of the contract. The assigned project manager will be the City’s main point-of-contact and have direct responsibility over the day-to-day operations and management of workloads relative to the scope of work. As each



They always stay in communication with us, provide flexibility, and simplify the complex (and sometimes challenging) grant applications with ease.

- Daniel W. Keesey, Public Works Director (former)
- City of La Verne

application and funding agency is unique, our project manager will align grants the City wishes to pursue with one of EBA’s grant writers that has demonstrated success under that (or similar) program. Our project manager will also develop a work plan with detailed project controls which will be utilized to manage grant writing staff and resources.

With a network of more than 40 grant writers, planners, greenhouse gas (GHG) analysts, cost estimators, funding specialists, and geographic information systems (GIS) analysts, our staff has and is ready to secure funding for most project type; however, our demonstrated efforts have largely helped plan and fund:

- ✓ Light rail systems, bus rapid transit systems, and highway expansions;
- ✓ Transit hubs and supportive infrastructure;
- ✓ Traffic management systems;
- ✓ Regional and local bicycle networks;
- ✓ Pedestrian paths and crossings;
- ✓ New parks, libraries, and municipal-related buildings and amenities;
- ✓ Stormwater reuse and management projects;
- ✓ Recreational, art, and community experiences;
- ✓ Sustainable downtown districts; and
- ✓ Urban greening and tree planting projects.



It is challenging to find good grant writers... sometimes we end up doing most of the work...or telling them how to do it. Your firm is great at grant writing and we really appreciate all your efforts

- Maria Carrillo, Senior Analyst
- City of Pico Rivera

CITY STAFF INVOLVEMENT

With several associates being former municipal employees, we understand City staff has many duties and responsibilities outside of grants acquisition and management. Therefore, City staff will be largely be responsible for deciding whether to pursue a grant opportunity that our team presents to the City (or any grant that may come across the desks of City staff). Upon an approved notice to proceed with a grant application, the City will be emailed a checklist of items required for that particular grant. The checklist will itemize documents that the City will need to collect and supply to our team before the grant deadline. Examples include:

- ✓ Signature pages
- ✓ Support letters
- ✓ Approved resolutions

To ensure scopes, budgets, and project elements are to the specifications of the City, City staff will

also be expected to provide written comments on draft grant applications. Fresh eyes, especially from the perspective of those who work for and live in the City, will ensure all needs and project elements are presented accurately in the application.

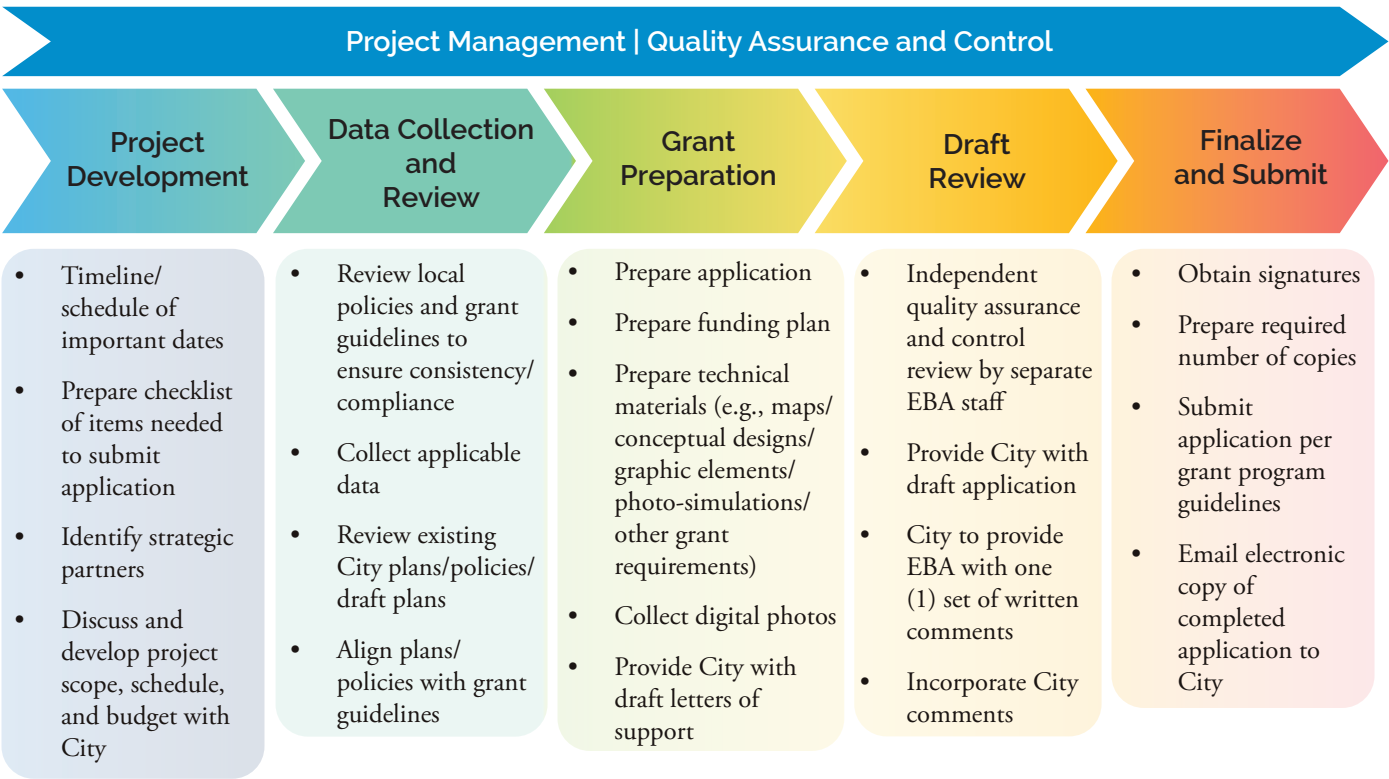
APPLICATION PROCESS

Each grant application has different requirements and will require varying amounts of effort; however, our typical scope of grant writing activities is shown in *Figure 7*. In general, we provide full grant writing and management services (including technical studies, photography, design, outreach, and post-award compliance reports). The following provides additional details and sub-tasks:

1 Review Application, Guidelines, and Evaluation Criteria

Application requirements, guidelines, and evaluation criteria will all be reviewed in depth in order to recognize any differences from the

Figure 7. EBA’s Grant Application Development and Submittal Process



requirements, guidelines, and criteria used in previous cycles. A full and comprehensive understanding of all of these is necessary and will guide project documentation, as well as application preparation and submittal. We will prepare a detailed memo and checklist outlining all requirements for distribution amongst all relevant team members to ensure that expectations are communicated to all parties involved. The memo/checklist will include any tasks that we may need assistance with from the City. Examples include: executed signature pages, approved resolutions, stakeholder contacts, and any internal data not readily available to the general public.

2 Project Area Characteristics

Every single project will include a scan of the area in which that project proposes to be implemented. This scan will identify important area characteristics that will allow for a clear understanding of current issues and development of proposed recommendation and implementation. This task will help our team maximize the cost-benefit of each project, while paying close attention to addressing the existing concerns of that location.

For transportation planning projects, such as HSIP and ATP projects, identified solutions will be evaluated and reviewed by our engineering team to ensure that each recommended action does not create new problems. The information obtained through the scans will be used by team members to support project justifications going forward, and will be incorporated into project maps, charts, data graphics, and other project application materials where reasonably necessary or useful.

3 Modeling and Analysis

As deemed necessary, our project team may include subject matter experts (pre-approved by the City), such as architects, economists, or information technology experts. Use of subject

matter experts will assist our team in running forecasting models and analyzing project impacts. The goal of this process is to provide quantitative data and baseline measurements for the proposed project or program. Including experts early in the grant writing process will yield a more fine-tune narrative that is backed by sound technical judgment and reasoning.

For projects which require modeling and analysis, our project team will utilize available databases and resources, as well as coordinate with local agencies, such as law enforcement, the City, or local stakeholders, to ensure that accurate and complete data is utilized to evaluate conditions. Current data will assist in determining what project impacts have in that area.

4 Letters of Support

An important component of grant applications is proof of sponsorship and community support. Our team will ensure that all grant applications include the necessary documentation of support from City councils, community groups, neighborhood councils, business improvement districts, local business owners, pedestrian, bicycle and SRTS advocacy groups, property owners, and developers so that the evaluating body will see that all the necessary support is in place to implement the proposed projects.

5 Perform Any Necessary Public Outreach

We typically assume that most or all necessary public outreach has been performed sufficiently; however, we are prepared to coordinate cost-effective public outreach efforts with the local agency, stakeholders, and advocacy groups before finalizing project design and submitting the final grant application. Outreach efforts enable us to partner with local advocacy groups and to communicate effectively with community partners.

6 Project Area Photos

Project area photos are often a necessary component of grant applications that illustrate the need for the project in a very comprehensible way. Any available photographs from the City will be collected and considered, but we will perform comprehensive photography (including aerial photography) of all project areas to fully document local conditions. By doing so, our grant applications will clearly tell the story about local need for the project and the positive impact that the proposed project will have in the area.

7 Demonstrate Consistency with Existing Plans and Policies

This is an important task, and requires review of existing land use, transportation, sustainability, public health plans, and policies. Undertaking such a review allows us to demonstrate that not only does the project have the support of community members; it is also supported by official policy and largely consistent with regional plans. By doing so, we will demonstrate how the project will help interested agencies and parties meet regional goals.

8 Create Maps and Layouts

We will work with our in-house graphic designers and cartographers to develop maps that illustrate the extent of each project, surrounding land use, previous safety concern sites, activity centers, and any other local features necessary to support the requirements of a particular application. We will complete the majority of this information in ArcGIS so that maps, an easily-accessible format for presentation of information, can be included in final applications. We use public databases and GIS information to show the project's land use and relation to disadvantaged communities. These are important pieces of information to include as applications for projects serving disadvantaged communities typically score higher in the evaluation process, translating into greater success rates.

9 Provide Supporting Data

Applications will cite and include any necessary documentation supporting claims of project benefits, but will do so in a way that makes them engaging and easily readable, bearing in mind that applications are typically scored by both experts and volunteers.

10 Craft a Succinct and Compelling Case for the Project

A critical component of every application is a compelling narrative that explains local and regional need for the proposed project to address the identified problem. Our team is experienced in crafting these compelling narratives by using engaging language and storylines to develop compelling grant applications.

11 Draft Review Phase

When our team has finished drafting and revising a draft text, we will upload the text of the application onto a file sharing service so that City staff can read and offer comments on the contents of the application. This allows City staff to review the draft application earlier in the process, and without all the additional components of an actual application. After receiving and implementing any feedback on the text of the application, all draft packages will be prepared to fit the granting agency's template.

12 Full-Draft Application

Our team of experts will compile the draft application package, bringing together all written sections, photos, charts, maps, and other graphic components into a single document for City staff review. Our team is prepared to meet with City staff via teleconference, or in-person, to discuss comments and concerns about full-draft applications. We will formally note all comments, suggestions, and actions taken as a result, so that City staff will be able to see how concerns are being addressed. This will allow all parties involved to collaborate easily and effectively in application development,

and provide a transparent and effective channel for resolution of conflicting opinions as to application components. In this way, executive approval and ultimate timely submission of all grant applications are made easy.

Typical deliverables may include, but not be limited to:

- ✓ *Pre-applications/letters of intent*
- ✓ *Checklist for grant applications*
- ✓ *Existing conditions*
- ✓ *Letters of support*
- ✓ *Summary of public outreach or outreach update plan and new public outreach, if necessary*
- ✓ *Benefit-cost analysis*
- ✓ *Planning document and policy consistency*
- ✓ *Maps*
- ✓ *Project concept design drawings*
- ✓ *Photographs*
- ✓ *Cost estimates*

- ✓ *Complete project draft applications*
- ✓ *Attendance at review meetings – as needed*
- ✓ *Final project applications in electronic and printed form for the City and granting agency*

13 Post-Award Grant/Funds Management

EBA has worked closely with cities to manage their grant-awarded funds, from preparing all types of documents (e.g., preliminary environmental studies, certifications, and request for authorization for each project phase) to preparing bid documents, tracking expenditures, and preparing progress reports to the funding agency detailing compliance with their eligible funding use.

With more than 30 years of experience, Hal Suetsugu — supported by EBA staff certified via the Local Technical Assistance Program (LTAP) to assist cities with Caltrans' forms and post-award procedures — will ensure the City is meeting its commitment and reporting requirements to each granting agency and funding source. EBA is available to work hand-in-hand with City staff to ensure projects are moving forward in a timely manner.

SCHEDULE

Grant writing can take several months to complete, depending on the complexity of the project and the grant proposal requirements. A schedule will be provided for each grant the City wishes to pursue. After a grant is identified, EBA will ideally have two (2) months to prepare the application. Stages typically include:

- ✓ **Gather information and data:** Spend 2-3 weeks gathering information, data, and other materials necessary for the grant proposal, such as budgets, project plans, and organizational information.
- ✓ **Develop a proposal outline:** Spend 1-2 weeks creating an outline for the grant proposal, including sections such as project goals, methodology, evaluation, and budget.
- ✓ **Write the proposal:** Spend 3-6 weeks writing the grant proposal, including drafting and revising.
- ✓ **Finalize the proposal:** Spend 1-2 weeks editing, proofreading, and finalizing the proposal, including ensuring that all required attachments and supporting documents are included.
- ✓ **Submit the proposal:** Submit the proposal before the deadline and follow up with the funder as necessary.

FEE PROPOSAL

Many grant writing firms have different specialties, from parks to transportation, housing to public safety. As such, utilizing a bench of multiple consultants oftentimes yields the best outcomes for agencies. At this time EBA proposes a time and materials contract.

Grant Opportunities. Grant opportunities reports, which list all grant opportunities accepting applications, will be provided at **no charge to the City** for the life of the contract.

Grant Writing. EBA will submit a **detailed cost estimate to prepare each grant application the City wishes to pursue.** This cost is dependent on several factors, including grant complexity (e.g., benefit-cost analysis calculations, number of narrative questions, GIS mapping, etc.) and grant requirements (e.g., engineering plans, concept plans, photos, outreach, etc.). In addition to writing, EBA staff is able to prepare these additional items and will breakdown the cost so the City can decide if some items can be prepared internally. EBA will only work on the application upon an approved notice-to-proceed issued by the city. This will ensure the City is in full control of assignments and budgets.

Research, Meetings, Grants Management, and All Other Services. Targeted grant research, meetings with the city, work performance reports, general strategic counsel/advice, post-award grant management, and all other services will be provided on a **time and materials basis.** Hourly rates and fees are shown in **Figure 8.** If the City has a set budget, EBA will work within that budget.

On average, this costs approximately \$556 (4hrs) - \$1,112 (8hrs) per month. Clients who review our grant opportunities list and email us the grants they are interested in pursuing and associated City project information (e.g., scope of City project, concept plans, total funding needed, etc.) require less EBA staff time, as compared to clients who prefer to hold meetings to review grant opportunities against City projects with our staff to determine a “go” or “no go” decision.

EBA also invoices its clients for the full cost of out-of-pocket expenses directly related to project assignments under contract. If required, EBA will provide quote for expenses (e.g., travel, printing, etc.).

Figure 8. EBA Hourly Rate Sheet

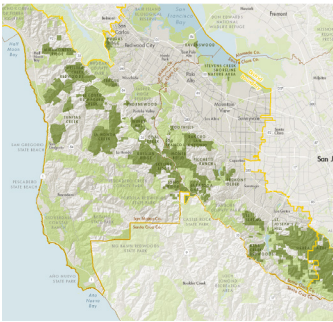
PERSONNEL	HOURLY RATES
President	\$298
Project Manager	\$275
Grants Manager/Senior Associate	\$238
Grant Writer/Associate	\$178
Research/Funds Analyst	\$143
GIS Mapping/Cartographer/Graphics	\$130
Administrative Support	\$113

SUCCESSFUL GRANT APPLICATIONS

EBA has a strong record of obtaining high-yielding grants for our clients, with an average grant award amount of \$1.2 million per application. Per RFP, below are five funded grants, along with required information (*Figure 9*). Hours are estimates as we bill based on a flat fee that we work with and agree to with our clients. Our entire team contributed their expertise and dedication to the success of these grants, with Daniel Bartelson serving as the lead on the preparation of each grant application.

Figure 9. Grant Awards secured for Public Agency Clients

FUNDING AGENCY/ GRANT PROGRAM	PROJECT DESCRIPTION/ YEAR AWARDED	GRANT AWARD AMOUNT	CLIENT RECEIVING AWARD	EBA'S ROLE	EST. HOURS BILLED
Funding Agency: CA-Parks and Recreation Grant Program: Statewide Park Program	Project Description: Construction of New Recreation Village Park Phase 1 (2021)	\$5,000,000	City of Covina	Grant Writing, Photography, Outreach, and GIS Mapping	68
Funding Agency: Wildlife Conservation Board Grant Program: Restoration Funding	Project Description: Wildlife and Regional Trail Crossing (2020)	\$5,000,000	Midpeninsula Regional Open Space District	Grant Writing and GIS Mapping	74
Funding Agency: Caltrans Grant Program: Clean California Grant Program	Project Description: Battles Road Green Corridor Rehabilitation and Beautification Project (2022)	\$2,509,133	City of Santa Maria	Grant Writing, Planning, Photography, and Concept Designs	92
Funding Agency: Caltrans Grant Program: Active Transportation Program	Project Description: Turtle Bay to Downtown Gap Completion Project (2022)	\$2,665,000	City of Redding	Grant Writing and GIS Mapping	55
Funding Agency: USDOT Grant Program: Safe Streets and Roads for All (SS4A)	Project Description: Development of the Los Angeles Metro Comprehensive Safety Action Plan (2023)	\$6,320,257	Los Angeles County	Grant Writing Graphic Design, and GIS Mapping	43



REFERENCES

Grant Writing and On-Call Research

- 📅 2018-Current, on schedule and within budget
 📍 City of Covina (125 E College St, Covina, CA 91723)

EBA has secured a total of **\$18.6 million** in grant funding for this largely non-disadvantaged city for projects, such as:

- **California State Parks' Prop 68 Statewide Park Program** to renovate a former fruit packing warehouse into a new indoor recreation and sports complex, complete with outdoor components, such as a new pocket garden park, rock climb area, and historical/cultural artwork (\$4.8 million)
- **California State Library's Building Forward Grant** for the renovation of a fruitpacking warehouse into a new library (\$5 million)
- **Rivers and Mountains Conservancy's Prop 68 Grant** for the construction of a new dog park (\$1 million)
- **Caltrans' Sustainable Communities Grant** for a citywide active streets and multimodal connectivity plan that aims to identify corridors to connect the Downtown area with the regional Metrolink (\$319,151)
- **SCAG's Sustainable Communities Grant** to establish an Enhanced Infrastructure Financing District (EIFD) (\$100,000).

EBA provides the City with monthly grant opportunities listings and frequently meets with city staff to identify which opportunities are worth pursuing.



★ PROJECT HIGHLIGHTS

- » Grant Research
- » Grant Writing and Exhibits
- » Cost Benefit Analysis
- » Cost Estimates
- » Project Management
- » Community Outreach
- » Contact: Brian Lee, Community Development Director, Email: BLee@CovinaCA.gov Phone: (626) 384-5460

STAFFING

Hal Suetsugu (Grant Writer)
 William Imperial (Grants Research)

”

**“You guys are awesome!
 Thanks for leading our
 projects and helping move
 them forward.”**

- Chris Marcarello, City
 Manager (City of Covina)



On-Call Grant Writing

📅 2018-Current, on time and on schedule 🧑 City of Richmond
(450 Civic Center Plaza, Richmond, CA 94804)

The City of Richmond is located 16 miles northeast of San Francisco on the western shore of Contra Costa County. Richmond is best known for its unique history and role in the World War II home front effort. Today, the City is an important oil refining, industrial, commercial, transportation, shipping and government center.

Under EBA's existing on-call contract, EBA provides grant funding opportunities on a monthly basis and was recently responsible for preparing the **California State Parks' Shoreline Erosion Control Grant** for the construction of rock revetment at Point Molate Beach Park. Tasks involved visiting the site to document existing conditions and capture photos, analyzing previous community outreach efforts, and working with a technical consultant to prepare a solution to the coastal erosion. The **\$500,000** project is vital to save and protect the beach park for future generations. The application required a strong community-focused story, documentation of historical significance, and safety benefits of the project for visitors to the park.

EBA is currently preparing an application for **CALOES' Building Resilient Infrastructure and Communities (BRIC)** totaling **\$5.3 million** to offset the cost of retrofitting a 68-year-old wastewater treatment facility which has been previously identified as a critical operational facility.



★ PROJECT HIGHLIGHTS

- » Grant Research
- » Grant Writing and Exhibits
- » Cost Benefit Analysis
- » Cost Estimates
- » Contact: Yader Bermudez, Engineering and Capital Improvements Projects Director; Email: Yader_Bermudez@ci.richmond.ca.us; Phone: (510) 774-6300

STAFFING

Daniel Bartelson (Project Manager/
Grant Writer)
Writers (Kevin Nord, Jenna Tourje,
Lindsey Kiner, John Gahbauer)
Mengci Yang (Benefit-Cost Analyst)

”

“Great job. I got you on my speed dial!”

- Yader A. Bermudez,
Engineering and Capital
Improvements
Projects Director, former
(City of Richmond, CA)

Grant Writing and Research

- 📅 2019-Current, on schedule and within budget
- 👤 City of Desert Hot Springs (11999 Palm Drive Desert Hot Springs, CA 92240)

EBA has secured a total of **\$21.4 million** in grant funding for the City via **Caltrans' ATP** grant program for road, bicycle, and pedestrian improvements throughout the City, **RCTC's TDA Article 3 (SB 831)** Grant Program for Wardman Park/8th Street sidewalk and ADA improvement project, and SCAG's Smart Cities for a future mobility and parking management plan. EBA is developing grants funded under the **Bipartisan Infrastructure Law**, such as the **USDA/NRCS's Watershed and Flood Prevention Program** for construction assistance to elevate low water crossings over two washes: Mission Creek and Morongo Wash. Watershed protection is needed to increase erosion and sediment control necessary to safeguard water quality.



★ PROJECT HIGHLIGHTS

- » Grant Research
- » Grant Writing and Exhibits
- » Contact: Jilleen Ferris, Email: jferris@cityofdhs.org Phone: (818) 238-5250

STAFFING

Daniel Bartelson (Project Manager)
Lindsey Kiner (Grant Writer)
Jorge Zarza (GIS Cartographer)

On-Call Planning and Grant Writing

- 📅 2018-Current, on schedule and within budget
- 👤 City of Burbank (275 E Olive Ave, Burbank, CA 91502)

EBA has secured a total of **\$840,000** in grant funding for this largely non-disadvantaged City via:

- **Metro's Transit-Oriented District (TOD) Planning Grant Program** for the Downtown Metrolink Station TOD Specific Plan (\$410,000)
- **SCAG's Sustainable Communities Grant Program** for a Media District Specific Plan Update (\$430,000)

In addition, EBA staff assists the Department with any and all duties regarding ADU property owner applicant submittals, including, but not limited to plan checking (including reviewing plans for ADUs and ensuring compliance with State and local laws, policies and guidelines); and monitoring the progress and status of permitting reviews, re-submittals and approvals.



★ PROJECT HIGHLIGHTS

- » Grant Research
- » Grant Writing and Exhibits
- » Planning
- » Contact: Fred Ramirez, Assistant Community Development Director, Email: FRamirez@burbankca.gov Phone: (818) 238-5250

STAFFING

Hal Suetsugu/Daniel Bartelson
(Grant Writer)



Grant Application Writing and Outreach

📅 2019 - Current
Monrovia, CA 91016)

👤 City of Monrovia (415 S Ivy Ave,



★ PROJECT HIGHLIGHTS

- » Grant Research
- » Grant Writing and Exhibits
- » Cost Benefit Analysis
- » Cost Estimates
- » Community Outreach
- » Contact: Tina Cherry, Director of Community Services;
tcherry@ci.monrovia.ca.us
Phone: (626) 256-8226

EBA has secured **\$1,734,931** for this non-disadvantaged City via three grant applications. The first was the **California State Parks' Statewide Park Program (SPP)** grant, which was awarded \$675,000 for renovations and expansion to Lucinda Garcia Park. To fulfill the grant application requirements, EBA managed and facilitated five community outreach meetings, including park workshops for the community at-large, ice cream socials for local schools, and smaller focus groups with residents adjacent to the park. To gain further input from the public, EBA created a large table long image using drone images, on which people could provide direct input regarding existing park amenities. This well-researched, community-supported application was instrumental in the grant's success. The second and third grant applications were via the **U.S. Federal Transit Administration's (FTA) 5310 Grant**, which resulted in an award of \$600,000 for an expansion of senior and disability transit services, and \$459,931 for the City's GoMonrovia: Phase II Expansion of Service Project, which has replaced transit with rideshare services, like Lyft and Uber, so residents can get free, on-demand service via their smartphones.

STAFFING

Daniel Bartelson (Project Manager/Writer)

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“EBA is attentive, responsive, and is always willing to write grant applications on short notice. They are our “go-to” firm when it comes to meeting short deadlines for grants.”

- Cesar Roldan, Senior Management Analyst, City of El Monte, CA

”

“Thank you for your very hard work and expertise composing the grant responses and materials, obtaining the pictures, maps and all the necessary background information as well as putting the grant applications together and pushing us to ensure they were submitted on time.”

- Lillian Burkenheim Silver, Director of Planning and Economic Development, Eco-Rapid Transit

Grant Writing and Technical Study Assistance

📅 2018 - Current, on schedule and within budget
 📍 City of Stockton (425 N El Dorado St, Stockton, CA 95202)



EBA has secured **\$13.5 million** in grant funding for the City's priority projects through several grant writing contracts. The first contract was for the preparation of a **Caltrans' Active Transportation Program (ATP)** Cycle 4 grant application for the Safe Routes to School Safety and Connectivity Improvement Project. This project entailed the implementation of recommendations from the City's SRTS Plan, including bike lanes, missing sidewalk segments, high visibility crosswalks, flashing beacons, curb ramps, safety medians, pedestrian refuges, and traffic islands. Our firm scored a 93/100 on this application, making it one of two projects in San Joaquin County to receive State funding. Additionally, EBA has helped the City secure **Highway Safety Improvement Program (HSIP), Congestion Mitigation and Air Quality Improvement (CMAQ), and Transformative Climate Communities (TCC)** grants.



PROJECT HIGHLIGHTS

- » Grant Research
- » Grant Writing and Exhibits
- » Technical Studies
- » Contact: Wes Johnson, PE,
Project Manager Email: wes.johnson@stocktonca.gov
Phone: (209) 937-8088

STAFFING

Daniel Bartelson (Project Manager)
 Kevin Nord, Hal Suetsugu (Grant Writer)
 Mengci Yang (BCA Analyst)

”The high level of care that you placed in projects research, regular communications and preparing quality applications have been notable. So I would like to express our appreciation of your work.”

- Heba El-Guindy, City Traffic Engineer — former (City of Stockton, CA)

Midpeninsula Open Space Regional District (Midpen) On-Call Grant Writing

📅 2018-Current, On time and on schedule 📍 Midpeninsula Open Space Regional District (330 Distel Circle, Los Altos, CA 94022)



PROJECT HIGHLIGHTS

- » Grant Research
- » Grant Writing
- » Contact: Deborah Hirst,
Grants Program Manager
Email: dhirst@openspace.org
Phone: (650) 625-6507

STAFFING

Daniel Bartelson (Project Manager/Grant Writer)
 Mengci Yang (Cost Estimator)

Under contract with Midpen, a special district in the San Francisco Bay Area, EBA was responsible for preparing and securing **\$5.4 million** in grants. This included the **CNRA's Prop 68** grant of \$999,678 for the rehabilitation of the Alma Cultural Landscape Site, which involves constructing interpretive and educational open space facilities and exhibits. This application required a strong ability to communicate the benefits of the project clearly and concisely. Additionally, EBA was successful in preparing a **Wildlife Conservation Board (WCB)** grant for a wildlife and regional trail crossing. Midpen has preserved an impressive regional greenbelt system of over 63,000 acres of public land and manages more than 220 miles of grant-funded trails.

Grant Funding Administration

📅 2019 - Current

📍 City of Manhattan Beach (3621 Bell Avenue, Manhattan Beach, CA 90266)



EBA provides the City of Manhattan Beach's Public Works Department with assistance in the **administration of its Federal, State, and local grant-funded projects and programs**. EBA reviews and oversees grants related to the capital improvement plan, project funding agreements, and fund balances, such as various grant programs and those funded through the city's local transportation funding (e.g. Props A, C, Measure R, and Measure M).

The project objectives are for EBA to facilitate the authorization process of the city's identified grant-funded projects in accordance with Federal, State, and local guidelines and procedures, such as those outlined in the Local Assistance Procedures Manual (LAPM) and the Local Assistance Programs Guidelines (LAPG) Manuals. This includes assisting in the preparation of **Contract Documents, Project Advertisement, Open Bids, Award Packages, Invoicing, Progress Reports, and Project Closeout**. EBA staff adheres to the terms of each grant in accordance with the policies and procedures outlined by the city's Code of Ethics and the LAPM. EBA staff keeps the city updated on a regular basis and participates in project development meetings as established by the City. Additionally, EBA emails the City monthly about grant opportunities.

★ PROJECT HIGHLIGHTS

- » Grant Management
- » Grant Research
- » Contact: Leah Portman, Management Analyst Email: lportman@citymb.info Phone: (310) 802-5309

STAFFING

Daniel Bartelson (Project Manager)
Hal Suetsugu (Funds Manager)
Mengci Yang (Assistant Funds Manager)

CLIENTS DURING THE PAST FIVE YEARS

- » City of Anaheim
- » City of Arroyo Grande
- » City of Avalon
- » City of Baldwin Park
- » City of Belmont
- » City of Brawley
- » City of Burbank
- » City of Carson
- » City of Compton
- » Contra Costa County
- » City of Corona
- » City of Covina
- » City of Davis
- » City of Desert Hot Springs
- » City of Downey
- » City of Duarte
- » City of Dublin
- » City of Escondido
- » City of Fort Bragg
- » City of Grand Terrace
- » Golden Empire Transit District
- » City of Hermosa Beach
- » City of Irvine
- » Kern County
- » City of La Verne
- » Mendocino County
- » Los Angeles County
- » Los Angeles County Department of Transportation (LADOT)
- » Los Angeles County Metropolitan Transportation Authority (Metro)
- » City of Manhattan Beach
- » Midpeninsula Regional Open Space District (Midpen)
- » City of Monrovia
- » City of Montebello
- » City of Moorpark
- » City of Moreno Valley
- » Nevada County
- » City of Oakland
- » City of Pasadena
- » City of Petaluma
- » City of Pismo Beach
- » Plumas County Transportation Commission
- » City of Redding
- » City of Redondo Beach
- » City of Richmond
- » City of Riverside
- » Riverside County Transportation Commission
- » City of San Bernardino
- » San Diego County
- » City of Santa Cruz
- » San Gabriel Valley Council of Governments
- » City of South El Monte
- » City of South Gate
- » Shasta Regional Transportation Agency (SRTA)
- » State of California, Department of Conservation (DOC)
- » City of Stockton
- » City of Thousand Oaks
- » City of Vallejo
- » City of West Sacramento
- » Western Riverside Council of Governments (WRCOG)

CONFLICTS AND TERMINATION

There are no existing or potential conflicts of interest that may arise from our firm's work on this project. We are committed to maintaining the highest standards of integrity and impartiality throughout the project's duration. Our firm has not encountered instances where our work on a contract with a public agency has been terminated.

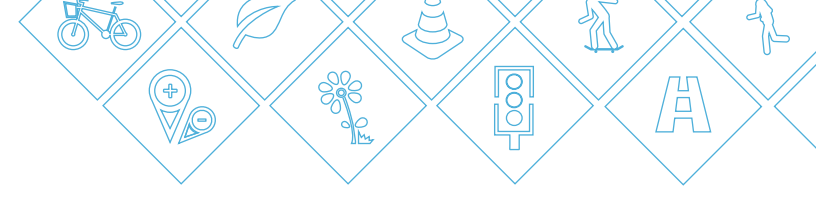
EXCEPTIONS TO THE CONSULTANT SERVICES AGREEMENT

Our firm is willing and fully prepared to execute an agreement with the terms specified in the City's Standard Consultant Services Agreement, including the insurance requirements, for this project.

APPENDIX

- » Resumes





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DANIEL BARTELSON, MPA, MBA

Principal - Project Manager

Daniel has 20 years of experience leading complex, multijurisdictional transportation, planning, and grant acquisition projects. He has served as project manager and firm lead on various contracts with public agencies across the states of California, Oregon, Arizona, and Montana including the Los Angeles County Metropolitan Transportation Authority (Metro) and Shasta Regional Transportation Authority (SRTA). Daniel is adept at project and programmatic budgeting and control, as well as coordinating with public entities because his public-sector career spans more than a decade and includes serving several cities in various capacities. He understands, from goals and objectives to developing and implementing projects, having clear and concise data and working side-by-side each client, is paramount for the project to be a success and to achieve a high return on investment for the client.

Daniel's experience also includes writing grants, researching new grants, and managing all grant associated work for large agencies, such as Los Angeles Metro and Midpeninsula Regional Open Space District, as well as smaller cities throughout Northern and Southern California. He is skilled at developing strategic relationships with the funding agency, obtaining support from all levels of government, and developing substantive and well-written applications. Daniel's efforts have secured more than \$2 billion in state, federal, and local sources for client projects.

EDUCATION

- » Master of Public Administration (MPA), Villanova University
- » Master of Business Administration (MBA), University of Arizona
- » BA, Political Science, UCLA

WORK

- » Deputy City Manager, City of Signal Hill
- » Assistant to the City Manager/ Human Resources Director, City of Lawndale
- » Management Analyst, Office of the City Manager, City of South Pasadena
- » Administrative Analyst, Office of the City Manager, City of South Pasadena

CERTIFICATIONS

- » Certified in Safe Routes to School Local Planning, National Center for Safe Routes to School

Los Angeles Metropolitan Transportation Authority (Metro) Grant Application Assistance | Los Angeles County, CA

Project manager, leading WSP, Deborah Murphy Urban Design and Planning, Safe Routes to School National Partnership, and Stantec to advise Metro on grant opportunities and prepare applications. To date, Daniel has led the development of more than 20 State grant applications.

Previously, in 2016, Daniel served as task lead/grant writer and was responsible for coordinating and delivering 9 grant applications to Metro. Management tasks included working to achieve Stantec's (prime) goals and providing direction to a team of internal funding experts and urban planners to develop and enhance Caltrans' Active Transportation Program (ATP) applications for Metro and several multi-jurisdictional projects through the Metro-covered area. Contract culminated in securing \$172.6 million dollars for first/last mile projects throughout the Los Angeles region. Key tasks involved working hand-in-hand with Metro to obtain support for projects from the City of Los Angeles, County of Los Angeles, and local public agencies.

Active Transportation Program (ATP) Cycle 5 Grant Writing Assistance | Shasta Regional Transportation Authority (SRTA)

Project manager responsible for the development of several competitive grant applications for the Caltrans' ATP Cycle 5. The ATP is the primary source of active transportation funding in California, is very competitive, and includes an intensive application effort such that small, local agencies in the Shasta Region can only afford to submit a couple applications per grant cycle, or none at all. As manager and under this contract, Daniel secured more than \$17.5 million for the City of Redding and Shasta County.

evan brooks associates

[Grant Funding Strategic Plan | City of Irvine](#)

Project manager responsible for preparing a Grant Funding Strategic Plan (Plan) that will serve as a three-year roadmap that defines specific projects and priorities and matches them to upcoming grant opportunities. Even though

the Plan will serve as a living document because timelines change and new opportunities arise, the overall strategy will allow City staff to determine which grant opportunities make the most sense and enable staff to stay ahead of opportunities, which will result in more thoughtful and ultimately more successful grant applications.

[California Office of Emergency Services \(CalOES\) Hazard Mitigation Grant Program | City of Richmond](#)

Grant writer responsible for preparing this \$5.3 million application for the Richmond Wastewater Treatment Plant Seismic Retrofit Project. The grant will fund the retrofitting of a 68-year-old wastewater treatment facility which has been previously identified as a critical operational facility (Local Hazard Mitigation Plan, 2018). The proposed structures for improvement include an influent pump station, primary sedimentation basins, aeration basins, digester tanks, and pipe gallery which are all significantly susceptible and will likely sustain significant damage as a result of seismic activity. This wastewater treatment facility with more than 21,000 service accounts was identified by the city for improvement as a part of a detailed quantitative seismic assessment and development of conceptual retrofit designs.

[State and Federal Funding Administration | City of Pismo Beach](#)

On-call firm manager for the City's state and federal grant funded projects and programs. Work includes managing environmental clearances; Right-of-Way (ROW) certifications; completing Request for Authorizations (RFA) to obtain E-76s for initiation, preliminary engineering (PE), and construction; preparing progress invoices, bid, and contract documents; and maintaining records for future auditing purposes according to funding source requirements.

[On-Call Grant Writing | City of Desert Hot Springs](#)

On-call manager responsible for aligning projects with grants and leading a team of grant writers to prepare all types of competitive grant applications. Under his leadership, Daniel has helped secure \$340,000 under SB821 for bicycle and pedestrian facilities.

[California Department of Parks and Recreation's Statewide Park Program Grant Program \(Prop 68\) | City of Monrovia](#)

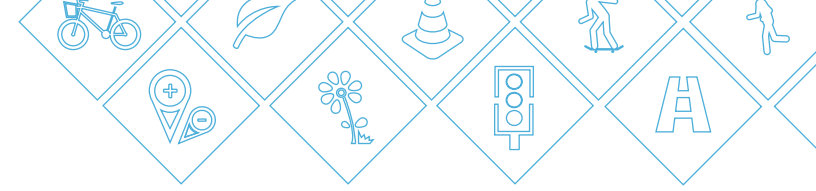
Grant writer responsible for securing funding for the expansion and renovation of Lucinda Garcia Park. The SPP-awarded project involved construction of two new playgrounds with lighting, fencing and picnic tables, five exercise fitness stations, demonstration garden, interpretive garden, bike racks with fixit stations, new "Lucinda Garcia Park" monument sign and historic Red Car signage, and lighting throughout the park.

[CalFire's Urban and Community Forestry California Climate Investments Grant Program | City of Compton](#)

Grant writer charged with developing two City of Compton grant applications under the CalFire Urban and Community Forestry California Climate Investments Grant Program. Awards totaled more than \$5 million for green transportation projects designed to decrease greenhouse gas (GHG) emissions through tree planting, divert stormwater through engineering improvements, and educating children through demonstration projects.

[ATP Cycle 4 and HSIP Cycle 9 Grant Writing Assistance | Stockton, CA](#)

Project manager responsible for leading a team of grant writers to prepare multiple ATP Cycle 4 and HSIP Cycle 9. Daniel coordinated with the City, managed EBA resources, and ensured every deliverable was submitted to the City for draft review on or before the scheduled deadline. The culmination of work resulted in securing \$3,631,800.



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HAL SUETSUGU, MA

President

Hal has more than 35 years of experience providing regulatory planning support for city projects. Hal has led several projects, including zoning code updates, specific plans, and general plan amendments, and commercial, housing, and mixed-use planning projects. Hal has overseen the award of more than 100 grant-funded projects and plans for municipalities and regional agencies, including the Los Angeles County Metropolitan Transportation Authority (Metro) and the Southern California Association of Governments (SCAG). His expertise includes outreach and grant writing. To date, Hal has obtained funding for Metro Gold Line first/last mile station enhancements and sound mitigation, active transportation plans, pedestrian linkages, bike facilities/corridors, bus acquisition, and sidewalk improvements. He has an 85% success rate securing grants he has prepared (including ATP, SB1 and AHSC) and has led outreach projects ranging from large-scale, regional events to smaller community congresses and City Council planning commissions. With a Masters in Urban Planning from UCLA, Hal has dedicated his life to creating livable, sustainable communities that elevate education, health, the environment and safety.



EDUCATION

- » MA, Urban Planning, UCLA
- » Graduate studies in Geography/Urban Studies, California State University, Los Angeles
- » BA, Geography (Minor in Business) California State University, Los Angeles



WORK

- » Vice President of Planning, Transtech Engineers
- » Transportation Manager, City of South Pasadena
- » Transportation Planning Manager, Capital Planning and Programming, Los Angeles County MTA
- » Board of Directors Transportation Deputy, Los Angeles County MTA



PROFESSIONAL AFFILIATIONS

- » California Chapter, American Planning Association

La Verne's Citywide Active Transportation Funding Plan | La Verne, CA

Hal serves as a project manager and is charged with developing an active transportation funding plan for the City of La Verne to guide strategic investment and provide a basis for seeking additional capital funds for its planned projects. Under the guidance of the plan, Hal secured more than \$3.4 million for highway safety improvement projects, bicycle/pedestrian facilities, regional bikeway connectors, and roadway/bridge widening projects. These projects have increased the speed of active travel, reduced point-to-point distances, and served as a catalyst to multimodal transfer activity.

On-Call Grant Writing | West Sacramento, CA

The City of West Sacramento has built a successful record of obtaining competitive grants, with awards totaling more than \$100 million over the last ten years. While most of the work in researching grant opportunities and preparing applications is conducted by the City in-house, staffing constraints presented the need for outside grant writing services. To this end, Hal provides the City with grant writing and monitoring on an on-call basis. Work tasks include, but are not limited to, meeting with City staff in-house to discuss potential applications, conducting grant research and/or advocacy, preparing grant application materials, and packaging and submitting applications on behalf of the City.

Southern California Association of Governments (SCAG), Grant Funding Identification, Application Development and Grant Scoring | Los Angeles, CA.

Project manager responsible for grants needs assessment; grant funding opportunity identification; grant application development, including



managing large, interagency grant applications, and coordinating SCAG's interest with potential funders. In coordination with Project Team staff, was also responsible for reviewing and ranking received grant applications for SCAG's Sustainable Communities program. In less than one year, more than \$3 million in local and state grants were secured for SCAG and multi-jurisdictional projects.

[On-Call Grant Writing | Stockton, CA](#)

Hal has helped secure \$5 million in grant funding for the City's priority projects. Hal prepared the City's ATP Cycle 4 grant application for the Safe Routes to School Safety and Connectivity Improvement Project. The project involves constructing bike lanes, missing sidewalk segments, high visibility crosswalks, flashing beacons, curb ramps, safety medians, pedestrian refuge and traffic islands. Hal scored a 93/100 on this application and it was 1 of 2 projects in the San Joaquin County to receive State funding. Additionally, Hal secured \$793,800 for via the HSIP grant program, and has prepared CMAQ grants and supported efforts for the 2020 TCC grant.

[California Department of Housing and Community Development's \(CA-HCD\) Housing Related Parks Program | El Monte, CA](#)

Grants manager responsible for securing more than \$728,600 for the City of El Monte to rehabilitate and restore Lambert Park. The Lambert Park Rehabilitation Project - Phase 1 and 2 of construction will continue the rehabilitation of the park facilities including passive improvements to watershed area (DG paths, benches, picnic tables, etc), removal of existing wading pool and backfill with sod to include irrigation; environmental testing of the two existing buildings (Teen/Youth Hut and Recreation Office/Maintenance Room/Restrooms); and updating conceptual plan to be used at outreach meetings with stakeholders, the community and any other interested parties to solicit feedback on refining the concepts so the concepts can then be further developed into design/construction documents.

[California Natural Resources Agency's Urban Greening Grant | Grand Terrace, CA](#)

Grant writer responsible for preparing a State-funded Urban Greening Grant for the City of Grand Terrace to develop a pocket park and transform a 1 mile stretch of a defunct railway into a greenway, complete with 190 trees, protected bike lane, several benches, permeable surfaces, and a hydration station. This \$2.3 million dollar grant will provide the City with the additional funds it needs to make this project a reality.

[Baldwin Park Health and Sustainability Element | Baldwin Park, CA](#)

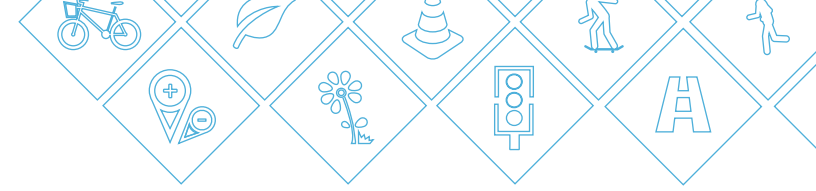
Hal led the outreach portion for the City of Baldwin Park's new Health and Sustainability Element for the City's General Plan. The goal was to adopt an Element to comprehensively plan for a healthier, greener and stronger Baldwin Park. The Plan had defined actions the City will take over the next several years to improve the health of Baldwin Park residents and to create a cleaner, more sustainable environment. The Plan also complemented the Transit Oriented Development Specific Plan for Downtown Baldwin Park.

