AGENDA

REGULAR CITY COUNCIL MEETING
MAY 18, 2021 – 7:00 p.m.

Members:
Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson
Councilmember Lisa Motoyama · Councilmember Tessa Rudnick

Join Via Zoom:
https://zoom.us/j/94654799424?pwd=WFREMTdaNlg3dWJMYjJuWjZGNTBJdz09

Meeting ID: 946 5479 9424 **Password:** 303074
or Dial in: 1-408-638-0968

Pursuant to Executive Order N-29-20, teleconference restrictions of the Brown Act have been suspended, as well as the requirement to provide a physical location for members of the public to participate in the meeting.

Members of the public can watch or listen to City Council meetings as follows:

1. Cable T.V. Broadcast on KCRT Channel 28
2. Radio Broadcast on FM 88.1 Or 97.7
3. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials
4. Via Zoom using the meeting information listed above.

Each period for public comment will be announced. Public Comments may be submitted one of two ways:

- Via Zoom using the "Raise Hand" icon to request to speak. If joining by phone, dial ***9** to "raise your hand", and when prompted by the host, ***6** to unmute/mute.
- Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on the Agenda** or **Public Comments – agenda item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **4:00 p.m. the day of the meeting.** All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting. No written comments will be read into the record.**

7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

1. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

2. COUNCIL/STAFF COMMUNICATIONS

Reports of closed session, commission appointments and informational reports on matters of general interest which are announced by the City Council and staff.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda will be heard prior to the City Council taking action on each item.

4. ADOPTION OF THE CONSENT CALENDAR

All items on the consent calendar shall be acted upon in one motion, unless a member of the City Council or staff request separate consideration.

A. Approval of Minutes

Action Proposed: Pass a motion to approve the City Council Meeting minutes from April 6, April 10, April 20, and April 26, 2021.
Contact: Holly M. Charléty, City Clerk, City Management

B. Letter of Support for AB988

Action Proposed: At the request of Mayor Fadelli pass a motion authorizing the Mayor to sign a letter in support of AB988 regarding Mental Health Mobile Hotline Crisis Support Teams.
Contact: Holly M. Charléty, City Clerk, City Management

C. Adopt a Resolution and authorize Letters of Support for S.127 and HR1581 regarding the Build America's Libraries Act

Action Proposed: At the request of Michael Fischer, El Cerrito appointed Contra Costa County Library Commissioner, adopt a resolution and authorize the Mayor to sign letters in support of Federal Legislation S.127 and H.R. 1581, the Build America's Library Act.
Contact: Holly M. Charléty, City Clerk, City Management

D. **2nd Reading and Adoption of an ordinance of the City of El Cerrito amending Sections of Title 19, of the El Cerrito Municipal Code to amend regulations for Inclusionary Zoning.**
1st Reading 5/4/2021

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2021-02 amending Chapter 19.30 of the El Cerrito Municipal Code to establish an application process for currently exempt projects to request a limited extension that must be filed with the City Manager by June 30, 2021.
Contact: Aissia Ashoori, Housing Analyst; Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development Department

E. **Construction Contract Award for 2021 Slurry Seal Project, City Project No. C3027.22**

Action Proposed: Adopt a resolution approving plans and specifications for the 2021 Slurry Seal Project, City Project No. C3027.22 (Project); accepting the four submitted bids for the Project; authorizing the City Manager to execute a contract in the amount of $395,286.97 with Pavement Coatings Co. Inc. and to approve change orders in an amount not to exceed $40,000 for the construction of the Project; and amend the Fiscal Year (FY) 2020-2021 Adopted Budget and Measure A Annual Program of Maintenance and Improvement to appropriate an additional $151,537 in the Measure A Street Improvement Fund for the Project.
Contact: Ana Bernardes, Engineering Manager/Senior Engineer, Public Works Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

5. PRESENTATIONS

6. PUBLIC HEARINGS

7. POLICY MATTERS

A. Study Session on Fiscal Year 2021-2022 Proposed Budget

Action Proposed: Receive and file a presentation from City staff providing an overview of the preliminary FY 2021-22 Proposed Budget and preview of Department budgets. City Council will have the opportunity to ask questions of Department Directors and provide feedback or direction.
Contact: Karen Pinkos, City Manager, City Management

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, June 1, 2021 at 7:00 p.m. via teleconference.

The City of El Cerrito serves, leads and supports our diverse community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website http://www.el-cerrito.org/CouncilMeetingMaterials and is streamed with closed caption. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, 510-215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 510-215–4305, email cityclerk@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 11:00 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL DRAFT MINUTES

REGULAR CITY COUNCIL
MEETING APRIL 6, 2021 – 7:00 p.m.

Members:
Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson
Councilmember Lisa Motoyama · Councilmember Tessa Rudnick

Join Via Zoom:
https://zoom.us/j/91951129030?pwd=YnltZ0RHV0JETkx2RHV4YXFMZUtaQT09

Meeting ID: 919 5112 9030 **Password:** 835243
or Dial in: 1-408-638-0968

Pursuant to Executive Order N-29-20, teleconference restrictions of the Brown Act have been suspended, as well as the requirement to provide a physical location for members of the public to participate in the meeting.

Members of the public can watch or listen to City Council meetings as follows:

1. Cable T.V. Broadcast on KCRT Channel 28
2. Radio Broadcast on FM 88.1 Or 97.7
3. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials
4. Via Zoom using the meeting information listed above.

Each period for public comment will be announced. Public Comments may be submitted one of two ways:

- Via Zoom using the "Raise Hand" icon to request to speak. If joining by phone, dial *9 to "raise your hand", and when prompted *6 to unmute/mute.
- Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on the Agenda** or **Public Comments – agenda item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **4:00 p.m. the day of the meeting.** All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting. No written comments will be read into the record.**

7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 7:00 PM.
Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

2. COUNCIL/STAFF COMMUNICATIONS

Reports of closed session, commission appointments and informational reports on matters of general interest which are announced by the City Council and staff.

City Manager Pinkos - update on the local emergency and lifting of some county restrictions, vaccines, announced Budget Town Hall on April 10th at 10:00 am. and other upcoming budget meetings.

Councilmember Rudnick - reported attendance at anti-Asian hate rally.

Mayor Pro Tem Quinto - reported attendance at anti-Asian hate rally.

Mayor Fadelli - reported attendance at anti-Asian hate rally and grand opening of Pan Dell Bakery, announced letter of support sent on SB619 regarding delaying new organic regulations, Earth Day activities on city website, and commented on upcoming fiscal process and state audit report.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda will be heard prior to the City Council taking action on each item.

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for matters not on the agenda were received from Ira Sharenow, Elizabeth Bashor, Nick Zamorano, John Stashik, Gary Prost, Courtney Smith, Sue and Paul Duncan.

Oral Public Comments:
Heidi Goldstein - spoke in acceptance of Library Week proclamation.

Michael Fischer - requested consideration of support for S127 regarding funding improvement of library facilities, commented on staff preparedness to request funding if available.

Cordell Hindler - requested an update on Del Norte project, commented on returning to in person meetings.

Ellen Spitalnik - commented on the state auditor report and requested formation of a commission to respond.

Sherry Drobner - spoke on the state auditor report and police department budget.

Linda Cain - commented on method of facilitating virtual meetings, and importance of library services.

4. ADOPTION OF THE CONSENT CALENDAR

All items on the consent calendar shall be acted upon in one motion, unless a member of the City Council or staff request separate consideration.