[Caltrans' Active Transportation Program \(ATP\) | Various Agencies](#)

Grant writer has mastered the Caltrans ATP grant program, securing more than \$10 million for non-motorized projects throughout Southern California, including funding for the development of Complete Streets Improvements, Safe Routes to School, and infrastructure projects. These projects will act as a catalyst for additional road diets and complete streets improvements that are planned throughout region.

[Caltrans' Sustainable Communities | Various Agencies](#)

Grant writer secured nearly \$1 million from Caltrans' Sustainable Communities grant program for multiple municipalities. Funded projects include, but are not limited to, Safe Routes to School Plans, Safe Streets and Corridor Improvement Projects. He also secured \$237,000 for the Los Angeles River Bikeway Feasibility Study, which looked at a wide range of alternatives, challenges, and presented recommendations for installing a regionally connected bikeway throughout Vernon to the Los Angeles River.



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JANE LEE, MURP, MPH

Urban Planning Associate

With a Masters in Public Health and Masters in Urban and Regional Planning from UCLA, Jane has more than 5 years of professional experience in several interrelated fields, including community health, public policy, land use planning, and urban development. Through a creative yet grounded approach to grant writing, she has helped solve community challenges for cities and public agencies. Her passion for equity in the built environment, mobility, and health has also allowed her to participate and lend her voice in planning and outreach projects. Jane's experience and work in urban and rural areas throughout California and beyond have provided her with a comprehensive understanding of community challenges and opportunities. In her free time, Jane enjoys traveling abroad, trying new cuisines, and long-distance running.

EDUCATION

- » M.U.R.P., Urban and Regional Planning, UCLA
- » M.P.H., Public Health, UCLA
- » B.S.P.H., Public Health, UC San Diego

EXPERIENCE

- » Staff Research Associate V at Sustainable LA Grand Challenge
- » Planning Intern, LA County Dept. of Regional Planning ESGVAP
- » Independent Contractor at Easterseals, Inc.

TECHNICAL SKILLS

- » Canva, ArcGIS, Project Management, Airtable, SPSS, STATA, Monday
- » Languages: Korean and Chinese

AWARDS/ AFFILIATIONS

- » UCLA Institute of Transportation Lewis Center for Regional Policy Studies Fellow (2022)
- » American Public Health Association (APHA) PHEPH Award Finalist (2021)

U.S. Department of Homeland Security's (FEMA) Building Resilient Infrastructure and Communities (BRIC) Program | Santa Cruz, CA

Grant writer responsible for preparing a \$12.3 million dollar grant application to fund a flood hazard mitigation project that will increase protection from increasingly frequent and intense rainfall events. The current level of protection is inadequate for 5- and 25- year floods, with flooding evident in low-lying areas along streets in Downtown Santa Cruz. The City is proposing to harden existing and construct new pump stations, as well as deepen wet wells, to alleviate flows in the existing storm drain lines.

U.S. Department of Transportation's Reconnecting Communities Grant Program | Covina, CA

Grant writer responsible for preparing and securing a \$5 million dollar grant application to "bridge the gap" between the City's north and south communities. The funding will help the City meet several objectives, including 1) building a bridge to connect the Covina Metro station to its parking lot across the street, 2) creating wayfinding signage to bolster economic revenue in the historic downtown area, and 3) fostering a better pedestrian experience through reimagined sidewalks and walkways, coupled with better public safety, for a more unified community.

U.S. Department of Transportation's Safer Streets and Roads for All (SS4A) Grant Program | Riverside, CA

Grant writer responsible for preparing an implementation grant application for \$13.8 million towards citywide infrastructure improvements, including the implementation of a Road Diet, and new pedestrian sidewalks, dynamic/variable speed warning signs, bicycle lanes, bicycle signage, sharrows, audible push buttons, and high-visibility crosswalks along the project corridor. This project is building off of recent safety improvements that the City has been implementing, including those with funding from the Active Transportation Program Cycle V and SB-1. The City has also been implementing pedestrian and bicycle improvements at several locations Citywide with Community Development Block Grant (CDBG) funds.

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[California State Library's Building Forward Grant Program | Moorpark, CA and Monrovia, CA](#)

Grant writer responsible for preparing two construction grant applications totaling \$11 million for library facility-related capital projects that will address critical maintenance needs, improve energy efficiency, improve sustainability, and expand physical access. The Moorpark City Library application details the need for a critical infrastructure replacement of the current library facility, as a new building is determined to be the most cost-effective way to provide a safe library for Moorpark's residents. The Monrovia Public Library application seeks to revitalize existing grounds, including renovation of exterior patios and landscaping.

[Cal Fire's sUrban and Community Forestry Grant Program | Riverside, CA](#)

Grant writer responsible for preparing a grant application for the City of Riverside's Urban Forestry Management Plan project. The proposed project will include the creation of an in-house database for forestry inventory management, a standardized Urban Forest Management Plan, and the planting of drought-tolerant trees within existing parks located in Census-designated low-income neighborhoods in the City of Riverside.

[T-Mobile's Hometown Grant Program | Brawley, CA](#)

Grant writer responsible for preparing a \$50,000 grant application for the Refreshing Brawley Facade Improvement Project. The project would allow the City to provide financial assistance to business owners located in the City's downtown district towards storefront improvements, with the goal of supporting the City's vision to increase the Downtown Civic area's position as the City's cultural, civic, and entertainment center within a walkable, pedestrian-scale village atmosphere.

[California Department of Transportation's Sustainable Transportation Planning Grant Application | Bell Gardens, CA](#)

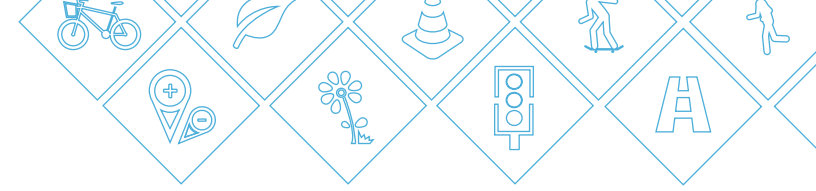
Grant writer responsible for preparing a \$355,450 planning grant application for the Bell Gardens Transit Oriented Community Specific Plan and Zoning Code Update (BG-ZCU) Project. The project seeks to bring connectivity and safety to the City of Bell Gardens by addressing neighborhood parcel underutilization and mobility gaps that negatively impact access to neighborhood schools, parks, retail centers, hospitals, as well as regional transit centers, and transit stops. The Project will update the City's outdated General Plan (last updated in 1995) which will help guide future land use development and transportation access for the disadvantaged community of Bell Gardens.

[California State Park's Clean California Grant Program | Desert Hot Springs, CA, Redding, CA](#)

Grant writer responsible for \$5.7 million construction grant application for the Corporate Yard Park Green Development Project in Desert Hot Springs. The project aims to transform 7.5 acres of a 10-acre site into a community park while retaining the remaining space as the city's corporate yard. Also, prepared a \$3.2 million construction grant application for the Calaboose Creek Core Revitalization Project in Redding. The project involves converting underutilized City Right-of-Way into separated trails with curb, gutter, sidewalk, water-efficient landscaping, and decorative art fences created by local artists. The goal is to enhance the area around the historic Calaboose Creek in Downtown Redding, making it an attractive and beautiful destination for the community.

[California Public Utilities Commission \(CPUC\)'s Local Agency Technical Assistance | Desert Hot Springs, CA](#)

Grant writer responsible for preparing a \$500,000 planning grant application for the Connecting Desert Hot Springs: Broadband Strategic Master Plan Project. The project seeks funds to create a Broadband Strategic Master Plan that would fund preconstruction activities leading to a last-mile broadband network. The Master Plan would help the City own and operate their own city-wide fiber optic infrastructure network, which would ultimately increase the number of service providers in the Coachella Valley and support lower prices for equitable access to services.



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CAIT GHOSHAL, MPP

Senior Planning Associate

Cait Ghoshal has provided services ranging from federal and state grant writing, to business process improvement and change management, to infrastructure feasibility and risk analysis. Cait has played an advisory role on more than 25 infrastructure projects in the United States. In addition to her work on alternative delivery projects, Cait is an experienced grant writer. Cait has written federal grants since 2016, including grants for discretionary programs such as Better Utilizing Investments to Leverage Development (BUILD) and Infrastructure for Rebuilding America (INFRA). Cait has also worked as a grant writer in the nonprofit sector, managing initiatives funded by the Ford Foundation, Oram Fund for the Environment & Urban Life, and Surdna Foundation, for six years prior to returning to graduate school.

EDUCATION

- » Master in Public Administration, DePaul University
- » Bachelor of Arts, Political Science and Media Studies, Hobart and William Smith Colleges

WORK

- » Director, Aegis Owner Services
- » Senior Consultant, WSP
- » Associate, Aon Infrastructure Solutions
- » Program and Development Director, Congress for the New Urbanism

AWARDS & SKILLS

- » Young Professionals in Infrastructure
- » WTS International
- » American Society of Public Administrators
- » Grant writing, value capture analysis, risk analysis, financial feasibility and Value-For-Money, training and curriculum design

MD 5 Great Mills Improvement Project, BUILD | Maryland Department of Transportation

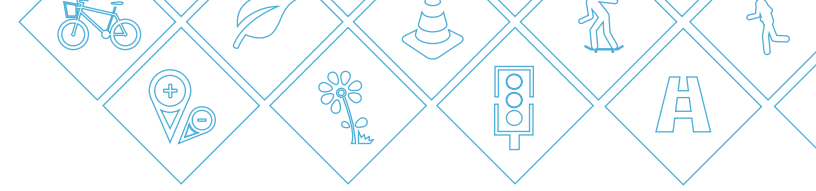
Grant writer responsible for \$14,950,000 grant to replace a bridge. The Great Mills project will increase safety and mobility by expanding capacity for motorized traffic, creating multimodal transportation options, and replacing an obsolete bridge. Analysis found that long traffic queues during the peak travel periods, creates congestion and safety concerns, with a crash rate 40 percent higher than the statewide average for similar routes.

Bushnell to West Kimball, Interstate 80, BUILD | Nebraska Department of Transportation

Grant writer for \$25,000,000 grant for a highway reconstruction project. The I-80 Bushnell to West Kimball Project covers 9 miles in Western Nebraska and plays a crucial role in facilitating commerce among regional rural businesses and national freight carriers that move goods across the state.

Lake Nona Mobility Network, BUILD | Orange County, Florida in partnership with Tavistock

Cait first served as a grant writer for the winning grant and then played an implementation role in executing a partnership with Orange County, Florida. The BUILD grant funded a multi-project infrastructure network program in Lake Nona, Florida. The project included a greenbelt and other park amenities to support both the transportation network and residential development in Lake Nona. Cait created the business processes necessary to support the project move from the grant award phase to implementation phase with an eye toward federal grant compliance. She also led a project delivery workshop to determine the appropriate delivery method to procure contractors for the program's five project elements. She was also responsible for drafting procurement documents and providing support to Tavistock throughout their efforts to procure a Construction Manager at Risk.



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[Downtown Transit Center, BUILD | New Orleans Regional Transit Authority](#)

Grant writer responsible for preparing this \$16,392,000 grant application for a Downtown Transit Center in New Orleans's Central Business District. The facility is designed to consolidate transfers across routes, integrate passenger amenities, and enhance pedestrians' safety as they make transfers.

[BART Silicon Valley Extension Program | Valley Transportation Authority \(VTA\)](#)

Cait was the Deputy Project Manager for an effort to create a funding plan and identify developer incentives for four station areas within the Phase II transit extension. She led a team of six staff members and was the day-to-day point of contact for intergovernmental negotiations between the client and its municipal and county stakeholders. She built a value capture plan for four station areas in the project limits, an instrumental component in securing federal grants and loans. The plan demonstrated a local financial commitment from both BART and its municipal and county stakeholders, helping the Federal Transit Administration (FTA) expedite the Project Delivery Pilot Program Expression of Interest, and was an essential component to BART's application for a Full Funding Grant Agreement (FFGA). Cait prepared tax and assessment projections, and drafted the legislative and implementation roadmap..

[Illinois Bridge Bundling Program | Illinois Soybean Association](#)

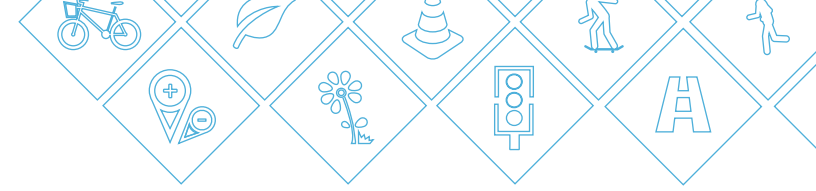
Cait assisted the Illinois Soybean Association in forming a state-wide working group in coordination with the Illinois Department of Transportation and the County Engineers Association. The group is designed to explore the feasibility of a bridge bundling program. Feasibility of such a program in Illinois depended on understanding both state and local government processes to finance, obligate funding, select, and procure. Cait helped the working group advance the concept of bridge bundling by contacting like-minded organizations, offering case study and research to support the group's policy recommendations, and organizing webinars with relevant subject matter experts. She also moderated a webinar with the Ohio Department of Transportation and the Ohio County Engineers Association so that the working group could understand both the mechanics of Ohio's bridge bundling program and the change management strategies needed to execute the program across the state with multiple local government entities.

[Procurement, Governance and Financial Feasibility for Commercial and Park Lid Development on Interstate 5 | City of Seattle](#)

Cait participated in a feasibility study to examine the possibility of placing a greenspace and commercial development on top of Interstate 5 in downtown Seattle. She led an effort to assess the governance, procurement, and financial solutions to bridge the highway, support new uses, and reconnect neighborhoods that have been divided for over 50 years. Her analysis contemplated how park and recreational capital needs may be borne by private partners and ways to structure greenspace investments over multiple phases of construction.

[Change Management & Business Process Improvement Support | Southern CA Regional Rail Authority \(Metrolink\)](#)

Cait executed an organizational change management strategy for the revision of Metrolink's contract and procurement procedures manual. She was instrumental in updating procedures to align with new policies passed by the Metrolink board of directors, bringing procedures in line with best practices, and drafting new procedures for the implementation of alternative project delivery. She led a team that mapped out existing business processes for contracts and procurement for the agency, proposed recommendations to improve or create procedures that made workflows more efficient, and conducted trainings and workshops that helped the agency gain universal adoption of the new procedures.



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JENNA TOURJÉ, AICP, IAP2

Senior Planning Associate

Jenna Tourjé is a planner, strategist, and community builder with more than 13 years of experience in active transportation, healthy communities, and community engagement. She is passionate about partnering with communities on the path to creating healthy, whole and equitable places, where people love where they live and have a voice and a stake in the future. Through her career, Jenna has experience working with elected officials, staff, and residents in multiple cities and counties in Southern California. She has led projects related to health, active transportation, transportation planning, community planning, flood-risk & resiliency, and parks and open space. Her clients include cities, regional and federal agencies, and non-profit collaborations

EDUCATION

- » B.A. International Development, University of California, Irvine
- » M.S. Urban and Regional Planning, University of California, Irvine

WORK

- » Founder, Collab Local
- » Senior Community Planner, Michael Baker International
- » Millenium Ten Coordinator, Codman Square Development Corporation
- » Vice President of Community Development, University of California, Irvine
- » Data and Evaluation, Santa Ana Building Healthy Communities Hope Center

CERTIFICATIONS

- » American Institute of Certified Planners (AICP), 2014, 027398
- » Licensed International Association of Public Participation Trainer (IAP2), 2014

LA County Public Works: LA River Master Plan | Los Angeles, CA

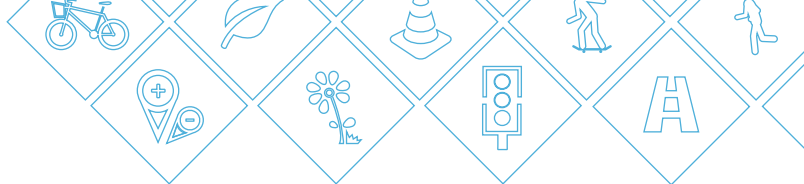
Providing facilitation for Advisory Group sub-committees as a contractor to Kearns and West. The LA River Master Plan is a comprehensive blueprint covering all 51 miles of the River. The effort to update the LA River Master Plan was launched in late 2016 to modernize an existing 1996 plan, synthesize more recent ideas for portions of the River, and bring a coherent and comprehensive vision to the transformation and re-imagining of the LA River. Led by Geosytec, Gehry Partners, OLIN, River LA, and Kearns & West.

SANBAG: Rim of the World Active Transportation Plan | San Bernardino County, CA

As public involvement manager on the project, responsibilities included direction and coordination of outreach and engagement activities throughout the planning process. Specific outreach programs and activities included interactive online surveys, pop-up workshops, stakeholder tours, asset mapping, and community workshops.

City of Long Beach: 15th Street Corridor Bicycle Boulevard | Long Beach, CA.

Responsible for managing, coordinating, and facilitating outreach and engagement activities throughout the life of the project. Michael Baker provided preliminary engineering services, community outreach, and final engineering services for a citywide network of bicycle boulevard projects on local neighborhood roadways. The network of bicycle boulevards forms the backbone of the city's bicycle master plan. The 15th Street Corridor Bicycle Boulevard is a 3.3-mile corridor that travels from Magnolia Avenue at 14th Street; easterly on 14th Street to Long Beach Boulevard; northerly to 15th Street; and easterly to Pacific Coast Highway (PCH). The project consisted of Class II and Class III bicycle facilities, traffic circles, roadway rehabilitation, signage and striping improvements, and traffic signal improvements with bicycle detection.



[Jacksonville Transportation Authority: Complete Streets Improvements and Public Workshops | Jacksonville, FL.](#)

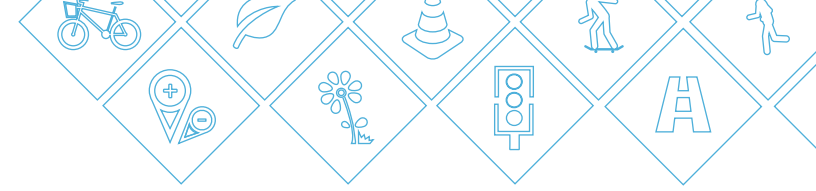
Provided content and design for outreach materials for the Jacksonville Complete Streets Mobility Workshops. As part of the MobilityWorks program, Michael Baker provided conceptual design and analysis services for implementation of the Complete Streets model in two improvement focus areas. Michael Baker studied the most appropriate application of the Complete Streets model to the focus areas to accommodate all site users, including pedestrians, bicyclists, buses, and vehicles. Part of the design process included two public workshops that brought local residents together to provide ideas and give feedback to existing conditions in the study areas.

[City of Laguna Beach.: Enhanced Mobility and Complete Streets Transition Plan | Laguna Beach, CA.](#)

Provided writing support and plan structure for the final product. Michael Baker prepared a Complete Streets transition plan that will provide the policy framework for the city to implement physical and operational changes to the roadway network to improve conditions for all users including bicycles, pedestrians, transit, and motor vehicles. As part of the project, Michael Baker conducted an extensive analysis of the existing facilities in Laguna Beach that support or hinder mobility, including sidewalk locations, street grades, and speed limits. Extensive community outreach, including an online survey, walk audit, and bike audit, resulted in community identification of issues and opportunities. The final plan included recommendations to improve mobility citywide.

[City of San Diego Economic Development: Linda Vista Comprehensive Active Transportation Strategy \(CATS\) | San Diego, CA](#)

Responsible for advising on community outreach and participation throughout the project. Michael Baker provided public outreach and GIS modeling services for The Linda Vista Comprehensive Active Transportation Strategy (CATS), a first in the region, with an objective to blend the pedestrian and bicycle master planning processes into one active transportation plan effort. It focuses on GIS modeling and public outreach to arrive at data driven results to develop active transportation projects. Pedestrian and bicycle demand models were overlaid with existing and planned transit routes to determine the high score areas for active transportation propensity. Typologies were created to understand the existing street network and how it relates to land use, so that context-appropriate solutions can be implemented. Two public workshops and an online survey were developed to gain community opinions that would help identify specific areas of need that may not have been captured by modeling efforts.



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associates

LINDSEY R. KINER, AICP

Senior Planning Associate

Lindsey is an urban planner with 13 years of experience working on transportation and land use projects in both Northern and Southern California. She is passionate about developing sustainable and practical approaches to improving regional mobility and the viability of alternative modes of travel. Lindsey is experienced with preparing CEQA/NEPA documents including initial studies and environmental impact reports for residential, commercial, mixed-use, as well as large transportation projects and plans. Throughout her career, she has served as project manager and deputy project manager on a variety of integrated land use and transportation studies, including the Caltrain Peninsula Corridor Electrification Project EIS/EIR and the LA Metro Airport Metro Connector Project. While at SamTrans, she also managed a number of strategic mobility projects as well as the agency's short-range transit planning process. Lindsey earned her Master's in Urban Planning at the University of California, Los Angeles, and is also a graduate of the Coro Fellows Program in Public Affairs in San Francisco.

EDUCATION

- » University of California, Los Angeles, Luskin School of Public Affairs, M.A. Urban Planning,
- » University of California, Los Angeles, B.A. Political Science

WORK

- » Principal/Founder, LK Planning
- » Senior Planner, San Mateo County Transit District
- » Transportation Planner, Fehr and Peers
- » Transportation Planner, WSP (formerly Parsons Brinkerhoff)
- » Rail Operations Intern, San Mateo County Transit District
- » Marketing Coordinator, Meyers Nave
- » Project Manager, Barbary Coast Consulting

CERTIFICATIONS

- » American Institute of Certified Planners (AICP), 027483

[SamTrans Youth Mobility Plan | San Mateo County, CA](#)

As project manager, directed research and community outreach for county-wide Plan to enhance youth awareness and access to bus services through targeted marketing and service improvement strategies. Outreach included surveys and focus groups with middle school, high school and college-aged youths in San Mateo County to better understand challenges and opportunities around transit use. Recommendations for implementation developed in partnership with students from the Youth Leadership Institute.

[San Mateo County Transit District US-101 Express Bus Feasibility Study | San Mateo County, CA](#)

Project Manager for planning-level study exploring the financial and operational feasibility of San Mateo County Transit District (SamTrans) operating cross-county express bus services. Led a multi-disciplinary technical team, including travel demand forecasting, community outreach, and conceptual route design specialists. Designed and implemented a creative public outreach process that was focused on engaging commuters at pop-events, including street fairs and local markets.

[Metro Grant Application Assistance | Los Angeles, CA.](#)

Lead author on three Caltrans Active Transportation Program (ATP) Cycle 4 applications in the LA County region: La Cañada Flintridge, Monrovia, and unincorporated East San Gabriel. Manage application writing and development through close coordination with city sponsors and feedback from LACTMA to produce competitive grant applications.

[Metro Airport Metro Connector | Los Angeles, CA.](#)

Assistant Project Manager of team of eleven sub-consultant firms in developing CEQA/NEPA studies for a direct rail transit connection to LAX. Coordinated both with Metro and subconsultants, to verify consistency between engineering, environmental and modeling tasks.

She assisted in the writing and editing of documentation to be included in the DEIS/DEIR, including authoring the Purpose and Need section. She also worked closely with the modeling team to gather and verify data inputs for the special generator Air Passenger Model for the project.

[Peninsula Corridor Joint Powers Board, Caltrain Peninsula Corridor Electrification Project EIS/EIR | San Francisco, CA](#)

Project planner and lead author of the transportation analysis for the EIR. Analyzed and documented the local and regional transportation impacts of converting Caltrain from diesel to electrical power within a study area spanning 16 cities and three counties. Assisted with validating and calibrating the ridership model for future scenarios and coordinating data consistency across traffic model inputs for over 90 study intersections. Worked with technical specialists to develop and document mitigation measures for traffic, transit, pedestrian and bicycle facilities, emergency vehicle access, and station parking/access.

[Santa Cruz County Regional Transportation Commission \(RTC\), Santa Cruz Rail Feasibility Study | Santa Cruz, CA](#)

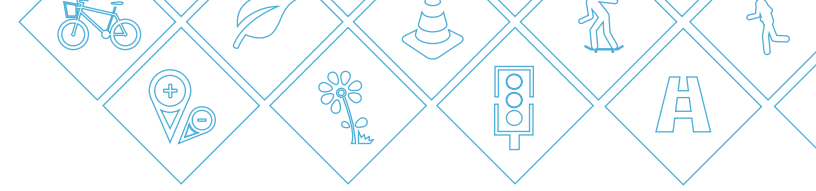
Deputy project manager for this planning-level study evaluating the operational feasibility of operating passenger rail service for residents and visitors along the scenic 32-mile coastal Santa Cruz Branch Line between Santa Cruz and Watsonville. Coordinated technical analysis and documentation of results for ridership projections, capital and operating costs estimates, and rail operating scenarios. Assisted client with exploring operational feasibility in conjunction with other transportation uses on the corridor, including an adjacent bicycle-pedestrian path operating alongside rail, often in geographically constrained areas along the coast.

[601 Marshall Transportation Impact Analysis | Palo Alto, CA](#)

Project Manager for this infill, mixed-use development adding Class A office space and retail in Redwood City's transit-oriented downtown area. Coordinated with City staff on consistency with the General Plan and Downtown Precise Plan. Developed a Transportation Demand Management plan to accompany the project with an emphasis on reducing automobile trips through the provision of bicycle and transit-supportive amenities on-site for employees.

[Los Angeles Bureau of Sanitation Plastic Bag Ban EIR | Los Angeles, CA](#)

Project planner for the environmental study of the ban on use of single-use plastic bags in the City of Los Angeles. Assisted with data gathering and writing of EIR documentation, including the Initial Study and Biological Resources chapter.



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ELEANOR LESHNER, MS

Senior Planning Associate

Eleanor has dedicated the past 10 years of her career to making communities more walkable, bikeable and transit-friendly in an era of new and emerging mobility. Her career includes managing diverse active transportation and safety related projects such as planning and implementing complete street and transit access improvement projects and helping local agencies develop Vision Zero policy frameworks. She continues to be on the cutting edge of exploring how new mobility impacts transportation networks through research exploring autonomous vehicle (AV) safety and rideshare's effect metropolitan travel patterns. Eleanor completed her dual Masters of City Planning and Transportation Engineering at University of California, Berkeley and her BA in Environmental Economics from Middlebury College. In her free time, Eleanor enjoys spending time outdoors and pitching in on her family's organic farm in Sonoma County.

EDUCATION

- » M.S., Civil Engineering, Transportation Engineering, University of California, Berkeley
- » Master of City Planning, Transportation Planning and Policy, University of California, Berkeley
- » B.A., Environmental Economics, Middlebury College

EXPERIENCE

- » Senior Transportation Planner, Fehr & Peers
- » Project Manager & Transportation Researcher, UCCONNECT, UC Berkeley
- » Program Associate, Institute for Transportation and Development Policy

AWARDS/ AFFILIATIONS

- » MassTransit Magazine 40 Under 40 Award
- » Board Member, Women Transportation's Seminar (WTS), San Francisco

Grand Boulevard Initiative Safe and Healthy Corridor Communities | SamTrans, Palo Alto & Redwood City, CA

Lead planner responsible for multimodal safety analysis for the two corridor segments as well as the stakeholder and public outreach effort for this pedestrian and bicycle safety study. Eleanor and her team worked with the Grand Boulevard Initiative (GBI) – a collaboration of 19 cities, counties, local and regional agencies united to improve the El Camino Real (State Route 82) corridor – by developing two complete streets case studies: one in Palo Alto and another in Redwood City. The final recommendations culminated in conceptual designs for corridor-level and intersection interventions to improve walking and biking in the study areas.

Contra Costa Countywide Vision Zero and Systemic Safety Framework | Contra Costa Transportation Authority (CCTA), Contra Costa County, CA

Project Manager responsible for developing CCTA's Countywide Vision Zero and Systemic Safety Framework, which advocates Vision Zero as a standard practice in local and regional transportation planning and traffic operations. To achieve this, Eleanor's team collected and analyzed traffic safety data to identify countywide safety trends and prioritize future efforts, and developed a "How To" guide for local jurisdictions to implement Vision Zero and safety improvement projects consistently across the county.

Contra Costa Countywide Bicycle and Pedestrian Master Plan Update | Contra Costa Transportation Authority (CCTA), Contra Costa County, CA

Project Manager responsible for developing the CCTA Countywide Bicycle and Pedestrian Master Plan update, including managing a large consultant team. Key elements of the multifaceted project included extensive community outreach; development of a white paper on



emerging trends in bicycle/pedestrian planning including micromobility and curbside management; development of updated countywide low-stress bicycle network and priority pedestrian areas; implementation strategy; and creation of a public-facing final plan that is easy to read and visually compelling.

Safer Taylor Street | San Francisco Municipal Transportation Authority (SFMTA), San Francisco, CA

Lead planner responsible for existing conditions analysis, traffic operations analysis, and development of the final report and recommendations for this community-based plan and complete streets design process. Eleanor's team used an on-the-ground, inclusive community process by partnering with local community-based organizations (CBOs), respecting the extreme diversity and unique needs of the local Tenderloin community, while providing city staff with high-quality technical analysis and sophisticated, creative graphics that build on the City's ongoing Vision Zero efforts.

Bancroft Corridor Before & After Study | City of Berkeley, CA

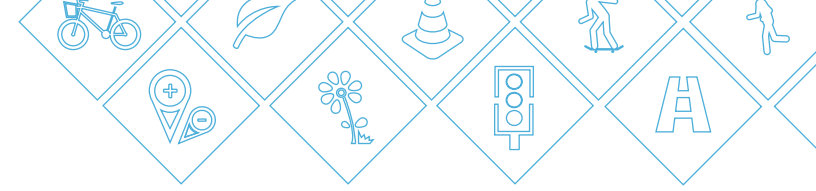
Lead planner responsible for evaluating the Bancroft Way complete streets pilot project – a newly implemented protected bikeway and transit lane design – using metrics related to safety, access and operations. Her team worked with the city to determine a robust list of study metrics to evaluate the success of the pilot project and to determine any potential design modifications. Metrics included pedestrian and bicycle volumes, vehicle speeds, yielding rates at crosswalks, compliance at traffic signals, loading activity and compliance, and transit reliability.

Fremont Bicycle Master Plan | City of Fremont, CA

Lead planner responsible for developing the City of Fremont's Bicycle Master Plan Update, which outlined an implementable vision of separated bikeways, protected intersections, and low traffic stress bikeways accessing Priority Development Areas (PDAs) and BART stations. The Plan developed a framework and specific actions to implement the General Plan goal of "retrofitting suburban streets" and reducing auto dependence in the city. The Plan update creates a phased network of separated bikeways, protected intersections, and bicycle boulevards throughout the City, focusing on access to the City's many PDAs and transit as well as improving safety on the City's Vision Zero high injury corridors.

Publications

- Leshner, Eleanor and Nico Boyd (2021). "Autonomous Vehicle Considerations under the Safe System Approach." ITE Quick Bytes. Accessible at <https://www.ite.org/pub/?id=5DD1C888-EDF2-A5CB-DF67-AF82FE873458>
- Leshner, Eleanor; Nico Boyd, and Alice Grossman (2020). "Safeguarding Safety for Road Users Now While Planning for an Automated Future." ITE Journal (Vol. 90, No. 4, April). Accessible at <https://www.ite.org/pub/?id=5DD1C888-EDF2-A5CB-DF67-AF82FE873458>
- Balding, Melissa; Teresa Whinery, Eleanor Leshner, and Eric Womeldorff (2019). "What Are TNC's Share of VMT." Accessible at <https://www.fehrandpeers.com/what-are-tncs-share-of-vmt/>



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JOHN GAHBAUER, MPP, MBA

Senior Planning Associate

John is a planner and author with experience in planning, outreach, policy analysis, and grant writing. He recently worked as grant writer on two active transportation projects in LA County (Artesia and Burbank). Previously, John worked as a Lead Planner at Parsons Brinckerhoff (now WSP), an architecture and engineering firm, where he worked on multiple high-profile transit projects and, as deputy project manager, coordinated the writing of the two-year, \$2.9 million Metro Gold Line Foothill Extension Azusa-Montclair Environmental Impact Report (EIR). He also contributed to the Metro Airport Metro Connector project and the Metro LA County Bus Rapid Transit study, among others. John also worked as an intern on the ground-breaking SFpark project at the San Francisco Municipal Transportation Agency (“Muni”) and as a policy and programming intern at the San Francisco County Transportation Authority (SFCTA), where he assisted with bid solicitation on an \$11 million grant program for low-income mobility needs. John holds an MPP from the UCLA Luskin School of Public Affairs and an MBA from the UCLA Anderson School of Management.

EDUCATION

- » AB, Philosophy, Georgetown University
- » MPP, Transportation, UCLA Luskin School of Public Affairs
- » MBA, Management, UCLA Anderson School of Management

WORK

- » Lead Planner, WSP | Parsons Brinckerhoff
- » Assistant Editor, Cengage Learning

[Metro Grant Application Assistance | Los Angeles, CA.](#)

Grant writer providing authorship of two grants for active transportation projects in the LA County cities of Artesia and Burbank. Developed application and directed maps and analysis in support of 1.5 miles of bicycle and pedestrian facilities (Artesia) and a bicycle and pedestrian bridge over the Los Angeles River (Burbank).

[Metro Gold Line Foothill Extension Construction Authority, Metro Gold Line Foothill Extension Azusa-Montclair EIR | Monrovia, CA](#)

Deputy project manager coordinating the production of a 500-page EIR for a 12.3 mile light-rail extension of the Metro Gold Line. Served as client point-of-contact and coordinated a team of 10 authors over two years. Created numerous public-friendly presentations of engineering and technical data for public meetings and presentations.

[Metro LA County Bus Rapid Transit and Street Design Improvement Study | Los Angeles, CA.](#)

Planner providing an analysis of Metro’s bus system. Analyzed what routes and stop locations had the greatest ridership potential with reconfigured service schedules by using a GIS “transit suitability index”. Identified 108 corridors, developed a screening process for ultimately recommending 9 corridors that could most cost-effectively meet Metro objectives with dedicated peak hour bus only lanes and other general bus speed improvements, such as queue jumps, repaving, limited stops, parking restructuring, installation or optimization of transit signal priority (TSP) systems.

Metro Airport Metro Connector | Los Angeles, CA

Planner providing pre-engineering rough order of magnitude capital cost estimates for 27 planning concepts and route options for a light-rail connection to LAX airport. Coordinated with engineers and planners to analyses that provided a decision point for early alternatives.

Metro Sepulveda Pass Corridor Systems Planning Study | Los Angeles, CA.

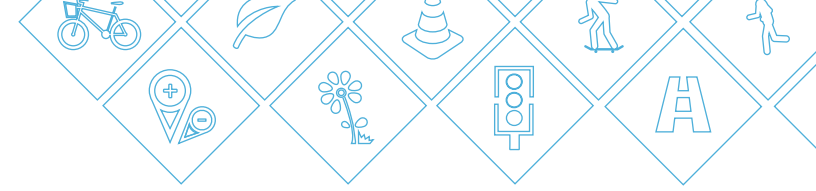
Planner writing the Mobility Problem Definition of the compendium study on transit alternatives to connect Los Angeles' San Fernando Valley with the Westside. Studied and described the demographic context of the project study area as well as existing land use and activity centers. Coordinated with travel demand modelers to identify travel markets and characteristics and describe link analyses, and with traffic engineers to define existing freeway, HOV, and transit system performance and delay.

Metro ExpressLanes Market Research | Los Angeles, CA.

Consultant (through UCLA Anderson School of Management) leading a team of MBAs and two expert advisors to design a market research study to understand carpoolers' attitudes to the then-incipient ExpressLanes project. Surveyed 3,500 carpoolers and organized 4 focus groups to capture input and feedback. Developed a "frequent flyer" style carpooler rewards program concept and a marketing strategy to communicate the project benefits.

Publications

- California Statewide Transit Strategic Plan, with Juan Matute, Teo Wickland, Jasneet Bains, Brian Taylor, Ribeka Toda, Charles Ye, Riley O'Brien and Herbie Huff. Draft presented to the California Department of Transportation, December 2016.
- Does Transit Mean Business? Reconciling Economic, Organizational, and Political Perspectives on Variable Transit Fares, with Allison Yoh and Brian Taylor. Published in Public Works Management & Policy, April 2016.
- Current Issues in Environmental Analysis in Transportation, with Irena Finkelstein and Rebecca Kalauskas. Presented at Transportation Research Board conference, Washington, DC, January 2015.
- Does Transit Mean Business? Reconciling Academic, Organizational, and Political Perspectives, with Allison Yoh, Brian Taylor. Presented at Transportation Research Board conference, Washington, DC, January 2013.
- The Thin Red Line: A Case Study of Political Influence on Transportation Planning Practice, with Brian D. Taylor and Eugene Kim. Published in the Journal of Planning Education and Research, December 2009.



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DOUGLAS KIM, AICP

Senior Writer/Planning Associate

Douglas is a highly experienced and accomplished transportation professional, having served as Director of Regional Planning for both the Los Angeles County Metropolitan Transportation Authority and San Mateo County Transit District. He brings a wealth of expertise, having worked as a lead consultant on transportation analyses throughout California, including oversight of the Dumbarton Transportation Corridor study, a comprehensive analysis of highway, arterial, transit, bicycle, and pedestrian issues for a 26-mile corridor. Doug is a proven leader in managing complex transportation projects, including the Smart Traffic Analytics project in East Palo Alto, aimed at improving vehicle flow and reducing localized air pollution. He has an extensive track record of developing operational plans for transit agencies throughout California, from Torrance Transit to San Mateo County Commute.org, and has managed the development of Short Range Transit Plans for major transportation agencies like Los Angeles Metro and the San Mateo County Transit District.



EDUCATION

- » BA, Economics and City & Regional Planning, University of California, Berkeley



PROFESSIONAL EXPERIENCE

- » Mayor, City of Belmont
- » Director, Bay Area Air Quality Management District
- » Director of Planning, San Mateo County Transit District
- » Director of Air Quality Programming, PMC
- » Director of Countywide Planning, Los Angeles County Metropolitan Transportation Authority
- » Air Quality Specialist, Monterey Bay Unified Air Pollution Control District
- » Air Quality Specialist, South Coast Air Quality Management District
- » Assistant Planner, City of Santa Monica



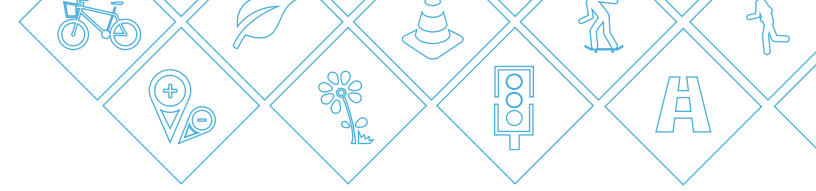
CERTIFICATIONS

- » American Institute of Certified Planners (AICP), 011509

[Metro Grant Application Assistance | Los Angeles County, CA.](#)
Lead author on multiple Caltrans Active Transportation Program (ATP) Cycle 4 applications in the Los Angeles County region. Managed application writing and development through close coordination with city sponsors and feedback from Metro to produce competitive applications.

Transportation Planning

- ✓ Imperial Valley Association of Governments, Strategic Transportation Plan for the I-8 Corridor
- ✓ Long Range Planning Transit Corridor Project Evaluations, Los Angeles County Metropolitan Transportation Authority.
- ✓ Orange County Transportation Authority, Regional Planning Services
- ✓ Southern California Association of Governments, Regional Transportation Plan and EIR
- ✓ 2009 Long Range Transportation Plan, Los Angeles County Metropolitan Transportation Authority.
- ✓ City of Culver City General Plan Update.
- ✓ Southern California Association of Governments, Regional Transportation Plan EIR.
- ✓ Los Angeles County Metropolitan Transportation Authority, Short Range Transportation Plan
- ✓ County of San Luis Obispo, Conservation Element and EIR
- ✓ Metropolitan Transportation Commission, Public Outreach and Involvement Program for the Transportation 2035 Plan.
- ✓ Long Range Transportation Plan, Orange County Transportation Authority
- ✓ Metro Regional Connector Consultant for Little Tokyo Community Council, Metro, Los Angeles, CA
- ✓ Imperial Valley Association of Governments, Strategic Transportation Plan for the I-8 Corridor.
- ✓ Los Angeles County Bicycle Master Plan.
- ✓ Los Angeles County Transit Needs Assessment for the Lennox Et Al Subregion, County of Los Angeles, Los Angeles, CA
- ✓ National Transit Database Passenger Miles Report, Torrance Transit, Torrance, CA



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KEVIN NORD, MA

Planning Associate

Kevin has a rich background spanning multiple fields, making him an ideal candidate for any project. With over 6 years of experience in public policy, transportation and land use planning, geographic information systems, urban development, and sustainability, he brings a wealth of knowledge to the table. Kevin has contributed to a range of qualitative and quantitative research projects, including studies on transit-oriented development impacts, land-use regulations, and environmental modeling, demonstrating his broad range of expertise. Kevin is known for integrating his diverse interests, such as accessibility, biking, design, environmentalism, housing, mobility, social justice, spatial analysis, and sustainability, into a cohesive and innovative approach to planning.



EDUCATION

- » MA, Planning with Transportation and Infrastructure Concentration, USC
- » BA, Sociology, California State University, Long Beach
- » AA, Liberal Arts and Sociology, Cypress College



EXPERIENCE

- » Blue Zone Policy Intern, Beach Cities Health District
- » Production Manager, Openers Plus
- » Quantitative Methods of Social Research Teaching Assistant, CSULB
- » Community Health and Wellness Intern, Orange County Department of Education
- » Merchandising and Pricing Associate, Sears, Roebuck and Co.

Clean California Grant Program | Santa Maria, CA

Author responsible for preparing the City of Santa Maria's application to Caltrans securing \$2.5 million for the Battles Road Green Corridor Rehabilitation and Beautification Project, a 1.1-mile long public pathway that regularly accumulates litter, is under-lit, deteriorating, and lacking beautification/recreation features. The grant will provide funding for lighting, workout/recreation features, local artwork, and drought-tolerant landscaping that will surround an educational bioswale, a repaved existing bike path, and a new meandering pedestrian path.

Active Transportation Program | Redding, CA

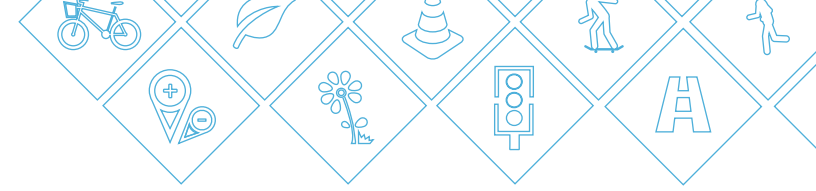
Author responsible for preparing and securing four (4) City of Redding's grant applications in ATP Cycle 5 and Cycle 6. More than \$24 million was secured for projects that will enhance and improve bicycle and pedestrian infrastructure.

Prop 68 Statewide Park Program | La Verne, CA

Outreach lead and author responsible for preparing La Verne's California Natural Resources Agency's Prop 68 grant for the construction of a teen center. The \$3 million dollar grant request will fund the construction of interpretive and educational open space facilities and exhibits. This application required five outreach meetings (which Kevin facilitated), a thorough understanding of the benefits of a major rehabilitation project, and a strong ability to convey these benefits clearly and concisely.

Rivers and Mountains Conservancy Grant Program | Covina, CA

Outreach lead and author responsible for preparing the City of Covina's application requesting \$1 million to create a new community park in one of the park-poor community along Banna Avenue at Cypress Street. The proposed 2 acre new park will incorporate an interactive nature play park, fitness zone, outdoor classroom and lab, pollinator garden, tot lot, walking and bicycling paths, and a dog park -- all of which were identified by the community as priorities via outreach meetings in which Kevin met with neighborhood residents.



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EDUCATION

- » Master of Public Policy (MPP), Minor in Public Financial Management, University of Southern California
- » B.S., Economics, Beijing University of Chemical Technology

PROFESSIONAL EXPERIENCE

- » Grant Finance Specialist, Evan Brooks Associates
- » SEVIS Coordinator, Office of International Services at USC
- » Research Assistant, State Administration of Forestry
- » Human Resources Intern, Tecon Company Limited

CERTIFICATIONS & SKILLS

- » Funding and Programming Transportation Projects, California Local Technical Assistance Program (LTAP)
- » Benefit-Cost Analysis Fundamentals, FEMA Emergency Management Institute
- » Bilingual in Mandarin Chinese

MENGCI YANG, MPP

Analyst

Mengci is responsible for the direction and coordination of Authorizations to Proceed, quarterly reporting, audit preparation, closeout, and grant reporting requirements. Having worked with Caltrans Local Districts and supervising civil engineers on schematic designs, cost estimates, and specifications, Mengci has extensive experience in obligating, administering, and managing federal, state, county, and foundation grant funding for projects. Mengci also has experience working with disadvantaged communities and is fluent in both English and Mandarin Chinese.

Grant Funding Management and Administration, City of Compton. (Grant Funding Associate)

Mengci assists the City of Compton's Public Works Department with the administration of its local transportation projects and programs, including review of previous capital improvement plans, project funding agreements, and fund balances. This includes projects funded through various grant programs and by the City through its local transportation funding (i.e. Prop A, C, Measure R, and Measure M, to name a few).

Grant Funding Management and Administration, City of Pismo Beach. (Grant Funding Associate)

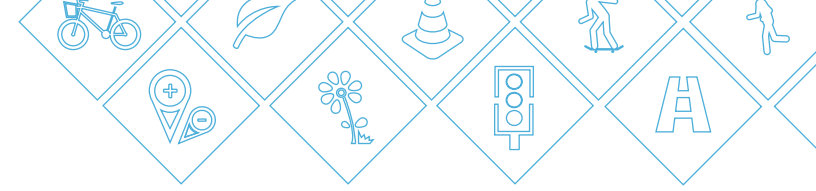
Mengci assists the City of Pismo Beach with the administration of its local transportation projects and programs, including review of previous capital improvement plans, project funding agreements, and fund balances. This includes projects funded through various grant programs and by the City through its local transportation funding.

National Transit Database (NTD) Annual Report, City of Covina. (Project Manager)

Mengci prepares the City of Covina's annual NTD report, which requires a detailed financial report of all local, State, and Federal funding expenditures used throughout the year on the City's local transit. The report is required in order to maintain Federal compliance and be eligible for future grant funding as it relates to its local transit and shuttle services.

Hazard Mitigation Grant Program, City of Grand Terrace. (Grant Writer)

Mengci prepared the City of Grand Terrace's application for the federally-funded CalOES Hazard Mitigation Grant Program for a slope stabilization grant. This included conducting a benefit-cost analysis and preparation of multiple forms. The total request was \$2 million.



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JORGE ZARZA

Planning Associate

Jorge has 20 years' experience as a regional and city planner, specializing in land use planning, urban design, smart growth, bicycle and pedestrian design, and preparing geographic information systems (GIS) maps. Jorge served as a planner for the Southern California Association of Governments (SCAG). In this position, he integrated health concerns and the built environment to collaborate with multiple cities, including in LA County, to ensure they understood the benefits of long term planning that addresses economic and developmental challenges affecting public health and the built environment. In addition to his planning expertise, Jorge is an expert in Geographic Information Systems (GIS) mapping and cartographically preparing map layouts for grant applications, studies and other applications using ArcGIS and Adobe Illustrator. He prepared several maps in ATP Cycles 1, 2 and 3 and for TIRCP, as well as for several federal grants, including the Transportation Investment Generating Economic Recovery (TIGER).



EDUCATION

- » BS, Urban and Regional Planning, California State Polytechnic University, Pomona
- » American Planning Association (APA), Member



PROFESSIONAL EXPERIENCE

- » Planner, City of San Fernando
- » Planner and GIS Technician, Southern California Association of Governments
- » Assistant Planner, City of Baldwin Park



CERTIFICATIONS

- » GIS Certificate, Rio Hondo College

San Fernando Safe Routes to School Plan

Planner assisted in the preparation of the San Fernando Safe Routes to School Plan, attending stakeholder meetings, communicating with the community at workshops, and preparing several components of the final Plan, including: mapping infrastructure needs, demographics, socio-economic trends, and preparing zoning, boundary and base maps.

Baldwin Park Health and Sustainability Element

Assistant planner responsible for preparing community maps for stakeholder engagement meetings and the final Plan. The project involved drafting a new Health and Sustainability Element for the City's General Plan. The completed Plan has defined actions the City will take over the next several years to improve the health of Baldwin Park residents and to create a cleaner, more sustainable environment. The Plan is also intended to complement the Transit Oriented Development Specific Plan for Downtown Baldwin Park.

Rosemead Bicycle Transportation Plan

Planner assisted in the preparation, planning and mapping for Rosemead's Bicycle Transportation Plan. The five-year Plan includes several Class II (Bike Lanes) along major arterials, bicycle parking nodes at City Hall and community centers, and a future Class I (Bike Path) along the So Cal Edison utility easement. In addition to planning, work included several community outreach and stakeholder meetings to obtain feedback into community needs and desires.

Huntington Park Bicycle Transportation Plan

Planner assisted in the preparation, planning and mapping for Huntington Park's Bicycle Transportation Plan. Huntington Park's traditional street grid pattern, diverse land use pattern, and demographics contribute to a high bicycle and pedestrian mode split. This Plan sought to capitalize on these existing conditions to increase the use of bicycling for commuter trips (work and school) and recreational activities.

Montebello GIS Mapping

Mr. Zarza prepared more than 60 maps for Montebello's Line-by-Line Transit Analysis. The maps consisted of the City's existing and proposed bus line routes, while accounting for demographic changes and census data changes, such as median income, population density and zero vehicle households.

GIS Mapping

- Updated land-use database for Southern California Association of Governments for the 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy.
- Produced 64 maps for the City of Montebello's Line-by-Line Analysis Report, including but not limited to bus line system maps, weekly boarding by stop and direction, transit use by census tract, and route change proposal maps.
- Prepared 50 maps for the City of San Fernando's Active Transportation Plan and Safe Routes to School Project, including but not limited to land use, bikeways, existing conditions, school site, and proposed improvement mapping.
- Prepared 23 maps for Baldwin Park's Non-Motorized Active Transportation Plan, including bicycle lane and pedestrian infrastructure maps, highlighting existing and proposed conditions by neighborhood
- Extensive experiencing producing print-ready maps for all types of applications, including:
 - ✓ Metro Rail to Rail/River Active Transportation Corridor Project Alternative Analysis - Segment B (GIS Mapping Lead)
 - ✓ Bicycle Transportation Master Plan, Huntington Park (Planning and GIS Mapping Lead)
 - ✓ Bicycle Transportation Plan, Rosemead (Planner and GIS Mapping Lead)
 - ✓ Downtown Specific Plan and Environmental Impact Report (Planner and GIS Mapping Specialist)
 - ✓ Health and Sustainability Element, Baldwin Park General Plan (Planner and GIS Mapping Lead)
 - ✓ Non-Motorized Active Transportation Plan, Baldwin Park (Planner and GIS Mapping Lead)
 - ✓ Compton Ports Access Connector Project (TIGER) (GIS Mapping Lead)
 - ✓ Restoration of a Portion of Compton Creek (Urban Streams) (GIS Mapping Lead)
 - ✓ Maps for several grant application types, including, but not limited to ATP, HSIP, TIGER, and TIRCP.



CITY COUNCIL REPORT

9F

DATE: SEPTEMBER 5, 2023

TO: MAYOR AND COUNCIL MEMBERS

FROM: LILLY WHALEN, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AUTHORIZE RESPONSE TO GRAND JURY REPORT NO. 2306,
AFFORDABLE HOUSING: "A PLAN WITHOUT A HOME"

RECOMMENDATION

It is recommended that the City Council approve and authorize the Mayor to sign the response to the Grand Jury report on Affordable Housing: "A Plan Without a Home."

BACKGROUND

Early in California's history, the California Constitution established grand juries in each county. The California Penal Code includes provisions on the formation of grand juries and the powers and duties of grand juries.

With respect to public agencies, grand juries are authorized to "investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or systems of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit." (Cal. Penal Code section 925a) Within 90 days after the grand jury submits a report regarding the operations of any public agency, the "governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body..." (Cal. Penal Code section 933(c))

DISCUSSION AND ANALYSIS

On June 16, 2023 the Grand Jury requested that the City of Pinole, along with other public agencies in the County, respond to the Grand Jury Report No. 2306, Affordable Housing; "A Plan Without a Home."

Staff has reviewed the Report and identified the following as required responses specific to the City of Pinole:

- Thirteen (13) findings. For each finding, the City is responsible for indicating one of the following actions:
 - We agree with the finding.
 - We disagree with the finding.
 - We partially disagree with the finding.

In each case where the City disagrees or partially disagrees, the City must specify the portion of the finding that is disputed and include an explanation of the reasons therefor.

- Ten (10) recommendations. For each recommendation, the City is responsible for replying by stating one the following actions:
 - The recommendation has been implemented, with a summary describing the implemented action.
 - The recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation.
 - The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a timeframe for the matter to be prepared for discussion. This timeframe shall not exceed six months from the date of the publication of the Grand Jury Report.
 - The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

The response must be provided to the Grand Jury no later than September 13, 2023. Staff collaborated with other Contra Costa County jurisdictions in drafting responses to the findings and recommendations. Accordingly, the attached draft responses are presented for the City Council's consideration to transmit to the presiding judge. The City Council may propose alternative language to those responses.

FISCAL IMPACT

There is no direct fiscal impact of preparing this response, aside from staff time.

ATTACHMENTS

- A. Grand Jury Report: Affordable Housing: "A Plan Without a Home"
- B. Pinole's Draft Response to the Grand Jury Report

ATTACHMENT A

June 16, 2023

Pinole City Council
2131 Pear Street
Pinole, CA 94564

Dear Pinole City Council:

Attached is a copy of Grand Jury Report No. 2306, Affordable Housing: "A Plan Without a Home" prepared by the 2022-2023 Contra Costa County Civil Grand Jury.

In accordance with California Penal Code Section 933 et seq., we are submitting this report to you as the officer, agency, or department responsible for responding to the report. Please respond to the Findings and Recommendations as they apply to your agency. Please also confirm in writing that the person responding to the report is authorized to do so. As the responding person or person responding on behalf of an entity, please indicate one of the following actions with respect to each finding:

- (1) You agree with the finding.
- (2) You disagree with the finding.
- (3) You partially disagree with the finding.

(Pen. Code, § 933.05(a).) In the cases of both (2) and (3) above, please specify the portion of the finding that is disputed and include an explanation of the reasons therefor.

In addition, Section 933.05(b) requires you to reply to each recommendation by stating one of the following actions:

1. The recommendation has been implemented, with a summary describing the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

The Penal Code also prescribes the obligations of a governing board or elected county official with regard to responding to the grand jury's findings and recommendations. Specifically, if the report contains one or more recommendations directed to you as an elected county official, or to the governing board of which you are a member, you must respond to these recommendations and to the supporting findings, as directed in the report.

After reviewing the response to ensure that it includes the above-noted mandated items, please send (1) a hard copy of the response to the Grand Jury at P.O. Box 431, Martinez, CA 94553; and (2) an electronic copy by e-mail to ctadmin@contracosta.courts.ca.gov. The response must be submitted to the Grand Jury no later than **September 13, 2022**.

Finally, please note that this report is provided at least two working days before it is released publicly. Section 933.05 specifies that no officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to its public release.

Please immediately confirm receipt of this letter and the attached report by responding via e-mail to ctadmin@contracosta.courts.ca.gov.

Sincerely,



Cynthia Roberts, Foreperson
2022-2023 Contra Costa County Civil Grand Jury

cc: Andrew Murray, City Manager

Affordable Housing

A Plan Without a Home



2022-2023
Contra Costa County
Civil Grand Jury
Report 2306
June 14, 2023

A REPORT BY
THE 2022-2023 CONTRA COSTA COUNTY CIVIL GRAND JURY
725 Court Street
Martinez, California 94553

Report 2306

Affordable Housing

A Plan Without a Home

APPROVED BY THE GRAND JURY

Date 6-14-2023



CYNTHIA ROBERTS
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date 6-14-2023



Hon. JILL C. FANNIN
JUDGE OF THE SUPERIOR COURT

Contact: Cynthia Roberts
Foreperson
(925) 608-2621

Contra Costa County Grand Jury Report 2306

Affordable Housing

A Plan Without a Home

TO:
Contra Costa County Board of Supervisors
City Councils for All Cities in Contra Costa County

Affordable Housing A Plan Without a Home

Table of Contents

GLOSSARY AND ABBREVIATIONS	1
SUMMARY	2
METHODOLOGY	3
<i>DOCUMENTS</i>	3
<i>INTERVIEWS</i>	3
BACKGROUND	4
DISCUSSION	12
<i>RHNA TARGETS AND CITY AND COUNTY RESPONSIBILITY</i>	12
<i>ADDITIONAL OBSTACLES THAT HINDER THE DEVELOPMENT OF AH</i>	13
Limited Availability of Land	13
Restrictive Zoning Policies Specific to AH Development	13
Developer Interest to Bring Projects Forward	14
Limited Funding	14
Lack of Community Support	14
NIMBY Opposition & City Council response to NIMBY opposition	14
<i>CITIES AND THEIR RELATIONSHIP WITH THE STATE OF CALIFORNIA</i>	15
FINDINGS AND RECOMMENDATIONS	16
<i>FINDINGS:</i>	16
<i>RECOMMENDATIONS:</i>	17
REQUIRED RESPONSES	19
REFERENCES:	20
<i>BIBLIOGRAPHY:</i>	20
APPENDICES	
<i>A-1. CONTRA COSTA COUNTY AVERAGE MEDIAN INCOME 2022</i>	21
<i>A-2. 2022 CCC WAGES, RENT TO INCOME, AMI STATUS</i>	22
<i>A-3. BAY AREA RHNA ALLOCATIONS AND PROGRESS</i>	23
<i>A-4. SB 35 VERY LOW-INCOME AND LOW-INCOME DETERMINATION SUMMARIES</i> ..	27
<i>A-5. NEWS ARTICLES REGARDING AFFORDABLE HOUSING</i>	34

Affordable Housing A Plan Without a Home

GLOSSARY AND ABBREVIATIONS

ABAG	Association of Bay Area Governments
AH	Affordable Housing
Allocations	State-issued housing goals by income category that must be planned for and included in each County and city housing element plan
AMI	Area Median Income – Refer to Table 1
Builder's Remedy	A provision found in California's Housing Accountability Act (HAA) that allows developers of affordable housing projects to bypass the zoning code and general plan of cities that are out of compliance with the Housing Element Law.
Extremely Low Income	30% or less of area AMI
HEP	Housing Element Plans
HCD	The State Department of Housing and Community Development
Inclusionary Housing Ordinance	Regulation, when adopted by a city or the County, requires new residential developments to include a minimum percentage of very low-, low-, and moderate-income households into residential developments of five units or more (generally 15%)
Low Income (LI)	50- 80% or less of area AMI.
RDA	Redevelopment Agency - dedicated to urban renewal.
RHNA	Regional Housing Needs Allocation
Measure X Housing Fund	Contra Costa County's 20-year, \$12 million annual share of Measure X ½ cent sales tax to be used for housing & services.
NIMBY	Not in my back yard
SB 35	California Senate Bill 35 streamlines the housing construction process for cities and counties that fail to build enough housing to meet state-mandated requirements for very low- and low-income households.
Very Low Income (VLI)	30-50% of area AMI. Qualifications for this designation are based on the collective income of all the persons in a household (total household income).

Affordable Housing A Plan Without a Home

SUMMARY

The civil grand jury began this investigation to understand how Contra Costa County is addressing the need for affordable housing. We started by reviewing California Housing and Community reports titled Regional Housing Needs Allocation (RHNA) results for the County. These reports, issued at the end of each Housing Element cycle, show housing permits issued for various resident income classification groups against state mandated targets. Each city plus unincorporated County areas of responsibility results are listed. Appendix 3 comprises results for the past 3 Housing Element cycles plus targets for the latest cycle 2023-2031.

After reviewing these reports, we realized that most cities and our County were not providing the required number of housing permits primarily for very low- and low-income resident housing. Close examination of these reports reveals the scale and accelerated progression of missed targets. Additionally, these reports show that the very low- and low-income resident categories reflect the largest percentage of missed RHNA and plan targets over the past 20 years.

Based on these initial findings, we focused our efforts on housing for residents classified as very low or low income. We wanted to understand who in local government is responsible for implementation of approved housing plans and why were those plans failing to address permit targets for very low- and low-income residents. What are the drivers/obstacles behind these missed targets, and what actions were being taken to increase the availability of affordable housing for these residents throughout our County.

What we found was that although there is ownership for the creation and approval of Housing Elements that address affordable housing targets, we could not find clear assigned responsibility inside local government to implement plans after approval. This problem, combined with the myriad of challenging obstacles outlined in this report has translated into years of missed targets for residents classified as very low or low income. Without significant changes to how local governments address affordable housing, cities and the County risk the imposition of State mandated solutions that bypass local development protocols. This report is a summation of our work, findings and recommendations for improvement.

Affordable Housing A Plan Without a Home

METHODOLOGY

Documents

The grand jury reviewed numerous documents from local, County, regional, and State agencies. For a comprehensive list see the References section of this document.

Interviews

The grand jury conducted interviews with city and County leaders knowledgeable about the housing development process in the west, central and east County cities. We also interviewed:

- developers that specialize in affordable housing construction projects
- leaders with experience in addressing housing development issues
- various staff members with housing responsibilities

Affordable Housing

A Plan Without a Home

BACKGROUND

The housing element cycle was introduced in 1969, when the California State Legislature passed laws requiring that all cities and counties adequately plan to meet the housing needs of people at all income levels in the community. California's local governments meet this requirement by adopting housing plans as part of their "general plan" (also required by the state).

The process involves significant planning from experts in local government, and citizens are asked proactively for input on these proposed plans before being submitted to the State for approval. The Department of Housing and Community Development (HCD) approves all HEPs. The role of the state, besides approval of each HEP, is to identify the total number of homes required by resident income classification so that cities and counties can include these numbers in their HEPs. These numbers are required to be included in each city and County HEP. Determining individual income classifications is a County-specific exercise. It starts with a determination of County Area Median Income (AMI). As noted in Table 1 below, the state defines for each County, which is then extrapolated into specific resident income classifications.

After development of housing allocation numbers by HCD, the data is passed down to the regional authority, the Association of Bay Area Governments, (ABAG), as a Regional Housing Need Determination (RHND). This is the first step in California's process to plan for the housing needs in each region of the state. It is RHND's responsibility to also track permits issued against allocation targets in each Housing Element Plan (HEP). This tracking of progress against targets is communicated through ABAG issued reports (Appendix 3).

The next step, allocation, is also the role of the regional authority, ABAG. It is their responsibility to allocate a share of the RHND housing numbers to each city and County as a Regional Housing Need Allocation (RHNA). These numbers are broken out by resident income, classified as very low income, low income, moderate income and above moderate income.

The next two tables reflect Contra Costa County's average median income, occupation, and wages of some of the County residents. We wanted to understand who in our community is part of the very low- and low-income groups. We realized that we all probably know someone who may be impacted by the shortage of affordable housing in the County.

Affordable Housing A Plan Without a Home

Table 1 below, from the California Department of Housing and Community Development website, shows the state definition of income limits for residents in Contra Costa County based on the calculation of the average median income (AMI). AMI is based on the collective income of all the persons in a household (total household income).

Table 1: 2022 State Income Limits by Household

2022 State Income Limits						
Contra Costa County						
Income Limits by Household Size - Effective May 13, 2022						
Median Family Income - \$142,800						
Persons per Household	Acutely Low Income 15% AMI	Extremely Low Income 30% AMI	Very Low Income 50% AMI	Low Income 80% AMI	Median Income	Moderate Income 120% AMI
1	\$15,000	\$30,000	\$50,000	\$76,750	\$99,950	\$119,950
2	\$17,100	\$34,300	\$57,150	\$87,700	\$114,250	\$137,100
3	\$19,250	\$38,600	\$64,300	\$98,650	\$128,500	\$154,200
4	\$21,400	\$42,850	\$71,400	\$109,600	\$142,800	\$171,350
5	\$23,100	\$46,300	\$77,150	\$118,400	\$154,200	\$185,050
6	\$24,800	\$49,750	\$82,850	\$127,150	\$165,650	\$198,750
7	\$26,550	\$53,150	\$88,550	\$135,950	\$177,050	\$212,450
8	\$28,250	\$56,600	\$94,250	\$144,700	\$188,500	\$226,200

For Inclusionary Housing, Density Bonus, and calculating rents and for-sale prices

Income Limits from 2022 State Income Limits from the Department of Housing and Community Development

State Income Limits apply to designated programs, are used to determine applicant eligibility (based on the level of household income) and may be used to calculate affordable housing costs for applicable housing assistance programs. Use of State Income Limits are subject to a particular program's definition of income, family, family size, effective dates and other factors. In addition, definitions applicable to income categories, criteria, and geographic areas sometimes differ depending on the funding source and program, resulting in some programs using other income limits.

Affordable Housing A Plan Without a Home

Table 2 below contains data from govsalaries.com. It identifies by occupation some of the County occupations that fall into the very low- and low-income classifications as well as a few occupations that are just over the threshold, falling into the median income group.

Table 2: 2022 CCC Wages, Rent to Income, AMI Status

Occupation	Mean Annual Wage (2022)	% of Monthly Income Needed for a 2-Bedroom Unit	% of Monthly Income Needed for a 3-bedroom Unit	Income Status - % of AMI *
Food Service Worker	\$36,488	87%	113%	Extremely Low (<30% AMI)
Dishwasher	\$38,853	82%	107%	Extremely Low
Hairdressers	\$42,203	75%	98%	Extremely Low
Retail Salespersons	\$43,018	74%	97%	Very Low (50% AMI)
Security Guards	\$45,998	69%	90%	Very Low
Receptionists and Information Clerks	\$46,833	68%	89%	Very Low
Preschool Teachers	\$46,103	69%	90%	Very Low
Medical Assistants	\$59,313	54%	70%	Very Low
Education and Childcare Administrators	\$66,492	48%	62%	Very Low
Licensed Practical and Licensed Vocational Nurses	\$78,255	41%	53%	Low (80% AMI)
Education Teachers, Postsecondary	\$91,041	34%	46%	Low
Police and Sheriff's Patrol Officers	\$126,289	25%	33%	Median
Computer and Mathematical Occupations	\$132,023	24%	32%	Median

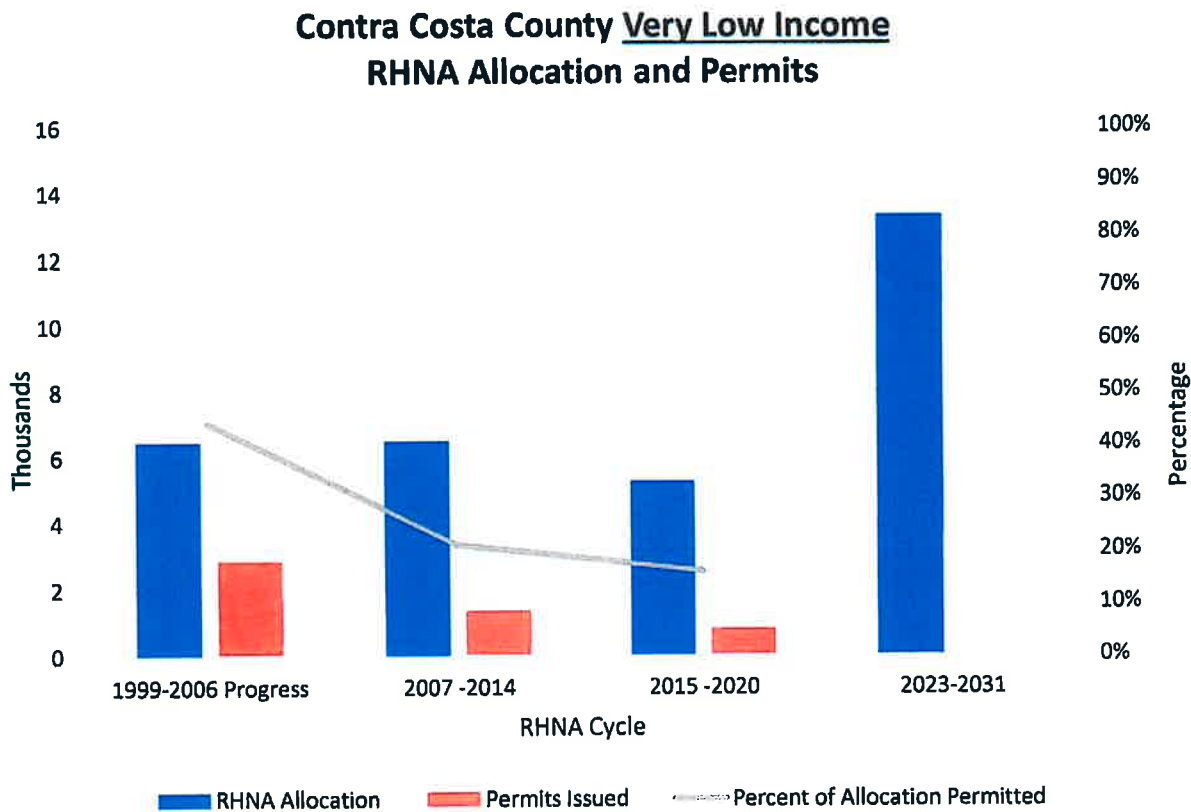
In addition to residents in these occupational categories, a lack of very low- and low-income affordable housing impacts senior County residents (over the age of 65). Seniors are one of the fastest growing population segments in the County. The most recent US Census for the County indicates that 6.7 percent of the total population, over 200,000 residents, is over the age of 65, an increase of 12.5 percent since 2010. The California Department of Aging projects that this group of residents will grow by over 150 percent by 2060.

Affordable Housing A Plan Without a Home

The next two charts contain data extracted from published ABAG housing reports (Appendix 3). They highlight the disappointing results in housing permits issued against mandated allocations for very low- and low-income residents.

Chart 1 shows a 21-year decline in the percentage of permits issued for very low-income residents, even as allocation targets stayed relatively flat. For the upcoming 2023-2031 allocation cycle for very low-income housing, allocations have tripled.

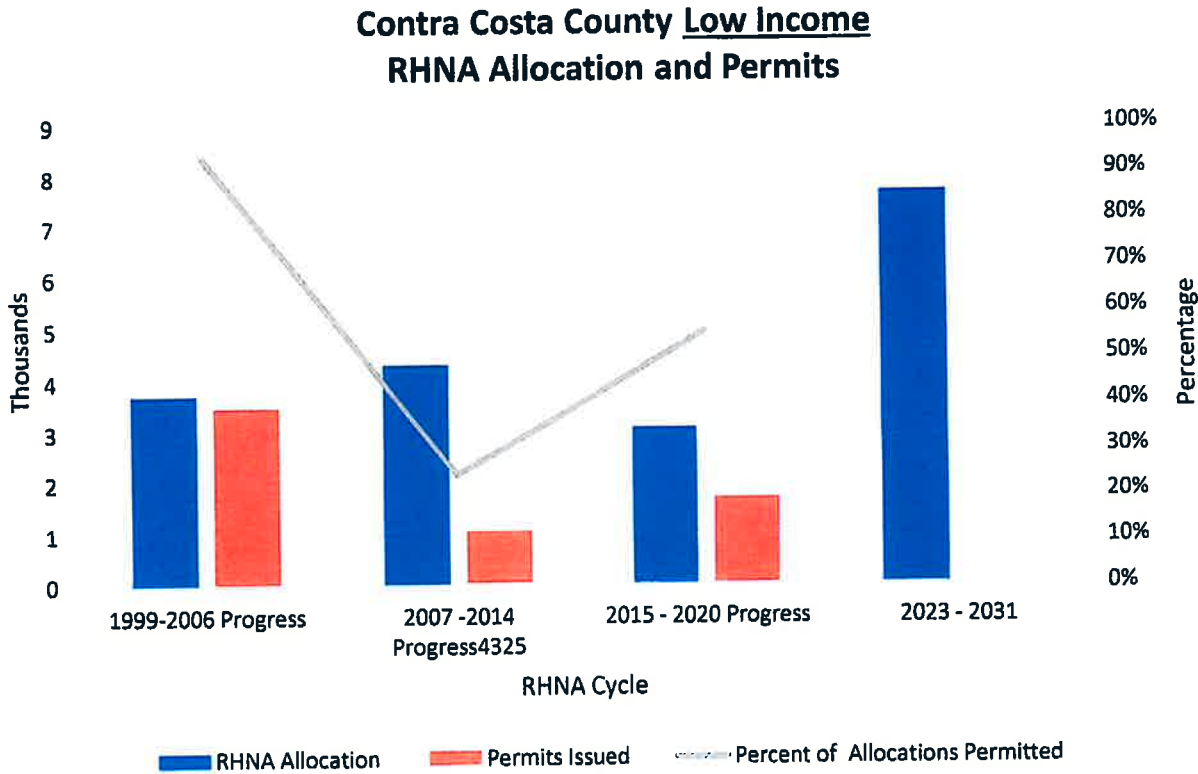
Chart 1: Very-low Income Housing Allocations and Permits for CCC



Affordable Housing A Plan Without a Home

Chart 2 shows a 15-year decline in low-income housing permits, with an uplift in the most recent allocation cycle. However, the County still only issued permits for about half of the allocations mandated by the state for this same period. And again, the upcoming allocation cycle for 2023-2031 has a significant bump in the mandated allocation for low-income housing.

Chart 2: Low Income Housing Allocations and Permits for CCC



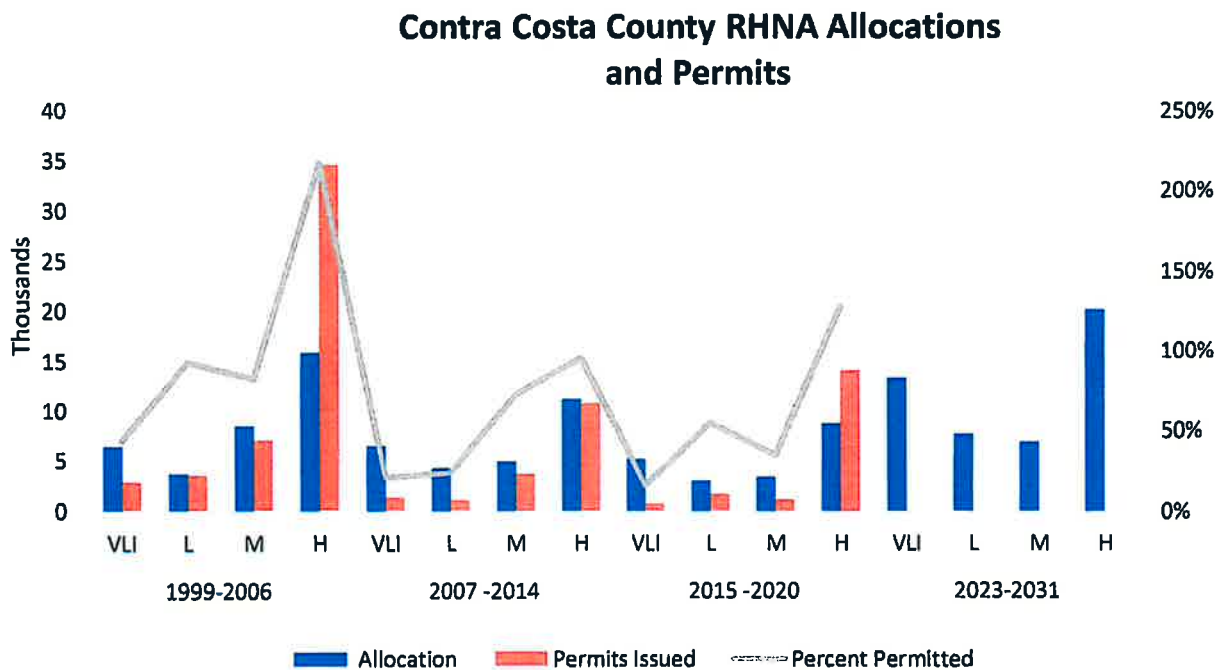
The data published in charts 1 & 2 above illustrates that over the period 1999-2020 the County has failed to provide the number of housing units mandated by the State of California and as they have planned for in their individual city and County element plans for very low- and low-income residents.

To understand the allocation targets and whether all income groups were equally impacted, the grand jury again looked at whether there had been any progress made against RHNA targets within any of the other income groups. What we found was that housing permits for high income housing had outpaced other income groups, with high income permits more than double all other income group housing permits combined. Close examination of the details published in the reports found in Appendix 3 validates this reality. The next 2 charts again use graphic descriptions of this published data to reinforce the magnitude of the problem.

Affordable Housing A Plan Without a Home

Chart 3 looks at the past three Housing Element cycles results against allocations for the four income categories measured by RHNA reports for Contra Costa County. It also identifies new allocations for the current 2023-2031 Housing Element cycle. The income categories are VLI (very low), L (low), M (moderate), and H- (above moderate), which align with income categories measured in RHNA published progress reports. This chart also shows what percentage of the planned permits (allocation) resulted in a corresponding permit (Permits Issued) being issued for each income group as a percentage (Percent Permitted).

**Chart 3: Contra Costa County
RHNA Allocations and Permits by Income Group**



Affordable Housing A Plan Without a Home

Chart 4 below takes a representative sample of cities in the County and shows the percentage of housing permits issued for very low- and low-income residents measured against all housing permits issued for the time period 1999-2020. Most of the cities identified fell short of their allocation goals.

Chart 4: Very Low and Low-Income Housing Permits as a % of All Permits by City

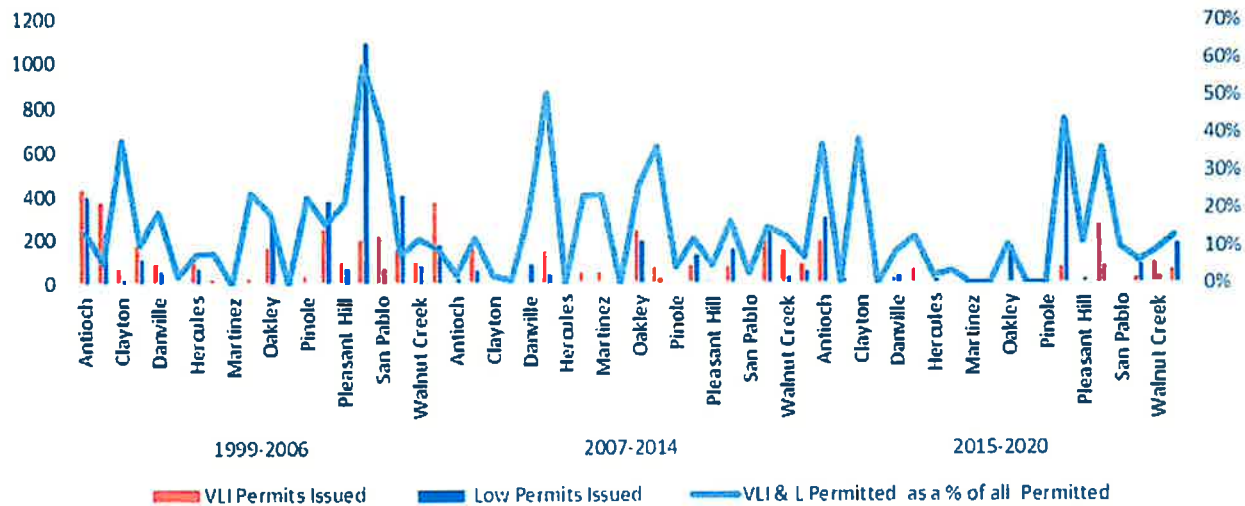
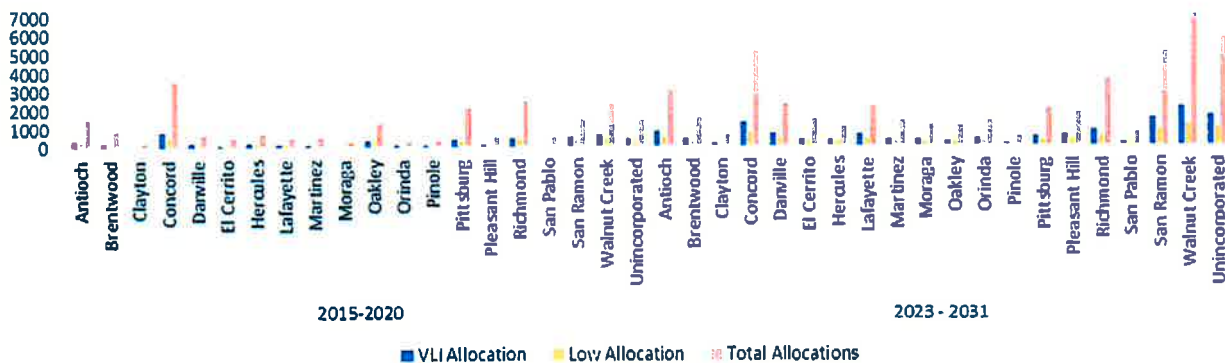


Chart 5 is a listing of all 19 cities in the County, showing how much housing was permitted for very low- and low-income residents in the last Housing Element cycle 2015-2020 and what is expected to be accomplished in 2023-2031. As the chart shows, the State of California has increased the mandatory allocation for very low- and low-income housing for many Contra Costa County cities and for the County itself.

Chart 5: Very Low and Low-Income Permit Allocations by City



Affordable Housing A Plan Without a Home

Whether reviewing individual city details in Appendix 3 or reviewing the County results overall, the track record regarding very low- and low-income permitted units for affordable housing over the past 20 years is dismal. How will each city and the County meet more challenging targets (Appendix 5) for very low- and low-income housing in the next Housing Element cycle and what might enable attainment in the future?

Affordable Housing A Plan Without a Home

DISCUSSION

In every interview the grand jury conducted with city and County officials, all communicated that they care deeply about the affordable housing issue in their communities. However, none of those interviewed acknowledged or identified themselves, their department or any other agency as having responsibility for the actual attainment of RHNA housing targets. Although we found the Housing Element Plans on the various city and the County entities, we did not find any language or group description that identified an owning entity that is either accountable or responsible for the execution of the Housing Element Plan, identifying and addressing obstacles, or attaining state mandated targets. The grand jury was unable to find any owner for the actual achievement of state mandated housing targets. Meaning that once a Housing Element plan containing the mandated housing targets for each income group was approved, no individual or department was responsible for implementing the approved Housing Element plan or accountable for the progress/results against the established targets within the plan.

Our investigation looked at three specific areas that should enable affordable housing. First, the RHNA targets identified in housing element plans and who in local government takes ownership to implement approved HEPs. Second, what control do our cities and the County have in the affordable housing development process? Finally, the state's relationship with our cities and the County: how decisions by the state impact affordable housing development in our County. RHNA Targets and City and County Responsibility

Each city is required by the State of California to provide an updated housing element plan for approval every eight years. The Association of Bay Area Governments (ABAG), a Bay Area local government consortium whose mission is to strengthen cooperation and collaboration across local governments in order to build healthier and stronger communities, receives the affordable housing target data from the state. This data outlines how much housing will be needed, by income category, for the next reporting cycle. ABAG distributes the individual targets for each city and the County for the current cycle. ABAG then provides a report, before the next housing element cycle, which documents each city and the County results against targets.

Contra Costa County city and County performance in issuing housing permits for very low- and low-income residents for the last three housing element cycles, 1999-2006, 2007-2014 and 2015-2020, showed significant misses of actual permits issued against the targets.

The charts in Appendix 3 reflect the number of permits issued by city, against RHNA allocation targets for each housing element. Appendix 5 is the final RHNA allocation for 2023-2031. All data presented in appendices 3 and 5 reflect that our cities and County are permitting housing, primarily for residents in the 120 percent of median or higher income classification.

City and County officials are primarily focused on getting HCD to approve an individual housing element plan. In multiple interviews with various city officials, after HEP approval we did not find examples of consistent communication of progress to meeting targets for very low- and low-income residents. In these same interviews, RHNA targets were described as “aspirational, not

Affordable Housing A Plan Without a Home

realistic, or not attainable.” Interviewees used different words, but overall, RHNA targets were considered mostly an academic exercise that no one takes seriously. Furthermore, we did not find a specific owner for attainment of the housing element plan allocations, leading us to believe that this could well be one of the key reasons for our County’s failure to realize (permit and build) affordable housing for very low- and low-income residents.

Additional Obstacles that Hinder the Development of AH

Six additional obstacles to the development of AH for residents identified as very low- and low-income are:

- limited availability of land;
- restrictive zoning policies specific to AH development;
- limited developer interest to bring projects forward;
- limited funding;
- lack of community support;
- NIMBY – an industry term that denotes opposition to development in a neighborhood, community, or city.

These obstacles are not uniform or constant across the County. Rather, some are more pronounced in one area or at one time.

Limited Availability of Land

Cities with less available land, but access to mass transit hubs, benefit from incentives to build AH close to transit centers. West County cities have benefitted the most from these projects. East County cities with large tracts of undeveloped land have had recent success in building AH projects for very low- and low-income residents. The Antioch Family and Senior Apartments project, completed in 2022, is an example of a successful AH project, in that it was submitted, approved, and completed in a relatively short time period with minimal roadblocks (References/ Bibliography East Bay Times October 22, 2022). Central County cities must balance extremely high land costs against AH development needs.

Restrictive Zoning Policies Specific to AH Development

City zoning ordinances vary greatly throughout the County but in many instances are not conducive to the development of AH. For instance, we conducted a limited proactive review of existing zoning policies to see if there were any subtle changes to local building codes that could be made to ease the approval of AH projects. Some cities zone land for AH development, but land that is far from basic services, in very expensive-to-develop areas, or in environmentally sensitive locations. Some cities have restrictive height zoning ordinances. Many cities do not have an inclusionary housing ordinance. (An inclusionary housing ordinance requires developers to set aside select units for very low- and low-income residents when proposing projects or to pay cities for the exclusion creating a local funding opportunity.)

Affordable Housing

A Plan Without a Home

Developer Interest to Bring Projects Forward

Actions by local city councils greatly influence how developers view their ability to successfully create an AH development. In our interviews with city officials and developers, it was determined that city councils that work openly to mitigate community concerns, don't flip flop after a project has been properly vetted, and are willing to team with developers as partners throughout the long approval and development process are viewed as fostering conducive and supportive environments for AH development. Failure to team with a developer or to actively address obstacles during the approval and development process often results in failing to meet AH targets.

Limited Funding

The lack of funding and the complexity associated with getting funding support for AH projects are obstacles. The state prioritizes AH projects that provide some local funding support. Developers who rely on tax incentives to help secure project funding get a better place in line to have their projects approved if there is demonstrated local funding support. City officials attribute the elimination of redevelopment agencies as a local funding source in 2012 as a key reason local funding has been so difficult to obtain. The County has been slow to provide alternative funding sources. Voters passed Measure X in 2020, and housing funds will finally be available in 2023. Other Bay Area counties took a more assertive role in providing alternative funding support for their cities.

In 2016, Alameda County passed measure A1, which dedicated \$580 million for AH. In 2016, Santa Clara County passed Measure A, which allocated \$950 million for AH. In Contra Costa County, Measure X carved out \$240 million as a dedicated housing fund, with a stipulation that only \$12 million annually for 20 years will be allocated to support housing. No funds are dedicated specifically to building housing for very low- and low-income residents, and there is no direct link of fund requests to achieving RHNA targets.

Lack of Community Support

Cities across the County have a wide range of policies around outreach and education about AH. The effort to educate communities as to why this housing issue is so important is broadly different across the County. In reviewing successful AH projects completed in the County citizen involvement and participation has shown to lessen local opposition to AH.

NIMBY Opposition and City Council response to NIMBY Opposition

NIMBY opposition was frequently cited by the developers that we interviewed as a primary cause of wasted resources and unnecessary project delays. Communities where projects get tied up in extensive local battles with non-supportive citizens or with city councils that reverse earlier decisions made through the normal local development process were cited by developers as influencing whether they would consider proposing AH projects in these communities.