Moved/Seconded: Councilmember Abelson/Councilmember Rudnick
Action: Approved the consent calendar as indicated below. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

A. Approval of Minutes

Action Proposed: Pass a motion to approve the City Council Meeting minutes from March 2 and March 16, 2021.
Contact: Holly M. Charléty, City Clerk, City Management
Action: Approved minutes

B. Earth Day Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring Saturday, April 24, 2021 as "Earth Day" in the City of El Cerrito and encouraging all residents and businesses to help make El Cerrito a greener, healthier, more sustainable place for all.
Contact: Will Provost, Operations + Environmental Services Division Manager, Public Works Department
Action: Approved proclamation

C. National Library Week Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring April 4-10, 2021 as National Library Week in the City of El Cerrito and encourage all residents to visit the library.
Contact: Heidi Goldstein, Senior Community Library Manager, Contra Costa County Library
Action: Approved proclamation

D. **Environmental Quality Committee Appointment**

Action Proposed: Approve an Environmental Quality Committee recommendation to appoint Rose Vekony to the Environmental Quality Committee, effective April 13, 2021.
Contact: Will Provost, Operations + Environmental Services Manager, Public Works Department; Yvetteh Ortiz, Public Works Director/City Engineer
Action: Approved appointment

E. **Economic Development Committee Re-appointments**

Action Proposed: Approve two Economic Development Committee recommendations to reappoint members Eric Wright and Jonathan Zazove, effective April 6, 2021.
Contact: Aissia Ashoori, Community Development Analyst, Community Development Department
Action: Approved appointments

F. **Calendar Years 2018 and 2019 Growth Management Program Compliance Checklist**

Action Proposed: Adopt a resolution approving the Calendar Years 2018 and 2019 Growth Management Program (GMP) Compliance Checklist for allocation of Fiscal Years 2019-20 and 2020-21 Measure J, Local Street Maintenance and Improvement Funds by the Contra Costa Transportation Authority (CCTA).
Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Action: Approved Resolution 2021-14

G. **Annual Parcel Assessment for the National Pollutant Discharge Elimination System (NPDES) Program and Drainage Maintenance Activities for Fiscal Year 2021-22**

Action Proposed: Adopt a resolution establishing the annual parcel assessment for the National Pollutant Discharge Elimination System (NPDES) program and Drainage Maintenance activities at the current rate of $38.00 per Equivalent Runoff Unit (ERU) and authorizing the Contra Costa County Flood Control & Water Conservation District to adopt Stormwater Utility Area (SUA) levies based on said amount for Fiscal Year (FY) 2021-22.
Contact: Will Provost, Operations + Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Action: Approved Resolution 2021-15

H. **Authorize Annual Report for Landscape and Lighting Assessment District for Fiscal Year 2021-22**

Action Proposed: Adopt a resolution directing NBS Local Government Solutions (NBS) to prepare and file the annual Landscape and Lighting Assessment District No. 1988-1 report for Fiscal Year (FY) 2021-22.

Contact: Shannon Collins, Finance Supervisor; Mark Rasiah, Finance Director, Finance Department

Action: Approved Resolution 2021-16

5. **PRESENTATIONS**

A. **Legislative Update from League of California Cities**

Action Proposed: Receive and file an update on the upcoming legislative season from the East Bay Division Public Affairs Manager.
Contact: Sam Caygill, East Bay Regional Public Affairs Manager, League of California Cities
Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding existing fire grants.

Action: Received and Filed

6. **PUBLIC HEARINGS**

7. **POLICY MATTERS**

A. **FY 2020-21 General Fund Budget Update for February 2021**

Action Proposed: Receive and file an update on City General Fund revenues and expenses for FY 2020-21 through February 2021.

Contact: Mark R. Rasiah, Finance Director/City Treasurer, Finance Department
Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding expenditure line for other financing uses, interest versus premium on the Tax Revenue Anticipate Note (TRAN), financing costs of the TRAN, calculation of ending cash balance, expected amount for next fiscal year TRAN, explore different formats to provide clarity to information provided, location of state audit report on city website, Recreation department revenues and costs.

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for this item were received from Ira Sharenow, Diane Straus, and Al Miller.

Oral Public Comments:
Ira Sharenow - spoke regarding need to review excel data, deferred cuts, and state audit response.

Cordell Hindler - commented on budget process.

Linda Cain - commented on need for more clarity on presentation of budget information.

Ellen Spitalnik - commented on lack of details in budget information and need for more public participation options.

Action: Received and Filed

8. **CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS**

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

Mayor Fadelli - reported attendance at Park and recreation Commission meeting, West County Mayor Conference meeting, upcoming presentation from West Contra Costa Unified School District on Portola site, reported West Contra Costa Transportation Advisory Committee (WCCTAC) funding of Central Avenue undercrossing project.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 8:58 PM in support of Councilmember Abelson healing from shoulder surgery.

____
Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of April 6, 2021 as approved by the El Cerrito City Council.

____
Holly M. Charléty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

CONCURRENT COMMUNITY TOWN HALL BUDGET MEETING
AND SPECIAL CITY COUNCIL MEETING
April 10, 2021 – 10:00 AM - 12:00 PM

Members:
Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson
Councilmember Lisa Motoyama · Councilmember Tessa Rudnick

Join Via Zoom:
https://zoom.us/j/93140504450?pwd=eWxGdkR2MGJPcjZuQVdBYmM0dVRHdz09

Meeting ID: 931 4050 4450 **Password:** 610479
or Dial in: 1-408-638-0968

Pursuant to Executive Order N-29-20, teleconference restrictions of the Brown Act have been suspended, as well as the requirement to provide a physical location for members of the public to participate in the meeting.

Members of the public can watch or listen to the townhall online at www.el-cerrito.org/CouncilMeetingMaterials, or participate directly in the meeting by using the Zoom information listed above.

Submit your Questions, Comments or Feedback in Advance
Questions, comments and feedback may be submitted in advance to cityclerk@ci.el-cerrito.ca.us. Submissions will be accepted until **Friday, April 9th at 10:00 a.m.** This email will not be monitored during the town hall.

Ask Questions, Provide Comments or Feedback During the Town Hall
Questions, comments and feedback may be submitted during the town hall using the Q&A feature, or by using the "Raise Hand" icon to request to speak. If joining by phone, dial ***9** to "raise your hand", and when prompted by the host, ***6** to unmute/mute.

The City cannot guarantee that time will permit all questions submitted to be addressed during the town hall, but all submissions received will be provided to City Management and City Council.

10:00 AM CONVENE CONCURRENT COMMUNITY TOWN HALL BUDGET MEETING/SPECIAL CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 10:01 a.m.
Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Motoyama, and Councilmember Rudnick were in attendance.

1. DISCUSSION ON CITY BUDGET AND CURRENT FINANCIAL POSITION

Proposed Action: Hear an update on the City's budget, ask questions of staff, and share your thoughts with the City Council on all financial topics such as budget priorities, the state audit, financial conditions etc.
Contact: Karen Pinkos, City Manager, City Management
City Manager Pinkos presented an overview of the adopted FY20-21 budget, general fund and personnel reductions made to date, fiscal response plan, state auditors report, priorities, and next steps. Staff facilitated a dialogue of feedback, comments and questions from members of the public on the City's budget.
No formal action was taken.

12:00 PM ADJOURN CONCURRENT COMMUNITY TOWN HALL BUDGET MEETING/SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 12:00 p.m.