Affordable Housing A Plan Without a Home

Cities and Their Relationship with the State of California

The state grants cities and counties broad independence to do what is best for their community regarding housing development. But the state retains the ability to override local city jurisdiction.

The Builder's Remedy provision in California's Housing Accountability Act has been in place since 1990. It grants developers the authority to bypass any local zoning or approval process and move projects forward if a local government entity is not in compliance with its current Housing Element plans. Compliance has meant meeting the requirement to have an approved HEP. While in place for many years, the state, until recently, has rarely enforced this provision. City and County officials who were interviewed recognize that there is now a more intense state oversight process to plan submissions, and there are potential penalties for poor content plans or plans that do not get approved by state deadlines. This renewed intensity of focus has forced cities and counties to improve the quality of their Housing Element plans. The Builder's Remedy is the draconian solution that the state may enforce if cities insist on proposing Housing Element plans that are not implementable. The city and County officials interviewed for this investigation expect to get their housing element plans approved. But again, plan approval does not equal plan implementation.

Senate Bill 35 allows qualifying development projects with certain minimum affordable housing guarantees to move more quickly through the local government review process. The bill amended the Government Code to restrict the ability of local governments to reject these projects. A project approved under SB 35 cannot be challenged under the California Environmental Quality Act (CEQA). This is an important feature of projects developed under SB35 as much has been discussed publicly about how CEQA lawsuits have been used to slow or stop the development of AH projects. Appendix 4 identifies individual cities and counties that have met their prorated very low- and low-income RHNA goals for the latest reporting period. It's a small list. In this County, only El Cerrito qualified for exemption from SB 35. We did not find examples of projects being developed in this County that have been or could be streamlined under SB 35.

Cities in this County that propose Housing Element plans, implement their approved plans, and meet RHNA targets for very low- and low-income residents will not run the risk of losing local development control through either Builder's Remedy or SB35.

Affordable Housing A Plan Without a Home

Findings and Recommendations

Findings:

- F1. Within existing city or County infrastructure there is no clear owner who is responsible for achieving RHNA permitting targets.
- F2. City and County officials see no direct path to meet state-mandated regional housing (RHNA) targets.
- F3. There are currently no measurable penalties if a city or a County does not achieve RHNA targets in an approved housing element plan.
- F4. Data published by ABAG shows that Contra Costa County and most of its cities have missed their current RHNA targets for very low- and low-income housing allocations. The allocation requirements continue to increase (16x for very low-income and 4x for low-income residents).
- F5. Many obstacles hinder the development of AH at the local level, specifically for very low- and low-income housing, including:
 - a. Limited availability of land;
 - b. Restrictive zoning policies specific to AH development;
 - c. Limited developer interest to bring projects forward;
 - d. Limited available funding;
 - e. Lack of community support;
 - f. NIMBY opposition & city council response to NIMBY opposition.
- F6. Zoning changes are generally addressed only when a project is presented for development. Zoning obstacles include:
 - a. Housing element plans that offer poor land choices for AH development;
 - b. Restrictive height and high-density zoning policies;
 - c. Lack of inclusionary housing ordinance(s) in many cities.
- F7. Penalties directed at cities and the County (financial, loss of control over local planning) are tied to not meeting state deadlines for Housing Element plan approval
- F8. Builder's Remedy and SB35 projects do not address ingrained local obstacles identified in this report that prevent the completion of approved AH projects.
- F9. When local Redevelopment Agencies (RDA's) were discontinued by the state in 2012, the County and cities did not address the loss of funding for affordable housing or find alternative funding to support affordable housing projects until voters passed Measure X in November 2020. Projects that target very low- and low-income residents were particularly impacted.

Affordable Housing A Plan Without a Home

- F10. Measure X housing funds are not fully dedicated to building AH for very low- and low-income residents.
- F11. Local funding provided by bonds like Measure X Housing Fund is a critical component of a developer's overall ability to raise funds for an AH development.
- F12. Cities that proactively engage citizens, address zoning obstacles, make reasonable zoning concessions, work collaboratively with developers, provide local funding support, and are united in addressing NIMBY opposition, have been successful in attracting AH projects.
- F13. The latest RHNA targets for cities and unincorporated Contra Costa County show a significant increase in the number of units that are expected to be permitted for very low- and low-income housing.

Recommendations:

- R1. Each city and the County should consider assigning a staff position with clear leadership, ownership and accountability to achieve allocated RHNA targets. The individual in this position would be responsible for establishing and promoting an operational plan to achieve the RHNA goals set forth in the housing element plan.
- R2. Each city and the County should report AH progress and lack of progress using data across all four measured income groups. Special attention should be paid to tracking the housing needs of residents categorized as very low- and low-income. Cities and the County should communicate their progress, biannually, against RHNA targets at council and supervisor meetings.
- R3. Each city and the County should consider creating a dedicated AH commission comprised of a multi-disciplinary team of diverse citizens and led by a current, nonelected, city expert in planning. Each commission would be charged with providing a community voice in the process and helping to identify and address obstacles that hinder the development of affordable housing projects in their community.
- R4. Each city and the County should consider reviewing existing processes and identifying changes that would address or resolve the specific obstacles identified in this report that hinder achieving RHNA allocation targets for very low- and low-income housing in their community.
- R5. Each city and the County should consider developing a public dashboard to report progress against RHNA targets.
- R6. Each city and the County should consider, in their individual Housing Element plans, putting forth land zoned "suitable for residential use," without development obstacles, and located strategically close to existing services, for AH purposes.

Affordable Housing A Plan Without a Home

- R7. Each city and the County should consider reviewing their zoning policies to identify restrictive zoning policies unique to their jurisdiction that impede AH projects and consider making zoning changes in light of that review that will support AH in their community.
- R8. Cities should consider adopting an inclusionary housing ordinance as part of their standard development policy by the end of 2023 (if not already in place).
- R9. Each city and the County should consider how to prioritize the implementation of housing projects that promote development of very low- and low-income housing.
- R10. Each city and the County should consider prioritizing Measure X funding requests that support projects that address RHNA targets for very low- and low-income residents. Each city and County should consider reporting regularly to their residents on the use of Measure X funds for such purposes.

Affordable Housing A Plan Without a Home

REQUIRED RESPONSES

As required by California Penal Code sections 933(b) and 933.05, the 2022-2023 Contra Costa County civil grand jury requires responses from the following governing bodies:

Responding Agency	Findings	Recommendations
Contra Costa County Board of Supervisors	F1--F13	R1-R7 & R9-R10
Antioch City Council	F1-F13	R1-R10
Brentwood City Council	F1-F13	R1-R10
Clayton City Council	F1-F13	R1-R10
Concord City Council	F1-F13	R1-R10
Danville City Council	F1-F13	R1-R10
El Cerrito City Council	F1-F13	R1-R10
Hercules City Council	F1-F13	R1-R10
Lafayette City Council	F1-F13	R1-R10
Martinez City Council	F1-F13	R1-R10
Moraga City Council	F1-F13	R1-R10
Oakley City Council	F1-F13	R1-R10
Orinda City Council	F1-F13	R1-R10
Pinole City Council	F1-F13	R1-R10
Pittsburg City Council	F1-F13	R1-R10
Pleasant Hill City Council	F1-F13	R1-R10
Richmond City Council	F1-F13	R1-R10
San Pablo City Council	F1-F13	R1-R10
San Ramon City Council	F1-F13	R1-R10
Walnut Creek City Council	F1-F13	R1-R10

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

Affordable Housing A Plan Without a Home

REFERENCES:

Bibliography:

- Association of Bay Area Governments:
 - [RHNA 1999-2006 Final Report](#)
 - [RHNA San Francisco Bay Area Progress in Meeting 2007-2014](#)
 - [RHNA 2015 - 2020 Bay Area Building Permit Activity Report](#)
 - [RHNA Final Regional Housing Needs Allocation Plan: San Francisco Bay Area, 2023-2031](#)
 - [RHNA - Regional Housing Needs Allocation](#)
 - [RHNA: Housing Element Law Changes from 1969 to 2020](#)
- [U.S. Census Quick Facts / Contra Costa County, CA](#)
- [Fannie Mae Area Median Income Lookup Tool / Contra Costa County, CA](#)
- [CEQA: The California Environmental Quality Act](#)
- [SB35 Affordable Housing: Streamlined Approval Process](#)
- Housing Accountability Act (Government Code Section 65589.51): [Builder's Remedy and Housing Elements](#)
- Mercury News, February 13, 2023: [New bill would extend controversial California housing law](#)
- Mercury News, October 20, 2022: [Antioch unveils its newest and largest affordable income apartment complex](#)
- Contra Costa County Civil Grand Jury, 2015-2016, Report 1614: [Where Will We Live? The Affordable Housing Waiting List is Closed](#)
- Contra Costa Conservation and Development: [Measure X Housing Fund](#)
- Santa Clara County Office of Supportive Housing: [2016 Measure A - Affordable Housing Bond](#)
- Alameda County HCD: [Measure A1 Implementation Policies - Rental Housing Development Fund & Innovation and Opportunity Fund](#)

Affordable Housing A Plan Without a Home

Appendices

A-1. Contra Costa County Average Median Income 2022

2022 State Income Limits

Contra Costa County

Income Limits by Household Size - Effective May 13, 2022

Median Family Income - \$142,800

Persons per Household	Acutely Low Income 15% AMI	Extremely Low Income 30% AMI	Very Low Income 50% AMI	Low Income 80% AMI	Median Income	Moderate Income 120% AMI
1	\$15,000	\$30,000	\$50,000	\$76,750	\$99,950	\$119,950
2	\$17,100	\$34,300	\$57,150	\$87,700	\$114,250	\$137,100
3	\$19,250	\$38,600	\$64,300	\$98,650	\$128,500	\$154,200
4	\$21,400	\$42,850	\$71,400	\$109,600	\$142,800	\$171,350
5	\$23,100	\$46,300	\$77,150	\$118,400	\$154,200	\$185,050
6	\$24,800	\$49,750	\$82,850	\$127,150	\$165,650	\$198,750
7	\$26,550	\$53,150	\$88,550	\$135,950	\$177,050	\$212,450
8	\$28,250	\$56,600	\$94,250	\$144,700	\$188,500	\$226,200

For Inclusionary Housing, Density Bonus, and calculating rents and for-sale prices

Income Limits from 2022 State Income Limits from the Department of Housing and Community Development

State Income Limits apply to designated programs, are used to determine applicant eligibility (based on the level of household income) and may be used to calculate affordable housing costs for applicable housing assistance programs. Use of State Income Limits are subject to a particular program's definition of income, family, family size, effective dates and other factors. In addition, definitions applicable to income categories, criteria, and geographic areas sometimes differ depending on the funding source and program, resulting in some programs using other income limits.

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A-2. 2022 CCC Wages, Rent to Income, AMI Status

Occupation	Mean Annual Wage (2022)	% of Monthly Income Needed for a 2-Bedroom Unit	% of Monthly Income Needed for a 3-bedroom Unit	Income Status - % of AMI *
Food Service Worker	\$36,488	87%	113%	Extremely Low (<30% AMI)
Dishwasher	\$38,853	82%	107%	Extremely Low
Hairdressers	\$42,203	75%	98%	Extremely Low
Retail Salespersons	\$43,018	74%	97%	Very Low (50% AMI)
Security Guards	\$45,998	69%	90%	Very Low
Receptionists and Information Clerks	\$46,833	68%	89%	Very Low
Preschool Teachers	\$46,103	69%	90%	Very Low
Medical Assistants	\$59,313	54%	70%	Very Low
Education and Childcare Administrators	\$66,492	48%	62%	Very Low
Licensed Practical and Licensed Vocational Nurses	\$78,255	41%	53%	Low (80% AMI)
Education Teachers, Postsecondary	\$91,041	34%	46%	Low
Police and Sheriff's Patrol Officers	\$126,289	25%	33%	Median
Computer and Mathematical Occupations	\$132,023	24%	32%	Median

Affordable Housing A Plan Without a Home

A-3. Bay Area RHNA Allocations and Progress

CCC Progress in Meeting 1999-2006 Regional Housing Need Allocation

	Very Low			Low			Moderate			Above Moderate			Total Permits Issued
	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	
Contra Costa County													
Antioch ^a	921	435	47%	509	403	79%	1,156	1,923	166%	1,873	3,213	172%	5,974
Brentwood ^a	906	376	42%	476	238	50%	958	2,166	226%	1,733	7,687	444%	10,467
Clayton ^a	55	67	122%	33	17	52%	84	16	19%	274	119	43%	219
Concord ^a	453	171	38%	273	115	42%	606	76	13%	987	2,411	244%	2,773
Danville ^c	140	85	61%	88	56	64%	216	84	39%	666	496	74%	721
El Cerrito ^a	37	0	0%	23	5	22%	48	19	40%	77	210	273%	234
Hercules ^a	101	96	95%	62	68	110%	195	93	48%	434	1,818	419%	2,075
Lafayette ^a	30	15	50%	17	2	12%	42	0	0%	105	186	177%	203
Martinez ^b	248	0	0%	139	0	0%	341	0	0%	613	424	69%	424
Noraga ^a	32	21	66%	17	0	0%	45	0	0%	120	65	54%	86
Oakley ^a	209	168	80%	125	293	234%	321	51	16%	553	1,888	341%	2,400
Orinda ^b	31	0	0%	18	0	0%	43	0	0%	129	157	122%	157
Pinole ^a	48	34	71%	35	6	17%	74	80	108%	131	52	40%	171
Pittsburg ^a	534	247	46%	296	381	129%	696	800	115%	987	2,477	251%	3,905
Pleasant Hill ^a	129	95	74%	79	69	87%	175	226	129%	331	362	109%	751
Richmond ^a	471	200	42%	273	1,093	400%	625	131	21%	1,234	805	65%	2,225
San Pablo ^a	147	214	146%	69	70	101%	123	16	13%	155	366	236%	666
San Ramon ^a	599	157	26%	372	407	109%	984	1,143	116%	2,492	5,538	222%	7,245
Walnut Creek ^a	289	99	34%	195	80	41%	418	175	42%	751	1,123	150%	1,477
Unincorporated ^a	1,101	372	34%	642	177	28%	1,401	77	5%	2,292	5,151	225%	5,777
Total	6,481	2,852	44%	3,741	3,480	93%	8,551	7,076	83%	15,937	34,548	217%	47,956

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CCC Progress in Meeting 2007-2014 Regional Housing Need Allocation

CONTRA COSTA COUNTY	Very Low (0-50% AMI)			Low (50-80% AMI)			Moderate (80-120% AMI)			Above Moderate (120%+ AMI)			Total		
	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met
Antioch	516	8	2%	339	20	6%	381	834	219%	1,046	381	36%	2,282	1,243	54%
Brentwood	717	192	27%	435	58	13%	480	175	36%	1,073	1,608	150%	2,705	2,033	75%
Clayton	49	-	0%	35	1	3%	33	2	6%	34	46	135%	151	49	32%
Concord*	639	2	0%	426	-	0%	498	8	2%	1,480	216	15%	3,043	226	7%
Danville ¹	196	2	1%	130	84	65%	146	101	69%	111	287	259%	583	474	81%
El Cerrito	93	142	153%	59	38	64%	80	13	16%	199	163	82%	431	356	83%
Hercules ¹	143	-	0%	74	-	0%	73	-	0%	163	153	94%	453	153	34%
Lafayette ²	113	47	42%	77	8	10%	80	8	10%	91	170	187%	361	233	65%
Martinez	261	48	18%	166	-	0%	179	4	2%	454	148	33%	1,060	200	19%
Moraga	73	-	0%	47	-	0%	52	-	0%	62	9	15%	234	9	4%
Oakley*	219	242	111%	120	191	159%	88	874	993%	348	331	95%	775	1,638	211%
Orinda	70	72	103%	48	20	42%	55	22	40%	45	137	304%	218	251	115%
Pinole	83	2	2%	49	1	2%	48	10	21%	143	59	41%	323	72	22%
Pittsburg	322	79	25%	223	126	57%	296	666	225%	931	839	90%	1,772	1,710	97%
Pleasant Hill	160	9	6%	105	1	1%	106	8	8%	257	194	75%	628	212	34%
Richmond	391	74	19%	339	153	45%	540	243	45%	1,556	892	57%	2,826	1,362	48%
San Pablo	22	-	0%	38	1	3%	60	35	58%	178	-	0%	298	36	12%
San Ramon	1,174	196	17%	715	255	36%	740	302	41%	834	2,247	269%	3,463	3,000	87%
Walnut Creek	456	150	33%	302	25	8%	374	19	5%	826	1,206	146%	1,958	1,400	72%
Contra Costa County*	815	88	11%	598	53	9%	687	330	48%	1,408	1,672	119%	3,508	2,143	61%
County Totals	6,512	1,353	21%	4,325	1,035	24%	4,996	3,654	73%	11,239	10,758	96%	27,072	16,000	62%

CCC Progress in Meeting 2015 - 2020 Regional Housing Need Allocation

Jurisdiction	Very Low Income					Low Income					Moderate Income					Above Moderate Income		
	RHNA	Deed Restricted	Non-Deed Restricted	Total	% RHNA Met	RHNA	Deed Restricted	Non-Deed Restricted	Total	% RHNA Met	RHNA	Deed Restricted	Non-Deed Restricted	Total	% RHNA Met	RHNA	Permits Issued	% RHNA Met
Contra Costa County	5,284	780	19	827	16%	3,086	1,540	118	3,086	55%	3,406	280	953	1,233	35%	8,784	14,020	128%
Antioch	349	175	18	193	55%	205	299	3	300	146%	214	0	34	34	16%	680	795	117%
Brentwood	234	2	0	2	1%	124	6	10	16	13%	123	0	85	85	69%	279	3,182	1144%
Clayton	51	0	0	0	0%	25	0	5	5	20%	31	0	0	0	0%	34	8	24%
Concord	798	0	0	0	0%	464	0	0	0	0%	559	5	5	10	2%	1,677	581	30%
Danville	196	20	0	20	10%	111	3	27	30	27%	124	2	38	40	32%	126	484	384%
El Cerrito	100	62	0	62	62%	63	6	0	6	10%	69	0	13	13	19%	166	459	277%
Hercules	220	0	0	0	0%	118	0	16	16	14%	100	0	217	217	217%	244	500	209%
Lafayette	114	7	0	7	5%	78	6	0	6	8%	85	24	40	64	75%	99	319	322%
Martinez	124	0	0	0	0%	72	0	0	0	0%	78	0	0	0	0%	195	88	45%
Moraga	75	0	0	0	0%	44	0	0	0	0%	50	0	6	6	12%	60	86	143%
Oakley	317	8	0	8	3%	174	170	0	170	98%	175	26	208	234	134%	502	1,273	254%
Orinda	84	0	0	0	0%	47	0	0	0	0%	94	0	30	30	56%	42	254	605%
Pinole	80	0	0	0	0%	48	0	0	0	0%	43	0	1	1	2%	126	25	20%
Pittsburg	392	75	0	75	19%	254	708	34	747	292%	316	0	71	71	22%	1,063	978	92%
Pleasant Hill	118	0	0	0	0%	69	19	0	19	28%	84	0	41	41	49%	177	112	63%
Richmond	431	266	0	266	61%	305	81	0	81	27%	410	0	0	0	0%	1,282	612	48%
San Pablo	56	0	0	0	0%	53	3	4	7	13%	75	8	21	29	39%	263	36	14%
San Ramon	516	25	0	25	5%	279	87	0	87	31%	282	184	0	164	58%	340	1,547	455%
Walnut Creek	604	96	0	96	16%	355	18	10	28	8%	381	0	48	48	12%	895	1,210	135%
Contra Costa Unincorporated	374	62	1	63	17%	218	174	9	181	84%	243	31	99	130	53%	532	1,534	288%

Affordable Housing A Plan Without a Home

Jurisdiction	Very Low Income					Low Income					Moderate Income					Above Moderate Income		
	Pop	Count Restricted	Count Not Restricted	Total	%RHMA Met	Pop	Count Restricted	Count Not Restricted	Total	%RHMA Met	Pop	Count Restricted	Count Not Restricted	Total	%RHMA Met	Pop	Count Restricted	%RHMA Met
Contra Costa County	2,204	708	19	817	15%	1,002	1,380	199	1,579	55%	744	216	933	1,211	35%	8,704	14,023	128%
Antioch	349	175	18	193	55%	205	299	1	300	149%	214	0	34	34	16%	880	795	117%
Brentwood	234	2	0	2	1%	124	6	10	16	13%	123	0	85	85	69%	279	3,192	1144%
Clayton	61	0	0	0	0%	26	0	5	5	20%	31	0	0	0	0%	34	8	24%
Concord	798	0	0	0	0%	444	0	0	0	0%	559	5	5	10	2%	1,877	501	30%
Danville	196	20	0	20	10%	111	3	27	30	27%	124	2	38	40	32%	128	484	384%
El Cerrito	100	62	0	62	62%	63	6	0	6	10%	68	0	13	13	19%	166	458	277%
Hercules	220	0	0	0	0%	118	0	16	16	14%	100	0	217	217	217%	244	509	209%
Lafayette	138	7	0	7	5%	78	6	0	6	8%	88	24	40	64	75%	99	319	322%
Martinez	124	0	0	0	0%	72	0	0	0	0%	78	0	0	0	0%	195	88	45%
Moraga	75	0	0	0	0%	44	0	0	0	0%	50	0	6	6	12%	60	96	143%
Oakley	317	8	0	8	3%	174	170	0	170	98%	175	26	208	234	134%	502	1,273	254%
Orinda	84	0	0	0	0%	47	0	0	0	0%	54	0	30	30	56%	42	254	605%
Pineole	80	0	0	0	0%	48	0	0	0	0%	43	0	1	1	2%	126	25	20%
Pittsburg	392	75	0	75	19%	254	708	34	742	292%	316	0	71	71	22%	1,083	978	92%
Pleasant Hill	118	0	0	0	0%	69	19	0	19	28%	84	0	41	41	49%	177	112	63%
Richmond	438	268	0	268	61%	305	81	0	81	27%	410	0	0	0	0%	1,282	612	48%
San Pablo	56	0	0	0	0%	53	3	4	7	13%	75	8	21	29	39%	285	38	14%
San Ramon	516	25	0	25	5%	279	87	0	87	31%	282	184	0	184	65%	340	1,547	455%
Walnut Creek	604	96	0	96	16%	359	18	10	28	8%	381	0	44	44	12%	895	1,210	135%
Contra Costa Unincorporated	374	62	1	63	17%	218	174	9	183	84%	243	31	98	130	53%	632	1,534	288%

RHNA: Regional Housing Needs Allocation

%RHMA Met >100

75% > %RHNA Met >100

%RHNA Met <75

Affordable Housing A Plan Without a Home

Final RHNA Allocations for 2023-2031

Jurisdiction	VERY LOW INCOME (<50% of Area Median Income)	LOW INCOME (50-80% of Area Median Income)	MODERATE INCOME (80-120% of Area Median Income)	ABOVE MODERATE INCOME (>120% of Area Median Income)	TOTAL
CONTRA COSTA COUNTY					
Antioch	792	456	493	1,275	3,016
Brentwood	402	232	247	641	1,522
Clayton	170	97	84	219	570
Concord	1,292	744	847	2,190	5,073
Danville	652	376	338	875	2,241
El Cerrito	334	192	241	624	1,391
Hercules	344	198	126	327	995
Lafayette	599	344	326	845	2,114
Martinez	350	201	221	573	1,345
Moraga	318	183	172	445	1,118
Oakley	279	161	172	446	1,058
Orinda	372	215	215	557	1,359
Pinole	121	69	87	223	500
Pittsburg	516	296	346	894	2,052
Pleasant Hill	566	326	254	657	1,803
Richmond	840	485	638	1,651	3,614
San Pablo	173	100	132	341	746
San Ramon	1,497	862	767	1,985	5,111
Unincorporated Contra Costa	2,072	1,194	1,211	3,133	7,610
Walnut Creek	1,657	954	890	2,304	5,805

Affordable Housing A Plan Without a Home

A-4. SB 35 Very Low Income and Low-Income Determination Summaries

Cities and Counties Not Currently Subject to SB 35 Streamlining Provisions

This determination represents Housing Element Annual Progress Report (APR) data received as of June 1, 2022. **The following 38 jurisdictions have met their prorated Lower (Very-Low and Low) and Above-Moderate Income Regional Housing Needs Assessment (RHNA) for the Reporting Period and submitted their latest APR (2021).**

These jurisdictions are not currently subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining), but the jurisdictions are still encouraged to promote streamlining. All other cities and counties beyond these 38 are subject to at least some form of SB 35 streamlining, as indicated on the following pages.

For more detail on the proration methodology or background data see the SB 35 Determination Methodology.

JURISDICTION	JURISDICTION
1 ATHERTON	20 MILL VALLEY
2 BELL	21 MONTE SERENO
3 BELLFLOWER	22 NEWPORT BEACH
4 BEVERLY HILLS	23 NORWALK
5 BUENA PARK	24 PLUMAS CO.
6 CALISTOGA	25 ROHNERT PARK
7 CARPINTERIA	26 ROLLING HILLS ESTATES
8 CORTE MADERA	27 SAINT HELENA
9 EL CERRITO	28 SAN BERNARDINO CO.
10 FOSTER CITY	29 SANTA ANA
11 FOUNTAIN VALLEY	30 SANTA CLARA CO.
12 GUADALUPE	31 SANTA MONICA
13 HILLSBOROUGH	32 SIERRA CO.
14 INDUSTRY	33 SOLVANG
15 LA HABRA	34 SONOMA CO.
16 LA QUINTA	35 UKIAH
17 LAGUNA NIGUEL	36 VILLA PARK
18 MENDOCINO CO.	37 WESTMINSTER
19 MENLO PARK	38 WOODSIDE

Affordable Housing A Plan Without a Home

Cities and Counties Subject to SB 35 Streamlining Provisions When Proposed Developments Include $\geq 10\%$ Affordability

These 263 jurisdictions have insufficient progress toward their Above Moderate income RHNA and/or have not submitted the latest Housing Element Annual Progress Report (APR) (2021) and therefore **are subject to the streamlined ministerial approval process** (SB 35 (Chapter 366, Statutes of 2017) streamlining) **for proposed developments with at least 10% affordability.**

JURISDICTION	JURISDICTION	JURISDICTION
1 ADELANTO	28 BURBANK	55 DEL REY OAKS
2 ALAMEDA CO.	29 BUTTE CO.	56 DELANO
3 ALISO VIEJO	30 CALAVERAS CO.	57 DESERT HOT SPRINGS
4 ALTURAS	31 CALEXICO	58 DIAMOND BAR
5 AMADOR	32 CALIFORNIA CITY	59 DORRIS
6 AMADOR CO.	33 CALIPATRIA	60 DOS PALOS
7 APPLE VALLEY	34 CARSON	61 DUNSMUIR
8 ARCADIA	35 CERES	62 EAST PALO ALTO
9 ARCATA	36 CHOWCHILLA	63 EL CAJON
10 ARROYO GRANDE	37 CITRUS HEIGHTS	64 EL CENTRO
11 ARVIN 47	38 CLAYTON	65 EL MONTE
12 AUBURN	39 CLEARLAKE	66 ESCALON
13 AVALON	40 CLOVERDALE	67 ESCONDIDO
14 AVENAL	41 COACHELLA	68 ETNA
15 AZUSA	42 COLMA	69 EUREKA
16 BAKERSFIELD	43 COLTON	70 EXETER
17 BANNING	44 COLUSA	71 FAIRFAX 107
18 BARSTOW	45 COLUSA CO.	72 FARMERSVILLE
19 BEAUMONT	46 COMMERCE	73 FERNDALE
20 BELVEDERE	47 COMPTON	74 FILLMORE
21 BENICIA	48 CONCORD	75 FIREBAUGH
22 BIGGS	49 CORCORAN	76 FORT JONES
23 BISHOP	50 CORNING	77 FORTUNA
24 BLUE LAKE	51 COSTA MESA	78 FRESNO CO.
25 BLYTHE	52 CRESCENT CITY	79 GLENN CO.
26 BRADBURY	53 CUDAHY	80 GONZALES
27 BRAWLEY	54 DEL NORTE CO.	81 GRASS VALLEY

Affordable Housing A Plan Without a Home

JURISDICTION	JURISDICTION	JURISDICTION
82 GREENFIELD	117 LEMON GROVE	152 NOVATO
83 GRIDLEY	118 LEMOORE	153 OCEANSIDE
84 GUSTINE	119 LINCOLN	154 OJAI
85 HALF MOON BAY	120 LINDSAY	155 ORANGE COVE
86 HANFORD	121 LIVINGSTON	156 ORLAND
87 HAWAIIAN GARDENS	122 LOMA LINDA	157 OROVILLE
88 HAYWARD	123 LOMPOC	158 OXNARD
89 HESPERIA	124 LOOMIS	159 PACIFICA
90 HIGHLAND	125 LOS ANGELES CO.	160 PALMDALE
91 HOLTVILLE	126 LOS GATOS	161 PARLIER
92 HUGHSON	127 LYNNWOOD	162 PASO ROBLES
93 HUMBOLDT CO.	128 MADERA	163 PATTERSON
94 HUNTINGTON BEACH	129 MADERA CO.	164 PERRIS
95 HUNTINGTON PARK	130 MARICOPA	165 PICO RIVERA
96 HURON	131 MARTINEZ	166 PINOLE
97 IMPERIAL	132 MARYSVILLE	167 PLACERVILLE
98 IMPERIAL CO.	133 MAYWOOD	168 PLEASANT HILL
99 INGLEWOOD	134 MCFARLAND	169 POMONA
100 INYO CO.	135 MENDOTA	170 PORTERVILLE
101 IRWINDALE	136 MERCED CO.	171 PORTOLA
102 ISLETON	137 MILLBRAE	172 POWAY
103 KERMAN	138 MODESTO	173 RANCHO CORDOVA
104 KERN CO.	139 MONTAGUE	174 RED BLUFF
105 KINGS CO.	140 MONTEBELLO	175 REDLANDS
106 KINGSBURG	141 MONTEREY	176 REDONDO BEACH
107 LA HABRA HEIGHTS	142 MONTEREY PARK	177 REEDLEY
108 LA MIRADA	143 MORENO VALLEY	178 RIALTO
109 LA PUENTE	144 MORRO BAY	179 RICHMOND
110 LAKE CO.	145 MOUNT SHASTA	180 RIDGECREST
111 LAKE ELSINORE	146 NATIONAL CITY	181 RIO DELL
112 LAKEPORT	147 NEEDLES	182 RIPON
113 LAKEWOOD	148 NEVADA CITY	183 RIVERBANK
114 LANCASTER	149 NEVADA CO.	184 RIVERSIDE

Affordable Housing A Plan Without a Home

JURISDICTION	JURISDICTION	JURISDICTION
115 LASSEN CO.	150 NEWMAN	185 RIVERSIDE CO.
116 LAWDALE	151 NORCO	186 ROLLING HILLS
187 ROSS	213 SANTEE	239 TUOLUMNE CO.
188 SACRAMENTO	214 SARATOGA	240 TURLOCK
189 SACRAMENTO CO.	215 SAUSALITO	241 TWENTYNINE PALMS
190 SALINAS	216 SEASIDE	242 VALLEJO
191 SAN BERNARDINO	217 SEBASTOPOL	243 VENTURA CO.
192 SAN BRUNO	218 SELMA	244 VICTORVILLE
193 SAN DIEGO CO.	219 SHAFTER	245 VISALIA
194 SAN DIMAS	220 SHASTA CO.	246 WATERFORD
195 SAN FERNANDO	221 SHASTA LAKE	247 WEED
196 SAN GABRIEL	222 SIGNAL HILL	248 WEST HOLLYWOOD
197 SAN JACINTO	223 SISKIYOU CO.	249 WEST SACRAMENTO
198 SAN JOAQUIN	224 SOLANA BEACH	250 WESTLAKE VILLAGE
199 SAN JOAQUIN CO.	225 SONORA 260	251 WESTMORLAND
200 SAN JUAN BAUTISTA	226 SOUTH GATE	252 WHEATLAND
201 SAN LEANDRO	227 SOUTH LAKE TAHOE	253 WILDOMAR
202 SAN MARINO	228 STANISLAUS CO.	254 WILLIAMS
203 SAN MATEO CO.	229 STOCKTON	255 WILLITS
204 SAN PABLO	230 SUISUN CITY	256 WILLOWS
205 SAN RAFAEL	231 SUTTER CO.	257 WINDSOR
206 SAND CITY	232 TAFT	258 WOODLAKE
207 SANGER	233 TEHACHAPI	259 YOLO CO.
208 SANTA CLARITA	234 TEHAMA	260 YREKA
209 SANTA CRUZ CO.	235 TEHAMA CO.	261 YUBA CITY
210 SANTA MARIA	236 TORRANCE	262 YUCAIPA
211 SANTA PAULA	237 TULARE CO.	263 YUCCA VALLEY
212 SANTA ROSA	238 TULELAKE	

Affordable Housing A Plan Without a Home

Cities and Counties Subject to SB 35 Streamlining Provisions When Proposed Developments Include ≥ 50 Percent Affordability

These 238 jurisdictions have insufficient progress toward their Lower income RHNA (Very low- and low-income) and are therefore **subject to the streamlined ministerial approval process** (SB 35 (Chapter 366, Statutes of 2017) streamlining) **for proposed developments with at least 50% affordability. If the jurisdiction also has insufficient progress toward their Above Moderate income RHNA, then they are subject to the more inclusive streamlining for developments with at least 50% affordability.**

JURISDICTION	JURISDICTION	JURISDICTION
1 AGOURA HILLS	28 CANYON LAKE	55 DINUBA
2 ALAMEDA	29 CAPITOLA	56 DIXON
3 ALBANY	30 CARLSBAD	57 DOWNEY
4 ALHAMBRA	31 CARMEL	58 DUARTE
5 ALPINE CO.	32 CATHEDRAL	59 DUBLIN
6 AMERICAN CANYON	33 CERRITOS	60 EASTVALE
7 ANAHEIM	34 CHICO	61 EL DORADO CO.
8 ANDERSON	35 CHINO	62 EL SEGUNDO
9 ANGELS CAMP	36 CHINO HILLS	63 ELK GROVE
10 ANTIOCH	37 CHULA VISTA	64 EMERYVILLE
11 ARTESIA	38 CLAREMONT	65 ENCINITAS
12 ATASCADERO	39 CLOVIS	66 FAIRFIELD
13 ATWATER	40 COALINGA	67 FOLSOM
14 BALDWIN PARK	41 COLFAX	68 FONTANA
15 BELL GARDENS	42 CONTRA COSTA CO.	69 FORT BRAGG
16 BELMONT	43 CORONA	70 FOWLER
17 BERKELEY	44 CORONADO	71 FREMONT
18 BIG BEAR LAKE	45 COTATI	72 FRESNO
19 BREA	46 COVINA	73 FULLERTON
20 BRENTWOOD	47 CULVER CITY	74 GALT
21 BRISBANE	48 CUPERTINO	75 GARDEN GROVE
22 BUELLTON	49 CYPRESS	76 GARDENA
23 BURLINGAME	50 DALY CITY	77 GILROY
24 CALABASAS	51 DANA POINT	78 GLENDALE
25 CALIMESA	52 DANVILLE	79 GLENDORA
26 CAMARILLO	53 DAVIS	80 GOLETA
27 CAMPBELL	54 DEL MAR	81 GRAND TERRACE
82 GROVER BEACH	114 LOS ALAMITOS	146 OAKLEY

Affordable Housing A Plan Without a Home

JURISDICTION	JURISDICTION	JURISDICTION
83 HAWTHORNE	115 LOS ALTOS	147 ONTARIO
84 HEALDSBURG	116 LOS ALTOS HILLS	148 ORANGE
85 HEMET	117 LOS ANGELES	149 ORANGE CO.
86 HERCULES	118 LOS BANOS	150 ORINDA
87 HERMOSA BEACH	119 LOYALTON	151 PACIFIC GROVE
88 HIDDEN HILLS	120 MALIBU	152 PALM DESERT
89 HOLLISTER	121 MAMMOTH LAKES	153 PALM SPRINGS
90 IMPERIAL BEACH	122 MANHATTAN BEACH	154 PALO ALTO
91 INDIAN WELLS	123 MANTECA	155 PALOS VERDES ESTATES
92 INDIO	124 MARIN CO.	156 PARADISE
93 IONE	125 MARINA	157 PARAMOUNT
94 IRVINE	126 MARIPOSA CO.	158 PASADENA
95 JACKSON	127 MENIFEE	159 PETALUMA
96 JURUPA VALLEY	128 MERCED	160 PIEDMONT
97 KING CITY	129 MILPITAS	161 PISMO BEACH
98 LA CANADA FLINTRIDGE	130 MISSION VIEJO	162 PITTSBURG
99 LA MESA	131 MODOC CO.	163 PLACENTIA
100 LA PALMA	132 MONO CO.	164 PLACER CO.
101 LA VERNE	133 MONROVIA	165 PLEASANTON
102 LAFAYETTE	134 MONTCLAIR	166 PLYMOUTH
103 LAGUNA BEACH	135 MONTEREY CO.	167 POINT ARENA
104 LAGUNA HILLS	136 MOORPARK	168 PORT HUENEME
105 LAGUNA WOODS	137 MORAGA	169 PORTOLA VALLEY
106 LAKE FOREST	138 MORGAN HILL	170 RANCHO CUCAMONGA
107 LARKSPUR	139 MOUNTAIN VIEW	171 RANCHO MIRAGE
108 LATHROP	140 MURRIETA	172 RANCHO PALOS VERDES
109 LIVE OAK	141 NAPA	173 RANCHO SANTA MARGARITA
110 LIVERMORE	142 NAPA CO.	174 REDDING
111 LODI	143 NEWARK	175 REDWOOD CITY
112 LOMITA	144 OAKDALE	176 RIO VISTA
113 LONG BEACH	145 OAKLAND	177 ROCKLIN

Affordable Housing A Plan Without a Home

JURISDICTION	JURISDICTION	JURISDICTION
178 ROSEMEAD	199 SEAL BEACH	220 TULARE
179 ROSEVILLE	200 SIERRA MADRE	221 TUSTIN
180 SAN ANSELMO	201 SIMI VALLEY	222 UNION CITY
181 SAN BENITO CO.	202 SOLANO CO.	223 UPLAND
182 SAN CARLOS	203 SOLEDAD	224 VACAVILLE
183 SAN CLEMENTE	204 SONOMA	225 VENTURA
184 SAN DIEGO	205 SOUTH EL MONTE	226 VERNON
185 SAN FRANCISCO	206 SOUTH PASADENA	227 VISTA
186 SAN JOSE	207 SOUTH SAN FRANCISCO	228 WALNUT
187 SAN JUAN CAPISTRANO	208 STANTON	229 WALNUT CREEK
188 SAN LUIS OBISPO	209 SUNNYVALE	230 WASCO
189 SAN LUIS OBISPO CO.	210 SUSANVILLE	231 WATSONVILLE
190 SAN MARCOS	211 SUTTER CREEK	232 WEST COVINA
191 SAN MATEO	212 TEMECULA	233 WHITTIER
192 SAN RAMON	213 TEMPLE CITY	234 WINTERS
193 SANTA BARBARA	214 THOUSAND OAKS	235 WOODLAND
194 SANTA BARBARA CO.	215 TIBURON	236 YORBA LINDA
195 SANTA CLARA	216 TRACY	237 YOUNTVILLE
196 SANTA CRUZ	217 TRINIDAD	238 YUBA CO.
197 SANTA FE SPRINGS	218 TRINITY CO.	
198 SCOTTS VALLEY	219 TRUCKEE	

Affordable Housing A Plan Without a Home

A-5. News Articles Regarding Affordable Housing

Bay Area News Group article

NEW HOMES

Bay Area cities may not hit state deadline

Only Alameda has had
housing element OK'd
ahead of Jan. 31 date

By Ethan Varian

evarian@bayareanewsgroup.com

Bay Area cities are running out of time to devise plans for enough new homes to ease the region's deepening housing crisis — and so far, state officials are sending most of their plans back to the drawing board.

Under state law, local jurisdictions have until Jan. 31 of

next year to finalize their so-called housing elements — detailed road maps to meet their dramatically increased state-mandated housing goals. Between 2023 and 2031, the entire nine-county region is on the hook for approving over 441,000 new homes for residents of all income levels, more than double the amount for the current eight-year cycle.

As of last week, the California Department of Housing and Community Development had rejected drafts from 14 of

HOUSING • PAGE 20

Affordable Housing A Plan Without a Home

the 15 Bay Area municipalities it had reviewed so far — with Alameda the lone success.

The agency told San Francisco, Oakland, Sunnyvale, Mountain View, Redwood City, Antioch and others to rewrite their drafts to provide proof the sites identified for future homes have a realistic chance of development, and to offer the possibility of rezoning certain neighborhoods for denser housing, among various other instructions.

Public officials and housing experts say the denials weren't a surprise given the state's high planning expectations. They anticipate many more rejection letters are on the way.

But HCD's hard line is raising questions about whether Bay Area cities and counties can meet the fast-approaching housing plan deadline at the end of January. Failing to do so risks missing out on affordable housing and infrastructure funding and could put jurisdictions in jeopardy of lawsuits, fines and the loss of local control over land-use decisions.

"I don't know if we're going to meet the deadline," said Mountain View Mayor Lucas Ramirez. "We're going to do the best we can. It may very well be that HCD says this is a strong start, but you have to do even more."

Judging by how the housing element process has gone in other parts of the state, that result seems possible for much of the Bay Area. In Southern California, just 48 of 196 local governments in the region have submitted housing elements after most blew their October 2021 deadline.



A view of a sitting area at Rosefield Village apartments during the grand opening celebration in Alameda. Alameda is the only Bay Area city whose housing element plan has been approved by the state.

Mathew Reed, director of policy for the Silicon Valley affordable housing advocacy group SV@Home, said the state is demanding far more than during prior planning periods. For example, cities and counties are now expected to address housing equity and discrimination issues in their plans proactively. But Reed said Bay Area jurisdictions shouldn't use that increased burden as an excuse.

"It's been apparent that if you don't reach the bar (set by the state), you'll have more work," he said. "I'm not sure the public or elected officials have been as conscious of that fact."

Officials in Alameda spent years preparing their 228-page housing plan, which the state approved in August. Planning Director

Andrew Thomas said while some residents protested the small island city's plans to accommodate more than 5,800 new homes, it was important to finalize the draft so the City Council could adopt it before the election in November.

"This is the City Council that's been involved in the preparation of this document for the last three years, and we decided this should be the City Council that makes the final decision," Thomas said.

Gov. Gavin Newsom, at a bill signing event last month in San Francisco, made clear that unlike in years past, state officials aren't going to look the other way if cities and counties ignore their housing responsibilities. In addition to withholding grant funding and imposing

mandatory rezoning timelines, the state is threatening to sue noncompliant jurisdictions to compel a judge to take over the process for approving and permitting new homes.

"At the end of the day we need to see local accountability," Newsom said. "We're going to celebrate success, but we're going to call out failure."

At the event, Newsom highlighted a first-ever state investigation by HCD into San Francisco's restrictive housing policies. He also singled out the town of Atherton, the wealthy San Mateo County enclave that gained national attention earlier this year when it scrubbed its housing element draft of town homes after tech industry residents — including billion-

Andreasen — vehemently objected to adding multifamily housing.

In an interview last month, Atherton Mayor Rick DeGolia said building multifamily homes considered affordable by state standards isn't practical because the cost of land in the town is around \$8 million per acre, and there is little publicly owned land to develop. Instead, Atherton's housing element draft focuses on a program to help homeowners create new in-law units for rent.

"If (state officials) refuse, we're going to be in a fight with them," DeGolia said. Judging by Southern California's example, he expects to have until the end of 2023 to come to "some settlement with the state."

Reed with SV@Home

hard," he said. "The expectation is to say, 'What can you do to address some of the things that are making it hard?' And the expectation is high."

In Oakland, meanwhile, residents of the largely suburban Rockridge neighborhood are asking the city to plan for more apartments and town homes in their community. In their rejection of Oakland's housing element, state officials directed the city to examine recommendations made by the Rockridge Community Planning Council.

"We believe that welcoming significant numbers of new residents to Rockridge would be entirely consistent with our values and the cherished historically diverse character of our neighborhood," the group wrote in a letter to city planning staff.

As the certification deadline approaches, housing advocates are warning cities of another, relatively little-known consequence of failing to finish their housing elements in time: the "builders' remedy." The three-decade-old law forces noncompliant cities to accept large housing projects with affordable units, even when the developments far exceed local zoning limits.

Chris Elmendorf, a law professor at UC Davis, said that while there are few known instances of the builders' remedy coming into play, developers have in recent years become emboldened to take advantage of other state housing laws that bypass local control.

"We're seeing the emergence of developers who are not relying on their relationships with city councils and instead on their rights under state law," he

Affordable Housing A Plan Without a Home

East Bay Times article

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LARGEST IN EASTERN CONTRA COSTA COUNTY

090 SECTION B

Antioch unveils affordable housing complex

The 394-unit development sits on 14.85 acres in northeast section of the city

by Judith Prieto
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The largest affordable-income family and senior apartment complex ever in east Contra Costa county has opened in the northeast area of Antioch.

The new 394-unit complex, which was celebrated at a ribbon-cutting Thursday, is expected to lessen the shortage of affordable housing in the city and breathe

new life into the Bridgehead area, which lost major retailer Kmart and has not seen much development in recent years. The apartments were developed by AMCAL, a Southern California developer that has been constructing affordable housing since the 1960s.

Located southwest of East 18th Street and Holub Lane just west of Highway 160, the AMCAL Family and Senior Apartments include 11 three-story buildings on 14.85

acres between two residential neighborhoods. Of the 390 affordable apartments in the gated complex, 214 are designed for families and 180 for tenants 55 and older. Four will be manager apartments.

"We're excited; tenants are starting to move in," said Alex Pratt, AMCAL vice president of development. "This is an intergenerational project, and there are 394 units and 100%



Developer AMCAL unveiled its newly opened affordable housing complex, the Antioch Family and Senior Apartments, in northeastern Antioch on Thursday. JUDITH PRIETO STAFF

HOUSING • PAGE 2

Affordable Housing A Plan Without a Home

Builder's Remedy Article - The Fix

The 'fix' almost nobody wants

The 'builder's remedy' could OK projects in cities behind on their state-mandated housing plans

By Ethan Varian

evarian@bayareanewsgroup.com

It's a NIMBY's worst nightmare: high-rise apartment buildings going up in suburban neighborhoods — and local officials helpless to halt construction.

That scenario could soon become a possibility for Bay Area cities large and small should they fail to convince the state they're doing enough to help solve a deepening housing crisis.

It's all thanks to a little-used section of state housing law known as the "builder's remedy." Uncertainties remain, but the three-decade-old provision could enable developers to push through projects of virtually any size almost anywhere they please, as long as a portion of the building includes affordable units.

The builder's remedy would only apply to Bay Area cities without a state-approved plan to meet their upcoming homebuilding goals, which are updated every eight years. The penalty doesn't kick in until early next year, but many jurisdictions appear unlikely to have plans ready in time.

Housing experts and advocates say that means a surge of proposals may be on the horizon, especially in wealthier areas that have made it challenging to build denser housing, but where developers stand to see higher profits if they can build.

"If you're not going to tell developers where they can build multifamily housing, the state is saying they don't have to follow your rules," said San Francisco real estate attorney Daniel Golub,

BUILDERS • PAGE 8

Affordable Housing A Plan Without a Home

Builders

FROM PAGE 1

adding he's received "very substantial interest" about the builder's remedy in recent months.

It's already starting in Southern California — where over a hundred cities are behind on their housing plans due last year and developers have blitzed a handful of affluent enclaves with builder's remedy proposals in recent months. That includes more than a dozen high-rise projects in Santa Monica and a 2,300-unit oceanside complex in Redondo Beach.

In the Bay Area, cities have until Jan. 31 to get their housing plans certified and stave off a similar outcome. But so far, just two — Alameda and Emeryville — have approvals. However, the growing interest in the builder's remedy is adding pressure to meet the fast-approaching deadline.

A big part of why developers see the provision as a viable option now, despite it being on the books since 1990, appears to be that new state laws and policies have added teeth to the planning process for housing.

Homebuilding targets set



JANE TYSKA — STAFF PHOTOGRAPHER

A drone photographs development along Clement Avenue in Alameda, one of only two Bay Area cities that have had their housing plans approved by the state.

by the state have doubled or even tripled for many cities. As a whole, the Bay Area is on the hook for approving more than 441,000 units for all income levels over the next decade, representing a 15% increase in the region's total homes.

For the current expiring eight-year cycle, the Bay Area permitted only about 190,000 units, according to state housing data. Of that amount, just 44,000 are for low- or middle-income residents, well under half the combined goal for those income levels.

This time around, state officials, including Gov. Gavin Newsom, have made

clear they won't simply rubber-stamp cities' housing plans, and intend to hold jurisdictions accountable for actually meeting their new goals. The state is threatening fines, withholding affordable housing funding and loss of permitting authority for cities that skirt their housing responsibilities.

Paul Campos, a senior vice president with the Bay Area Building Industry Association, said despite the rush of builder's remedy proposals in Southern California, the provision's requirement that 20% of units be affordable makes it challenging for projects

to actually "pencil out," — developer-speak for "turn enough of a profit to get built."

In part because of that financial reality, Campos said it's unlikely the Bay Area will see many projects that are drastically larger than what local zoning laws already allow. Instead, he views the provision as a way to "soften or eliminate some heavy-handed local regulations." For example, developers could add a few stories onto apartment projects to offset city development fees.

The type of city where the builder's remedy makes the most sense, Campos and other experts said, is one where rents are high and developers have often struggled to get large projects across the finish line.

Palo Alto, which has a population and median rent level roughly similar to that in Santa Monica, could fit the bill.

"(Santa Monica is) encountering now what we very possibly will be in three months," said Palo Alto Mayor Pat Burt.

Burt said Palo Alto is "racing" to finalize its plan for where new housing should be built, but he doesn't expect to meet the state's Jan. 31 deadline.

It's unclear what the upscale Silicon Valley suburb, home to Stanford University, would do if faced with a flurry of builder's remedy applications. Burt expects an eventual court ruling on the Southern California proposals will determine whether Palo Alto would need to approve them.

Sonja Trauss, founder of the San Francisco-based housing advocacy group YIMBY Law, which launched an online workshop to help take advantage of the builder's remedy, acknowledged the scheme has not been legally tested. Potential sticking points include how the state's strict environmental laws apply and whether a city can deny proposals by essentially self-certifying its housing plan.

Another question is whether a builder's remedy proposal would still be valid if a noncompliant city gets its housing plan certified after the planning and permitting process for the project has already begun. The state housing department has said such projects must go through.

Still, Trauss said cities planning on challenging the provision shouldn't expect an easy victory.

"They may go to court, and they could prevail, but

it's definitely going to be a fight," she said.

For some local officials, a brewing clash over the builder's remedy is only the latest result of what they say are punitive state laws and policies that are wrestling away local control and threatening to destroy the character of their cities. The looming specter of largely unrestricted development is creating a sense of urgency to push back.

"It's the responsibility of the state Legislature to step in and ensure we don't witness a drastic overreach," Burt said.

State Sen. Scott Wiener, a Democrat from San Francisco and one of the principal backers of recent laws that have cleared the way for the builder's remedy, said he has no such intent.

"It's time to actually have enforceable standards," Wiener said. "What's more important, local control or having enough housing for everyone?"

For now, he said the builder's remedy appears to be serving its primary purpose by convincing cities to get their housing plans in order sooner rather than later.

"The goal is not to ever have to invoke the builder's remedy," he said.



CITY OF PINOLE

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August 15, 2023

Contra Costa County Grand Jury
Attention: Cynthia Roberts, Foreperson
PO Box 431
Martinez, CA 94553
ctadmin@contracosta.courts.ca.gov

Transmitted via electronic mail and regular mail

Subject: City of Pinole's Response to the Grand Jury's Report on Affordable Housing: "A Plan Without a Home"

Dear Ms. Roberts:

Below, please find the City of Pinole's response to the Grand Jury Report No. 2306, Affordable Housing: "A Plan Without a Home."

Grand Jury Findings:

F1: Within existing city or County infrastructure there is no clear owner who is responsible for achieving RHNA permitting targets.

Response: Respectfully, the City of Pinole **partially disagrees** with Finding 1 because while a single entity is responsible for planning to accommodate RHNA permitting targets, jurisdictions do not undertake the development of housing projects themselves. Instead the Housing Element Update process requires jurisdictions to plan for how to remove governmental and non-governmental barriers to development and accommodate all types of housing based on RHNA allocations. Each jurisdiction's Housing Element specifies which departments are responsible for carrying out the Housing Element's Plans and Programs. In Pinole, the Community Development Department prepares the Annual Progress Report (APR), which is presented before the City Council annually prior to submission to HCD. The APR provides a status update on the jurisdiction's progress in implementing its housing element on a yearly basis.

F2. City and County officials see no direct path to meet state-mandated regional housing (RHNA) targets.

Response: Respectfully, the City of Pinole **disagrees** with Finding 2 because there are multiple paths to meet the state-mandated regional housing needs allocation RHNA targets. First, at a policy level, cities and the County must identify adequate sites to meet the RHNA targets through their Housing Elements. For example, the City of Pinole's adopted and certified Housing Element for the 2023-2031 Cycle identifies capacity to accommodate 152% (759 units) of the required RHNA (500 units). In addition, Housing Elements include strategies and programs to encourage housing development in accordance with State Law. The State will not certify a Housing Element that does not accommodate RHNA targets. Second, at an implementation or production level, cities and the County create pathways for others to construct housing but do not construct housing themselves. Cities and the County primarily rely on applicants and the development community, including affordable housing developers, to propose and construct units.

F3. There are currently no measurable penalties if a city or a County does not achieve RHNA targets in an approved housing element plan.

Response: Respectfully, the City of Pinole **partially disagrees** with Finding 3 because while there are generally no legal or financial penalties if the cities and County do not achieve their RHNA targets, qualifying housing projects may take advantage of the streamlined, ministerial process created by SB 35 only if a city or the County has not achieved its RHNA targets.

In addition, jurisdictions are subject to penalties if they do not adopt a Housing Element that is certified by the State, including designating adequate sites to accommodate the RHNA targets. For example, jurisdictions may be subject to litigation from individuals, housing rights' organizations, developers, and/or the State of California Department of Housing and Community Development (HCD). Depending on court decisions, local control may further diminish, beyond that prescribed in State law, including, for example, suspending the jurisdiction's authority to issue building permits or approve certain land use permits. Cities and the County may also be subject to court-issued fines, court receivership, and streamlined approval processes that remove local discretion.

Regardless of the reasons for lack of building permit activities, if jurisdictions do not issue building permits that meet the RHNA targets, developers may choose to use a ministerial process for housing projects that meet specified criteria (i.e., SB 35). In addition, a developer could choose to construct housing on sites that the jurisdiction has not designated for housing.

F4. Data published by ABAG shows that Contra Costa County and most of its cities have missed their current RHNA targets for very low- and low-income housing allocations. The allocation requirements continue to increase (16x for very low-income and 4x for low-income residents).

Response: Respectfully, the City of Pinole **partially disagrees** with Finding 4. While it is true that many cities and the County as a whole missed their RHNA targets for very low and low-income housing, and that RHNA Allocation for very low- and low-income housing has continued to increase, the increase in RHNA allocation is not to the extent mentioned in this report. RHNA numbers from the past 3 cycles indicate that the current (6th) cycle has had the largest increase of 2.5x from the previous cycle in very low- and low-income housing requirements.

Cycle	Very Low	% permitted	Low	% permitted	Source
1999 - 2006	6,481	44%	3,741	48%	link
2007 - 2014	6,512	21%	4,325	24%	link
2015 - 2020	5,264	16%	3,086	55%	link
2023 - 2031	13,346	n/a	7,685	n/a	link

F5. Many obstacles hinder the development of AH at the local level, specifically for very low and low-income housing, including:

- a. Limited availability of land;
- b. Restrictive zoning policies specific to AH development;
- c. Limited developer interest to bring projects forward;
- d. Limited available funding;
- e. Lack of community support;
- f. NIMBY opposition & city council response to NIMBY opposition.

Response: Respectfully, the City of Pinole **partially disagrees** with Finding 5. Despite the challenges listed above that may impede the creation of affordable housing, the City has taken steps to address each issue through our Housing Element programs, policies, and actions, to the best of our ability and in compliance with HCD standards.

F6. Zoning changes are generally addressed only when a project is presented for development. Zoning obstacles include:

- a. Housing element plans that offer poor land choices for AH development;
- b. Restrictive height and high-density zoning policies;
- c. Lack of inclusionary housing ordinance(s) in many cities.

Response: Respectfully, the City of Pinole **partially disagrees** with Finding 6. Most jurisdictions consider changing zoning during the review of the Housing Element and/or updating the General Plan, rather than solely in response to a proposed development project. The following provides specific responses to items a-c, above:

a) Housing Element plans are required by law to provide an inventory of land that addresses the unique conditions of each jurisdiction. Pursuant to Government Code Section 65583.2(b), Housing Element sites must include information on the number of dwelling units that a site can realistically accommodate, the RHNA income category the parcel is anticipated to accommodate, whether the parcel has available or planned and accessible infrastructure, and the existing use of the site, amongst other details. When selecting sites to accommodate the lower income RHNA, HCD provides jurisdictions with best practices to consider factors such as:

1. Proximity to transit
2. Access to high performing schools and jobs
3. Access to amenities, such as parks and services
4. Access to health care facilities and grocery stores
5. Locational scoring criteria for Low-Income Housing Tax Credit (TCAC) Program funding
6. Proximity to available infrastructure and utilities
7. Sites that do not require environmental mitigation
8. Presence of development streamlining processes, environmental exemptions, and other development incentives.

However, sites that meet these locational criteria do not always meet the other existing use criteria required by HCD to demonstrate substantial evidence for existing uses to discontinue within the planning period. These include high vacancies, deteriorating conditions, marginally operating businesses, underutilization of sites, etc. These conditions are often directly contrary to access to high performing schools and jobs, amenities, adequate infrastructure, and clear of environmental hazards.

In addition to the above requirements and pursuant to AB 686 (Government Code Section 65583(c)(10)), for Housing Elements due on or after January 1, 2021, sites must be identified throughout the community in a manner that affirmatively furthers fair housing (AFFH). AFFH means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.

Very often the approach to sites selection is to target declining areas for redevelopment. Without tax increment financing as a reinvestment tool, jurisdictions must rely on private investments as catalyst to induce redevelopment in declining neighborhoods. Housing is the best catalyst. For jurisdictions that take a neighborhood revitalization approach to accommodating the RHNA, place-based strategies that focus on public improvements, economic development, prioritization of funding, and targeted outreach are used to complement the sites inventory strategies. For example, the City of

Pinole's adopted and certified 6th Cycle Housing Element contains Program 19, which commits the City to pursuing programs to increase environmental health and quality of life across Pinole.

- b) Recent projects in Pinole demonstrate that the existing development standards (including setbacks and height requirements) do not constrain development from meeting, and in many cases exceeding, the maximum allowable density in each zone. According to State Density Bonus Law (SDBL), local agencies are required to allow increased density, reduced standards, and development incentives based on the number and type of affordable housing units proposed in a project. The SDBL applies to housing projects, including mixed-use developments, new subdivisions, or common-interest development. Developers may request incentives and concessions from the jurisdiction's regulatory or development standards that result in actual and identifiable cost reductions to provide for affordable housing costs or rents. The number of required incentives is based on the percentage of affordable units provided in the qualifying project. For example, developers may ask for increased height above that allowed by the zoning regulations. As such, height and density do not represent a restriction to development. Furthermore, many sites are located in transit-oriented neighborhoods where recent State laws have preempted restrictions on height and density.
- c) 16 jurisdictions in Contra Costa County have implemented inclusionary housing ordinances. The City of Pinole has an inclusionary housing ordinance that was adopted in 2010. The inclusionary housing ordinance stipulates that, for all rental or ownership developments of four or more units, at least 15 percent of the total units must be constructed and offered for sale or rent as affordable housing units. Of those units, no less than 40 percent (or 6 percent of the total) must be made available to very low-income households.

The City has seen recent development not only complying with these standards, but exceeding them. In the last two and a half years the City has entitled development of over 615 new units in Pinole, with 274 of the units being affordable. Two recent projects are one hundred percent affordable projects. The recently approved Pinole Vista project includes inclusionary units which exceeded the required percentage of very low-income units by the inclusionary housing ordinance to take advantage of state density bonus laws. Another recent development includes a subdivision of four units that increased from three to four units to provide one moderate income for-sale unit. This and other recently approved market and affordable housing projects demonstrate that the cumulative regulations have been able to facilitate a variety of new housing development, such that 80% of the City's RHNA could be met with currently approved projects. Recent development trends demonstrate that the City's inclusionary housing requirements do not constraint development.

The City currently utilizes an incentive-based approach to achieving affordable housing on-site and does not collect in-lieu fees through the City's inclusionary requirement. Program 7 in the City's Housing Element aims to address the constraints faced by smaller development projects, which often end up providing a higher proportion of affordable units due to their size. One such constraint is the lack of an in-lieu fee option. To create more flexibility for smaller projects and a new funding source for affordable housing initiatives, the City is pursuing the creation of an in-lieu fee alternative for the inclusionary housing requirement. The inclusionary fee will help ensure that the inclusionary requirements do not constrain smaller projects and that smaller projects are providing an equal proportion of affordable units as larger projects.

F7. Penalties directed at cities and the County (financial, loss of control over local planning) are tied to not meeting state deadlines for Housing Element plan approval.

Response: Respectfully, the City of Pinole **partially disagrees** with Finding 7. We agree that there are penalties that are directly related to not meeting the statutory deadline of the Housing Element. Builder's Remedy, where individuals may apply for a building permit on land that is not designated for housing, is one such penalty that is directly linked to meeting state deadlines for Housing Elements.

We partially disagree with Finding 7 because there are other penalties that are not directly tied to the statutory deadline. There are penalties associated with lawsuits, which are rarely brought forward for simply missing the statutory deadline, but more due to a perception of continued inactions. Penalties also include eligibility for funding.

As stated in the response to Finding 3, jurisdictions may be subject to litigation from individuals, housing rights' organizations, developers, and/or HCD. Depending on court decisions, jurisdictions may lose additional local control, such as suspension of authority to issue building permits or approve certain land use permits; and/or cities and the County may be subject to court-issued fines, court receivership, and streamlined approval processes that remove local discretion.

In addition, depending on specific programs, eligibility for some state funds requires a certified Housing Element (such as PLHA and State HOME funds). Finally, loss of local control is not limited to jurisdictions that do not meet specified timeframes for a certified housing element. For example, SB 35, the Housing Accountability Act, the No Net Loss Act, Density Bonus Law, and AB 2011/SB 6 specify what types of projects local jurisdictions must approve and where such projects must be approved, regardless of whether jurisdictions meet state deadlines for Housing Elements.

F8. Builder's Remedy and SB35 projects do not address ingrained local obstacles identified in this report that prevent the completion of approved AH projects.

Response: Respectfully, the City of Pinole **partially disagrees** with Finding 8 because while Builder's Remedy and SB35 projects are valuable tools that can expedite affordable housing development, they may not comprehensively address all the ingrained local obstacles identified in this report that hinder the completion of approved AH projects. The effectiveness of these streamlined processes can vary from jurisdiction to jurisdiction, and while they can help overcome certain barriers like restrictive zoning policies and prolonged approval timelines, other challenges mentioned in the report, such as limited available funding, community support, and NIMBY opposition, may continue to persist in diverse degrees in different locations. To achieve the successful completion of approved AH projects and effectively address these obstacles, a multifaceted and jurisdiction-specific approach is required, taking into account the unique circumstances and complexities faced by each locality.

F9. When local Redevelopment Agencies (RDA's) were discontinued by the state in 2012, the County and cities, did not address the loss of funding for affordable housing or find alternative funding to support affordable housing projects until voters passed Measure X in November 2020. Projects that target very low- and low-income residents were particularly impacted.

Response: Respectfully, the City of Pinole **partially disagrees** with Finding 9 because while the County and cities did not create or find new sources of funds for affordable housing after the State discontinued local RDAs, State law limits local jurisdictions' ability to create new funding sources. Voters need to approve virtually all new funding or financing mechanisms to generate the revenues or funds needed to preserve existing affordable housing and construct or finance new affordable housing. The Board of Supervisors and Town/City Councils cannot, for example, float bonds any longer without voter approval.

While Measure X, the countywide 20-year ½ cent sales tax was approved in November 2020, Measure X is projected to provide *up to* \$12 million annually for "housing and related services" for the entire County (emphasis added). Measure X Affordable Housing funds will be distributed through a Notice of Funding Availability (NOFA) process, a competitive process.

The City of Pinole has maintained former RDA assets, and revenues generated from those assets, in a Low- and Moderate-Income Housing Asset Fund that continues to be used to administer and monitor compliance with affordable housing and loan agreements and provide for affordable housing development. For example, the Satellite Affordable Housing Associates (SAHA) development at 811 San Pablo is 33 units on a 0.61 acre previously vacant infill parcel. The development is all lower-income housing units. The project is on city-owned land and the City is contributing over three million dollars in Housing Asset Funds towards the project's construction in addition to providing the land. The project was entitled in under five months from application submittal and in one hearing with the Planning Commission. A grading permit

was submitted on July 5, 2022 and building permit was submitted on December 12, 2022. Construction began in June 2023.

As a part of Program 7 in the City of Pinole's adopted and certified Housing Element, the City is developing a Housing Successor's Low and Moderate Income Housing Asset Fund Policy. The policy will set priorities and goals for the use of affordable housing funds in the City as well as investigate the creation of an in-lieu fee as an additional alternative to the inclusionary housing requirement.

F10. Measure X housing funds are not fully dedicated to building AH for very low- and low-income residents.

Response: The City of Pinole **agrees** with Finding 10.

F11. Local funding provided by bonds like Measure X Housing Fund is a critical component of a developer's overall ability to raise funds for an AH development.

Response: Respectfully, the City of Pinole **partially disagrees** with Finding 11 because while local funding provided by bonds like Measure X Housing Fund in Contra Costa County are a beneficial component to help fund affordable housing construction, the amount of funding available from Measure X is not high enough to be a critical factor in a developer's overall ability to raise funds for an affordable housing (AH) development. Bond funding requires voters' approval. Depending on the timing (economic conditions and bond measures for other competing interests), bond financing has not been the most significant source of affordable housing financing. Under the Measure X Program Allocation Summary, only \$10 million dollars (about 13% of FY 2022-23 funding and about 4.5% of total funding) were allocated to a Local Housing Trust Fund; for FY 2023-24, \$12 million dollars were allocated. The Measure X Housing Funds are to be dispersed by the Department of Conservation and Development (DCD) and the Health Services' Health, Housing and Homeless (HSD-H3) Services and the Housing Authority of the County of Contra Costa. While a contributing factor, Measure X dollars allocated to housing production is not critical to the overall ability of the jurisdictions to meet their RHNA requirements for affordable housing.

F12. Cities that proactively engage citizens, address zoning obstacles, make reasonable zoning concessions, work collaboratively with developers, provide local funding support, and are united in addressing NIMBY opposition, have been successful in attracting AH projects.

Response: Respectfully, the City of Pinole **partially disagrees** with Finding 12 as the City of Pinole agrees that proactive strategies can help attract affordable housing developers and mitigate the barriers to housing production; however, proactive strategies alone do not result in affordable housing projects being constructed. For example, while City of Pinole engages in all of the above, a variety of other obstacles towards affordable housing development exist beyond a local jurisdiction's control. This includes the gap in financing between constructing

market-rate versus affordable housing, land costs, the land-to-building ratio when a property contains an underutilized building, the cost to upgrade or renovate an existing nonresidential building to accommodate housing, infrastructure costs (on- and off-site), fees for public utilities (particularly for non-municipal utilities), among others.

F13. The latest RHNA targets for cities and unincorporated Contra Costa County show a significant increase in the number of units that are expected to be permitted for very low and low-income housing.

Response: Respectfully, the City of Pinole **partially disagrees** with Finding 13 as it is true that RHNA Allocation for very low- and low-income housing has continued to increase, however, the increase in RHNA allocation is not to the extent mentioned in the report. The overall number of RHNA targets has increased significantly over the last four cycles. The most dramatic increase was from Cycle 5 to Cycle 6, where the overall number of RHNA targets increased over twofold—from 20,630 to 49,043.

However, proportionally, there has not been a significant increase in the percentage of very-low and low-income RHNA targets. For example, the proportion of very low-income targets increased by only one percent – from 26% to 27% between Cycles 5 and 6; likewise, the proportion of low-income RHNA targets increased from 26% to 27% during the same period of time.

Cycle	Total Contra Costa RHNA	Very Low		Low	
		<i>Allocation</i>	<i>Percentage of Total RHNA</i>	<i>Allocation</i>	<i>Percentage of Total RHNA</i>
3 rd : 1999 - 2006	34,710	6,481	19%	3,741	11%
4 th : 2007 - 2014	27,072	6,512	24%	4,325	16%
5 th : 2015 - 2020	20,630	5,264	26%	3,086	15%
6 th : 2023 - 2031	49,043	13,346	27%	7,685	16%

Grand Jury Recommendations:

R1. Each city and the County should consider assigning a staff position with clear leadership, ownership and accountability to achieve allocated RHNA targets. The individual in this position would be responsible for establishing and promoting an operational plan to achieve the RHNA goals set forth in the housing element plan.

Response: The recommendation (R1) has been implemented. California's Housing Element Law acknowledges that, in order for the private market to adequately address the housing needs and demands of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development. Cities and Counties are not responsible for the development and construction of housing to achieve the allocated RHNA targets. Instead, they are responsible for the effective implementation of their housing elements and associated programs to address any existing constraints to housing and for tracking and reporting the jurisdiction's progress toward achieving their RHNA. In the City of Pinole, the Community Development Department is assigned with the responsibility of the above tasks.

R2. Each city and the County should report AH progress and lack of progress using data across all four measured income groups. Special attention should be paid to tracking the housing needs of residents categorized as very low- and low-income. Cities and the County should communicate their progress biannually, against RHNA targets at council and supervisor Meetings.

Response: The recommendation (R2) has been implemented. State Law (§65400) requires each jurisdiction (city council or board of supervisors) to prepare an Annual Progress Report (APR) on the jurisdiction's status and progress in implementing its housing element (HE) using forms and definitions adopted by the California Department of Housing and Community Development (HCD).

The HE APR allows HCD to track the progress of the implementation of a jurisdiction's Housing Element and requires its submission as a threshold requirement for several State housing funding programs¹.

Through the forms and tables provided by HCD², jurisdictions must report annual data on housing in the APR, including the following:

- Housing development applications received (including proposed number of units, types of tenancy, and affordability levels)
- Building/construction activity
- Progress towards the RHNA
- Sites identified or rezoned to accommodate a shortfall in housing need
- Program implementation status
- Local efforts to remove governmental constraints to the development of housing
- Projects with a commercial development bonus
- Units rehabilitated or preserved
- Locally owned lands included in the sites inventory that have been sold

¹ https://opr.ca.gov/docs/20220120-APR_Memo_2022.pdf

² <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/housing-element/housing-element-annual-progress-report.xlsm>

- Locally owned surplus sites

Government Code §65400 requires the planning agency to provide this report, which covers the previous calendar year) to the legislative body (i.e., local Council or Board), HCD, and OPR by April 1 of each year. APRs must be presented to the local legislative body for its review and acceptance on a meeting agenda. The statute does not specify in which order they be provided, and HCD does not require the report to be submitted to the legislative body prior to submitting it to HCD. However, HCD recommends that planning departments provide the report to the local legislative body prior to sending it to HCD and OPR³. Biannual reporting would divert staff time from other housing programs.

R3. Each city and the County should consider creating a dedicated AH commission comprised of a multi-disciplinary team of diverse citizens and led by a current, nonelected, city expert in planning. Each commission would be charged with providing a community voice in the process and helping to identify and address obstacles that hinder the development of affordable housing projects in their community.

Response: The recommendation (R3) will respectfully not be implemented. We appreciate the thoughtful recommendation to create a dedicated Affordable Housing (AH) commission comprised of a multi-disciplinary team of diverse citizens, led by a current, non-elected, city expert in planning. While we acknowledge the potential benefits of such a commission, after careful consideration, we have decided not to pursue its implementation due to the following reasons:

- **Existing Planning Mechanisms:** Our city and County already have established planning mechanisms and committees responsible for addressing affordable housing issues. These existing structures provide platforms for community engagement and collaboration, making the formation of a separate commission redundant and potentially duplicative of efforts. Pinole's Planning Commission is comprised of a variety of citizens that provides recommendation on policy changes, reviews development projects, provides a community voice, and makes recommendations on changing zoning regulations, which can lead to a reduced number of obstacles to development.
- **Resource Constraints:** Establishing and maintaining a dedicated AH commission would require additional financial and administrative resources. At present, our city and County are already allocating resources to multiple initiatives aimed at addressing affordable housing needs. Adding another commission might spread resources too thin and hinder the efficiency of current efforts. For example, the City of Pinole has a Planning Commission, Community Services Commission and Transportation and Traffic and Pedestrian Safety Commission. In the City of Pinole's experience, each commission requires a designated staff member to manage the meeting, minutes, calendar, noticing,

³ <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/housing-element-annual-progress-report-faq.pdf>

among other tasks. Given the limited number of staff in the city, the City does not have staffing or staff capacity to create additional commissions.

- **Efficient Decision-Making:** By involving a diverse range of citizens and experts in our existing 7-member Planning Commission, we maintain a balanced and inclusive approach. This integration ensures streamlined decision-making processes and comprehensive representation of community interests without creating an additional layer of bureaucracy.
- **Alternative Approaches:** Instead of forming a separate AH commission, we are committed to strengthening the involvement of community members and experts in our existing Planning Commission. Enhancing public outreach, conducting regular town hall meetings, and encouraging community feedback will remain focal points in our efforts to address obstacles hindering affordable housing development. In addition, our adopted and certified Housing Element includes Goals, Policies and Actions that identify and promote collaborations with the community, other agencies, and the development community.

While we do not intend to pursue the recommended dedicated AH commission, we value the underlying principle of community engagement and recognize the importance of community input in the decision-making process. We will continue to explore alternative strategies that promote transparency, inclusivity, and community-driven solutions for affordable housing development in our city and County and we remain committed to finding the most effective and sustainable approaches to address affordable housing challenges, working in collaboration with stakeholders and community members to achieve our shared goals.

R4. Each city and the County should consider reviewing existing processes and identifying changes that would address or resolve the specific obstacles identified in this report that hinder achieving RHNA allocation targets for very low- and low-income housing in their Community.

Response: The recommendation (R4) has been implemented. As required by State Law, jurisdictions have reviewed existing processes and identified programs to address any potential constraints to development through the Housing Element's Constraints and Zoning Analysis Section. Pinole's adopted and certified Housing Element includes a number of zoning amendments as identified in the constraints section to ensure compliance with state law and remove constraints to development (Program 12). Additionally, the City will review and amend the Zoning Ordinance and Design Review Guidelines to ensure that all development standards, design guidelines, and findings are objective, and promote certainty in the planning and approval process (Program 13). Furthermore, the City has included multiple efforts to expedite the permitting and review process through reducing the necessary levels of approval (Program 15).

It is important to mention the following additional components:

- **Stakeholder Engagement:** To ensure a comprehensive and inclusive approach, stakeholders, including community members, developers, housing advocates, and relevant government agencies, were actively engaged throughout the process. Feedback and input from these stakeholders played a pivotal role in shaping the subsequent actions.
- **Identifying Key Obstacles:** Based on the review and stakeholder input, specific constraints hindering the achievement of RHNA allocation targets were identified. These included issues related to zoning restrictions, lengthy permitting processes, funding constraints, and limited community support.
- **Development of a Housing Plan:** With a clear understanding of the obstacles, each city and the County developed tailored action plans to address the identified challenges. These action plans outlined concrete steps, timelines, and responsible parties for implementation that have been or are in the process of being deemed appropriate by the State Department of Housing and Community Development.
- **Policy and Regulatory Reforms:** To streamline affordable housing development, policy and regulatory reforms were introduced to the broader community at both the Planning Commission and City Council levels and noticed public hearings. These reforms aimed to remove unnecessary barriers, expedite permitting processes, and incentivize the construction of affordable housing.
- **Community Outreach and Education:** Recognizing the importance of community support, extensive outreach and education efforts were undertaken to inform residents about the benefits of affordable housing and dispel common misconceptions.

As a result of these actions, tangible progress can be made towards meeting RHNA allocation targets for very low- and low-income housing in each community. The review and reforms will lead to a more efficient and supportive environment for affordable housing development.

In the two years prior to the January 31, 2023 deadline, the City of Pinole entitled over 615 new units in Pinole, with 274 of the units being affordable. Two affordable housing projects have broken ground, with more building permits currently in plan check, which will increase the overall housing stock for low-income residents. The engagement of stakeholders has fostered a collaborative approach to address housing challenges, and community support for affordable housing initiatives has grown significantly.

While challenges persist, the ongoing commitment of the City of Pinole to address the obstacles identified in the report demonstrates significant strides in advancing affordable housing goals.

Continued efforts and collaboration will be crucial in achieving sustained progress and ensuring housing accessibility for all members of our communities.

R5. Each city and the County should consider developing a public dashboard to report progress against RHNA targets.

Response: The recommendation (R5) has been implemented. Each jurisdiction (city council or board of supervisors) must prepare an annual progress report (APR) on the jurisdiction's status and progress in implementing its housing element using forms and definitions adopted by the California Department of Housing and Community Development (HCD). (Government Code Section 65400.) Each jurisdiction's APR must be submitted to HCD and the Governor's Office of Planning and Research (OPR) by April 1 of each year (covering the previous calendar year (CY)). HCD compiles and showcases all APRs through their interactive digital data dashboard with downloadable data sets⁴.

In addition, all jurisdictions are subject to Government Code Section 65863 (No Net Loss Law), which was amended in 2017 with SB 166, and requires jurisdictions to maintain adequate sites to accommodate remaining unmet RHNA at each income level throughout the life of an adopted Housing Element. The No Net Loss Law restricts cities and the County from approving a housing project at a lower density, or with fewer units than identified in the Housing Element unless a corresponding number of units are accommodated and identified elsewhere in the cities or County. To assist with the monitoring, cities and the County are developing standard language to include in staff reports when housing projects come forward to decision-makers for approval and are exploring a No Net Loss Tool to help monitor RHNA progress. Additionally, new to the most recently adopted Housing Element, the City of Pinole maintains a list of additional development opportunity sites to be used in the case of a net loss situation (Program 1).

R6. Each city and the County should consider, in their individual Housing Element plans, putting forth land zoned "suitable for residential use," without development obstacles, and located strategically close to existing services, for AH purposes.

Response: The recommendation (R6) has been implemented. As required by State Law, jurisdictions are required to prepare a site inventory identifying land suitable and available for residential development to meet the locality's regional housing needs by income level. Please see the response to Finding 6(a) for details. Further, in addressing HCD's Affirmatively Furthering Fair Housing (AFFH) requirements there is a thorough review of the site selection via the Tax Credit Allocation's Committee (TCAC) Resource Map that designates areas of low-, moderate-, high-, and highest-resource within a jurisdiction and requires specific justification for placing affordable housing projects within low-resources areas (see Figure 37 in Pinole's adopted and certified Housing Element).

⁴ <https://www.hcd.ca.gov/planning-and-community-development/annual-progress-reports>

R7. Each city and the County should consider reviewing their zoning policies to identify restrictive zoning policies unique to their jurisdiction that impede AH projects and consider making zoning changes in light of that review that will support AH in their community.

Response: The recommendation (R7) has been implemented. Through the Housing Element process, jurisdictions have reviewed their zoning policies and identified potential affordable housing development constraints unique to their jurisdiction. The Housing Element Goals, Policies and Programs section outlines forthcoming changes to zoning policies with specified timeframes to address the identified constraints.

R8. Cities should consider adopting an inclusionary housing ordinance as part of their standard development policy by the end of 2023 (if not already in place).

Response: The recommendation (R8) has been implemented. The City of Pinole has adopted a local inclusionary housing ordinance as of 2010. See the discussion in the response to Finding 6(c) for details on the success of the ordinance.

R9. Each city and the County should consider how to prioritize the implementation of housing projects that promote development of very low- and low-income housing.

Response: The recommendation (R9) has been implemented. Due to permit streamlining requirements, it is critical for cities and counties to assess all development projects in the sequence they are received. Nevertheless, jurisdictions have implemented incentives and expedited permitting processes for certain categories of housing type or tenure. As a part of the City of Pinole's adopted and certified housing element, the City will be developing permit streamlining, priority permitting process and a fast-track process for eligible applications (Program 15). Additionally, Program 6 commits the City to preparing, updating, or revising the General Plan Environmental Impact Report (EIR) as appropriate to provide CEQA clearances for projects that comply with existing zoning. By reviewing and updating the EIR individual projects can utilize opportunities for tiering from environmental documentation and streamlining provided under CEQA, where applicable, which can reduce duplicative analyses, streamline environmental review and ultimately save time and money for the applicant.

Further, the preservation and promotion of naturally occurring affordable housing (NOAH), is also part of our affordable housing strategy. While developing housing that is affordable to lower income households is important and a key strategy, preservation of affordable units is equally important and requires additional resources. It may, in some cases, be more cost effective to preserve existing units. Additionally, the promotion and fast-tracking of Accessory Dwelling Units, as NOAH, is a key strategy identified in our Housing Element.

R10. Each city and the County should consider prioritizing Measure X funding requests that support projects that address RHNA targets for very low- and low-income residents. Each city and County should consider reporting regularly to their residents on the use of Measure X funds for such purposes.

Response: The recommendation (R10) will respectfully not be implemented. Measure X is a countywide 20-year, ½ cent sales tax approved by Contra Costa County voters on November 3, 2020 “to keep Contra Costa’s regional hospital open and staffed; fund community health centers, emergency response; support crucial safety-net services; invest in early childhood services; protect vulnerable populations; and for other essential county services.” Under the Measure X Program Allocation Summary, only \$10 million dollars (about 13% of FY 2022-23 funding and about 4.5% of total funding) were allocated to a Local Housing Trust Fund; for FY 2023-24, \$12 million dollars were allocated. The Measure X Housing Funds are to be dispersed by the Department of Conservation and Development (DCD) and the Health Services’ Health, Housing and Homeless (HSD-H3) Services and the Housing Authority of the County of Contra Costa. The use of Measure X funds for housing are reported by the County here: <https://www.contracosta.ca.gov/8530/Measure-X>

The jurisdictions have identified local funding sources for each of their Program Actions in their Housing Element to support affordable housing projects that address RHNA targets for very low- and low-income residents.

In Conclusion

In closing, your letter has shed some light on critical aspects of the housing crisis we face today and affirmed that we are not alone as a jurisdiction in facing these challenges. Despite potential areas of partial disagreement, we acknowledge the factual basis of your findings and recognize the interconnectedness of the underlying conditions that have given rise to the current challenges.

By working collaboratively and understanding the broader context of the housing crisis, we strive to develop more effective strategies and policies to address this pressing issue and create a more inclusive and sustainable housing landscape for all members of our community.

Very Sincerely,

Devin Murphy
Mayor, City of Pinole

CC: Pinole City Councilmembers



CITY COUNCIL REPORT

9G

DATE: SEPTEMBER 5, 2023

TO: MAYOR AND COUNCIL MEMBERS

FROM: SANJAY MISHRA, PUBLIC WORKS DIRECTOR

SUBJECT: AWARD A CONTRACT TO TETRA TECH TO COMPLETE AN ENERGY CONSERVATION, GENERATION AND STORAGE ASSESSMENT IN AN AMOUNT NOT TO EXCEED \$47,938

RECOMMENDATION

Staff recommends that the City Council adopt a resolution (Attachment A) to award a contract in a form acceptable to the City Attorney to Tetra Tech to complete an Energy Conservation, Generation and Storage Assessment (CIP Project # IN2201) in an amount not to exceed \$47,938 and authorize the City Manager to execute the contract.

BACKGROUND

The City of Pinole provides services from numerous City facilities and through a variety of City infrastructure, including roads, parks, and streetlights. The City has invested in some energy conservation and generation measures over the past 10 years. These include solar arrays, EV charging stations, and streetlight improvements. The City anticipates spending approximately \$1.3 million on electric and natural gas consumption in City facilities during FY 2022-23.

The City is interested in identifying steps that it could take to further conserve, generate, and store energy in City facilities and infrastructure. Through the Energy Conservation, Generation and Storage Assessment, the City seeks to achieve the following outcomes:

- An assessment of the City's energy use in its facilities and infrastructure.
- Identification of cost effective and environmentally responsible investments in energy conservation, generation, and storage.
- Identification of investments to make the City more resilient during power outages, natural disasters, and from the impacts of climate change.
- A recommended system(s) to track and provide reports on savings that result from investment in energy conservation and generation at City facilities.

On June 6, 2023, City staff released a Request for Proposals (RFP) soliciting consultant proposals to complete an Energy Conservation, Generation and Storage Assessment. The RFP was listed on www.publicpurchase.com, posted on the City of Pinole website,

and distributed to firms identified through a web search. Responses were due on July 14, 2023.

The scope for this project includes the following:

- A. Energy Efficiency and Resiliency Trends Review
- B. Conditions Assessment
- C. Opportunities Analysis
- D. Recommendations

A Final Energy Conservation, Generation and Storage Assessment report will be presented to the City Council.

A total of five proposals were submitted and provided to the review panel (Panel). The Panel consisted of two City of Pinole staff representing the Public Works Department and a project management consultant who supported the RFP process. All responses were evaluated using the criteria in the RFP:

- A. Qualifications
- B. Cost
- C. Method for Executing Scope of Work
- D. Exceptions to the Consultant Services Agreement
- E. References

Three firms were selected by the Panel for interviews to further demonstrate their qualifications. The Panel members identified Tetra Tech as the preferred consultant. A copy of the Tetra Tech proposal is attached (Attachment B).

REVIEW & ANALYSIS

City staff recommends Tetra Tech based on the firm's experience conducting similar assessments, ability to match recommendations to available funding sources, the breadth of talent on the team that would be assigned to the project and the proposed approach to completing the scope of work.

Tetra Tech's proposal included a budget of \$39,978. After selecting Tetra Tech as the preferred firm, staff added additional services related to EV charging at City facilities and validation of the Senior Center solar design and negotiated a contract cost of \$47,938 for the project.

FISCAL IMPACT

The FY 2023/24 adopted CIP budget includes \$50,000 in funding for CIP Project IN2201–
- Energy Conservation, Generation, & Storage Assessment. There are sufficient funds in
the City's adopted CIP budget to award the contract to Tetra Tech in an amount not to
exceed \$47,938.

ATTACHMENTS

- A. Resolution
- B. Tetra Tech proposal

RESOLUTION NO. 2023 – XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, AWARDING A CONTRACT TO TETRA TECH FOR \$47,938 TO COMPLETE AN ENERGY CONSERVATION, GENERATION AND STORAGE ASSESSMENT (CIP PROJECT # IN2201) IN AN AMOUNT NOT TO EXCEED \$47,938 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, the City of Pinole (“City”) recognizes that energy efficiency and resiliency of City facilities is important to provide effective City services; and

WHEREAS, the City would like to better understand steps that it could take to further conserve, generate, and store energy in City facilities and infrastructure; and

WHEREAS, the City is also interested in identifying investments to make the City more resilient during power outages, natural disasters, and from the impacts of climate change; and

WHEREAS, the City has adopted the FY 2023/24 through FY 2027/28 Capital Improvement Plan (CIP) which includes an energy conservation, generation, and storage assessment (CIP Project # IN2201) as a funded project; and

WHEREAS, the City issued a Request for Proposals (RFP) on June 6, 2023, on www.publicpurchase.com, posted the RFP on www.ci.pinole.ca.us/bids and distributed to firms based on a web search, seeking proposals from qualified consultants to provide professional services for the development of a Energy Conservation, Generation and Storage Assessment; and

WHEREAS, five proposals were received and evaluated by an interview panel based on the criteria outlined in the RFP, including the consultant's experience, qualifications, interview and proposed methodology; and

WHEREAS, the interview panel has recommended that the contract be awarded to Tetra Tech based on the firm's experience conducting similar assessments, ability to match recommendations to available funding sources, the breadth of talent on the team that would be assigned to the project and the proposed approach to completing the scope of work;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Pinole as follows:

1. Tetra Tech's proposal is found to be the most responsive proposal and is accepted by the City Council for development of an Energy Conservation, Generation and Storage Opportunities Assessment.