____
Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the Concurrent Community Townhall Budget meeting/Special City Council meeting of April 10, 2021 as approved by the El Cerrito City Council.

____
Holly M. Charléty, MMC, City Clerk

Please note this meeting will **not be the typical format for a City Council meeting**, this notice is being posted as a quorum of City Council Members are expected to attend and may participate in the discussion.

This meeting will be livestreamed and available at www.el-cerrito.org/CouncilMeetingMaterials.

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING
APRIL 20, 2021 – 5:30 p.m.

Members:
Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson
Councilmember Lisa Motoyama · Councilmember Tessa Rudnick

Join Via Zoom:
https://zoom.us/j/93861180866?pwd=UFpBa1M5ckpwd3hERXB4YlZ6L0ltdz09

Meeting ID: 938 6118 0866 **Password:** 223374
or Dial in: 1-408-638-0968

Pursuant to Executive Order N-29-20, teleconference restrictions of the Brown Act have been suspended, as well as the requirement to provide a physical location for members of the public to participate in the meeting.

This meeting will not be broadcast or livestreamed online. Members of the public may join to the meeting directly using the Zoom meeting information listed above.

Public Comments may be submitted one of two ways and are **limited to items on the special meeting agenda only**:

- Via Zoom using the "Raise Hand" icon to request to speak. If joining by phone, dial ***9** to "raise your hand", and when prompted by the host, ***6** to unmute/mute.
- Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – agenda item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **2:30 p.m. the day of the meeting.** All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting. No written comments will be read into the record.**

5:30 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 5:33 PM.
Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. **ORAL COMMUNICATIONS FROM THE PUBLIC**

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

None

2. **COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS**

Proposed Action: Staff requests that City Council conduct interviews and, at the conclusion of interviews, confer with staff regarding the ongoing recruitment's, any remaining vacancies, and the scheduling of further special meetings to conduct interviews (if applicable). Council may decide to make appointments at the conclusion of the meeting.

Contact: Holly M. Charléty, City Clerk, City Management

The City Council conducted four interviews and set the date and time for a second meeting to conduct additional interviews for applicants on Monday, April 26, 2021 at 6:00 p.m. No appointments were made.

3. **ADJOURN SPECIAL CITY COUNCIL MEETING**

The special meeting adjourned at 6:46 PM.

____

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the Special City Council meeting of April 20, 2021 as approved by the El Cerrito City Council.

____

Holly M. Charléty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

REGULAR CITY COUNCIL MEETING
APRIL 20, 2021 – 7:00 p.m.

Members:
Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson
Councilmember Lisa Motoyama · Councilmember Tessa Rudnick

Join Via Zoom:
https://zoom.us/j/99609813978?pwd=N2JaMmRjL0pHb3VFV21vNVRCM01qUT09

Meeting ID: 996 0981 3978 **Password:** 503945
or Dial in: 1-408-638-0968

Pursuant to Executive Order N-29-20, teleconference restrictions of the Brown Act have been suspended, as well as the requirement to provide a physical location for members of the public to participate in the meeting.

Members of the public can watch or listen to City Council meetings as follows:

1. Cable T.V. Broadcast on KCRT Channel 28
2. Radio Broadcast on FM 88.1 Or 97.7
3. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials
4. Via Zoom using the meeting information listed above.

Each period for public comment will be announced. Public Comments may be submitted one of two ways:

- Via Zoom using the "Raise Hand" icon to request to speak. If joining by phone, dial ***9** to "raise your hand", and when prompted by the host, ***6** to unmute/mute.
- Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on the Agenda** or **Public Comments – agenda item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **2:30 p.m. the day of the meeting.** All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting. No written comments will be read into the record.**

7:00 P.M. **ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING**
Mayor Fadelli called the meeting to order at 07:01 PM.
Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

2. COUNCIL/STAFF COMMUNICATIONS

Reports of closed session, commission appointments and informational reports on matters of general interest which are announced by the City Council and staff.

Mayor Fadelli - reported on Special City Council meeting at 6:00 pm and an additional meeting for interviews scheduled for next week.

City Manager Pinkos - provided an update on County heath orders, available city services, and vaccines; announced upcoming BART project presentation on May 4th, and workshop on fiscal recovery plan on May 8th.

Housing Analyst Ashoori - announced the award of a Main Street program grant award of $500,000 to the Mayfair project at Del Norte BART for affordable housing.

Battalion Chief Grupalo - announced upcoming evacuation drill on May 2nd of the County Community Warning System Evacuation drill.

Councilmember Motoyama - announced Human Relations Commission will be holding additional truth and reconciliation sessions focusing on the Asian community.

Mayor Fadelli - commented on the recent Budget Townhall and clarified that the city is in a high fire zone, and Governor signed legislation for grants to local communities to prevent local fire hazards.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda will be heard prior to the City Council taking action on each item.

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for matters not on the agenda were received from Ira Sharenow, Gary Prost, Michael A. Fisher, and William Ktsanes.

Oral Public Comments:

Ira Sharenow - commented on the Budget Townhall and recent Financial Advisory Board meeting, State Auditor report, taxes, and building reserves.
Cordell Hindler - spoke on upcoming El Cerrito Plaza project presentation, rules of procedures, and in person meetings.

Sue Duncan - spoke regarding wildfire threats in the City, vegetation management standards, and cleanup of trees on Portola site.

Indy Rishi Singh - commented on personal experiences, cultural diversity and equality, raising awareness and education on the Sikh community.

Dianne Brenner - spoke regarding wildfire threats in the City.

William Ktsanes - commented on written comment submitted requesting Financial Advisory Board guidance.

4. ADOPTION OF THE CONSENT CALENDAR

All items on the consent calendar shall be acted upon in one motion, unless a member of the City Council or staff request separate consideration.

Moved/Seconded: Councilmember Rudnick/Councilmember Abelson **Action:** Approved item A, D & E on the consent calendar as indicated below. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

A. Letter of Support for AB332 Regarding Managing Treated Wood Waste

Action Proposed: At the request of Mayor Pro Tem Quinto, authorize the Mayor to sign a letter in support of AB 332 regarding managing treated wood waste in compliance with hazardous waste control laws. **Contact:** Holly M. Charléty, City Clerk, City Management

Action: Approved letter

B. Adopt a Resolution in Support of Developing a Regional Transportation System

Action Proposed: At the request of Seamless Bay Area, adopt a Resolution affirming the commitment and support of the development of an integrated regional transportation system.

Contact: Holly M. Charléty, City Clerk, City Management

Moved/Seconded: Councilmember Rudnick/Councilmember Motoyama **Action:** Pulled from consent by Councilmember Abelson. Approved Resolution 2021-17. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

C. FY 2020-21 Third Quarter Cash and Investment Report

Action Proposed: Receive and file the City's Quarterly Investment Report for the Quarter ending March 31, 2021.

Contact: Mark R. Rasiah, Finance Director/Treasurer, Finance Department

Moved/Seconded: Councilmember Motoyama/Mayor Pro Tem Quinto **Action:** Pulled from consent by Councilmember Motoyama. Received and filed. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

D. Summary Vacation and Quitclaim of Utility Easement Areas on 6332 Barrett Avenue and 2570 Tassajara Avenue

Action Proposed: Adopt a resolution approving the summary vacation and authorizing the City Manager to execute a Quitclaim of utility easement areas on 6332 Barrett Avenue and on 2570 Tassajara Avenue.
Contact: Ana Bernardes, Engineering Manager/Senior Engineer; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Action: Approved Resolution 2021-18

E. Accept the Annual Report on Landscape and Lighting Assessment District No. 1988-1 for Fiscal Year 2021-22, and Adopt a Resolution of Intention to Order Improvements; and Set the Public Hearing as May 4, 2021

Action Proposed: Accept the Engineer's Report specifying assessments for the Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year (FY) 2021-22 and adopt a Resolution of Intention to order improvements pursuant to the Landscape and Lighting Act of 1972, and set the time, date, and place of the public hearing as May 4, 2021 at 7:00 p.m.
Contact: Shannon Collins, Finance Supervisor, Finance Department
Action: Approved Resolution 2021-19

5. PRESENTATIONS

A. West Contra Costa Unified School District Portola Site Update

Action Proposed: Receive and file an update from the West Contra Costa Unified School District (WCCUSD) on the use of the Portola school site in El Cerrito.
Contact: Matthew Duffy, Superintendent, WCCUSD
Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding prioritization methods for facility improvements, traffic management plans, grade range of students, use of Cerrito Vista Park for recreation activities of the charter schools, desire for periodic updates on how the site use is progressing, evacuation plans, reasons why West County Mandarin School is being relocated to Pinole and not the Portola site, coordination with City staff on traffic coordination, bus service, efforts for alternative sites, accommodations for the large age range of students, use of tennis courts at El Cerrito High School, and removal of eucalyptus trees.

Action: Received and filed

6. PUBLIC HEARINGS

7. POLICY MATTERS

A. Review of California State Auditor Report and Draft Corrective Action Plan

Action Proposed: Review and discuss the California State Auditor Report issued on March 16, 2021 and the proposed draft Corrective Action Plan to be submitted to the State Auditor, and create a subcommittee of the City Council appointed by the Mayor to work with staff on implementation of the Plan.
Contact: Karen Pinkos, City Manager, City Management
Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding future discussion items under policy, administrative tools in the financial system to validate policies, review process for new policies, spending approval process, timing of monthly updates, best practices, inclusion of assumptions in proposed budget, department presentations, classification and compensation study, plans to hire a Human Resources Manager, authority for public safety staffing levels, car allowance for management, police restructuring and cost savings, outsourcing public safety, emergency services analysis, dedicated grant specialist, city poverty rate, cost recovery on senior services, language used and documentation to include with completed items on the response matrix.

The City Council recessed at 8:54 p.m. and reconvened at 9:02 p.m.

Public Comments:
All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for this item were received from Ira Sharenow, Nick Zamorano and Marlene George.

Oral Public Comments:

Cordell Hindler - suggested using Koff and Associates for classification and compensation study.

Ira Sharenow - commented on the late start of the financial item, access Financial Advisory Board meeting video, timing of budget updates, and management salaries.

Sherry Drobner - spoke in favor of a classification and compensation study, expanding membership on Financial Advisory Board, and affordable housing.

Cathy Hanville - spoke regarding need for additional details in state audit response, council subcommittee on audit response, and need to care for all residents equally.

Linda Cain - commented on response to the audit and the hard work to come, and senior services.

Moved/Seconded: Mayor Fadelli/Councilmember Abelson
Action: Passed a motion directing city staff to: 1) Follow through and respond, as financially able, to the recommendations made by the March 2021 State Audit Report, that seek to increase transparency of the City's budget process and provide City Councilmembers with the information needed to make more informed budgetary decisions; 2) Prepare a plan and work with City Council in ways to encourage and implement additional annual CalPERS contributions from all city employees; and 3) Update City Council on the federal funds that may come from the American Rescue Plan Act and, make plans in the immediate future for Council to approve deposit of no less than 80% of those funds into El Cerrito Reserve Fund.
Ayes: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Motoyama/Mayor Pro Tem Quinto **Action:** Passed a motion to strongly express the expectation of staff to meet and not exceed their departmental budget in FY2021-22. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Rudnick/Councilmember Motoyama
Action: Passed a motion to create a State Audit Fiscal Response Plan ad-hoc subcommittee of the City Council. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Mayor Fadelli appointed Councilmember Motoyama and Councilmember Rudnick to the State Audit Fiscal Response Plan ad-hoc subcommittee.

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

Mayor Fadelli - announced new art murals completed as part of the Del Norte Bart station improvements.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 10:44 p.m.

____
Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the regular City Council meeting of April 20, 2021 as approved by the El Cerrito City Council.

____
Holly M. Charléty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING
APRIL 26, 2021 – 6:00 p.m.

Members:
Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson
Councilmember Lisa Motoyama · Councilmember Tessa Rudnick

Join Via Zoom:
https://zoom.us/j/92583015683?pwd=Zm80V1hUZzhaSFpOaUc4UUZXeHUrQT09

Meeting ID: 925 8301 5683 **Password:** 004496
or Dial in: 1-408-638-0968

Pursuant to Executive Order N-29-20, teleconference restrictions of the Brown Act have been suspended, as well as the requirement to provide a physical location for members of the public to participate in the meeting.

This meeting will not be broadcast or livestreamed online. Members of the public may join to provide public comment using the Zoom meeting information listed above.

Public Comments may be submitted one of two ways and are **limited to items on the special meeting agenda only**:

- Via Zoom using the "Raise Hand" icon to request to speak. If joining by phone, dial ***9** to "raise your hand", and when prompted by the host, ***6** to unmute/mute.
- Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – agenda item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **3:00 p.m. the day of the meeting.** All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting. No written comments will be read into the record.**

6:00 P.M. ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 6:07 PM.
Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama (arrived at 6:43 PM), Councilmember Rudnick **Absent:** None

1. **ORAL COMMUNICATIONS FROM THE PUBLIC**

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for agenda item #2 was received from Al Miller.

2. **COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS**

Proposed Action: Staff requests that City Council conduct interviews and, at the conclusion of interviews, confer with staff regarding the ongoing recruitment's, any remaining vacancies, and the scheduling of further special meetings to conduct interviews (if applicable). Council may decide to make appointments at the conclusion of the meeting.

Contact: Holly M. Charléty, City Clerk, City Management

The City Council conducted six interviews and made the following appointments:

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Rudnick **Action:** Appointed Alan Parvlosky to the Arts & Culture Commission for a partial term of 4/26/2021-3/1/2024. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Motoyama **Action:** Appointed Indy Rishi Singh to the Human Relations Commission for a partial term of 4/26/2021-3/1/2022; and Diane Johnson to the Human Relations Commission for a full term of 4/26/2021-3/1/2025.

Ayes: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Rudnick/Councilmember Motoyama **Action:** Appointed Kathy Fleming to the Park & Recreation Commission for a full term of 4/26/2021-3/1/2025. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

3. **ADJOURN SPECIAL CITY COUNCIL MEETING**

The special meeting adjourned at 8:06 PM

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the Special City Council meeting of April 26, 2021 as approved by the El Cerrito City Council

Holly M. Charléty, MMC, City Clerk

Date

Assembly member Rebecca Bauer-Kahan
California State Assembly
State Capitol, Room 210
Sacramento, CA 95814

Re: **Support for AB 988:** Mental Health Mobile Hotline Crisis Support Teams:

Dear Assembly member Bauer-Kahan,

As the Mayor of El Cerrito, I want to express support on behalf of the entire City Council for your Assembly Bill 988, which would create a new three-digit phone line (988) for suicide prevention and immediate localized emergency response for individuals in mental health crisis by trained mental health professionals.