- 2. There is \$50,000 allocated in the City’s adopted Capital Improvement Program budget for this project.
- 3. The City Manager is authorized to execute a professional services contract with Tetra Tech in an amount not to exceed \$47,938 for the Project in a form to be approved by the City Attorney.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on the 15th day of August 2023 by the following vote:

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

I hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on the 5th day of September 2023.

Heather Bell, CMC
City Clerk

Proposal for:
ENERGY CONSERVATION, GENERATION AND STORAGE
ASSESSMENT
City of Pinole



July 14, 2023
Revised – August 3, 2023



Table of Contents

Cover Letter 1

A. Qualifications 1

B. Key Personnel 8

C. Method for Executing Scope of Work 15

D. Fee Proposal 17

E. References 19

F. Conflicts and Termination 19

G. Standard Agreement..... 20

Cover Letter

July 14, 2023

Public Works Director
City of Pinole
2131 Pear Street
Pinole, CA 94564

Subject: Proposal for an Energy Conservation, Generation, And Storage Assessment for the City of Pinole facilities

Dear Sanjay Mishra:

Tetra Tech Inc. is pleased to submit our proposal to provide an energy conservation, generation, and storage assessment for the City of Pinole facilities.

Over the past 23 years, the Tetra Tech Energy Team has been an industry leader in energy and water auditing, onsite generation solutions including microgrids, energy resiliency, energy management, and sustainability services. Tetra Tech has an unparalleled track record of providing top-level technical and engineering services and site-specific solutions to consistently deliver improved facility performance, energy conservation, and energy generation solutions to our clients. We have established technical teams with expertise in a wide range of relevant skills. We excel in developing technically sound, economically attractive, and actionable results for our clients.

Tetra Tech's Energy Team has extensive experience in conducting comprehensive and technology-specific energy audits and assessments. Our team has performed ASHRAE Level II and other energy and water audits for 5.5. million square feet of federal, state, and local government facilities in multiple states over the past few years, as well as developed onsite energy generation and storage solutions and implementation plans to help our clients put the energy audit findings into practice to realize savings and improve resiliency.

Main Point of Contact

Jennifer Brainerd, Program Manager, Energy Services will serve as the main point of contact during the RFP review process. P: 619.321.6703, Email: Jennifer.Brainerd@tetrattech.com.

I hope that after review of our qualifications, you will agree that Tetra Tech offers the best overall expertise to the City of Pinole in meeting your energy study needs. This proposal is valid for 90 days following the date of this letter. If you should have any questions regarding our capabilities or similar work, please contact Jennifer or me.

Sincerely,



Kathy Vandenheuvel PE
Operations Manager
1230 Columbia Street, Ste. 1000, San Diego, CA 92101
P: 619.321.6712, Email: kathy.vandenheuvel@tetrattech.com

A. Qualifications

Tetra Tech offers the City of Pinole the following qualifications, experience, and benefits to perform the services:



Proven background accomplishing energy audits with meaningful results. We provide realistically priced capital improvement projects, in addition to low-cost and no-cost recommended operational changes and training that can drive energy efficiency.



Experienced energy audit and resilience team backed by 27,000 employees world-wide and an established Energy Team ready to complete the work in a short timeline. We have **audited millions of square feet of facilities** for clients across the country and **developed onsite generation solutions**. We are not an ESCO and provide **neutral assessments** for clients, agnostic to specific technologies or implementation approaches.



Experience identifying comprehensive energy solutions that qualify for **state and federal funding sources** and low-interest financing sources. Tetra Tech energy professionals work with stakeholders at all levels to craft an execution plan for each energy opportunity.



The ability to develop site-specific **energy generation and storage solutions**. We conduct a rigorous technical and economic evaluation of various onsite power generation sources. We determine appropriate generation sources to provide complete **resilience** for your site as required, including the most ideal capacity of renewable energy and battery storage.



A team of **Professional Engineers, Certified Energy Managers, and other energy professionals** who have worked together on similar successful projects, including a **lead auditor local to the East Bay** who has supported a wide range of California utility customers, including PG&E.

Tetra Tech History

Founded in 1966, Tetra Tech has grown into a global leader in providing engineering and technical services. Tetra Tech's innovative, sustainable solutions help our clients address their energy, water, environment, infrastructure, and resource management needs. We are proud to be home to leading technical experts that stay at the forefront of emerging technologies in order to provide the highest and best solutions for our clients. We combine the resources of a global, multibillion-dollar company with local, client-focused delivery.

Throughout its history, Tetra Tech has proudly served local, state, and federal government agencies. We lead with science to provide services for the full life cycle of sites, from initial assessments, planning, and design for efficient communities through remediation and closure. Our industry-leading experts understand the complex challenges that face communities in managing their water, energy, infrastructure, asset management, and environmental needs. Tetra Tech provides energy management, infrastructure design, fuel storage design and maintenance, environmental compliance, natural and cultural resource management and protection, information technology support and cyber security, National Environmental Policy Act (NEPA) documentation, and master planning for governmental sites and facilities.

Over the past 23 years, the Tetra Tech Energy Team has provided energy and water auditing, onsite generation solutions including microgrids, energy resiliency, energy management, retrocommissioning, resource conservation, and sustainability services. Tetra Tech has an unparalleled track record of providing top-level technical and engineering services and site-specific solutions to consistently deliver improved facility performance, energy conservation, and energy generation solutions to our clients. We have established technical teams with expertise in a wide range of relevant skills. We excel in developing technically sound, economically attractive, and actionable results for our clients.

Tetra Tech has a long-standing history of providing innovative and cost-effective solutions to planning, engineering, management, environmental and energy problems worldwide. As a publicly-traded company headquartered in Pasadena, California, we have more than 550 offices in 120 countries on seven continents. Formed in 1999, our specialized Energy Team is headquartered in San Diego, California, with team members spread out across the country, with the lead auditor located in Lafayette, CA, to provide comprehensive energy management, assessment, planning, and design services to

local, state, and federal clients across the U.S. Our Energy Team has performed energy assessments for more than 60 million SF of facilities in the last 5 years, as well as comprehensive energy generation assessment and master planning.

Specialized Expertise

Tetra Tech's expert energy auditors regularly accomplish energy audits for government clients, and we have established proven audit processes and procedures which we have shown to be effective in accomplishing multiple audit projects for government facilities in short periods of time. In a recent project for the Michigan State Department of Veterans Affairs, we audited 63 facilities across the state, encompassing 2.3 million square feet as part of one contract including audits of administrative facilities, warehouses, vehicle maintenance facilities, secure areas, and emergency response facilities. Our team will leverage the skills, techniques, and lessons learned to execute a cost-effective, thorough audit that meets all RFP requirements. We aim to identify innovative energy solutions for our clients in all energy audits as the applicable technologies continue to develop and practices and procedures continue to be redefined. Our technical experts identify deficiencies and develop diverse energy conservation measures (ECMs) including HVAC upgrades, lighting retrofits, control optimizations, building envelope improvements, combined heat and power, renewable energy and energy storage systems solutions as appropriate at each site. All measures are fully evaluated with building modeling software or engineering calculations to take the results of the on-site audits and translate them into cost-effective projects that deliver substantial savings. Tetra Tech understands that all solutions identified must be vetted by the client to make certain that the client can operate and maintain the equipment. This is critical to any energy reduction strategy to maintain the integrity of the energy conservation solution implemented.

We also have created 17 energy and water resilience plans, which help clients prioritize projects for the most critical functions, identifying potential funding sources, and create a 5-year implementation plan and strategy, in addition to identifying solutions to conserve energy, increase efficiency, improve resilience, and close vulnerability gaps related to utility infrastructure. The resilience solutions frequently include an onsite microgrid capable of generating all or part of the site power requirements if the commercial grid fails. Tetra Tech carefully analyzes the most appropriate generation sources such as solar, wind, battery storage, combined heat and power, fuel cells, backup diesel, and natural gas generators. Our recommended solutions are most often hybrid microgrids with a combination of renewables, energy storage and continuous generators (natural gas or diesel). Tetra Tech will provide a baseline for current site resilience, along with the most economical and technically feasible plan to achieve the desired level of resilience.

Tetra Tech has provided detailed write-ups of three projects that highlight our experience with energy audits and on-site generation assessment and project development, including microgrids.

1. Michigan Department of Military and Veterans Affairs – Energy Audits, Resilience Plans, and Microgrids
2. State of South Dakota ASHRAE Level II Energy Audits and Resilience Planning, and Microgrids
3. Energy and Water Resilience Plans for Idaho Military Department



Michigan Department of Military and Veterans Affairs – Energy Audits, Resilience Plans, and Microgrids

ASHRAE Level II Energy Audits – Tetra Tech conducted Level II ASHRAE comprehensive energy and water audits on 2.5 million square feet of facilities for the Michigan ARNG. Tetra Tech audited 63 facilities across the state of Michigan, including a wide variety of administrative and training facilities, vehicle and aircraft maintenance, aircraft hangars, water and wastewater systems, fire stations, and security police facilities. At each facility and group of facilities, our team assessed renewable energy alternatives and the feasibility of incorporating CHP systems.

Client: Department of Military Veterans Affairs (DMVA), State of Michigan

Location: Michigan ARNG Sites Statewide

Dates: 2017 – 2020

Scope of Services: Energy and Water Resilience Plans, Microgrid Assessments, Energy Audits

Contact:

Maj Del Avery
Real Property Specialist
DMVA Michigan
3423 N. Martin Luther King Jr., Blvd
Lansing, MI 48906
517.481.7566
delbert.e.avery.mil@mail.mil

Tetra Tech established a valid energy and water baseline for each facility, and calculated energy and water use intensities for all facilities to track future progress as energy and water conservation measures are implemented. Tetra Tech's auditing efforts identified \$6.1 million of viable energy and water saving projects with a savings-to-investment ratio greater than 1.0. The total estimated cost savings associated with these ECMs and WCMs was \$858,000 annually, which equates to roughly 16% of the DMVA's electric consumption, 12% of the natural gas consumption, and 3 million gallons of water consumed across the state each year. Additionally, \$300,000 in utility rebates were identified to help offset the capital costs of implementing the ECMs and WCMs. Projects included lighting and lighting controls; DDC system upgrades; plumbing; HVAC; building envelope; and renewable projects.

Fort Custer had a small pilot microgrid in place, which Tetra Tech expanded to create a fully operational microgrid that could serve the entire installation in the event of an emergency. Fort Custer had two ground mount PV arrays in place already, along with a small battery storage system and simple microgrid controller. Tetra Tech identified an optimal amount of additional PV (1.0 MW) along with 960 kWh of new battery storage to serve the installation in routine grid connect mode. The FCEC (Fort Custer Education Center) was found to be a good candidate for CHP. A 333-kW CHP would serve the power and thermal requirements of the existing building, as well as the requirements of the future Armory, providing electric and thermal resilience for both sites. Additional 333-kW natural gas generators can be added to the microgrid generation system as Fort Custer incurs future load growth. A cybersecurity specialist then assessed the cybersecurity of the microgrid and generation systems and made recommendations. Cybersecurity is an increasingly important factor in today's world. Tetra Tech designed the Fort Custer microgrid to include the ideal combination of on-site generation assets to provide energy resilience, utility cost savings and increased reliance on renewable power.

Energy and Water Resilience Plans – Tetra Tech developed four energy and water resilience plans for the Michigan Army National Guard (ARNG) – at three major sites (Camp Grayling, Fort Custer, and the Joint Forces Reserve Center), and one for ARNG statewide facilities. The plans included comprehensive energy audits of all facilities to identify energy conservation opportunities and included assessing each site for on-site power generation opportunities for increased resilience and utility cost savings.

Tetra Tech met with base leadership and the mission owners to determine the mission-critical functions and talk about risks, threats, and opportunities with the stakeholders. Tetra Tech led a thorough discussion of the mission-critical loads as well as the essential supporting facilities and loads that would be required to keep critical missions fully operational. We conducted site visits, collected data, and established the energy, thermal, water, and wastewater resilience baselines. The energy consumption history was consolidated and put into an Excel spreadsheet for this client.

During the site visits, Tetra Tech discussed issues with the commercial power and natural gas distribution utilities as well as water and wastewater companies, as appropriate for each installation. The resilience of many military installations is only partially controlled within the confines of the post, so the agencies outside the post that play a role must be interviewed and their resilience evaluated to assess the vulnerabilities to the military site. The resilience of the energy and water supplies and the commercial infrastructure were assessed from the source to the fence line of the installations. Additionally, the infrastructure on the installation was assessed for age, condition, and risks of physical damage.

Tetra Tech reviewed the recent energy audits to account for demand and consumption reductions that could reduce the size and quantity of assets required to meet the 14-day planning factor. We evaluated 3 years' worth of energy data and discussed facility usage during that time to determine the most appropriate benchmark to use as steady state requirements.

We then discussed the mission requirements with the mission owners to assess an appropriate planning factor for the facilities under emergency operating conditions – the 14-day demand and consumption that would support the mission in all reasonable situations. This is an important distinction in that steady-state requirements don't equate to emergency demand requirements. Tetra Tech also incorporated the Real Property Development Plans (RPDPs) for each of the installations, making rough estimates of the future facility loads where data were not available.

Tetra Tech provided a prioritized list of projects that could individually be accomplished to improve resilience of the sites over time. Each of these projects had an associated increase in energy and water resilience that would be achieved by implementing the projects. The team accomplished a cost estimate and life-cycle cost analysis (LCCA) for each of the projects and identified a possible funding stream. The final IEWPs included all identified solutions.



South Dakota – ASHRAE Level II Energy Audits, Resilience Planning, and Microgrids

Tetra Tech was contracted by the State of South Dakota Department of the Military to perform ASHRAE Level II audits on 593,960 square feet of Army National Guard (ARNG) facilities statewide. Tetra Tech identified ECMs and WCMs, including lighting, HVAC upgrades and controls, which will save 1,323,629 kWh, 1,394 kGal water and \$169,686 annually when implemented. Tetra Tech audited 44 facilities, including buildings such as armories, training facilities, headquarter buildings, dining facilities, and fitness centers. In addition, Tetra Tech developed Energy and Water Resilience Plans for sites to assess vulnerabilities to energy and water supplies and infrastructure and make recommendations for measures to improve energy and water resilience. Tetra Tech identified a microgrid project and assisted the state in developing a funding request submission through the Army's Energy Resilience and Conservation Investment Project (ERCIP).

The microgrid for Camp Rapid was developed in an effort to provide more onsite power generation for the installation, such that the base was less susceptible to commercial power outages. Research into the current South Dakota Public Utility Commission policy revealed that the utility serving the base had proposed major changes to the existing net-metering policy. The utility was attempting to introduce a buy-all/sell-all tariff whereby all customers would be required to purchase all power from the utility and sell all power generated on site back to the utility at a price far below market value. If the policy were adopted, it would completely erode the economics of all onsite power generation installed on base. While the policy was ultimately not adopted by the PUC, it is an indicator of the local utility's attempt to block customers from installing local microgrids. This was a main driver for Tetra Tech to help design a microgrid that could potentially allow the base to move completely off-grid.

The base had a goal of installing as much renewable energy as could be economically justified. Tetra Tech performed extensive analysis on the base's load profile, the utility rate structure, potential locations for solar arrays including rooftop, carports and ground mount, and the current cost of renewable microgrid components. Analysis indicated that the ideal capacity for PV was 600-kW as a PV array exceeding this capacity would generate too much surplus power that would need to be stored in a large and expensive battery storage system. Tetra Tech then estimated an appropriate amount of battery capacity that would provide both resilience during a power outage, as well as peak shaving economic benefits. Operating the battery in peak shaving mode can reduce demand charges and improve PV system economics by 10-20 percent for most systems. Tetra Tech designed the remaining generation components to be natural gas fired microturbines. Natural gas is an abundant, affordable and reliable fuel source in South Dakota. The microturbines were designed to replace an oversized backup diesel generator. One of the microturbines is designed to operate in combined heat and power service, providing both heating and cooling for the installation headquarters building. Additional microturbines are included in the design to provide a complete backup power solution for the base in the event of grid failure. When the price of gas is favorable, the base can operate completely off grid with the hybrid microgrid. The CHP system offers a very attractive return on investment. The renewable and gas combined microgrid offers sufficient utility cost savings to meet the Army's economic performance hurdles with an estimated simple payback of 15 years.

Tetra Tech followed the specific army process to identify and review requirements, assess risk and conservation opportunities, generate solutions, and develop an implementation plan. The Energy and Water Resilience Plans identified over 100 projects for both resilience and energy and water conservation, including the hybrid microgrid project that would take the entire Camp Rapid site completely off grid for electricity. Solutions were designed to safeguard the installation from future policy and net metering changes that would be unfavorable to the base.

Client: South Dakota Department of the Military
Location: South Dakota ARNG incl. Camp Rapid
Dates: 2020 – 2021
Scope of Services: Audits and Resilience Plans

Contact:
Mike Haltiner
Energy Manager
605.737.6557, michael.a.haltiner.nfg@mail.mil

Energy and Water Resilience Plans for Idaho Military Department

Tetra Tech developed two energy and water resilience plans for the Idaho Army National Guard (ARNG) at Gowen Field and Orchard Combat Training Center (OCTC). Tetra Tech collected data through the Initial Data Request, conducted site visits, facilitated stakeholder meetings, and developed solutions to improve resilience. Tetra Tech followed four steps to identify and review requirements, assess risk and conservation opportunities, generate solutions, and develop an implementation plan. Tetra Tech identified solutions to sustain critical facilities for 14 days should the energy and water services be disrupted. Solutions included combined cooling, heating, and power (CCHP) systems, microgrids powered by the CCHP microturbines and existing solar arrays, as well as additional solar photovoltaic arrays with battery storage to meet resilient requirements. Tetra Tech identified potential advantages to allowing the State of Idaho to apply for federal Energy Resilience and Conservation Investment Program (ERCIP) funding for a project that proposes installing multiple combined heat and power microgrids to power critical facilities and reduce demand charges. Propane air systems were suggested for all sites to mitigate a natural gas utility disruption and provide critical thermal energy during winter months that, without, would greatly hinder operations.

At Gowen Field, 21 facilities were audited with ASHRAE Level II audits which revealed 23 various energy conservation measures (ECM's). The ECMs included upgrades to boiler systems, hot and chilled water pumps, indoor and outdoor lighting, compressed air systems, plumbing fixtures, building automation system programming for make-up air units, supply air temperatures and schedules, heat pumps, unit heaters, water heaters, and window seals for a total savings of \$96,000. Reducing energy consumption is an important first step to planning for energy resilience. Reducing the site load also reduces the first costs of generation assets needed to provide on-site power.

The Army's traditional approach to backup power is to provide diesel generators for all critical facilities. Historically, these diesel generators are poorly maintained and frequently do not start in times of emergency. In addition, fuel storage is typically only sufficient to last 24 to 72 hours, and fuel maintenance is critical to ensure moisture and/or sediment buildup has not contaminated the fuel supply. The least expensive and simplest solution for meeting resilience requirements is to expand the existing diesel generation system and add fuel storage to sustain the site through the desired time period. However, this solution adds diesel maintenance and testing costs, increases emissions during operation, and offers no long-term utility savings or progression towards site energy independence. The expanded diesel generation solution, along with other alternatives, was thoroughly investigated for Idaho's Gowen Field.

Expanding the existing backup diesel system for Gowen Field would include adding bulk diesel storage in three different areas, including one 9,000-gallon tank and two 3,000-gallon tanks. However, there is an added burden of fuel testing with this option, along with the uncertainty of obtaining additional fuel delivery during an emergency. Therefore, Tetra Tech investigated other on-site generation opportunities for Gowen Field. Natural gas-fired CCHP was found to be a good solution across the installation. CCHP solutions were developed for four groups of buildings, all in close proximity, that had sufficient use for the waste heat off of microturbines year around. Three of these solutions included the use of absorption chillers, which turn waste heat into cooling, further reducing the electric cooling loads during warmer summer months. It was also discovered that if Gowen Field installed natural gas-fired microturbines, they would qualify for a discounted gas rate from the local utility as a large-volume user. The lower gas rate significantly improved the economics of CCHP. Two of the CCHP systems have savings-to-investment ratios (SIR) of greater than 1.0 and two of the systems have SIR = 0.84. CCHP assets have a positive return on investment, whereas diesel generation systems offer no return on investment and are only used during an emergency.

Idaho ARNG leadership had another goal to increase renewable energy on site. Therefore, Tetra Tech evaluated suitable locations along with the economics of a new PV array. Tetra Tech found two locations on base that were suitable for ground-mount arrays. The first was an open field that could support a 600-kW PV system, and the second was a smaller open area that could support a 210-kW system.



1,560 panels, 600-kW system



546 panels, 210-kW system

The local utility in Idaho has a net metering rule that any PV installations over 100-kW capacity cannot export surplus power back to the grid. Therefore, Tetra Tech recommended that all PV power be directed onto the common distribution grid on base such that the majority of the renewable power could be consumed at the time of generation. Appropriate battery storage capacity was added to the system such that the surplus renewable power could be stored and not exported to the grid. The addition of renewable generation will prolong the duration of the diesel generation system during an emergency. Even though utility rates are relatively inexpensive in Idaho, this renewable generation system has an SIR of 0.85.

Client: Idaho Military Department

Location: Gowen Field and OCTC

Dates: 2019 – 2021

Scope of Services: Energy and Water Resilience
Plans

Contact:

Lee Keeling

State Energy Manager

208.272.3293, leamon.e.keeling.mil@mail.mil

B. Key Personnel

Name and Address of Firm / Corporate Officer Authorized to Execute Agreements

Tetra Tech, Inc.

Contracting/Project Management Office

1230 Columbia Street, Suite 1000

San Diego, CA 92101

Principal-in-Charge: Kathy Vandenheuvel, Kathy.Vandenheuvel@tetrattech.com,

Staffing

Tetra Tech's proposed Energy Auditing and Resilience Planning team members are ready and available to perform this energy study for City of Pinole. The following key personnel will be supported by our team of energy professionals across the U.S. Tetra Tech does not intend to use subcontractors for any portion of this contract.

Tetra Tech's proposed *Project Manager*, John Havens, is a 40-year veteran of the energy industry. John worked as the Energy Manager for the Washington Army National Guard for over 12 years and then worked for the energy program at the National Guard Bureau for over 5 years. Mr. Havens will be the point of contact for the City of Pinole to include all project communication, weekly progress updates, status meetings, billing, site visit coordination, schedule, quality assurance/quality control (QA/QC), etc. Mr. Havens has full authority to commit company resources to ensure timely, cost-effective response and production of quality products to meet Pinole's needs and expectations.

Brennan Herdt, an East Bay-based mechanical engineer, will serve as the *Lead Auditor* and *Deputy Project Manager* to be the local lead for Tetra Tech on this contract. He has over 15 years of expertise in performing energy audits, retrocommissioning, energy project management, and developing Energy Savings Performance Contracts (ESPCs). He will be the field lead for onsite assessments and will present the findings of the study to the City Council.

Kristin Webster, will serve as the *Energy Generation and Storage Subject Matter Expert*. She is a Renewable Energy Professional (REP) and Certified Energy Manager (CEM) with 21 years of experience in energy efficiency, renewable energy sector and industrial manufacturing. She has experience performing feasibility studies for alternative power generation including PV, fuel cell, advanced energy storage, and combined heat and power (CHP) technologies.

Neil Morrisette will serve as the *Lead Electrical Engineer*. He will review electrical distribution systems to evaluate the compatibility of existing electrical infrastructure with new energy generation and storage equipment. Mr. Morrisette has technical expertise in reviewing designs of mechanical and control systems; and developing energy and water conservation opportunities. He has also provided substation design services to an electric utility.

Jim Perkins will serve as the *Senior Technical Advisor* for the contract. He has 20 years of experience identifying energy and water savings opportunities, developing a demand reduction plans in California, and implementing various energy storage technologies. He will provide technical guidance and reviews for all energy conservation, generation, and storage measures included in the assessment.

Jennifer Brainerd is the *Program Manager* for the Tetra Tech Energy Services Team. She will provide quality control over all deliverables for the contract. She has over 25 years of experience in quality control (QC), program management, and project management.

Tetra Tech's proposed team has the requisite background, experience, and certifications. Our team includes: professional engineers (PE), Certified Energy Managers (CEM), Renewable Energy Professionals (REP) Certified Building Commissioning Professionals (CBCP), Leadership in Energy and Environmental Design (LEED) professionals, and other energy professionals with direct experience conducting energy audits for government facilities. Resumes for key personnel are provided on the following pages. Tetra Tech does not anticipate using any subcontractors for this contract.



JOHN HAVENS, CEM

Project Manager – Direct and guide all aspects of the project, working closely with team personnel and the City of Pinole to carry out all phases of work on time and on budget while exceeding expectations.



EXPERIENCE SUMMARY

Mr. Havens is an energy consultant, Certified Energy Manager, former LEED Green Associate, project manager, and program manager providing technical and administrative support to the government sector. His background as a former HVAC technician who specialized in DDC systems gives him a unique perspective when performing analysis of critical building energy systems and while conducting energy and water audits. Mr. Havens has been providing energy consulting since 1995, with over 12 years as the Energy Manager for the ARNG in Washington state and another 5 plus years as the National Guard Bureau (NGB) Energy and Water Conservation Program Manager for the ARNG. He previously served as the REM for the Army Reserve's 88th Readiness Division which is responsible for a 19-state region spanning Ohio to Washington state, where he was instrumental in analyzing and identifying energy and water deficiencies and suggested improvements in all of these facilities. He identified capital improvement projects across the 19-state region that once implemented will save over \$3 million in avoided costs. Projects included multiple energy management system/direct digital control implementations, retro-commissioning, lighting upgrades, HVAC upgrades, water efficiency upgrades, and two microgrid projects. His deep understanding of the ARNG's four distinct funding types allows him to properly identify project funding streams for potential projects and with over 18 years working with the ARNG, he also understands the dual roles and responsibilities of the ARNG.



RELEVANT EXPERIENCE

Energy Audits – SDARNG, Michigan ARNG, West Virginia ARNG, Mississippi ARNG, North Carolina ARNG, Montana ARNG. Led team that completed ASHRAE Level II and EISA-compliant energy audits for 5.5 million SF of ARNG facilities.

Installation Energy and Water Plans – SDARNG, Michigan ARNG, West Virginia ARNG, Idaho ARNG, North Carolina ARNG, Montana ARNG, Colorado ARNG, Presidio of Monterey. Led development of IEWPs and resilience projects for the Army and ARNG. These plans include the inclusion of energy demand reduction measures either through conducting energy audits or incorporating energy audit data.

REM, Army Reserve 88th Readiness Division at Ft. McCoy, WI. Supported a 19-state region from Ohio to Washington state of 300+ sites with 900+ buildings and 3 million+ SF. Developed projects such as DDC, RCx, lighting upgrade, HVAC upgrades, and water efficiency upgrades. Worked on two solar photovoltaic projects that were selected as ERCIP projects.

NGB Energy and Water Conservation Program Manager, National Guard Bureau. Responsible for oversight of the 55 state and territorial ARNG energy managers, ERCIP and QUTM project review and oversight, ESPC project review, energy cost and usage tracking and analysis, and quarterly and annual reporting.

Washington ARNG Energy Manager. Responsible for energy conservation in the 2 million plus SF operated by Washington ARNG. His efforts resulted in cutting the energy footprint in half and documented avoided cost of over \$13 million.

AREA OF EXPERTISE

Program/Project Management
Energy Resilience
Sustainable Design
Data analysis
Energy Training
Solar PV
Wind Energy
Microgrids

REGISTRATIONS/AFFILIATIONS

Association of Energy Engineers,
Certified Energy Manager,
#8118, 1999 – present

LEED Green Associate, USGBC's
Green Building Certification
Institute, # 10927373, 2014 -
2016

TRAINING/CERTIFICATIONS

40-hour Sustainable Design
certification, Portland State
University, 2001

LEED NC and EB training,
CFMOU, 2007

Life Cycle Cost Analysis. CFMOU,
1998 - 2007

Energy Management, CFMOU,
1998 – 2007

Energy Laws and Regs, CFMOU,
2007-2012

Tridium Niagara Certified

YEARS OF EXPERIENCE

40

YEARS WITH TETRA TECH

4

SECURITY CLEARANCE

Secret



BRENNAN HERDT, ENERGY CONSULTANT

Deputy Project Manager, Lead Auditor – Complete energy engineering, energy auditing, HVAC assessment, and resource utilization to determine energy savings opportunities for customers. Collect data, conduct site visits, analyze data, and develop plans and reports. Be local lead and assist Mr. Havens with managing project.

 EXPERIENCE SUMMARY

Mr. Herdt is a qualified and experienced mechanical engineer with over 15 years of expertise in performing energy audits, retrocommissioning, energy project management, and developing financed energy projects. Mr. Herdt has extensive experience catering energy conservation and production recommendations to government facilities with critical duties to the public during times of emergency.

 RELEVANT EXPERIENCE

Resource Efficiency Manager. Performs energy audits on USCG bases, air stations, sector facilities, and housing developments. Buildings included office buildings, server rooms, auditoriums, classrooms, hangars, shops, and vehicle maintenance bays, and storage areas. Audited 4.4 million square feet of facilities and identified \$6 million of potential savings.

Developing projects from energy audit conservation measures to compete for USCG energy project funding. I have successfully secured over \$4.25 million in projects for sites in my area of responsibility. Project include lighting retrofits, heating equipment replacements, HVAC controls, rooftop air handler replacements, solar hot water installations, solar electric installation, and irrigation controls. These projects reduce the annual utility cost of the sites by an estimated \$628,000.

Providing technical support to USCG design engineers for major renovations of facility energy and water systems. This includes analysis of the energy impact of designed projects, and review of additional energy savings from new technologies such as heat recovery systems, ground source heat pumps, and battery energy storage. Serving as a point of contact for USCG utility providers for energy rebates, metering programs, outage notifications and rate changes. Review billing statements to track energy and water usage of USCG sites. Analyze alternative rate schedules to identify the lowest cost option. Through billing reviews, removed over \$56,000 of erroneous utility charges for USCG accounts.

Worked with the Tetra Tech team to provide data and economic analysis for electric vehicle supply equipment (EVSE) at Coast Guard sites across the country. The team performed economic analysis at 27 locations for potential installation of photovoltaics paired with EVSE, identifying sites that were economically feasible and providing supporting documentation to assist the client to apply for funding and as part of an EVSE solicitation package. The team analyzed charging station technologies and existing site electrical infrastructure to maximize benefits and

minimize costs of new charging stations.

EDUCATION

B.S. Mechanical Engineering,
University of California, Davis,
Davis, California, 2008

AREA OF EXPERTISE

ASHRAE Level I, II, & III Audits
Energy Data Analytics
Renewable Energy Site
Assessments
Energy Project Management
Developing and Executing Energy
Capital Improvement Projects
Rebate and Incentive Programs
Energy Auditing and Identification
of ECMs
Retrocommissioning
Measurement and Verification for
ESPCs/UESCs
Energy Efficiency Energy Training

REGISTRATIONS/AFFILIATIONS

Professional Engineer, California
#M35823
Association of Energy Engineers,
Member

TRAINING/CERTIFICATIONS

HVAC Control and Energy
Management Systems
Chiller and Condenser Water
Systems: Design, Performance,
and Commissioning

YEARS OF EXPERIENCE

15



KRISTIN WEBSTER, CEM

Onsite Generation Engineer – Lead analysis of renewable options, including PV, battery storage, and CHP. Develop microgrid solutions. Conduct data analysis, develop solutions, collaborate with team, and document findings.

 EXPERIENCE SUMMARY

Ms. Webster is a CEM with 20 years of experience in energy efficiency, renewable energy sector and industrial manufacturing. She has experience performing feasibility studies for alternative power generation including PV, fuel cell, advanced energy storage, and CHP technologies. She has conducted energy audits, data collection, interval data analysis, and detailed analysis of energy efficiency measures. Ms. Webster has extensive experience identifying energy conservation projects, developing renewable solutions, and performing lifecycle cost analysis for energy projects. Current experience includes developing renewable microgrid solutions for 12 Department of Defense (DoD) clients in California and over 15 microgrid solutions in other states across the U.S. Ms. Webster’s most recent microgrid designs include U.S Coast Guard Base Honolulu, West Point Academy, NY, and PV/BESS designs for multiple buildings across the Presidio of Monterey, CA campus.

 RELEVANT EXPERIENCE

- Develop renewable and energy storage solutions to meet demand reduction and energy resiliency goals for DoD installations through energy and water audits
- Develop hybrid microgrid solutions including solar, wind, storage, CHP, and diesel generation technology for DoD installations
- Design energy storage systems to be paired with existing solar PV installations to accommodate zero export regulations and shifting peak period tariffs
- Evaluate the feasibility and economics of CHP systems
- Assess utility risk and infrastructure vulnerabilities for DoD installations. Create long-range plan for energy and water resilience.

Army Microgrid Solutions. Conducted CHP and PV analyses for South Dakota ARNG and other ARNGs in Michigan, Idaho, New York, and North Carolina. Helped develop three microgrid solutions for Michigan ARNG installations to ensure complete resilience for critical buildings. Developed a hybrid microgrid solution using solar, CHP with microturbines and energy storage for Camp Rapids, South Dakota, allowing the base to operate completely off-grid when needed. Developed a solution to expand an existing small microgrid at Fort Custer, Michigan to add more PV, battery storage and natural gas generation to serve the entire installation. Developed backup power and CHP solutions for three substations on the West Point Academy campus.

Presidio of Monterey and USASA. Helped develop a multiple microgrid approach across the large campus. Performed the analysis and strategy for the addition of renewables and battery storage to multiple buildings across the site. Established the energy resilience baseline for the site based on current diesel generation capacity and storage. Performed CHP feasibility studies across the site. Designed a 2.0 MW ground-mount array with BESS to serve a remote satellite operation (USASA) located in a wildfire-prone area. Ms. Webster’s area of expertise lies in identifying appropriate technology and capacity for on-site distributed generation which can offer both utility cost savings as well as energy resilience.

Renewable Microgrid Solution for Coast Guard Base Honolulu. Developed a combination of carport and rooftop PV arrays across the base in order to offset the amount of electricity purchased from the local grid, as well as provide resilient power to base in the event of commercial power outages. Identified the appropriate amount of battery storage to pair with PV to provide both economic and resilience benefits. Designed the system in accordance with the strict zero export regulations in the state of Hawaii. Designed the system to accommodate EV chargers for future fleet electrification.

EDUCATION

B.S. Chemical Engineering, Minor Environmental Sciences, Colorado School of Mines

AREA OF EXPERTISE

- Solar PV
- Energy Storage
- Combined Heat and Power
- Energy Assessments
- Energy Efficiency Projects
- Distributed Energy Generation
- Training, Outreach, and Awareness

REGISTRATIONS/AFFILIATIONS

Engineer in Training (EIT)

TRAINING/CERTIFICATIONS

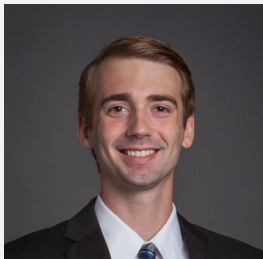
- Renewable Energy Professional (REP)
- Certified Energy Manager (CEM)

YEARS OF EXPERIENCE

20

YEARS WITH TETRA TECH

7



EDUCATION

B.S. Electrical Engineering,
University of Nebraska-Lincoln,
Lincoln, NE, 2017

AREA OF EXPERTISE

Electrical Infrastructure
Assessments
Energy Auditing
Energy Efficiency Projects

REGISTRATIONS/AFFILIATIONS

Engineer in Training (EIT)

YEARS OF EXPERIENCE

5

NEIL MORRISSETTE, EIT

Lead Electrical Engineer – Provide evaluation of electrical infrastructure as required. Assess capacities, limitations of existing transformers and distribution system to accommodate new solar and battery systems.



EXPERIENCE SUMMARY

Mr. Morrisette is an electrical engineer specializing in energy infrastructure, energy engineering, HVAC engineering, energy resilience, energy auditing, and resource efficiency management. Mr. Morrisette provides energy auditing and energy resilience assessments services to various government clients, including the U.S. Army and the Army National Guard. Mr. Morrisette has technical expertise in reviewing designs of mechanical and control systems; and developing energy and water conservation opportunities. He has also provided substation design services to an electric utility. Responsibilities included assisting lead engineers in schematic and wiring design of substations ranging from 34.5 kV up to 500kV. In addition, Mr. Morrisette assisted with estimating of future projects, feasibility studies including lightning protection and voltage drop calculations, and coordinating with construction teams and field engineers for post-construction drawing revisions to ensure drawing accuracy for the client.



RELEVANT EXPERIENCE

Energy Resilience Planning and Infrastructure Assessments

Installation Energy and Water Plan Development, Multiple Installations, Multiple DoD Clients, 2021-Present.

Mr. Morrisette provided energy- and water-systems expertise to contribute to the development of Installation Energy and Water Plans (IEWP) for Department of Defense (DoD) clients. Mr. Morrisette' contributions to IEWP efforts include resilience assessments of energy and water infrastructure, identification and development of solutions to improve resilience and mission assurance through improved infrastructure and operational procedures and accomplishing cost estimates. Mr. Morrisette has supported IEWP projects for multiple states across the U.S.

Energy Audits, Multiple Clients, 2021-Present. Mr. Morrisette has performed energy and water audits for government and commercial facilities across the U.S. He has identified and developed energy efficiency, conservation, and resilience projects.

Electrical Engineering

Design of Substation Relay, Protection, and Controls for First Energy Transmission Infrastructure, 2017 – 2020. Mr. Morrisette provided design services as a consultant for Burns & McDonnell with their client First Energy. Responsibilities included assisting lead engineers in schematic and wiring design of substations ranging from 34.5 kV up to 500kV. In addition, Mr. Morrisette assisted with estimating of future projects, feasibility studies including lightning protection and voltage drop calculations, and coordinating with construction teams and field engineers for post-construction drawing revisions to ensure drawing accuracy for the client.



JIM PERKINS, CEM, CBCP, CORS IN EM, LEED AP

Senior Technical Advisor – Provide planning and technical support for the project, review work products to ensure top performance.

 EXPERIENCE SUMMARY

Mr. Perkins is the Planning and Technical Advisor providing support for all of the Energy Programs including energy audits, energy master planning, retrocommissioning, REM, and energy resilience supporting a wide range of clients including the City of San Diego, Orange County (New York), ARNG, Army, Army Reserves, Navy, Marine Corps, Coast Guard, Air National Guard, Department of Veterans Affairs, and various state and city agencies. Mr. Perkins has previously served as the Resource Efficiency Manager for Camp Pendleton, CA identifying energy and water savings opportunities for the base, as well developing a load-shedding plan for rapid demand reduction in response to California grid constraints. Mr. Perkins supports the evaluation and implementation of microgrids, distributed generation assets, and various energy storage technologies. Mr. Perkins is a Certified Energy Manager (CEM) and a Certified Building Commissioning Professional as well a Certified Organizational Resilience Specialist in Emergency Management: Continuity of Governmental Operations, certified by International Consortium of Organization Resiliency. He has extensive experience performing and overseeing millions of square feet of energy and water assessments and identifying energy and water capital improvement projects. Mr. Perkins has also led efforts to complete Installation Energy and Water Plans, energy master plans for the Army and Army Reserves.

 RELEVANT EXPERIENCE

PROJECT AND TEAM MANAGEMENT

Comprehensive Audits and Studies. Oversaw energy audits for 5.5 million SF of facilities, led Advanced Metering Initiative study nationwide, supported feasibility studies.

Resource Efficiency Manager Program. Provides project management and program leadership to resource efficiency management programs across the country for government clients, including ARNG, Army, Army Reserve, Navy, Marine Corps, Air Force, Air National Guard, and Coast Guard. Focuses on core performance goals including conducting energy and water audits, identifying opportunities to reduce utility costs, save energy and water, improve resilience, develop projects, increase renewable energy, and ensure a strong return on investment for each program.

Energy Resilience. Leads the Tetra Tech team managing energy resilience, energy security, microgrids, and distributed generation projects. Efforts include developing IEWPs, analyzing feasibility of improving energy resilience of critical facilities, as well as determining order of magnitude cost estimates.

- South Dakota ARNG
- Michigan ARNG Statewide
- Idaho ARNG
- North Carolina ARNG
- Colorado ARNG
- US Army at Presidio of Monterey and other sites, California

EDUCATION

B.A. International Economics,
University of California, Los
Angeles, 1999

AREA OF EXPERTISE

Project and Team Management
Complex Data Analysis and
Financial Modeling
Technical Report/Plan
Preparation and Review
Manage Client Relationships and
Project Expectations
Energy Auditing and Identification
of Energy Conservation Measures
Life-Cycle Cost Analysis

REGISTRATIONS/AFFILIATIONS

Association of Energy Engineers
US Green Building Council, Long
Beach, Steering Committee

TRAINING/CERTIFICATIONS

Certified Energy Manager (CEM)
Certified Organizational
Resilience Specialist in
Emergency Management:
Continuity of Governmental
Operations (CORS in EM)
Certified Building Commissioning
Professional (CBCP)
USGBC Leadership in Energy and
Environmental Design Accredited
Professional (LEED AP)
Civil Engineering Corps Officers
School (CECOS) Facilities
Management Course

YEARS OF EXPERIENCE

20

YEARS WITH TETRA TECH

10



JENNIFER BRAINERD

Program Manager, Quality Control – Manage all contractual and financial aspects of the project. Oversee Tetra Tech's 3-step quality control process on all deliverables, to include a Technical Review, an Editorial Review, and a final Quality Control Coordinator review.

EXPERIENCE SUMMARY

As the Program Manager, Energy Services, Ms. Brainerd has over 25 years of consulting experience, including quality control (QC); program management; project management; document editing; public participation and community relations; contract administration; fact sheet, newsletter, and article development; meeting facilitation; policy development and analysis; and recruiting. She is currently providing program management, QC, document editing, community relations, and contract administration support for multiple energy management services contracts for multiple federal agencies. Ms. Brainerd manages the development, QC, and submittal of monthly status reports (MSRs), including administering a web-based online monthly reporting administration system. She ensures that all team contracts have appropriate quality control systems in place for all deliverables.

RELEVANT EXPERIENCE

QUALITY CONTROL

Oversees the quality control of all deliverables and documents for the Tetra Tech Energy Team, including contracts to develop energy and water audits, as well as IEWPs. She ensures every deliverable goes through a three-tier review process and that teams follow procedures and policies in Quality Control Plans and Tetra Tech's Quality Management Plans. She serves as a quality advocate on all contracts for the Tetra Tech Energy Team.

- Energy and Water Audits – SDARNG, Michigan ARNG, Mississippi ARNG, West Virginia ARNG, North Carolina ARNG, Montana ARNG, US Coast Guard, ANG
- IEWPs – SDARNG, Michigan ARNG, Idaho ARNG, West Virginia ARNG, North Carolina ARNG, Montana ARNG, Colorado ARNG, Presidio of Monterey

PROGRAM MANAGEMENT

Works with Tetra Tech's Program Manager, Energy Services, to manage the programs, contracts, marketing and proposal efforts, and team members that provide energy auditing, energy management, energy efficiency, and energy resiliency support to

clients worldwide. Ensures that all team contracts have appropriate QC systems in place for all deliverables, oversees team recruiting efforts, and facilitates various communication systems for the team.

TECHNICAL EDITING

As a Tetra Tech Associate Editor, she works with other editors and QC staff to ensure the quality and consistency of all deliverables and documents. Ms. Brainerd edits plans, documents, reports, articles and MSRs.

OUTREACH AND PROGRAM SUPPORT

Provides community relations, program management, document editing, QC, and contract administration support to multiple REMs at Army, Air National Guard, Air Force, Navy, Marine Corps, Army, and Coast Guard bases, and other federal agencies such as Bonneville Power Administration. Develops articles for publication in base periodicals and websites to increase energy awareness among sailors and marines at those bases. She edits energy-related documents, such as monthly reports, award nominations, and technical manuals.

EDUCATION

B.A., Religious Studies and Theater, Occidental College, 1992

AREA OF EXPERTISE

Quality Control
Technical Editing
Program Management
Project Management
Contract Administration
Marketing and Proposal Writing
Outreach
Recruiting
Meeting Facilitation

TRAINING/CERTIFICATIONS

Tetra Tech Technical Writing On-Line Training Course, 2009 and 2012
Tetra Tech Project Management On-Line Training Course, 2007

YEARS OF EXPERIENCE

29

YEARS WITH TETRA TECH

27

SECURITY CLEARANCE

None

C. Method for Executing Scope of Work

Tetra Tech has provided energy management and resilience planning and implementation support for more than 20 years for federal, state, and municipal clients around the country. Tetra Tech is an industry leader in energy management through our energy and water auditing, energy master planning, energy resilience, retro-commissioning (RCx), and sustainability services. Based on that experience Tetra Tech has created the following project plan for the Energy Conservation, Generation, and Storage Assessment.