As you know, our state, counties and cities have been facing growing mental health issues for some time with mental illness and suicides increasing and police often ending up as the default crisis responders. Your legislation would help to change these scenarios.

Contra Costa County has been working to improve the 24/7 social service crisis response for those suffering from mental health incidents and their families. Our Council believes a dedicated phone line for mental health emergencies can be a critical factor to successfully responding to these emergencies.

We believe that our enforcement officers cannot adequately deal with all the mental health situations they are asked to, and a statewide program supported by a fee on all phone bills is a good way to begin turning these potentially dangerous situations around.

The call centers your legislations mandates will be able to deploy crisis services, such as mobile crisis teams, stabilization services, and ongoing care. These centers will also work with the National Suicide Hotline to provide immediate support for individuals calling in crisis.

We commend you for utilizing the national 988 system so that people in El Cerrito and throughout the state can receive immediate and reliable care from trained professionals.

Thank you for your efforts on this important issue, and let us know if we can be of assistance in helping to get this important legislation passed.

Sincerely,

Paul Fadelli

Mayor, City of El Cerrito

Cc: Assembly member Buffy Wicks; Senators Nancy Skinner, Steve Glazer

AB 988 – The Miles Hall Lifeline Act: 988 Suicide and Mental Health Crisis Hotline

Summary

AB 988 creates a new three-digit phone line, 988, for suicide prevention and immediate, localized emergency response for individuals in mental health crisis by trained mental health professionals.

Problem

California is facing a mental health crisis. One in 6 Californians now live with a mental illness and suicides have been steadily climbing, increasing by 35% nationally over the last two decades. This tragic trend has only been exacerbated by COVID-19.

For decades, California has failed to provide necessary mental health services amidst this growing mental health crisis. As a result, the police and the criminal justice system as whole often serve the state's default mental health provider. Currently, 10% of law enforcement agencies' budgets – and 20% of staff time – are spent responding to individuals with mental illness.

As a direct consequence of our overreliance on law enforcement responses to a public health crisis, ~25% of all individuals killed in police-involved shootings since 2015 had a known mental illness, with black men dying disproportionately.

In 2019, Miles Hall, a 23-year-old black man living in Walnut Creek, was in the midst of a schizophrenic mental health crisis when his family called 911 for help. Despite being familiar with Miles' condition, the officers resorted to lethal force within a minute of their arrival.

Law enforcement officers are not mental health experts and should not be expected to serve this role. A better system for Miles and all Californians is possible – one that leads with treatment, not law enforcement.

Background

In October of 2020, the federal government passed, and the President signed new legislation, the National Suicide Hotline Designation Act, establishing a new phone line (988) for suicide prevention and immediate mental health crisis response nationwide. Before July 2022, when 988 goes live, states must create a framework to receive and respond to calls.

What this bill does

AB 988 implements the national 988 system in California so that all people experiencing a mental health crisis are able to receive life-saving care.

This bill will designate crisis hotline centers to provide intervention 24/7 through call, chat, and text. These call centers will be able to deploy crisis services – such as mobile crisis teams and crisis stabilization services. To ensure long-term success, centers will also follow up with callers to ensure they receive ongoing care.

The crisis hotline centers will also work with the National Suicide Hotline to provide over the phone immediate support for individuals calling in with suicidal thoughts.

Additionally, AB 988 will establish a monthly fee on mobile phone and landline bills – similar to a fee charged for 911 – to fund the 988 system.

Support

County of Contra Costa (Sponsor)
County of Los Angeles Board of Supervisors (Sponsor)
Miles Hall Foundation (Sponsor)
NAMI Contra Costa (Sponsor)
Steinberg Institute (Sponsor)
The Kennedy Forum (Sponsor)
Alameda County District Attorney's Office
Alameda County Network of Mental Health Clients
All of Us or None

American Foundation for Suicide Prevention
Anti-Police Terror Project Sacramento
ASCRIBE Educational Consulting
Association of Regional Center Agencies
Autism Deserves Equal Coverage
Black Lives Matter Committee of the African American and Friends of Rossmoor
California Association of Local Behavioral Health Boards & Commissions
California Chapter of the American College of Emergency Physicians
California First Response Transformation, Equity Advisory Committee
California Pan-Ethnic Health Network
California Psychological Association
California State Association of Psychiatrists
California State PTA
Cal VOICES
City of Concord
City of Dublin
City of Livermore
City of Oakley
City of Pleasanton
City of San Diego
City of San Pablo City Council
City of San Ramon
City of Walnut Creek
Congregation B'Nai Tikvah
Council on American-Islamic Relations, Sacramento Valley
Decarcerate Sacramento
Democratic Party of Contra Costa
Depression and Bipolar Support Alliance California
Didi Hirsch, National Suicide Prevention Lifeline Center
Disability Rights California
Everytown for Gun Safety Action Fund
Genup
Indivisible Resisters Walnut Creek
Jewish Family and Child Services of San Francisco, the Peninsula, Marin and Sonoma Counties
Justice 2 Jobs Sacramento
Justice Unites Individuals & Communities Everywhere
LIVE FREE
Mental Health & Autism Insurance Project
Mental Health America of California
Mental Health Association of San Francisco
M.H. First Community First Response
Mobilize 4 Mental Health
Ms. Mable Sparrows Inc.
NAACP Youth Council
NAMI California
NAMI Greater Los Angeles County
NAMI of San Gabriel Valley
National Association of Social Workers California
National Union of Healthcare Workers
New Creation Church
NorCal Resist
Power to Resist
Public Health Advocates
Re:Store Justice
Sacramento Area Congregations Together
Sacramento Street EMS, District 1
Sacramento Valley Psychological Association
Shatterproof
Showing Up for Racial Justice Contra Costa County
Showing Up for Racial Justice Sacramento
Social Justice Politicorps
Sunrise Movement Sacramento
Temple Akiba of Culver City
The California Association of Local Behavioral Health Boards and Commissions
The Mamahood
The People's Budget Sacramento
The Trevor Project
Town of Danville
Truth Love Justice
Well Being Trust
WellSpace, National Suicide Prevention Lifeline Center
Women's March Contra Costa

<u>Contact</u>

John Skoglund, Legislative Director
(p): 916-319-2016
(e): John.skoglund@asm.ca.gov

California LEGISLATIVE INFORMATION

Home | Bill Information | California Law | Publications | Other Resources | My Subscriptions | My Favorites

AB-988 Mental health: mobile crisis support teams: 988 crisis hotline. (2021-2022)

SHARE THIS:

Date Published: 02/18/2021 09:00 PM

REVISED APRIL 29, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL **NO. 988**

Introduced by Assembly Members Bauer-Kahan, Berman, Chiu, Quirk-Silva, ~~and Ting~~ *Ting, Gipson, and Ramos*
(Coauthors: Assembly Members Aguiar-Curry, Burke, Cristina Garcia, McCarty, Mullin, Luz Rivas, Rodriguez, Santiago, Stone, Villapudua, ~~and Wicks~~ *Wicks, Lackey, Lee, and Wood*)
(Coauthors: Senators Archuleta, Eggman, Glazer, Leyva, ~~and Wiener~~ *Wiener, Nielsen, Ochoa Bogh, and Umberg*)

February 18, 2021

An act to add Article 6.1 (commencing with Section 53123) to Part 1 of Division 2 of Title 5 of the Government Code, to add Section 324.9 to the Public Utilities Code, to amend Sections 41007.2, 41007.3, 41013, 41020, 41021, 41022, 41023, 41024, 41026, 41028, 41030, 41031, 41032, 41050, 41098, 41100, 41128, 41135, 41136, and 41150 of, to amend the heading of Article 1 (commencing with Section 41020) and the heading of Article 2 (commencing with Section 41030) of Chapter 2 of Part 20 of Division 2 of, and to amend the heading of Chapter 2 (commencing with Section 41020) of Part 20 of Division 2 of, the Revenue and Taxation Code, relating to emergency services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 988, as introduced, Bauer-Kahan. Mental health: mobile crisis support teams: 988 crisis hotline.

Existing law, the Warren-911-Emergency Assistance Act, requires every local public agency, as defined, to have an emergency communication system and requires the digits “911” to be the primary emergency telephone number within the system.

Existing law, specifies provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law specifies that county mental health services should be organized to provide immediate response to individuals in precrisis and crisis and to members of the individual’s support system, on a 24-hour, 7-day-a-week basis and authorizes provision of crisis services offsite, as mobile services.

Existing federal law, the National Suicide Hotline Designation Act, designates the 3-digit telephone number “988” as the universal number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline maintained by the Assistant Secretary for Mental Health and Substance Abuse and the Veterans Crisis Line maintained by the Secretary of Veterans Affairs.

This bill would establish the 988 Crisis Hotline Center, using the digits "988" in compliance with existing federal law and standards governing the National Suicide Prevention Lifeline. The bill would require the Office of Emergency Services to take specified actions to implement the hotline system, including hiring a director with specified experience and designating a 988 crisis hotline center or centers to provide crisis intervention services and crisis care coordination to individuals accessing the 988.

This bill would require the office to designate at least one center prior to July 16, 2022, and would require crisis hotline centers to meet specified requirements. The bill would require the office to adopt emergency regulations implementing these provisions by July 16, 2022. Beginning January 1, 2023, and not later than January 1, 2024, the bill would require crisis hotline centers, counties, and other relevant entities to become fully compliant with the regulations.

This bill would require that all elements of the 988 system be designed to meet the unique needs of California's diverse communities, as provided. The bill would require counties to provide and make crisis services, including mobile crisis teams and crisis receiving and stabilization services, available to 988 callers and would require counties to coordinate with 988 crisis hotline centers on the deployment of, and access to, these services.

This bill would specify reporting requirements, including a requirement, beginning January 1, 2025, and annually thereafter, for the office to prepare a report containing specified information, and deliver it to the Legislature, the Substance Abuse and Mental Health Services Administration, and the Federal Communications Commission. Crisis hotline centers would be required to provide data, and reports, and participate in evaluations and related quality improvement activities as required by the office.

Existing law, the Emergency Telephone Users Surcharges Act, generally imposes a surcharge on each access line for each month or part thereof for which a service user subscribes with a service supplier, at an amount no greater than $0.80, based on the Office of Emergency Services' estimate of the number of access lines to which the surcharge will be applied per month for a calendar year period, that it estimates, pursuant to a specified formula, will produce sufficient revenue to fund the current fiscal year's 911 costs.

Existing law imposes a surcharge on the purchase of prepaid mobile telephony services at the time of each retail transaction in this state, at the rate equal to the monthly surcharge amount per access line, to be paid by prepaid consumers and collected by sellers, as defined. Existing law requires the surcharge to be remitted to, and administered by, the California Department of Tax and Fee Administration, in accordance with specified provisions. Existing law makes certain violations of the Emergency Telephone Users Surcharge Act a crime.

Existing law requires amounts to be paid to the state pursuant to the Emergency Telephone Users Surcharge Act to be deposited into the State Emergency Telephone Number Account and that the amounts deposited, upon appropriation by the Legislature, be spent solely for specified purposes, including payment for the installation of, and ongoing expenses for, a basic system.

This bill would create a separate surcharge, beginning January 1, 2022, on each access line for each month or part thereof for which a service user subscribes with a service supplier, based on the Office of Emergency Services' estimate of 988 costs which would be calculated in the same fashion as the office's estimate of 911 charges. This bill would make applicable relevant provisions of the Emergency Telephone Users Surcharge Act to the 988 surcharge, as provided. The bill would provide for specified costs to be paid by the fees prior to distribution to the Office of Emergency Services. The bill would make conforming changes in regard to the 988 surcharge.

This bill would create the 988 State Mental Health and Crisis Services Special Fund, a new continuously appropriated fund, and would require the fees to be deposited along with other specified moneys into the 988 Fund. The bill would provide that the funds be used for specified purposes, including funding county 988 crisis hotline centers. By creating a new continuously appropriated fund and establishing a fee as a new source of revenue for the continuously appropriated fund, the bill would make an appropriation.

Existing law requires the Public Utilities Commission to publish specified information on its internet website, including contract and audit information.

This bill would require the Public Utilities Commission to publish specified information on its internet website relevant to these provisions.

By imposing new requirements on counties and by expanding the scope of crimes imposed by the Emergency Telephone Users Surcharge Act, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3   Appropriation: yes   Fiscal Committee: yes   Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) The nation is facing a mental health crisis.

(1) Between 2017 and 2018, the number of adults in the United States experiencing mental illness increased by 1.5 million people, meaning nearly one in five adults is living with a mental illness.

(2) The national suicide rate increased by 30 percent over the last two decades. In 2018, there were an estimated 1.4 million suicide attempts and more than 48,000 deaths by suicide, making it the 10th leading cause of death among adults and the second leading cause of death among young people.

(3) During the COVID-19 pandemic, this crisis has only continued to worsen with increasing rates of anxiety, depression, self-harm, and suicidal ideation.

(4) As this crisis worsens, one in six Californians continue to experience mental illness, and only one-third report receiving any treatment.

(b) Over the last 50 years, well-intentioned but piecemeal approaches have resulted in an inadequate continuum of services, leaving many without the help they need. Too often those experiencing a mental health crisis do not receive the services they need and instead are met with a punitive response that fails to treat their illness and often results in harmful and unnecessary incarceration.

(1) For those unable to access care, the criminal justice system has become the default mental health system in California when, in times of crisis, individuals and their families feel they have no option but to call the police for help. While law enforcement is often the most-relied upon institution during a mental health crisis, providing mental health services or care is not and should not be their role.

(2) One-third of homeless individuals in the United States have a serious mental illness; these individuals are more likely to be arrested with a lifetime risk of arrest ranging from 63 percent to 90 percent. People in jail are 8 to 11 times more likely to have experienced recent homelessness.

(A) Currently, 10 percent of all law enforcement agencies' budgets and 20 percent of staff time, are spent responding to individuals with mental illness.

(B) As a direct consequence of this overreliance on law enforcement responses to a public health crisis, approximately 25 percent of all fatal police-involved shootings since 2015 involved a mental illness, with Black men dying disproportionately.

(c) With nonexistent or inadequate crisis care, costs escalate due to restrictive, longer-term hospital stays, hospital readmission, overuse of law enforcement and human tragedies that result from a lack of access to care. Comprehensive crisis systems prevent these tragedies, save municipalities money and resources, and increase access to comprehensive care.

(1) One crisis continuum program in Eugene, Oregon, CAHOOTS, is estimated to save the city an estimated $8,500,000 in public safety spending annually. In 2019, Eugene's CAHOOTS team answered 17 percent of the police department's overall call volume. Out of 24,000 calls, police backup was requested only 150 times.