A. Energy Efficiency and Resiliency Trends Review (August 7 – August 18)

To demonstrate the current state of building energy performance and energy resiliency, Tetra Tech will review and summarize case studies from similar institutions that have recently underwent major energy upgrades. Case studies are published by the California Energy Commission, California utilities, the Energy and Efficiency Institute, the National Renewable Energy Laboratories, energy service companies, and other reputable sources. We will look for facilities and minimalities with similar use profiles to provide the City a clear vision of what can be achieved.

B. Conditions Assessment (August 14 – September 1)

Identify Energy Use Index and Load Profile

Energy use at each facility will undergo a thorough analysis, including determining an Energy Use Index (EUI) for each facility to see how it compares with other buildings of similar use. Tetra Tech uses specialized software to create load profiles for each facility that reveal if there are certain energy spikes or anomalies in energy use throughout the day or at certain times of the year. Such energy spikes can present good opportunities for peak shaving or demand reduction.

Tetra Tech understands that to identify solutions that will make sense for the various city facilities, it is necessary to understand how each facility is used, what operation the facility performs, and the current energy profile of each facility. To gain this understanding, our team will conduct a kickoff meeting, ask the necessary questions to all stakeholders, perform a comprehensive site investigation, and collect and analyze all relevant data for each facility. Tetra Tech will collect all electric and gas bills, as well as interval data, for each building respectively. Tetra Tech will review all available utility tariffs to ensure each facility is on the most advantageous tariff. PG&E offers alternative tariffs for customers who install solar PV systems on site. Such tariffs will be evaluated in conjunction with any renewable system that is recommended for the site.

Conduct Facility Energy Assessment Site Visits

Tetra Tech will then perform energy assessments on all facilities identified in the RFP and discussed during the kickoff meeting. The assessment will provide a condition and energy use summary of HVAC systems, control systems, lighting systems, pumps, electric infrastructure, and building envelope components. During the site visits, Tetra Tech will take spot measurements and set up monitoring to evaluate the demand and operating hours of equipment with significant energy impacts. While on site, Tetra Tech's lead auditor will conduct interviews with staff and occupants to establish the typical schedule of each building and identify issues with HVAC and lighting equipment that impact the comfort of occupants.

C. Opportunities Analysis and D. Recommendations (September 4 – September 29)

Identify Opportunities to Reduce Facility Energy Usage

Our technical experts will identify energy conservation measures (ECMs) for each facility. Identified ECMs are fully evaluated with building modeling software or engineering calculations to take the results of the on-site audits and translate them into cost-effective projects that deliver substantial savings. We aim to identify innovative energy solutions for our clients in all energy audits as the applicable technologies continue to develop and practices and procedures continue to be redefined. We also understand the importance of finding low cost/no cost quick win measures for our clients, not only large capital improvement projects. Our experience in auditing over 60 million square feet of facilities in the last 5 years means we also know which solutions are practical. Our proposed solutions will include routine maintenance recommendations such that the positive effects and cost savings of each energy project can be fully realized for the life of

the project. We assess implementation costs and cost savings to provide a simple payback and savings to investment ratio (and other financial indicators as requested) for each measure.

Evaluate Options for Onsite Power Generation

In addition to evaluating energy conservation opportunities for each facility, Tetra Tech will also evaluate the potential for on-site generation such that county facilities can supply all or a portion of their own energy requirements. On-site power generation will allow county facilities to accomplish several key items: (1) savings on current utility bills, (2) energy resilience in the event the commercial grid is unavailable, and (3) energy independence. Tetra Tech will evaluate the existing electrical distribution systems to determine the best approach for on-site power generation. The Tetra Tech approach to scoping on-site generation technologies is to first evaluate the amount of renewable energy that the site can support, both from a real estate perspective and economic perspective.

Tetra Tech will continue to develop the on-site power generation solution to include additional backup power generators to support the remaining facility load. This can include adequate generation resources to serve the entire load of all city facilities, or it may include only the facilities that the City deems critical. Backup power generation is typically provided with diesel or natural gas, though propane can be considered where appropriate.

Evaluate Energy Data Tracking Options

Tracking building performance is an essential part of any energy initiative. Tetra Tech has worked with a wide variety of energy monitoring software and can find a solution that meets the needs of all City of Pinole facilities. Based on statements made by facilities staff during the site tour, the HVAC controls systems for most or all of the facilities are not functioning. Upgrades to these controls will likely be part of the recommended energy conservation measures. This presents an opportunity for the City to integrate energy monitoring into building controls systems. Including building level and equipment level power monitors in the building controls system would allow facilities staff to respond to energy needs alongside comfort and operational requirements. Energy monitoring will also allow the Public Works Department to verify the savings achieved through energy projects and energy produced by renewable energy systems. The cost of these upgrades will be included in the total project cost estimates.

Determine Potential Funding Sources

Over the last few years many new funding aids for local municipalities have been created at the federal and state level. Tetra Tech will review all available incentive programs, grant programs, and low-interest financing options for the City of Pinole so that the City can fully invest in their energy future. Programs included in the Inflation Reduction Act can allow the City to install leading edge energy technologies at a deep discount. Programs created in California's Energy Conservation Assistance Act can provide the City with low-interest loans to pursue energy conservation and storage, and can reduce the burden on the City in contracting out energy work.

Perform Lifecycle Cost Analysis

Tetra Tech will perform a detailed financial analysis for cost savings associated with each energy efficiency and generation technology. Tetra Tech will determine cost savings based on current utility rate structures, as well as alternative rate structures that may apply for renewable projects. Determining an appropriate amount of energy storage capacity, along with cost savings attributed to energy storage will be a key component to the financial analysis. Tetra Tech has extensive expertise and experience in pairing energy storage systems with renewables. We will right-size the battery energy storage system (BESS) and evaluate the best use-case for cost savings such as peak shaving or load shifting. Previous experience indicates that microgrid project economics can be improved by 10 to 20 percent by using the BESS appropriately.

Tetra Tech has excellent relationships with many microgrid industry vendors that will enable us to quickly obtain technical and budgetary estimates. We have current contacts with CHP vendors, solar, battery storage, and microgrid controllers that we can contact should there be any obstacles outside of our immediate expertise. Tetra Tech will perform a lifecycle cost analysis (LCCA) for all design solutions that are developed. The LCCA will include all operations and maintenance costs for the life of the system. Tetra Tech will also include a thorough evaluation of all incentives that are available to assist with offsetting first costs of the project and any tax incentives that can be passed through to third parties. As a full-service engineering and technical services consulting company, Tetra Tech has capabilities that cover all aspects of a

project. Tetra Tech has become an industry leader in energy management through our energy and water auditing, energy resilience, retro-commissioning (RCx), sustainability, and climate change services over the past 23 years.

Tetra Tech's proposed organizational structure for this contract is based on our proven success in performing on comparable contracts. We understand the nature of this solicitation's requirements and propose a simple, flexible management structure that is based on (1) an established Program Management team who supports the project execution team; (2) a Senior Project Manager, who will manage the day-to-day tasks, deliverables, invoicing, and cost accounting to ensure all contractual obligations are met on-time and within budget; (3) a highly qualified Technical Support team of energy engineers and professionals who will carry out activities, and (4) access to a comprehensive reach-back network of subject matter experts who can provide specialized expertise when needed.

Evaluate Electric Vehicle Charging Options

The City of Pinole has the goal of installing electric vehicle (EV) charging stations at city facilities for use of staff, residents, and future city EVs. There are three main options for installing new EV charging stations: (1) add stations to existing parking lots of city facilities, (2) install stations at streetside parking spots adjacent to city facilities, and (3) install stations in a new proposed parking lot at the Senior Center. Tetra Tech will evaluate each of these options by assessing the capacity and condition of the electrical infrastructure at sites with significant parking availability. This evaluation will identify locations where charging stations can be installed with minimal additional costs associated with upgrading electrical panels, installing new transformers, or trenching through large sections of pavement. Tetra Tech will also review existing solar and EV proposals to assess the building loads with new charging ports. Finally, we will review incentive programs, grants, and low interest loans available to fund new charging ports.

Validate Senior Center Solar Design

The City of Pinole has sought out a proposal to install solar panels on parking lot canopies and the roof at the Senior Center. Tetra Tech will review the size and scope of the proposed project to validate the assumptions made by the solar installer. We will compare the production of the proposed system to the existing load of the building and estimate the load changes from new electric vehicle charging stations and from proposed energy conservation measures. Tetra Tech will provide an independent evaluation of the necessary size of a new PV system and the return on investment of PV installation options.

E. Draft and Final Report and F. City Council Presentation (October 2 – October 27)

Once all measures and recommendations have been evaluated Tetra Tech will prepare a report outlining the energy use, energy conservation measures, onsite energy generation opportunities, and energy storage requirements for each facility. The goal of this report will be to provide the City Council with a clear picture of the condition and needs of all facilities and provide City Staff a pathway for project funding and execution. A draft report will be completed by week 10 of the contract for the City to provide comments and feedback for the final report to be delivered within 12 weeks of contract initiation. The Lead Auditor will then present the findings of this report to the City Counsel at a meeting of their choosing. These findings can be provided live or over video conference.

D. Fee Proposal

Tetra Tech proposes a Time and Materials, Not-to-Exceed pricing structure. Our labor categories and rates are provided below along with a not-to-exceed estimate for the scope of work described in the RFP. These rates include all labor costs, general and administrative costs, and travel costs. All fees for non-hourly costs or services are included in the hourly rates.

<i>A. Energy Efficiency and Resiliency Trends Review</i>			
Project Manager	\$146	8	\$1,168
Lead Energy Auditor	\$133	32	\$4,256
Onsite Generation Engineer	\$120	14	\$1,680
Lead Electrical Engineer	\$95	8	\$760
Senior Technical Advisor	\$145	8	\$1,160

Subtotal			\$9,024
B. Conditions Assessment			
Project Manager	\$146	8	\$1,168
Lead Energy Auditor	\$133	54	\$7,182
Onsite Generation Engineer	\$120	6	\$720
Lead Electrical Engineer	\$95	8	\$760
Senior Technical Advisor	\$145		\$0
Subtotal			\$9,830
C. Opportunities Analysis			
Project Manager	\$146	8	\$1,168
Lead Energy Auditor	\$133	48	\$6,384
Onsite Generation Engineer	\$120	32	\$3,840
Lead Electrical Engineer	\$95	32	\$3,040
Senior Technical Advisor	\$145		\$0
Subtotal			\$14,432
D. Recommendations			
Project Manager	\$146	8	\$1,168
Lead Energy Auditor	\$133	8	\$1,064
Onsite Generation Engineer	\$120	8	\$960
Lead Electrical Engineer	\$95	8	\$760
Senior Technical Advisor	\$145		\$0
Subtotal			\$3,952
E. Draft and Final Report			
Project Manager	\$146	10	\$1,460
Lead Energy Auditor	\$133	32	\$4,256
Onsite Generation Engineer	\$120	12	\$1,440
Lead Electrical Engineer	\$95	8	\$760
Senior Technical Advisor	\$145	6	\$870
Subtotal			\$8,786
F. City Council presentation.			
Project Manager	\$146	4	\$584
Lead Energy Auditor	\$133	10	\$1,330
Onsite Generation Engineer	\$120		\$0
Lead Electrical Engineer	\$95		\$0
Senior Technical Advisor	\$145		\$0
Subtotal			\$1,914
Estimated Not-to-Exceed Total			\$47,938

*These rates are fixed until December 31, 2023, at which time they are subject to an inflation-based adjustment

Tetra Tech will invoice on a monthly basis by level of effort expended during that period based on the above rates.

In developing our rates, Tetra Tech made the following assumptions:

- The City of Pinole will provide Tetra Tech with reasonable access to facilities and information conducive to the efficient and accurate provision of Services, including such maps, drawings, records, and site access as are needed for the proper conduct of the Services, and shall indicate the reliability of all information provided.

- Tetra Tech shall exercise the degree of skill, care and diligence consistent with customarily accepted good practices and procedures at the time and location and for the type of Services performed.
- Regarding an agreement to perform the services indicated in the proposal, neither the City of Pinole or Tetra Tech will be liable for any special, indirect, liquidated or consequential damages arising from or in connection with such agreement; and Tetra Tech's total liability in connection with or arising out of the performance of services shall not exceed two times the amount paid for services rendered. Additionally, neither the City of Pinole or Tetra Tech will be considered in default in the performance of services to the extent that such performance is delayed by causes outside its control and not due to its fault or negligence and not reasonably foreseeable or, if foreseeable, cannot be avoided by the exercise of all reasonable efforts.
- Rates include all labor costs, general and administrative costs, and travel costs.

E. References

The following table list multiple projects that Tetra Tech has recently completed for government clients, demonstrating our previous success with this scope of work. For these projects, Tetra Tech exceeded client expectations, providing added value on a consistent basis. Highlights of four shaded projects are in Section G. Other Information.

Project	Client Contact
ASHRAE Level II Energy Audits, Energy and Water Resilience Plans, and Microgrid Assessments and Planning, statewide	State of South Dakota Department of the Military Mike Haltiner, Energy Manager (605) 737-6557 michael.a.haltiner.nfg@army.mil
ASHRAE Level II Energy Audits and Energy and Water Resilience Plans, statewide	North Carolina Department of Public Safety MAJ Kevin Sigmon, Director of Plans and Programming (984) 664-6251 kevin.d.sigmon.mil@army.mil
ASHRAE Level II Energy Audits, Energy and Water Resilience Plans, and Renewable Energy Feasibility, statewide	State of Michigan Department Military and Veterans Affairs MAJ Del Avery, Real Property Specialist (517) 481-7566 delbert.e.avery.mil@mail.mil
State of West Virginia – ASHRAE Level II Energy Audits and Energy and Water Resilience Plans, statewide	West Virginia Army National Guard MAJ Jason Fernatt, Facilities Management Brach Chief, (304) 561-6353 jason.p.fernatt.mil@mail.mil
Energy and Water Resilience Plans – Microgrid Assessments, Idaho Army National Guard, Statewide	State of Idaho Military Department Lee Keeling, State Energy Manager (208) 272-3293 leamon.e.keeling.nfg@army.mil
Energy and Water Resilience Plan / Resource Efficiency Manager, Presidio of Monterey, California	Presidio of Monterey, Mr. Jay Tulley, PE, CEM, Mechanical Engineer (217) 373-5870 jay.h.tulley.civ@mail.mil

F. Conflicts and Termination

Tetra Tech has screened this opportunity for any potential conflicts of interest and has not identified any.

G. Standard Agreement

Tetra Tech looks forward to supporting the City if we are selected as a contractor. We have carefully reviewed the terms and conditions (T&Cs) associated with the Request for Proposal and Sample Contract. We have agreed to accept the T&Cs without changes, should that be necessary.

In our original proposal, we identified the following exceptions and are open to discussing their relevance to the scope of work (SOW) we are bidding on, if selected. We regularly work with clients to reach mutually agreeable terms based on the scope of work, value, and risks associated with task orders and contracts. We are providing suggested exceptions and suggested language for your consideration as itemized below.

1) Regarding 4.2.1 *Commercial General and Automobile Liability Insurance General Requirements*.

Tetra Tech's standard insurance policy for this size of project covers up to \$1 million per occurrence and \$4 million aggregate. Tetra Tech requests the following change:

- a. 4.2.1 General requirements...in an amount not less than ~~TWO~~ ONE MILLION DOLLARS (~~\$2,000,000~~ \$1,000,000) per occurrence and ~~FOUR~~ TWO MILLION DOLLARS (~~\$4,000,000~~ \$2,000,000) aggregate...

2) Regarding 4.4.5 *Waiver of Subrogation*.

Tetra Tech's take exception and is unable to provide a waiver of subrogation for our professional liability insurance.

- a. Suggested Revision: "4.4.5 Waiver of Subrogation. Except for Professional Liability, Consultant hereby agrees to waive subrogation which any insurer or contractor may require from Consultant by virtue of the payment of any loss..."

3) Regarding 4.4.7 *Excess Insurance*. As part of Tetra Tech's corporate risk management practices and policies, we require the required amount of insurance to be defined within the Agreement with the City.

Tetra Tech takes the following exception:

- ~~a. 4.4.7 Excess Insurance. If Consultant maintains higher insurance limits than the minimums specified herein, City shall be entitled to coverage for the higher limits maintained by the Consultant.~~

4) Regarding Consequential Damages,

Tetra Tech takes the following exception:

- a. "5.1 General Indemnification. To the fullest extent permitted by law, Contractor shall defend, indemnify and hold City, its officials, officers, employees, volunteers and agents free and harmless from any and all ...including without limitation the payment of all ~~consequential damages~~, attorneys' fees and other related costs and expenses."

Tetra Tech requests addition of the following provision:

- b. "CONSEQUENTIAL DAMAGES. Neither Party shall be liable to the other for indirect, incidental or for consequential liabilities, damages, losses, costs or expenses, including specifically but without limitation, any based on loss of profits or revenue, loss of or interference, whether or not by third parties, with full or partial use of any equipment, facility or property, including real property, cost of replacement power, energy or product, delay in or failure to perform or to obtain permits or approvals, cost of capital, loss of

goodwill, claims of customers, fines or penalties assessed against client or similar damages or any other similar damages or loss suffered or incurred by such other party.”

5) Regarding an Overall Limitation on Liability, Tetra Tech requests addition of the following provision:

- a. “LIMITATION ON LIABILITY. To the fullest extent permitted by law, the total liability, in the aggregate, of Consultant, Consultant’s officers, directors, partners, employees, agents, and subconsultants, to the City and anyone claiming by, through, or under the City for any claims, losses, costs, or damages whatsoever arising out of, resulting from or in any way related to this Agreement from any cause or causes, including but not limited to negligence, professional errors and omissions, strict liability, breach of contract, or breach of warranty, shall not exceed twice the dollar value of the work performed. Notwithstanding, this limitation shall not apply to damages resulting from death, bodily injury, or damage to tangible property.”



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CITY COUNCIL REPORT

9H

DATE: SEPTEMBER 5, 2023

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: ERIC CASHER, CITY ATTORNEY

SUBJECT: ORDINANCE AMENDING PINOLE MUNICIPAL CODE SECTION 2.04.200 COUNCIL-MANAGER RELATIONS AND SECTION 2.12.010 TIME OF REGULAR CITY COUNCIL MEETINGS

RECOMMENDATION

Staff recommends that the City Council waive the second reading and adopt an ordinance amending Pinole Municipal Code ("PMC") Section 2.04.200 to update the description of City Council and City Manager relations, and amending Section 2.12.010 to modify the start time of regularly scheduled City Council meetings.

BACKGROUND

At its regularly scheduled meeting on Tuesday, August 15th, the City Council received a presentation and staff report to introduce and conduct a first reading of an ordinance amending: 1) PMC Chapter 2.04 "City Manager," Section 2.04.200 "Council-Manager Relations" to clarify that the matters on which the Council may instruct the City Manager; and 2) PMC Chapter 2.12 "Council Meetings," Section 2.12.010 "Time of Regular Meetings" to revise the start time of the regularly scheduled Council meetings. The staff report and ordinance from the August 15th meeting are included as [Attachment A](#).

There was a typo in the prior version of Section 3 of the ordinance which incorrectly referenced the proposed revisions to PMC Chapter 2.12, Section 2.12.010 as PMC Chapter 2.04, Section 2.04.200. A revised copy of the proposed ordinance, with corrections to Section 3 is attached here as [Attachment B](#).

The proposed ordinance reflects the sections of the Pinole Municipal Code which require revision in order to align with the recent updates to the City Council Meeting Procedures, as identified and approved by the Municipal Code Update Subcommittee. All five councilmembers voted affirmatively to approve the proposed ordinance subject to correction of the typographical error at Section 3.

FISCAL IMPACT

There is no direct fiscal impact as a result of adopting the attached ordinance.

ATTACHMENTS

- A. August 15, 2023 Staff Report.
- B. Ordinance of the City Council of the City of Pinole Amending Section 2.04.200 and Section 2.12.010 of the Pinole Municipal Code



CITY COUNCIL REPORT

ATTACHMENT A

10A

DATE: AUGUST 15, 2023

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: ERIC CASH, CITY ATTORNEY

SUBJECT: INTRODUCTION AND FIRST READING OF AN ORDINANCE
AMENDING PINOLE MUNICIPAL CODE SECTION 2.04.200
COUNCIL-MANAGER RELATIONS AND SECTION 2.12.010 TIME OF
REGULAR CITY COUNCIL MEETINGS CONSISTENT WITH THE
UPDATED CITY COUNCIL MEETING PROCEDURES

RECOMMENDATION

Staff recommends that the City Council introduce and waive the first reading of an ordinance amending Pinole Municipal Code Section 2.04.200 to update the description of City Council and City Manager relations, and amending Section 2.12.010 to modify the start time of regularly scheduled City Council meetings, consistent with the updated City Council Meeting Procedures.

BACKGROUND

The Pinole City Council has established, by resolution, procedures for creating and posting City Council meeting agendas, the standard Council meeting agenda format, and procedures for conducting City Council meetings. The City Council has a tradition of reviewing the meeting procedures each year and considering revisions. The current procedures are contained in Resolution 2022-07, approved on February 1, 2022.

In its regularly scheduled meeting of March 7, 2023, the Pinole City Council discussed and approved changes to the City Council Meeting Procedures. On March 21, 2023, the City Council provided direction to staff to work with the Municipal Code Update Subcommittee to propose updates to the Pinole Municipal Code to align with the recent updates to the City Council Meeting Procedures. Specifically, updating the Municipal Code to reflect a new City Council Meeting time of 5:00 p.m. and any additional changes to the Municipal Code that may be required for consistency with the City Council Meeting Procedures.

On April 24, 2023, the Municipal Code Update Subcommittee reviewed the City Council Meeting Procedures and relevant sections of the Pinole Municipal Code as directed by the City Council. The Subcommittee identified two sections of the Municipal Code which require revision in order to effectuate consistency with City Council Meeting Procedures.

The proposed Ordinance (Exhibit A) reflects the Subcommittee's proposed and unanimously approved revisions to amend Pinole Municipal Code Section 2.04.200 to clarify matters on which City Council may give orders or instructions to the City Manager, and amending Section 2.12.010 to modify the start time of regularly scheduled City Council meetings.

DISCUSSION

The proposed ordinance will amend the following sections of the Pinole Municipal Code:

1. Chapter 2.04 "City Manager," Section 2.04.200 "Council-Manager Relations" to clarify that the matters on which City Council may give orders or instructions to the City Manager must relate to matters requiring City Council Approval; and
2. Chapter 2.12 "Council Meetings," Section 2.12.010 "Time of Regular Meetings" of the Pinole Municipal Code to revise the start time of the regularly scheduled meetings of the Pinole City Council from six p.m. (6:00 p.m.) to five p.m. (5:00 p.m.).

Section 2.04.200 "Council-Manager Relations"

Chapter 2.04 "City Manager," Section 2.04.200 "Council-Manager Relations" currently provides:

"The City Council and its members shall deal with the administrative services of the city only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any member thereof shall give orders or instructions to any subordinates of the City Manager. The City Manager shall take his or her orders and instructions from the City Council only when sitting in a duly convened meeting of the City Council and no individual councilman shall give any orders or instructions to the City Manager."

Consistent with the City Council Meeting Procedures the proposed Ordinance will 1) revise Section 2.04.200 to remove language which authorizes individual Council Members to direct the City Manager with respect to administrative services in order to avoid the appearance that Council members act independently, and 2) add language to clarify that the matters on which City Council may give orders or instructions to the City Manager must relate to matters within the City Council's jurisdiction as a governing body, and not as individual Councilmembers.

Section 2.12.010 "Time of Regular Meetings"

Section 2.12.010 of the City of Pinole Municipal Code establishes a set time, date and location for regularly scheduled meetings of the Pinole City Council. It currently provides that the regularly scheduled meetings of the Pinole City Council shall be held at six p.m. (6:00 p.m.).

Certain council actions, such as adoption of ordinances and discussion of executive compensation, are required to take place during regular City Council meetings. Meetings with multiple action items for the City Council to consider, as well as presentations, can often last several hours extending into the late evening. Because certain closed session items can only be discussed at a regular meeting under the City's current Ordinance and compliance with the provisions of the Brown Act, the City Council must schedule all closed sessions at the beginning of a Council meeting or immediately following the regular council meeting.

The City of Pinole is authorized to change or amend the start time of regularly scheduled City Council meetings. The proposed Ordinance amends Section 2.12.010 of the Pinole Municipal Code to advance the start time of regularly scheduled City Council meetings from six p.m. (6:00 p.m.) to 5 p.m. (5:00 p.m.) consistent with the updated City Council Meeting Procedures.

FISCAL IMPACT

Adopting the proposed Ordinance will have no direct fiscal impact. Costs related to staff attendance and preparation for Council Meetings will not change as the proposed Ordinance will only impact the meeting start time and not impact meeting duration or frequency.

ATTACHMENTS

- A. Ordinance of the City Council of the City of Pinole Amending Section 2.04.200 and Section 2.12.010 of the Pinole Municipal Code

5329893.2

ORDINANCE NO. 2023-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINOLE
AMENDING SECTION 2.04.200 OF THE PINOLE MUNICIPAL CODE RELATING TO
CITY COUNCIL’S RELATIONS WITH THE CITY MANAGER AND AMENDING
SECTION 2.12.010 OF THE PINOLE MUNICIPAL CODE TO MODIFY THE START
TIME OF REGULARLY SCHEDULED CITY COUNCIL MEETINGS**

WHEREAS, on February 1, 2022, the City Council established, by resolution, procedures for creating and posting City Council meeting agendas, the standard Council meeting agenda format, and procedures for conducting City Council meetings pursuant to Resolution 2022-07 (“City Council Meeting Procedures”); and

WHEREAS, on March 7, 2023, the Pinole City Council discussed and approved changes to the City Council Meeting Procedures; and

WHEREAS, the City Council has identified two sections of the Pinole Municipal Code (the “PMC”) which require revision in order to eliminate inconsistencies between the Municipal Code and the revised City Council Meeting Procedures; and

WHEREAS, the City Council desires to amend PMC Chapter 2.04 “City Manager,” Section 2.04.200 “Council-Manager Relations” to clarify that with respect to administrative matters, the full City Council may give orders or instructions to the City Manager in a City Council meeting; and

WHEREAS, the City Council desires to amend PMC Chapter 2.12 “Council Meetings,” Section 2.12.010 “Time of Regular Meetings” to advance the City Council’s fixed meeting time from six p.m. (6:00 p.m.) to five p.m. (5:00 p.m.) consistent with the City Council Meeting Procedures.

NOW, THEREFORE, the City Council of the City of Pinole does ordain as follows:

Section 1. Recitals.

The above recitals are true and correct and made a part of this Ordinance.

Section 2. Municipal Code Amendment – Chapter 2.04.

Pinole Municipal Code Chapter 2.04 “City Manager,” Section 2.04.200 “Council-Manager Relations” is hereby amended as follows (with text in ~~strikeout~~ indicating deletion and double underline indicating addition).

“2.04.200 COUNCIL- MANAGER RELATIONS.

The City Council and its members shall deal with the administrative services of the city ~~only~~ through the City Manager, ~~except for the purpose of inquiry~~, and ~~neither the~~ no member of the City Council nor any member thereof shall give orders or instructions to any subordinates of the City Manager. The City Manager shall take his or her orders and instructions from the City Council on matters requiring City Council approval only

when sitting in a duly convened meeting of the City Council ~~and no individual councilman shall give any orders or instructions to the City Manager.~~

Section 3. Municipal Code Amendment – Chapter 2.12.

Pinole Municipal Code Chapter 2.12 “Council Meetings,” Section 2.12.010 “Time of Regular Meetings” is hereby amended as follows (with text in ~~strikeout~~ indicating deletion and double underline indicating addition).

“2.12.010 TIME OF REGULAR MEETINGS.

The regular meetings shall be held in the council chambers on the first (1st) and third (3rd) Tuesdays of each month at ~~six~~ five p.m. (~~6:00~~ 5:00 p.m.), except when a meeting day falls upon a holiday, in which case the meeting shall be held on the next succeeding business day at the same hour.”

Section 4. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of Pinole hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 5. Effective Date.

In accordance with California Government Code Section 36937, this Ordinance shall take effect and be in force on the thirty-first day after adoption.

Section 6. Publication.

Within fifteen (15) days after the passage of this Ordinance the City Clerk shall cause this Ordinance or a summary thereof to be published or to be posted in at least three public places in the City of Pinole in accordance with the requirements of California Government Code Section 36933.

PASSED AND ADOPTED on this ____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Heather Bell, CMC City Clerk

APPROVED AS TO FORM:

Eric S. Casher, City Attorney



CITY COUNCIL REPORT

91

DATE: SEPTEMBER 5, 2023

TO: MAYOR AND COUNCIL MEMBERS

FROM: LILLY WHALEN, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: ADOPT A RESOLUTION AUTHORIZING THE APPLICATION TO AND PARTICIPATION IN THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) PROHOUSING DESIGNATION PROGRAM

RECOMMENDATION

To secure competitive funding for the City's various housing programs, Staff recommends Council adopt a Resolution (**Attachment A**) authorizing the City of Pinole to apply for the Prohousing Designation Program from the California Housing and Community Development Department and authorizing the City Manager to execute and deliver the application and any related documents if the application is approved.

BACKGROUND

At the March 21, 2023 Council meeting, Councilmember Sasai requested as a future agenda item a presentation from the California Department of Housing and Community Development (HCD) on the Prohousing Designation Program (PDP). Staff reached out to HCD and discovered that although they could not present to the City Council, they could provide technical assistance to staff on the program so that they could inform the Council. After learning more about the program, staff is recommending the City prepare and submit an application to HCD for Prohousing Designation status.

In 2019, AB 101 established the PDP administered by HCD. This program created incentives for jurisdictions that are compliant with state housing laws (including housing element laws,) and have enacted prohousing local policies that go beyond state law. HCD began receiving Prohousing Designation applications on July 1, 2021. Applications are reviewed on a rolling basis. Currently, 30 jurisdictions have been designated as prohousing, with 19 additional jurisdictions currently under review by HCD. More information on the PDP can be found online¹.

A prohousing designation both demonstrates the City's commitment to the development of affordable housing and provides a competitive advantage (priority processing or

¹ <https://www.hcd.ca.gov/planning-and-community-development/prohousing-designation-program>

funding points) on some large state affordable housing and infrastructure grant programs, including the Affordable Housing Sustainable Communities Program (AHSC), the Transformative Climate Communities (TCC) and the Infill Infrastructure Grant Program (IIG). A brief overview of these programs follows:

AHSC. The AHSC Program builds healthier communities and protects the environment through prioritizing the creation of affordable housing near jobs, transit, and other important resources. The program funds land-use, housing, transportation, and land preservation projects that support infill and compact development in proximity to transit to reduce greenhouse gas (“GHG”) emissions. HCD’s Notice of Funding Availability Calendar² indicates that a Notice of Funding Availability (NOFA) for a total of \$600 million for AHSC projects will be issued in January 2024, with applications due in March 2024 and funding awards granted in August of 2024.

TTC. The TTC Program empowers the communities most impacted by pollution to choose their own goals, strategies, and projects to reduce greenhouse gas emissions and local air pollution. The Program funds community-led development and infrastructure projects that achieve environmental, health, and economic benefits in California’s most disadvantaged communities. Examples of funded projects include solar installation and energy efficiency, urban greening and green infrastructure, electric bicycle and car share programs, recycling and waste management and affordable and sustainable housing developments. The next round of TCC funding has not yet been released, however, the last round of TCC funding (Round 5 – \$100 million) was announced in the spring of 2023, with applications due in August of 2023 and funding awards expected to be announced in December of 2023.

IIG. The IIG promotes infill housing development by providing financial assistance for Capital Improvement Projects that are an integral part of, or necessary to facilitate the development of affordable and mixed-income housing. The IIG Program provides nonprofit or for-profit developers or tribally designated housing entities critical infrastructure gap funding necessary to unlock sites for residential development. For example, the funding sources for the SAHA project, at 811 San Pablo include IIG funding.

PIP. The PIP is intended to increase participation in the PDP by pairing the designation with an impactful award grant. The 2022 NOFA indicated that the base award amount for the first round of PIP funding is based on the size of a community’s population. For communities under 20,000, the base award amount is \$75,000. In addition, applicants may receive a bonus award equal to the Prohousing Designation score multiplied by \$10,000, up to \$500,000. For example, an Eligible Applicant with a Prohousing Designation score of 35 points will be eligible to receive up to a \$350,000 bonus award in addition to the base award. A prohousing designation would make the City eligible for PIP funding. Such funds are critical for local

² hcd.ca.gov/grants-and-funding/nofa-calendar

development projects and affordable housing projects which often necessitate multiple sources of funds to make a project viable. HCD also intends to expand benefits for prohousing designated jurisdictions in the future.

DISCUSSION AND ANALYSIS

The PDP application assigns points within four scoring categories plus an “enhancement factor” category. Applicants must demonstrate that they have implemented, or have a near-term plan (within 2 years) to implement, at least one policy in each of the four categories, and receive an overall score of at least 30 points out of a possible 69. While not required, scores in the “enhancement factor” category add to the City’s overall prohousing score. The minimum threshold requirements applicable to Pinole include:

- ✓ Adopting a compliant Housing Element
- ✓ Submitting legally sufficient Annual Progress Reports prior to designation
- ✓ Being in compliance with Housing Element Law; “No Net Loss” Law; the Housing Accountability Act; State Density Bonus Law; laws relating to the imposition of school facilities fees or other requirements; Least Cost Zoning Law (Gov. Code, § 65913.1); the Housing Crisis Act of 2019; and antidiscrimination law
- ❑ Adopting and certifying a Formal Resolution for the Prohousing Designation Program (action recommended as a part of this item)

Each of the scoring categories are described below:

Favorable Zoning and Land Use (18 possible points). Policies in this category include having sufficient sites in the City’s Housing Element sites inventory to accommodate 150 percent or more of its overall Regional Housing Needs Allocation (RHNA), streamlined permitting of missing middle housing uses (e.g., duplexes, triplexes, and fourplexes) in single-family residential zones and going beyond state law for Accessory Dwelling Units (ADUs).

Acceleration of Housing Production Timeframes (19 possible points). Policies in this category include ministerial approval processes for a variety of housing types, streamlined environmental review processes, streamlined permitting processes, and reduced plan check times.

Reduction of Construction and Development Costs (11 possible points). Policies in this category include adoption of pre-approved plans for ADUs, promoting innovative housing types (such as mobile homes) and measures that reduce costs for transportation infrastructure.

Providing Financial Subsidies (21 possible points). Policies in this category include participating in a regional housing trust fund, offering surplus City-owned land

for affordable housing development, and prioritization of local general funds for affordable housing.

Enhancement Factors (9 possible points) provide bonus points for additional strong housing policies in each of the four categories.

Staff has conducted a preliminary self-scoring evaluation for PDP. Due to Pinole's history of pro-housing development policies and practices, along with the robust programs in its newly adopted and certified Housing Element, staff believes that the City's application will earn above the minimum 30 points required to qualify for the Program. The City's application does not commit to any policies or programs that are not already adopted in the Housing Element, in progress or currently in place.

The Prohousing Designation Program is consistent with the City's adopted and certified 6th Cycle Housing Element programs, including:

- **Program 3.** Outreach to Developers and Technical Assistance to Applicants
- **Program 4.** Facilitate ADU Production
- **Program 7.** Development of Housing Successor's Low and Moderate Income Housing Asset Fund Policy
- **Program 9.** Housing for Extremely Low, Very Low, Low, and Moderate Income Households and Special Needs Households, Including Persons with Disabilities
- **Program 11.** Home Sharing and Tenant Matching
- **Program 13.** SB 330 Objective Design Standards and SB 35 Streamlining Compliance
- **Program 16.** Rehabilitation Assistance
- **Program 17.** Acquisition/Rehabilitation of Properties
- **Program 18.** Housing Preservation/Below Market Rate Regulations and Conversions
- **Program 19.** Place-Based Improvements

Upon submission of the application, HCD has sixty (60) calendar days to review the application and provide its final determination. If approved, the HCD will send an official letter formalizing the prohousing designation.

In order to maintain the designation as a Prohousing jurisdiction, the City will be required to continue to comply with applicable housing laws and commit to affirmatively further fair housing and to refrain from enacting laws, developing policies, or taking other local governmental actions that may or do inhibit or constrain housing production. Examples of such local laws, policies, and action include moratoriums on development; local voter approval requirements related to housing production; downzoning; and unduly restrictive or onerous zoning regulations, development standards, or permit procedures. Additionally, the designation may be revoked if a jurisdiction fails to implement a necessary policy within the timeframe.

Staff recommends that the City Council adopt a Resolution (**Attachment A**) authorizing the City to apply for the PDP and further authorizing the City Manager to execute and deliver the application and any related documents required if the application is approved by HCD.

ENVIRONMENTAL REVIEW

Participation in the PDP program is not a “project” under CEQA, as participation is a “governmental fiscal activity” that does not “involve any commitment to any specific project” pursuant to CEQA Guidelines 15378(b)(4). Any project funded by the PDP will be subject to CEQA at the time of its approval.

FISCAL IMPACT

Staff does not anticipate this action will have any fiscal impact to the General Fund. Participation in the PDP will have a positive effect on the competitiveness of future applications for several funding programs including AHSC, IIG and TCC programs in addition to eligibility for PIP funding.

ATTACHMENTS

- A. Resolution

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE AUTHORIZING APPLICATION TO AND PARTICIPATION IN THE PROHOUSING DESIGNATION PROGRAM

WHEREAS, Government Code section 65589.9 established the Prohousing Designation Program (**“PDP” or “Program”**), which creates incentives for jurisdictions that are compliant with state housing element requirements and that have enacted Prohousing local policies; and

WHEREAS, such jurisdictions will be designated Prohousing, and, as such, will receive additional points or other preference during the scoring of their competitive applications for specified housing and infrastructure funding; and

WHEREAS, the Department of Housing and Community Development (**“Department”**) has adopted emergency regulations (Cal. Code Regs., tit. 25, § 6600 et seq.) to implement the Program (**“Program Regulations”**), as authorized by Government Code section 65589.9, subdivision (d); and

WHEREAS, participation in the PDP program is not a “project” under the California Environmental Quality Act (CEQA), as participation is a “governmental fiscal activity” that does not “involve any commitment to any specific project” pursuant to CEQA Guidelines 15378(b)(4); and

WHEREAS, the City of Pinole (**“Applicant”**) desires to submit an application for a Prohousing Designation (**“Application”**).

NOW THEREFORE, BE IT RESOLVED, that the above recitals are true and correct and made part of this resolution.

BE IT FURTHER RESOLVED that participation in the PDP program is not a “project” pursuant to CEQA Guidelines 15378(b)(4).

BE IT FURTHER RESOLVED that the City Council of the City of Pinole takes the following actions:

1. Applicant is hereby authorized and directed to submit an Application to the Department.
2. Applicant acknowledges and confirms that it is currently in compliance with applicable state housing law.
3. Applicant acknowledges and confirms that it will continue to comply with applicable housing laws and to refrain from enacting laws, developing policies, or taking other local governmental actions that may or do inhibit or constrain housing production. Examples of such local laws, policies, and action include

moratoriums on development; local voter approval requirements related to housing production; downzoning; and unduly restrictive or onerous zoning regulations, development standards, or permit procedures. Applicant further acknowledges and confirms that it commits itself to affirmatively furthering fair housing pursuant to Government Code section 8899.50.

- 4. If the Application is approved, Applicant is hereby authorized and directed to enter into, execute, and deliver all documents required or deemed necessary or appropriate to participate in the Program, and all amendments thereto (the “**Program Documents**”).
- 5. Applicant acknowledges and agrees that it shall be subject to the Application; the terms and conditions specified in the Program Documents; the Program Regulations; and any and all other applicable law.
- 6. **The City Manager** is authorized to execute and deliver the Application and the Program Documents on behalf of the Applicant for participation in the Program.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pinole held on the 5th day of September, 2023 by the following vote:

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

The undersigned, **HEATHER BELL, CMC, CITY CLERK** of Applicant, does hereby attest and certify that the foregoing is a true and full copy of a resolution of the Applicant’s governing body adopted at a duly convened meeting on the date above-mentioned, and that the resolution has not been altered, amended, or repealed.

SIGNATURE: _____ DATE: _____
NAME: _____ TITLE: _____



CITY COUNCIL REPORT REPORT

12A

DATE: SEPTEMBER 5, 2023

TO: MAYOR AND COUNCIL MEMBERS

FROM: MARKISHA GUILLORY, FINANCE DIRECTOR

SUBJECT: BACKGROUND INFORMATION ON COMMERCIAL CANNABIS TAX

RECOMMENDATION

City staff recommends that the City Council receive a report of background information on commercial cannabis tax and provide direction as appropriate.

BACKGROUND

In exploring potential local tax options for consideration, the City Council requested a future agenda item directing staff to provide a report of background information on commercial cannabis tax.

On November 8, 2016, California voters passed Proposition 64, the Adult Use of Marijuana Act (AUMA). This proposition legalized the use of nonmedicinal cannabis for adults over 21 years old. The State of California developed state-wide regulations for recreational cannabis, allowing licenses for adult-use businesses effective January 1, 2018.

With the new law in place, which allows the use of nonmedicinal cannabis, many cities in California instituted a commercial cannabis tax at the local level.

A commercial cannabis tax is a tax imposed on the purchasers of cannabis or cannabis products from cannabis retailers. A cannabis tax is typically a general tax that requires majority voter approval. According to Ballotpedia (https://ballotpedia.org/Marijuana_taxes_in_California), from 2009 to 2022, a total of 233 cannabis tax measures were placed on local ballots in California. These measures either proposed new taxes on cannabis or amending existing tax rates. Of those, 86% (200) were approved and 14% (33) were defeated. Most of the measures were placed on the 2018 ballot following the approval of Proposition 64.

Cities generally impose a two percent to twenty percent cannabis tax. Different rates may be levied on different segments of the industry, such as retail sales, distribution, cultivation, etc. Additionally, the State imposes a 15% excise tax on gross receipts of retail sales.

REVIEW AND ANALYSIS

By ordinance, a city could apply local city taxes to the retail sales, cultivation, and distribution of medical and recreational cannabis. Currently, cannabis businesses are not permitted to operate in the City of Pinole, but the City cannot prohibit a delivery business outside of Pinole from delivering in town. Residents could vote to impose a tax on cannabis businesses if the City permitted them to operate in Pinole by amending the municipal code.

The City of Pinole currently prohibits marijuana dispensaries and commercial marijuana cultivation under Pinole Municipal Code Sections 5.64.030 and 5.64.040:

- **5.64.030 MARIJUANA DISPENSARIES PROHIBITED:** Marijuana dispensaries are prohibited in the City. It shall be unlawful for any person to engage in, conduct, carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the city, the operation of a marijuana dispensary. (Ord. 2017-12 § 2 (part), 2017; Ord. 2014-02 § 3, 2014)
- **5.64.040 COMMERCIAL MARIJUANA CULTIVATION PROHIBITED:** Commercial marijuana cultivation is prohibited in the City. It shall be unlawful for any person to engage in, conduct, carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the city, commercial marijuana cultivation. (Ord. 2017-12 § 2 (part), 2017)

Considerations

There are several factors to consider in constructing a commercial cannabis tax measure. They include, but are not limited to:

- Type of tax – determine if the potential measure would be a general or special tax. Generally, cannabis tax is a general tax used to fund general municipal activities such as police, fire, parks, infrastructure, etc. In some cases, a city will enter into a community benefit/revenue sharing agreement with a cannabis retailer. This type of arrangement does not require voter approval.
- Type of retail – determine the type of business structure. Commercial cannabis retailers are regulated statewide. A commercial cannabis business that engages in retail sale and delivery of cannabis or cannabis products to customers must obtain a retailer license. State law provides two distinct types of retail licenses: storefront (formerly called dispensaries) and non-storefront (delivery).
- Selection of cannabis retailers – determine how retailers will be selected whether through a Request for Proposals (RFP) or open application process. Also, determine if a limit will be placed on the number of cannabis retailers allowed to operate within city boundaries.
- Tax rate – determine the appropriate tax rate to impose on retail cannabis sales.
- Tax receipts – the amount of revenue generated by the imposition of a commercial cannabis tax.