(2) Another crisis continuum program model implemented in Phoenix, Arizona, Crisis Now, is estimated to have reduced inpatient spending by $260,000,000, preventing $37,000,000 in costs to hospital emergency departments in 2016. Phoenix saved the equivalent of 37 full-time police officers and further reduced city fire department costs.

(3) According to the Substance Abuse and Mental Health Services Administration National Guidelines for Behavioral Health Crisis Care, the core elements of a comprehensive crisis system include all of the following:

(A) Regional or statewide crisis hotline centers coordinating in real time.

(B) Centrally deployed, 24-hour, seven day per week mobile crisis support teams.

(C) 23-hour crisis receiving and stabilization programs.

(D) Essential crisis care principles and practices.

(d) In 2020, the federal government enacted the National Suicide Hotline Designation Act, establishing the "988" suicide prevention and mental health crisis hotline, which must be fully implemented nationally by July, 16, 2022.

(1) A "988" crisis line will do all of the following:

(A) Connect a person in a mental health crisis to a trained counselor to address their immediate needs.

(B) Deploy mobile crisis support teams, as an alternative to law enforcement response, to provide crisis intervention services when necessary.

(C) Ensure individuals are referred to ongoing mental health care when necessary.

(2) Switching to an easy-to-remember "988" for suicide prevention and mental health crisis services will connect more people with the appropriate and lifesaving care they need, just as "911" does for other types of emergencies.

(e) It is the intent of the Legislature to implement the National Suicide Hotline Designation Act of 2020, in compliance with the Federal Communication Commission's rules adopted by July 16, 2022 designating "988" as a three-digit number for the National Suicide Prevention Hotline to assure all persons residing in and visiting the State of California have access to the "988" suicide prevention and behavioral health crisis hotline and care 24 hours a day, seven days a week.

SEC. 2. Article 6.1 (commencing with Section 53123) is added to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 6.1. Miles Hall Lifeline Act

53123. This article is known and may be cited as the "Miles Hall Lifeline Act".

53123.1. (a) "988" means the three-digit phone number designated by the Federal Communications Commission for the purpose of connecting individuals experiencing a mental health crisis with suicide prevention and mental health crisis counselors, mobile crisis support teams, and crisis receiving and stabilization services and other mental health crisis services through the National Suicide Prevention Lifeline Network.

(b) "988 Crisis Hotline Center" means a county or contractor operated center participating in the National Suicide Prevention Lifeline Network to respond to statewide or regional 988 calls.

(c) "Mental health crisis services" means the continuum of services to address crisis intervention, crisis stabilization, and crisis residential treatment needs that are wellness, resiliency, and recovery oriented. Mental health crisis services include, but are not limited to:

(1) Crisis intervention, including counseling provided by 988 crisis hotline centers.

(2) Jurisdiction-based mental health teams, known as mobile crisis support teams, that include licensed mental health professionals and peer support specialists, as defined in subdivision (g) of Section 14045.12 of the Welfare and Institution Code, and may include medical and health professionals. Mobile crisis support teams provide onsite interventions including deescalation, stabilization, and referrals to mental health and other social services to individuals who are experiencing a mental health crisis.

(A) "Mental health professional" means any of the following:

(i) A licensed clinical social worker, pursuant to Chapter 14 (commencing with Section 4991) of Division 2 of the Business and Professions Code.

(ii) A licensed professional clinical counselor, pursuant to Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.

(iii) A licensed marriage and family therapist, pursuant to Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code.

(iv) A licensed psychologist, pursuant to Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.

(v) A licensed physician under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code who is either a board certified psychiatrist or has completed a residency in psychiatry.

(B) (i) Mobile crisis support teams may include mental health teams embedded in Emergency Medical Services.

(ii) Mobile crisis support teams may include specialized teams that can provide coordinated care for individuals experiencing chronic homelessness.

(3) Crisis receiving and stabilization services that are facilities with capacity for diagnosis, initial management, observation, crisis stabilization, and follow up referral services and include, but are not limited to:

(i) Short-term residential facilities that provide care under 24 hours.

(ii) Crisis residential treatment.

(iii) Peer respite services.

(iv) Services related to involuntary commitments under the Lanterman-Petris-Short Act, Part 1 (commencing with Section 5000) of Division 5 the Welfare and Institution Code.

(d) “National Suicide Prevention Lifeline” means the national network of local crisis hotline centers that provide free and confidential emergency support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week via a toll-free hotline number, which receives calls made through the 988 system. The toll-free number is maintained by the Assistant Secretary for Mental Health and Substance Use under Section 520E-3 of the Public Health Service Act, Section 290bb-36c of Title 42 of the Unites States Code (42 U.S.C. 290bb–36c).

(e) “Office” means the Office of Emergency Services.

(f) “Substance Abuse and Mental Health Services Administration” means that agency of the United States Department of Health and Human Services.

(g) “Veterans Crisis Line” means the hotline which provides crisis intervention to veterans and that is maintained by the Secretary of Veterans Affairs under Section 1720F(h) of Title 38 of the United States Code (38 U.S.C. 1720F(h)).

53123.2. (a) The office shall implement, oversee, and enforce the provisions of this article.

(b) (1) The office shall appoint a 988 crisis hotline system director to provide direction and oversight of the implementation and administration of the 988 crisis hotline and the mental health crisis services that work in conjunction with the crisis hotline centers.

(2) The director shall have experience in all of the following:

(A) Emergency crisis response and emergency crisis lines.

(B) Suicide prevention and mental health crisis services.

(C) Implementation of mental health crisis services, including coordination of county and state mental health administrative service organizations for the provision of mental health and substance use disorder services.

(c) The office shall do all of the following:

(1) Designate a 988 crisis hotline center or centers to provide crisis intervention services and crisis care coordination to individuals accessing the 988. The office shall designate at least one 988 crisis hotline center prior to July 16, 2022.

(2) Ensure coordination between the 988 crisis hotline centers, 911, mental health crisis services, and, when appropriate, other speciality mental health warm lines and hotlines.

(3) Establish training guidelines for employees involved in the implementation of 988 including 988 crisis hotline center staff, 911 operators, emergency medical services, law enforcement, and firefighters. Training guidelines shall be written consistent with Section 53123.5.

(4) Establish standards for mental health crisis services accessible through the 988 system.

(5) Seek to maximize all available federal funding sources, including federal medicaid reimbursement, for the purposes of 988 implementation, including the funding of mental health crisis services, in consultation with the State Department of Health Care Services.

(d) (1) To meet its obligations under subdivision (c), the office shall adopt regulations by January 1, 2023, which shall be regularly reviewed and updated.

(2) The office shall hold quarterly stakeholder convenings to provide input and guidance during, and following, the adoption of regulations. The convenings shall include representatives from all of the following:

(A) Mental health consumers who are receiving or have received mental health services.

(B) Parents, spouses, siblings, or adult children of mental health consumers.

(C) Disability rights advocates.

(D) County behavioral health departments.

(E) California Indian tribes, as defined in subdivision (c) of Section 8012 of the Health and Safety Code.

(F) Mental health and suicide hotline centers.

(G) Hospitals.

(H) Law enforcement.

(I) Emergency responders.

(J) Suicide prevention lines.

(K) State Department of Health Care Services.

(L) Department of Insurance.

(M) Department of Managed Health Care.

(N) State Department of Social Services.

(O) Mental Health Services Oversight and Accountability Commission.

(P) Office of Suicide Prevention, if established.