- Tax receipts as a percentage of the revenue budget – the amount of tax receipts compared to the total General Fund revenue budget.

Other factors to consider may involve zoning regulations, permit requirements, and other fees such as deposits and application fees.

As a reference, Table 1 below summarizes what other jurisdictions that passed commercial cannabis tax measures have done.

There are some challenges to consider, one being the rates at which retail cannabis sales are taxed at the State and local levels. In addition to local commercial cannabis taxes, cannabis businesses are subject to a State excise tax of 15% of gross receipts from retail sales. Therefore, many jurisdictions have been decreasing their cannabis tax rates. The cannabis industry claims the overall tax rate (including State taxes) makes its very difficult for retailers to operate profitably and compete with illegal sales. A number of cities have lowered or suspended their taxes to help the industry. The State has changed its tax structure for cannabis businesses, other than retail businesses, for the same reason. Even in cities that haven't lowered their taxes, the data shows that receipts are decreasing in individual jurisdictions as competition increases. A few cities were able to make significant revenue early on if they legalized retail sales before other jurisdictions, but tax revenue in those jurisdictions has generally gone down when businesses opened up in neighboring jurisdictions. Local businesses also have to compete against delivery businesses.

There is a fair amount of experience with cannabis taxes at this point. An estimate for Pinole would have to make certain assumptions about retail business activity. This is not something that can use a proxy like population in order to generate a reasonable estimate. Therefore, the City could consider from engaging a consulting firm with cannabis industry expertise to assist with a fiscal analysis of a potential commercial cannabis tax.

A good source of information and guidance on the matter of cannabis regulation at the local level is the League of California Cities' publication, *Cities Seed to Sales: A Guide to Regulating Cannabis in California Cities*. It can be found at https://www.calcities.org/docs/default-source/publications/cc-cannabis-ver6.pdf?sfvrsn=b52d3f32_12.

Table 1: Jurisdictions That Passed Cannabis Tax Measures

	Benicia	Berkeley	El Cerrito	Emeryville	Hayward	Martinez
Voter Approval Date	November 2018	November 2010 (updated to include recreational use in 2018)	Not applicable	November 2018	November 2016 (updated to include recreational use in 2018)	Not applicable
Type of Tax	General	General	Not applicable	General	General	Not applicable
Type of Retail	Storefront	Storefront and Non-Storefront	Storefront	Storefront	Storefront and Non-Storefront	Storefront and Non-Storefront
RFP Issued to Select Operators?	Information not accessible	Information not accessible	No, open application process	Yes	No, open application process	Yes
Tax Rate	Up to 6% of gross receipts	5% per \$1,000 gross receipts	Community benefits agreement (revenue sharing): Five percent (5%) of annual gross receipt sales between \$1.00-\$4,999,999, four percent (4%) of annual gross receipt sales between \$5,000,000-\$9,999,999, and three percent (3%) of annual gross receipt sales greater than \$10,000,000. The following benefits to the community are included in the agreement: workforce development, collective bargaining agreement with a labor organization that represents California cannabis workers, community contributions in the form of donations to non-profit organizations, local hiring, career development/apprenticeship program, and volunteer hours to non-profit organizations.	Up to 6% of gross receipts	6% of gross receipts; voters approved up to 15% of gross receipts	Community benefits agreement (details not accessible)

	Benicia	Berkeley	El Cerrito	Emeryville	Hayward	Martinez
Tax Receipts	FY 2020/21 Actual: Not available FY 2021/22 Actual: \$450,000 FY 2022/23 Estimated: \$400,000 FY 2023/24 Budget: \$225,000	FY 2020/21 Actual: \$1,712,641 FY 2021/22 Actual: \$1,250,792 FY 2022/23 Estimated: \$1,122,351 FY 2023/24 Budget: \$1,000,000	FY 2020/21 Actual: Not applicable FY 2021/22 Actual: \$330,425 FY 2022/23 Estimated: Not available FY 2023/24 Budget: \$600,000	FY 2020/21 Actual: \$544,192 FY 2021/22 Actual: \$466,937 FY 2022/23 Estimated: \$400,000 FY 2023/24 Budget: \$400,000	FY 2020/21 Actual: \$442,000 FY 2021/22 Actual: \$843,000 FY 2022/23 Estimated: \$1,100,000 FY 2023/24 Budget: \$1,100,000	FY 2020/21 Actual: \$800,000 FY 2021/22 Actual: \$1,794,908 FY 2022/23 Estimated: \$1,600,000 FY 2023/24 Budget: \$1,600,000
Percentage of General Fund Revenue Budget	0.4%	0.4%	1.2%	1.0%	0.6%	4.5%

NEXT STEPS

The City is currently working with the consulting firm, Baker Tilly, to identify potential revenue generating opportunities and will provide recommendations on various local tax options. If the City Council desires, it could consider engaging a consulting firm to assist with a fiscal analysis of a potential cannabis tax.

FISCAL IMPACT

There is no fiscal impact as a result of the City Council receiving this report.

ATTACHMENTS

None



CITY COUNCIL REPORT REPORT

12B

DATE: SEPTEMBER 5, 2023

TO: MAYOR AND COUNCIL MEMBERS

FROM: MARKISHA GUILLORY, FINANCE DIRECTOR

SUBJECT: BACKGROUND INFORMATION ON VACANT PARCEL TAX

RECOMMENDATION

City staff recommends that the City Council receive a report of background information on vacant parcel tax and provide direction as appropriate.

BACKGROUND

In exploring potential local tax options for consideration, the City Council requested as a future agenda item a report of background information on vacant parcel tax.

Vacant parcel tax is a special, non-value based tax on real property, generally based on either a flat per-parcel rate or a variable rate depending on the size, use or number of units on the parcel. Parcel taxes are imposed on property for the use of municipal services or facilities. Accordingly, the tax must identify which services or facilities the tax proceeds may be used to fund. The allowable uses may be broad or narrow. Possible uses include police and fire services, parks and open space, infrastructure improvement, and libraries. Because a vacant parcel tax is a special tax, it must be approved by a two-thirds vote of the electorate.

Of note, there are both vacant property taxes and vacant property registration fees. A vacant property registration fee must not exceed the cost of the City managing a vacant property monitoring program. Vacant property taxes are parcel taxes that apply only on properties determined to be vacant, and a vacant property tax must be approved by the voters. This report focuses on vacant parcel tax.

REVIEW AND ANALYSIS

As noted above, vacant parcel tax is a special, non-value based tax on real property, generally based on either a flat per-parcel rate or a variable rate depending on the size, use or number of units on the parcel. Generally, vacant parcel tax is levied on unused or under-used properties and applied to undeveloped ground, residential (single family, multi-family), condominiums, and nonresidential/commercial properties.

Vacant parcel taxes are not common and generally provide less than one percent of city revenues statewide. The revenue generated could vary greatly depending on the tax rate and other factors. They are collected annually on property tax bills based on the vacancy status of the property.

A common goal of a vacant parcel tax is to generate revenue to support general municipal purposes (e.g., police, fire, parks, etc.) or specific purposes (e.g., blight clean-up, code compliance, housing, etc.), and to encourage use and development of vacant properties. However, vacant parcel taxes are not common and generally provide less than one percent of city revenues statewide. The revenue generated could vary greatly depending on the tax rate, property subject to the tax, and exemptions. This tax is collected annually on property tax bills based on the vacancy status of the property.

The City of Pinole currently does not impose a vacant property tax and would need to place a measure on the ballot to do so.

Considerations

There are two main issues the City Council would have to decide in considering a potential vacant parcel tax. First, the City Council will need to decide what municipal services or facilities will be funded by the tax. The specific purposes to be funded by the special tax must be identified in the balloting material provided to voters at the time of election and may be broad or narrow. Other cities with vacant parcel tax have imposed the tax for services/facilities that emphasize the nexus between the funding purposes of the tax and the underlying issues surrounding vacant properties such as blight, illegal dumping, and code compliance, etc.

Second, the Council needs to decide if is the purpose of the tax to raise money or make sure property is put to use and doesn't remain vacant. For example, if the tax is very high, that may lead to property owners putting vacant properties into use, thus avoiding the tax and raising little revenue for the City. If the tax is very low, the tax probably won't impact property owner behavior, which may lead to more revenue. In addition, there are many smaller issues that will need to be addressed. As part of this decision, the Council will need to decide what parcels are considered exempt (how long must a property be vacant before it is subject to the tax, etc.)

Another consideration for the Council to consider is the significant lag in collecting the tax. Presumably the City will want to have the tax collected as part of the property tax roll, rather than take on the significant burden of administering the tax itself. For example, if the tax is approved in November 2024, and a parcel is determined "Vacant" for calendar year 2025, then the tax will be submitted to the County in August 2026 for placement on the tax roll. This means the City won't receive any revenue until it receives its property tax distribution in December or January 2027. Determination of vacancy can't feasibly be based on the fiscal year since that wouldn't provide the City

with sufficient time to send notices and hear appeals between July 1 and the deadline to send the property tax information to the County in early August.

A vacant parcel tax measure can make exemptions for low-income owners, individuals facing financial hardship, non-profit organizations, active development, and exceptional physical circumstances such as soil conditions, contamination, etc. This would result in less revenue.

The experience with vacant parcel tax is very limited; only a few cities have these in place and there is not much history. Moreover, the revenue is subject to collection and administrative impediments. Thorough legal advice on properly constructing a vacant parcel tax would be necessary. Currently, vacant parcel taxes are not common but have recently been successfully implemented in Oakland and Berkeley, both of which are significantly larger than Pinole in size and population.

Jurisdictions That Passed Vacant Parcel Tax Measures

The most notable cities that have passed a vacant parcel tax in the recent past is Oakland (Measure W passed 2018) and Berkeley (Measure M passed 2022).

City of Oakland Vacant Parcel Tax

The City of Oakland voters passed the “Vacant Property Tax” (Measure W) in November 2018. It is a special parcel tax enacted with the intended use to fund services to support and reduce homelessness, affordable housing, and illegal dumping.

The measure levies an annual tax of \$3,000 to \$6,000 on vacant property. A property is subject to the vacant property tax if it is in use less than fifty days in a calendar year and not subject to any of the exemptions. The vacant parcel tax generates approximately \$5.5 million annually. The tax rates by property types are as follows:

Property Type	Tax Rate
Residential	\$6,000 per parcel
Condominium, duplex, or townhome unit under separate ownership	\$3,000 per vacant residential unit
Nonresidential	\$6,000 per parcel
Parcel with ground floor commercial activity allowed but vacant	\$3,000 per parcel
Undeveloped	\$6,000 per parcel

Allowable exemptions for qualified owners and properties are as follows:

- Very low income
- Financial Hardship

- Demonstratable Hardship Unrelated to Personal Finances
- Exceptional Specific Circumstances
- Active Construction
- Building Permit Application
- Low Income Senior
- Disabled Owner
- Non-Profit Organization
- Substantially Complete Application for Planning

See the City of Oakland's ordinance (**Attachment A**) for more information on the vacant parcel tax.

City of Berkeley Vacant Parcel Tax

The City of Berkeley voters passed the "Empty Homes Tax" (Measure M) in November 2022. It is a general tax that is intended to fund general municipal services. The measure goes into effect January 1, 2024 and expires on December 31, 2034 unless extended by the voters prior to the expiration date.

The measure imposes an excise tax on residential property that remain vacant for more than 182 days in a calendar year, and not subject to any of the exemptions. It levies an annual tax of \$3,000 to \$12,000 on vacant residential units based on the length of time that the property is vacant. The vacant parcel tax is expected to generate between \$4 million to \$6 million annually. The tax rates are as follows:

- For the first calendar year, the vacancy tax levies \$3,000 per unit for the property owner's first property and \$6,000 per unit for any additional properties.
- After one calendar year, the range doubles to \$6,000 per unit and \$12,000 per unit and is subject to inflation.

Allowable exemptions for qualified owners and properties are as follows:

- Any organization that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
- City, State, county, municipal corporation, district or other political subdivision of the State.
- A natural person or trust who is the owner of a single property of four or fewer Residential Units, inclusive of accessory dwelling units and junior accessory dwelling units, that is their principal residence shall be exempt provided that they own no other Residential Units in the City.

See the City of Berkeley's ordinance (**Attachment B**) for more information on the vacant parcel tax.

Next Steps

The City is currently working with consulting firm, Baker Tilly, to identify potential revenue generating opportunities and will provide recommendations on various local tax options. If the City Council desires, it could consider engaging a consulting firm to conduct a study to identify vacant parcels in the City and determine what the potential revenue could be if a vacant parcel tax were established in Pinole.

FISCAL IMPACT

There is no fiscal impact as a result of the City Council receiving this report.

ATTACHMENTS

- A – City of Oakland Vacant Parcel Tax Ordinance
- B – City of Berkeley Vacant Parcel Tax Ordinance

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER

2018 NOV 12 PM 3:07


CITY ATTORNEY'S OFFICE
Ravi S. Patel

OAKLAND CITY COUNCIL

ORDINANCE NO. 18571 C.M.S.

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TITLE 4, CHAPTER 4.56 TO CLARIFY AND FURTHER DEFINE VARIOUS SECTIONS OF THE OAKLAND VACANT PROPERTY TAX AND ESTABLISH A METHOD FOR IDENTIFYING VACANT PROPERTY

WHEREAS, on July 24, 2018, the City of Oakland adopted Resolution 87319 C.M.S calling for voter consideration of a ballot measure to adopt a special parcel tax on vacant properties ("Measure W"); and

WHEREAS, on November 6, 2018, Oakland voters approved Measure W by greater than a 2/3rds margin; and

WHEREAS, Measure W established an annual tax on vacant property at a maximum rate of \$6,000 for certain properties and \$3,000 for other properties to support and fund homelessness programs and services, affordable housing, code enforcement, and clean-up of blighted properties and illegal dumping (the "Vacant Property Tax"); and

WHEREAS, pursuant to Measure W, a property will generally be considered "vacant" if it is in use less than fifty (50) days during a calendar year; and

WHEREAS, Measure W defines "use" as "the performance of a function or operation"; and

WHEREAS, Measure W defines ten (10) categories of tax exemptions, including exemptions for financial and non-financial hardships, exceptional circumstances, and properties in active development or construction;

WHEREAS, Measure W calls for the City Council to establish, by ordinance, a method of determining and identifying the use and vacancy status of each parcel of real property in the City;

WHEREAS, Measure W allows the City Council to provide supplemental definitions for the categories of exemptions;

WHEREAS, establishment of a method for determining and identifying the use and vacancy status of real property and further supplemental definitions to the categories of exemptions is critical to the administration of the Vacant Property Tax; and

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

SECTION 1. Title 4, Chapter 4.56 of the Oakland Municipal Code containing the operative sections of the Vacant Property Tax is amended to add, delete or modify sections as set forth below (section numbers and titles are indicated in bold type; additions are indicated by underscoring and deletions are indicated by strike-through type.) Portions of regulations not cited or not shown in underscoring or strike-through are not changed.

SECTION 2. Code Amendments.

Title 4, Chapter 4.56 is amended as follows:

4.56.010 – Definitions.

"City" means the City of Oakland.

"Commission" means the Commission on Homelessness authorized by this Chapter.

"Calendar Year" refers to the 12-month period from January 1 through December 31 pursuant to which the City will determine whether any parcel, property, or unit is subject to the Tax.

"County" means Alameda County.

"Ground Floor Commercial Space" means the ground floor space of any parcel of land where ground floor commercial activities are allowed by the applicable zoning (with or without a use permit) or are a legal nonconforming use.

"Heavily Impacted Neighborhoods" means the geographic area defined by the boundaries of 2010 Census Tracts 4007, 4008, 4009, 4010, 4014, 4015, 4016, 4017, 4018, 4022, 4024, 4025, 4026, 4027, 4030, 4033, 4057, 4053.02, 4054.01, 4054.02, 4055, 4056, 4058, 4059.01, 4059.02, 4060, 4061, 4062.01, 4062.02, 4063, 4064, 4065, 4071.01, 4071.02, 4072, 4073, 4074, 4075, 4076, 4077, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4102, 4103, 4104, and 4105. See Map (Attachment A) below.

"Mixed-Use Parcel" means a parcel that is improved with both:

- i) At least one (1) residential unit; and
- ii) Uses other than a residential unit.

"Multifamily Residential Parcel" means all parcels that are improved with more than one (1) residential unit.

"Net General Purpose Fund Budget for Non-Safety Departments" means the total general purpose fund appropriation to the operating budgets of the non-safety departments, excluding expenditures that are offset by fees or other non-tax revenues.

"Nonresidential Parcel" means all parcels that are improved with uses other than residential units.

"Non-Safety Departments" means all operating departments of the City, except police and fire.

"Owner" means the owner or owners of the real property located within the City of Oakland as of the first day of January following the calendar year pursuant to which a property is deemed to be vacant or not vacant. For the purposes of applying any exemptions defined in Section 4.56.090, the Owner shall not be exempt from the Tax unless each person or entity that owns a portion of the real property can separately demonstrate that they are entitled to an exemption.

"Parcel" shall mean a unit of real property in the City of Oakland as shown on the most current official assessment role of the Alameda County Assessor.

"Residential Parcel" means all parcels that are improved with one (1) or more residential units.

"Residential Unit" means a building or structure, or portion thereof, designed for or occupied exclusively by one (1) household, including unrelated persons who live together and maintain a common household.

"Single-Family Residential Parcel" means all parcels which are improved with only one (1) residential unit.

"Tax" or "Oakland Vacant Property Tax" means the special tax authorized by this Chapter.

"Undeveloped Parcel" means all parcels, regardless of zoning or other land use designation, upon which no permanent improvements have been constructed or placed.

"Use" means the performance of a function or operation.

4.56.080 – “In Use” Determinations.

For the purpose of making a determination of vacancy pursuant to Section 4.56.020, the following functions or operations are considered “use”:

- A. Physical occupancy of a Residential Parcel, condominium, duplex, or townhouse unit by a lawful inhabitant.
- B. Carrying on of any civic, commercial, industrial, agricultural, or extractive activity, as those terms are defined by the Planning Code, and including any religious or community gatherings, on or in a Nonresidential Parcel, Undeveloped Parcel, or Ground Floor Commercial Space, except that:
 - 1. Any Nonresidential Parcel, Undeveloped Parcel, or Ground Floor Commercial Space used for warehousing, storage, or distribution activities, as those terms are used in OMC section 17.10.583, will not be considered in use unless at least 40% of the parcel or unit's floorspace available for warehousing, storage, or distribution is occupied;
 - 2. Any Ground Floor Commercial Space will not be considered in use unless either leased out to a bona fide tenant intending to use the space for a legal activity, or actually occupied, by an Owner or some other party, for some substantially similar purpose.
- C. Maintenance of an Undeveloped Parcel that is contiguous or within 500 feet of an occupied Residential Parcel owned by the same Owner.
- D. Ingress and egress of persons or vehicles across substantially all of the parcel.
- E. Other functions or operations as the City Administrator may deem appropriate.

4.56.090 – Exemptions.

For the purpose of determining whether an Owner is entitled to claim an exception pursuant to Section 4.56.030(J)(1) the following rules and clarifications apply:

- A. “Very Low Income” - - 4.56.030(J)(1)(a)

The “very low income” exemption applies if the Owner's combined family income for the relevant Calendar Year is equal to or less than the United States Department of Housing and Urban Development “Very Low Income Limit” for the Oakland-Fremont, CA HUD Metro FMR Area.

B. "Financial Hardship" - - 4.56.030(J)(1)(b)

The following circumstances constitute a "financial hardship due to specific factual circumstances":

1. The Owner, for any period of time during the relevant Calendar Year, was a natural person and a debtor-party in an individual bankruptcy action.
2. The Owner, for any period of time during the relevant Calendar Year, experienced a significant medical event that kept the Owner from engaging in their normal work or business activities for at least thirty (30) days.
3. The Owner, on or after December 1 of the year preceding the relevant Calendar Year, was involuntarily terminated from employment and was unemployed for at least sixty (60) days during the relevant Calendar Year.

C. "Demonstrable Hardship Unrelated to Personal Finances" - - 4.56.030(J)(1)(c)

The following circumstances constitute a "demonstrable hardship":

1. The subject property was, for at least one-hundred and eighty (180) days during the relevant Calendar Year, subject to a lis pendens, or similar court order, giving notice of a conflict regarding title or ownership interests, pursuant to any pending lawsuit, bankruptcy proceeding, probate action, condemnation action or other action or proceeding filed with any court.
2. The Owner, for at least sixty (60) days during the relevant Calendar Year, was serving in the military and deployed overseas.
3. The then Owner died at some time during the relevant Calendar Year.
4. The Owner inherited the subject property during the relevant Calendar Year or in the immediately preceding calendar year.

D. "Exceptional Specific Circumstances" - - 4.56.030(J)(1)(d)

An exceptional specific circumstance includes any circumstance that, in the judgment of the City Administrator, prevents any use or development of the property. The City Administrator may request and consider any relevant evidence to determine whether an exceptional specific circumstance exists. The City Administrator shall consider any evidence that the property was damaged by a recent natural disaster, that the property adjoins a residential parcel and is used as a yard, or that a licensed engineer, or similar professional, has endorsed a written opinion concluding that physical conditions of the property prevent any development. If the City Administrator determines that an exceptional specific circumstance exists, the City Administrator may grant an exemption for up to five (5) calendar years. But such exemption shall not be effective unless and until the Owner of the subject property records a notice against the subject property, approved by the City Attorney, summarizing the basis for the exemption.

Exemptions granted pursuant to this section may be renewed by the City Administrator, for up to five (5) years, if the City Administrator determines that the conditions prohibiting development of the parcel persist and that the person(s) who owned the parcel during the term of the previously granted exemption made all reasonable attempts to put the property into use.

E. "Active Construction" - - 4.56.030(J)(1)(e)

The "active construction" exemption applies if the Owner held, for at least fifty (50) days during the relevant Calendar Year, a valid and active building permit for the subject parcel.

F. "Building Permit Application" - - 4.56.030(J)(1)(f)

The "building permit application" exemption applies if during or previous to the relevant Calendar Year, the Owner submitted a building permit application to the City and the total number of days during which the application was pending *plus* any number of days after the application was approved but before the end of the relevant Calendar Year was at least fifty (50) days.

G. "Low Income Seniors" - - 4.56.030(J)(1)(g)

The "low income seniors" exemption applies if the Owner is at least sixty-five (65) years of age or older and their combined family income for the relevant Calendar Year is equal to or less than the United States Department of Housing and Urban Development "Low Income Limit" for the Oakland-Fremont, CA HUD Metro FMR Area.

H. "Disabled Owner" - - 4.56.030(J)(1)(h)

The "disabled owner" exemption applies if the Owner, for any period in the relevant Calendar Year received supplemental security income for disability or social security disability insurance benefits and the Owner's income for the relevant Calendar Year did not exceed two hundred fifty percent (250%) of the 2012 federal poverty guidelines issued by the United States Department of Health and Human Services.

I. "Non-profit organization" - - 4.56.030(J)(1)(i)

The "non-profit organization" exemption applies if the Owner was, for at least one hundred and eighty (180) days during the relevant Calendar Year, a lawfully functioning organization pursuant to Internal Revenue Code section 501(c)(3).

J. “Substantially Complete Application for Planning Approvals” - - 4.56.030(J)(1)(i)

The “substantially complete application for planning approvals” exemption applies if the Owner held a notice from the City stating that an application for planning approvals with respect to the subject property was complete and such application remained pending for at least fifty (50) days during the relevant Calendar Year. After an application for planning approvals is approved for a subject parcel, the Owner may apply for an administrative two-year exemption, exempting the subject property from being deemed vacant for the calendar year during which the application for planning approvals was approved and for the following calendar year.

4.56.100 – Method for Identifying Vacancy Status.

A. Initial Determination.

The City Administrator may develop administrative methods appropriate to identify, based on objective, available data, properties that are most likely to be vacant, and not exempt from tax, pursuant to Section 4.56.020. The City Administrator may send initial determination notices for the properties that the City Administrator determines are most likely to be vacant.

B. Petition of Vacancy.

Upon receiving an initial determination notice pursuant to Section 4.56.100(A), an owner may, within twenty (20) days of service of the notice, file a petition of vacancy. The petition of vacancy must be submitted in a form and manner determined by the City Administrator and include appropriate evidence demonstrating that the property was not vacant pursuant to Section 4.56.020 or was entitled to an exemption. Such evidence may include sworn statements, pictures, utility records, and any records necessary to demonstrate entitlement to an exemption.

C. Decision on Vacancy.

Upon receiving a petition of vacancy pursuant to Section 4.56.100(B), the City Administrator may request further evidence or clarification and shall issue a decision.

D. No Waiver.

Nothing in the section may be interpreted as waiving an Owner’s obligation to pay the tax if they do not receive a notice pursuant to this Section.

4.56.110 – Appeal Process.

A. Request for Hearing.

Following the issuance of a decision on vacancy pursuant to Section 4.56.100, an Owner may, within twenty (20) days of service of such decision on vacancy, file a petition and request an appeal hearing before a hearing officer. Upon such request, the City Administrator shall appoint an independent hearing officer.

B. Pre-Hearing Procedure.

Prior to the hearing, the hearing officer may receive supplemental materials and evidence from the petitioner and the City. As soon as practical, the hearing officer shall set a deadline to receive any supplemental materials and evidence and shall set a hearing date.

C. Hearing Procedure:

Formal rules of evidence shall not apply to the conduct of the hearing. The hearing officer shall have the authority and discretion to permit examination of witnesses. Any party to a hearing may be assisted by a representative, including an attorney.

D. Decision Following Hearing.

As soon as practical following the hearing, the hearing officer shall issue a written decision regarding the vacancy status of the subject property. In the discretion of the hearing officer, the decision may, but is not required to, include findings of fact. The hearing officer's decision shall be considered final on the day it is executed by the hearing officer.

E. Further Action.

After the hearing officer issues a final decision, any party may seek further appropriate relief from the superior court. Any person whose complaint, claim, or petition may be resolved by employing the administrative remedies provided in Sections 4.56.100 or 4.56.110 must exhaust those remedies before filing any suit for refund, rebate, exemption, cancellation, amendment, adjustment, or other modification of the Tax.

4.56.120 – Administrative Regulations & Delegation

The City Administrator is authorized to adopt rules and regulations consistent with this Chapter as needed to implement this Chapter, subject to the review and approval of the Office of the City Attorney, and to develop all related forms and/or other materials and take other steps as needed to implement this Chapter, and make such interpretations of this Chapter as they may consider necessary to achieve the purposes of this Chapter.

The City Administrator may delegate any authority within their discretion pursuant to this Chapter 4.56 as they deem reasonably necessary.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

In Council, Oakland, California,

NOV 19 2019

PASSED BY THE FOLLOWING VOTE:

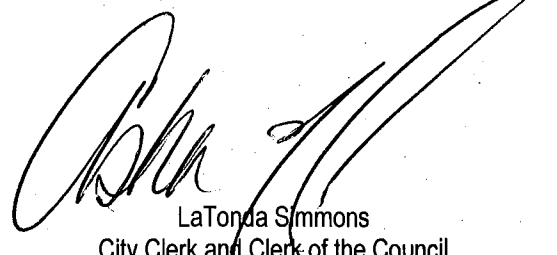
AYES - FORTUNATO BAS, GALLO, ~~BRUNSON~~ ~~MOORE~~ ~~WILLIAMS~~ KALB, ~~WILLIAMS~~ TAYLOR, THAO AND PRESIDENT KAPLAN - 6

NOES - **2 McElhenny & Reid**

ABSENT - ~~0~~

ABSTENTION - ~~0~~

Attest:



LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date

NOV 05 2019

Date of Attestation:

November 21, 2019

NOTICE AND DIGEST

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TITLE 4, CHAPTER 4.56 TO CLARIFY AND FURTHER DEFINE VARIOUS SECTIONS OF THE OAKLAND VACANT PROPERTY TAX AND ESTABLISH A METHOD FOR IDENTIFYING VACANT PROPERTY

This ordinance amends portions of the City of Oakland's Vacant Property Tax, Oakland Municipal Code, Chapter 4.56. The Vacant Property Tax ordinance, originally approved by Oakland voters as Measure W in November 2018, imposes a special parcel tax on parcels deemed "vacant" in a calendar year, each year for twenty (20) years following the initial imposition of the tax. Parcels are deemed vacant if they, or in some situations permanent improvements built upon them, are not "in use" for at least fifty (50) days during the calendar year, and are not subject to any of ten (10) listed exemptions. This ordinance further defines the functions and operations of a parcel or permanent improvement that constitute "use" for purposes of the Vacant Property Tax, and further defines the various exemptions. The ordinance also describes an administrative process for the City to determine whether a parcel is vacant in any given calendar year, and establishes a process for parcel owners to appeal the City's determination.

ORDINANCE NO. #,###-N.S.

ADDING CHAPTER 7.54 TO THE BERKELEY MUNICIPAL CODE TO IMPOSE AN
EXCISE TAX ON KEEPING RESIDENTIAL PROPERTY VACANT TO FUND GENERAL
MUNICIPAL SERVICES

BE IT ORDAINED by the people of the City of Berkeley as follows:

Section 1. That Chapter 7.54 of the Berkeley Municipal Code is added to read as follows:

Chapter 7.54

Empty Homes Tax

Sections:

7.54.010 Short Title.

7.54.020 Findings and Purpose.

7.54.030 Definitions.

7.54.040 Imposition of Tax.

7.54.050 Returns; Presumption of Vacancy.

7.54.060 Exemptions.

7.54.070 Administration; Penalties.

7.54.080 Use of Funds for General Municipal Purposes.

7.54.090 Technical Assistance to the City Manager; Annual Reports.

7.54.100 Authorization and Limitation on Issuance of Bonds.

7.54.110 Severability.

7.54.120 Savings Clause.

7.54.130 Liberal Construction.

7.54.010 Short Title.

This Chapter shall be known as the “Empty Homes Tax Ordinance,” and the tax it imposes shall be known as the “Empty Homes Tax.”

7.54.020 Findings and purpose.

The People of the City of Berkeley find and declare as follows:

A. Residential vacancies are an ongoing concern in Berkeley.

B. Of total vacancies, the Berkeley Rent Stabilization Board data from 2022 indicates that 1,128 fully or partially regulated units in buildings with more than two units have been classified by their owners as not available to rent. Returning these and other vacant units to the housing market is a key strategy for ensuring long-term affordability.

C. Prolonged vacancy restricts the supply of available housing units, is often the result of housing speculation and runs counter to the City’s housing objectives. Prolonged vacancies can also decrease economic activity in neighborhoods and lead to blight.

D. The housing affordability crisis has created an urgent need to pay for additional services and programs including, but not limited to, construction of new affordable housing for households with a household income of 80% or less of Area Median Income,

including by providing pre-development funding to non-profit affordable housing developers, and the acquisition and rehabilitation of multi-unit buildings for affordable housing, and the operation of such buildings acquired and/or rehabilitated.

E. The City is also working to ensure all public funds available to build affordable housing are being maximized, from the City, Alameda County, State and Federal governments.

F. Even with the addition of City, County, State, and Federal resources, the City is unable to house all of its residents.

G. The increased costs of meeting the challenges of the housing crisis have impacted the City's General Fund.

H. The City needs new funds to pay for municipal services. The Empty Homes Tax is intended to disincentivize prolonged vacancies and housing speculation, thereby increasing the number of housing units available for occupancy, while also raising funds for municipal services, including but not limited to constructing, acquiring, and rehabilitating affordable housing.

7.54.030 Definitions.

Unless otherwise defined in this Chapter, the terms used in this Chapter shall have the meanings given to them in Chapters 2.44 and 9.04 of the Municipal Code, as amended from time to time. For purposes of this Chapter, the following definitions shall apply:

A. "Affiliate" means an entity under common majority ownership or common control, whether that ownership or control is direct or indirect, with any other person or entity, including but not limited to a person or entity that majority owns or controls, or is majority owned or controlled by, any other person or entity.

B. "Building Permit Application Period" means the period following the date that an application for a building permit for repair, rehabilitation, or construction with respect to a Residential Unit is filed with the City through the date the Planning Department or its successor agency grants or denies that application, not to exceed one year.

Notwithstanding the preceding sentence, if more than one building permit application is filed by or on behalf of one or more persons in the Owner's Group for the same Residential Unit, the Building Permit Application Period shall mean only the applicable period following the date the first application is filed with the City by or on behalf of anyone in the Owner's Group. In the case of an owner qualifying for the Disaster Period in subsection D, the Building Permit Application Period may be extended beyond one year if the owner makes a good faith effort, as determined by the building official, to obtain a building permit.

C. "Disaster Period" means the two-year period following the date that a Residential Unit was made uninhabitable or unusable due to fire, natural disaster, or other catastrophic event, except where a negligent, reckless or willful act or omission by the owner or agent of the owner contributed to or caused the Residential Unit to become uninhabitable or unusable due to fire, natural disaster or other catastrophic event.

D. "Homeowners' Exemption Period" means the period during which a Residential Unit is the principal place of residence of any owner of that Residential Unit and for which

such owner validly has claimed either the homeowners' property tax exemption under Section 218 of the California Revenue and Taxation Code or the disabled veterans' exemption under Section 205.5 of that Code, as those sections may be amended from time to time.

E. "Hotel" means any property registered under Section 7.36.060 of the Municipal Code and excludes any properties regulated under Chapter 23.314 of the Municipal Code.

F. "Lease Period" means the period during which any owner of a Residential Unit or any person in the Owner's Group of that owner leases that Residential Unit to one or more tenants under a bona fide lease intended for occupancy, but not including any lease or rental of that Residential Unit to anyone in the Owner's Group or to travelers, vacationers, or other transient occupants.

G. "Owner Death Period" means, with respect to a co-owner or decedent's estate, heirs, or beneficiaries, the period during which a Residential Unit is unoccupied, uninhabited, or unused because of the death of any owner of a Residential Unit who was the sole occupant of that Residential Unit immediately prior to such owner's death, provided that such period shall not exceed the longer of two years or the period during which the Residential Unit is subject to the authority of a probate court.

H. "Owner In Care Period" means the period during which a Residential Unit is unoccupied, uninhabited, or unused because the occupant of the Residential Unit who used that Residential Unit as their principal residence is residing in a hospital, long term or supportive care facility, medical care or treatment facility, or other similar facility.

I. "Owner's Group" means for each owner of a Residential Unit, with respect to each Residential Unit, the owner, any current or former co-owner, and any Related Person or Affiliate of the owner or any current or former co-owner.

J. "Rehabilitation Period" means the two-year period following the date that the City issues a building permit for repair, or rehabilitation, with respect to a Residential Unit, provided that if the City issues multiple building permits to or for the benefit of one or more persons in the Owner's Group for the same Residential Unit, the Rehabilitation Period shall mean only the two-year period following the issuance of the first building permit to or for the benefit of anyone in the Owner's Group.

K. "Related Person" means a spouse, domestic partner, child, parent, or sibling.

L. "Residential Unit" means a house, an apartment, a group of rooms, or a single room that is designed as separate living quarters. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have a kitchen and direct access from the outside of the building or through a common hall. For purposes of this Chapter, a Residential Unit shall not include a unit in a Hotel, a currently operational nursing home, residential care facility, or other similar facility, or any unit that is fully exempt from property tax under the welfare exemption under Section 214(g) of the California Revenue and Taxation Code, as may be amended from time to time.

M. "Vacancy Exclusion Period" means the Building Permit Application Period, Rehabilitation Period, Disaster Period, Homeowners' Exemption Period, Lease Period, Owner Death Period, or Owner In Care Period.

N. "Vacant" means unoccupied, uninhabited, or unused, for more than 182 days, whether consecutive or nonconsecutive, in a calendar year.

7.54.040 Imposition of Tax.

A. Except as otherwise provided in this Chapter, the City imposes an annual Empty Homes Tax on each person that owns a Residential Unit for keeping that Residential Unit Vacant for more than 182 days, whether consecutive or nonconsecutive, in a calendar year except for those periods defined as a Vacancy Exclusion Period.

B. The Empty Homes Tax on an owner keeping a Residential Unit Vacant shall be as follows:

1. For the first calendar year that the Residential Unit is Vacant, the tax shall be \$3,000 per Residential Unit in a vacant condominium, duplex, single family dwelling, or townhouse unit under separate residential unit ownership and \$6,000 per any other vacant Residential Unit.
2. For the second consecutive calendar year and each subsequent calendar year thereafter that the Residential Unit is Vacant, the tax shall be \$6,000 per Residential Unit in a vacant condominium, duplex, single family dwelling, or townhouse unit under separate residential unit ownership and \$12,000 per any other vacant Residential Unit.

C. The rates set forth in subsection B. of this Section shall be adjusted annually in accordance with the increase in the Consumer Price Index: All Urban Consumers for the San Francisco/Oakland/San Jose Area for All Items as reported by the United States Bureau of Labor Statistics, or any successor to that index, as of December 31st of the preceding year, beginning with the 2025 calendar year.

D. The Empty Homes Tax shall be payable by the owner or owners of the Residential Unit kept Vacant. Not more than one tax per Residential Unit shall be imposed under this Section for a calendar year by reason of multiple liable owners. If there are multiple liable owners, each owner shall be jointly and severally liable for the tax, which shall be the highest amount of tax payable by any owner for that Residential Unit for that calendar year.

E. In determining whether an owner has kept a Residential Unit Vacant during a calendar year, days within any Vacancy Exclusion Period shall be disregarded if that Vacancy Exclusion Period applies to that owner for that Residential Unit, as shall days in which the Residential Unit was not owned by the owner, but the owner shall be deemed to have kept the Residential Unit unoccupied, uninhabited, or unused on all other days that such Residential Unit is unoccupied, uninhabited, or unused during the calendar year.

F. The Empty Homes Tax shall take effect on January 1, 2024. The Empty Homes Tax shall expire on December 31, 2034, unless reauthorized by the voters prior to such date.

G. The Empty Homes Tax shall be suspended for as long as the Berkeley COVID-19 Residential Eviction Moratorium is in effect pursuant to BMC 13.110 and the tax shall resume upon expiration.

H. Upon declaring a citywide emergency, the Council may suspend the tax in whole or part by a supermajority vote of two-thirds of the entire City Council upon a finding that a declared emergency has undermined the ability of owners to fill vacancies in their Residential Units. Such a suspension shall last for no more than 60 days from its enactment by the Council, but may be extended on or before its expiration by a two-thirds supermajority vote of the Council so long as the emergency continues and the required findings can be made. The Empty Homes Tax shall resume upon the expiration of the emergency.

I. The Council may, by majority vote of the entire City Council, amend this Chapter in furtherance of its purposes or to correct ambiguities or errors in language, provided that such amendments do not alter the dollar amounts of the tax as provided in Section 7.54.040 B, or expand the applicability of the exemptions in Section 7.54.060, or amend subsection H. or this subsection I. of Section 7.54.040.

7.54.050 Returns; Presumption of Vacancy.

A. Each person that is required to pay the Empty Homes Tax shall file a return in the form and manner prescribed by the City Manager or their designee.

B. Each person that owns a Residential Unit at any time during a calendar year and that is not exempt from the Empty Homes Tax with respect to that Residential Unit under any one of subsections A. through D. of Section 7.54.060 shall file a return for that calendar year in the form and manner prescribed by the City Manager or their designee. A person that fails to file the return required by this subsection B. for a Residential Unit shall be presumed to have kept that Residential Unit Vacant for the calendar year for which such return is required. The person who fails to file the required return may rebut the presumption by producing satisfactory evidence that such person did not keep the Residential Unit Vacant during the calendar year for which the return is required.

7.54.060 Exemptions.

A. For only so long as and to the extent that the City is prohibited by the Constitution or laws of the State of California or the Constitution or laws of the United States from imposing the Empty Homes Tax on any person that person shall be exempt from the Empty Homes Tax.

B. Any organization that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall be exempt from the Empty Homes Tax.

C. The City, the State of California, and any county, municipal corporation, district, or other political subdivision of the State shall be exempt from the Empty Homes Tax, except where any constitutional or statutory immunity from taxation is waived or is not applicable.

D. A natural person or trust who is the owner of a single property of four or fewer Residential Units, inclusive of accessory dwelling units and junior accessory dwelling units, that is their principal residence shall be exempt provided that they own no other Residential Units in the City. Additionally, for the purposes of this subsection D. only, the

“owner” of such Rental Property shall not be any of the following set forth under California Civil Code Section 1947.12(d)(5)(A)(i)-(iii) (“AB 1482”): a real estate investment trust, as defined in Section 856 of the Internal Revenue Code; a corporation; or a limited liability company.

E. Any taxpayer seeking an exemption under this Section shall be required to demonstrate their entitlement thereto annually by submitting an application and supporting documentation to the City Manager or their designee in the manner and at the time established in regulations and/or guidelines hereafter promulgated by the City Manager subject to review by the City Council in its discretion. Such applications shall be on forms provided by the City Manager, or their designee.

7.54.070 Administration; Penalties

A. The City Manager or their designee shall enforce the provisions of this Chapter and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this chapter.

B. The tax required by this Chapter is delinquent if not received by the tax administrator on or before February 28 of each year.

C. Any person who fails to pay the tax required by this Chapter to the City or any amount of tax required to be collected and paid to the City within the time required shall pay a penalty of ten percent of the tax or amount of the tax, in addition to the tax or amount of tax, plus interest at the rate of one percent per month from the date on which the tax or the amount of tax required to be collected became due and payable to the City until the date of payment.

D. Transactions with the principal purpose of avoiding or evading all or a portion of the Empty Homes Tax shall be disregarded for purposes of determining the amount of the Empty Homes Tax and whether the Empty Homes Tax is due. Any owner determined to have engaged in one or more transactions with the principal purpose of avoiding or evading all or a portion of the Empty Homes Tax shall be liable for the Empty Homes Tax and also liable for a penalty in an amount equal to the Empty Homes Tax.

E. Any tax required to be paid by an owner under the provisions of this chapter shall be deemed a debt owed by the owner to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount, along with any collection costs incurred by the City as a result of the person’s noncompliance with this chapter, including, but not limited to, reasonable attorneys’ fees, plus interest and penalties as herein provided.

7.54.080 Use of Funds for General Municipal Purposes.

A. The Council may deposit any portion of the proceeds generated by the Empty Homes Tax into the Housing Trust Fund, subject to its operating rules, or it may use any of the proceeds to fund any general municipal services designated by the Council.

7.54.090 Annual Reports.

Commencing with a report filed no later than February 15, 2026, covering the fiscal year ending June 30, 2025, the City Manager shall file annually with the Council, by February 15 of each year, a report containing the amount of monies collected from the tax during the prior fiscal year.

7.54.100 Authorization and Limitation on Issuance of Bonds.

The City shall be authorized to pledge revenues generated by the Empty Homes Tax to the repayment of limited tax bonds or other forms of indebtedness authorized under this Section. The Council shall by ordinance or resolution, as applicable, establish the terms of any limited tax bonds or other forms of indebtedness authorized hereby, including but not limited to, the amount of the issue, date, covenants, denominations, interest rate or rates, maturity or maturities, redemption rights, tax status, manner of sale, and such other particulars as are necessary or desirable.

7.54.110 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The People of the City of Berkeley hereby declare that they would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

7.54.120 Savings Clause.

No section, clause, part, or provision of this Chapter shall be construed as requiring the payment of any tax that would be in violation of the Constitution or laws of the United States or of the Constitution or laws of the State of California.

7.54.130 Liberal Construction.

This Chapter shall be liberally construed to effectuate its purpose.

Section 2. Increase Appropriations Limit. Pursuant to California Constitution Article XIII B and applicable laws, for four years from November 8, 2022, the appropriations limit for the City shall be increased by the aggregate sum collected by the levy of the general tax imposed under this ordinance.

Section 3. California Environmental Quality Act Requirements. This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., under, including without limitation, Public Resources Code section 21065

and CEQA Guidelines sections 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment and pursuant to Public Resources Code section 21080, subdivision (b)(8), and CEQA Guidelines section 15273 as the approval of government revenues to fund existing services.

Section 4. General Tax; Majority Vote Requirement. This Ordinance imposes a general tax for general revenue purposes and shall be effective only if approved by a majority of the voters voting thereon.