(3) Beginning on January 1, 2023, and no later than January 1, 2024, 988 crisis hotline centers, counties, and other relevant entities shall become fully compliant with the regulations adopted under this section, unless otherwise provided by the office.

(4) The office may adopt emergency regulations implementing this act by July 16, 2022. The office may readopt any emergency regulation authorized by this section that is the same as or substantially equivalent to an emergency regulation previously adopted under this section.

(e) The office shall maintain and evaluate data on the usage of, services provided for, and outcomes from the 988 system.

(f) The office shall work with the National Suicide Prevention Lifeline, Veterans Crisis Line, and the Substance Abuse and Mental Health Services Administration for the purposes of implementing 988 and ensuring consistency of public messaging about 988 services. The office shall also seek to maximize efficiency and access to crisis hotlines beyond those previously provided.

(g) Beginning January 1, 2025, and annually thereafter, the office shall prepare a report and deliver it to the Legislature, the Substance Abuse and Mental Health Services Administration, and the Federal Communications Commission, including information on the all of the following:

(1) Data gathered pursuant to subdivision (e).

(2) Revenue generated by the 988 surcharge as reported by the California Department of Tax and Fee Administration pursuant to Section 41135 of the Revenue and Taxation Code.

(3) Deposits made to and expenditures from the Mental Health and Crisis Services Special Fund as reported by the State Treasurer per subdivision (e) of the Section 53123.6.

(4) State of county mental health crisis services, how funds from the Mental Health and Crisis Services Special Fund are being used to support these services, and how additional funds would be used to improve, create, or expand access to mental health crisis services pursuant to paragraph (1) of subdivision (d) of Section 53123.6.

(h) The report to be submitted to the Legislature pursuant to subdivision (f) shall be submitted in compliance with Section 9795.

53123.3. (a) 988 crisis hotline centers shall be designated by the office as provided in paragraph (1) of subdivision (b) of Section 53123.2 to operate within California.

(b) Each 988 crisis hotline center shall do all of the following:

(1) Maintain an active agreement with the administrator of the National Suicide Prevention Lifeline for participation within the network.

(2) Meet federal Substance Abuse and Mental Health Services Administration requirements and national best practice guidelines for operational and clinical standards, including training requirements and policies for transferring callers to an appropriate specialized center or subnetworks within or external to the National Suicide Prevention Lifeline network.

(3) Utilize technology that is interoperable between and across crisis and emergency response systems used throughout the state including to 911, emergency services, and other nonmental health crisis services. Technology shall include the capability for all the following:

(A) Interoperability of phone calls, texts, chats, and other similar capabilities consistent with the county's implementation of Next Generation 911 pursuant to Section 53121.

(B) Assigning and tracking local response to mental health crisis calls, including the capacity to rapidly deploy mobile crisis support teams through global positioning technology.

(C) Tracking and providing real-time bed availability to crisis responders and individuals in crisis for all mental health bed types, such as crisis stabilization, psychiatric inpatient, substance use disorder inpatient treatment, withdrawal management, and peer crisis respite, including voluntary and involuntary beds.

(4) Maintain information sharing agreements with entities that operate 911 call centers for the purpose of real-time care coordination including deployment of mobile crisis support teams and other mental health crisis services.

(5) Deploy mental health crisis services, including mobile crisis support teams, and coordinate access to crisis receiving and stabilization services.

(A) Any call made to 911 pertaining to a mental health crisis shall be transferred to a 988 crisis hotline center. If a law enforcement, medical, or fire response is also needed, 988 and 911 operators shall coordinate the simultaneous deployment of those services with mobile crisis support teams.

(B) Law enforcement shall not be contacted or deployed in partnership with a mobile crisis support team unless there is an explicit threat to public safety and the situation cannot be reasonably managed without law enforcement assistance.

(6) Provide follow-up services to individuals accessing 988 consistent with guidance and policies established by the National Suicide Prevention Lifeline and within the timeframes established by all plan letters pursuant to Section 1374.73 of the Health and Safety Code.

(7) Employ or contract to provide a sufficient number of qualified bilingual persons or interpreters to ensure provision of information and services in the language of the non-English-speaking person.

(8) Provide data, and reports, and participate in evaluations and related quality improvement activities as required by the office.

(c) To the extent the National Suicide Prevention Lifeline admits new crisis centers to the network, counties and independent crisis hotline centers shall seek to certify, license, and accredit any existing county operated, county contracted, or independently operated mental health access or suicide prevention lines by July 16, 2022.

(d) Crisis hotline centers shall, beginning January 1, 2023, and no later than January 1, 2024, unless otherwise provided by the office, become fully compliant with any regulations issued by the office under subparagraphs (1) and (3) of subdivision (d) of Section 53123.2.

(e) All crisis hotline centers shall provide care consistent with Section 53123.6.

53123.4. (a) Counties shall seek to offer a full continuum of mental health crisis services, to the extent resources are available. This continuum shall include services funded by Section 5848.5 of the Welfare and Institutions Code and additional grants, including grants awarded by the Mental Health Services Oversight and Accountability Commission, for the purpose of establishing a mental health crisis response system.

(1) Counties shall seek to maximize existing funding sources to maintain mental health crisis services.

(2) Counties may form a joint powers authority, pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1, for the purposes of expanding access to mental health crisis services and reducing associated costs.

(b) Counties shall bill the appropriate health care service plan or disability insurer for all medically necessary treatment of a mental health or substance use disorder provided to privately-insured individuals through the 988 system. "Medically necessary treatment of a mental health or substance use disorder" shall have the same meaning as Section 10144.5 of the Insurance Code. Health care service plans and disability insurers shall reimburse for such medically necessary treatment within 30 calendar days. Counties shall report to the Department of Managed Health Care and the Department of Insurance any health care services plans or disability insurers that fail to reimburse services provided through the 988 system for possible enforcement actions.

(c) County operated mental health crisis services, including mobile crisis support teams and crisis receiving and stabilization services, shall be made available to 988 callers and counties shall coordinate with 988 crisis hotline centers on the deployment of, and access to, these services.

(1) Counties shall consult with California Indian tribes, as defined in subdivision (c) of Section 8012 of the Health and Safety Code, to ensure mental health crisis services support the unique needs of, and are accessible to, the tribes. This may include regional coordination with tribal governments and capacity building efforts.

(d) County operated mental health crisis services shall provide care consistent with Section 53123.5.

53123.5. (a) All elements of the 988 system shall be designed to meet the unique needs of California's diverse communities.

(b) In compliance with Section 1810.410 of Title 9 of the California Code of Regulations and in accordance with the National Culturally and Linguistically Appropriate Services Standards established by the United States Department of Health and Human Services, crisis hotline centers and mental health crisis services shall do all of the following:

(1) Ensure equitable access to services regardless of an individual's race, ethnicity, gender, socioeconomic status, sexual orientation, gender identity or expression, or geographic location.

(2) Meet the unique needs of specific populations, including all of the following:

(A) Populations at greater risk of suicide as identified by the Substance Abuse and Mental Health Services Administration.

(B) Individuals experiencing homelessness, housing instability, or who are at risk of experiencing homelessness in the future.

(C) Children and youth.

(D) Older adults.

(E) Individuals with disabilities.

(F) Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, Alaska Native, and other underserved communities, and the diverse communities and backgrounds within these categories.

(G) Lesbian, gay, bisexual, transgender, nonbinary, queer, and questioning individuals.

(H) Immigrants and refugees.

(I) Non-English speakers.

(J) Low-income persons.

(K) Religious communities.

(c) The Office of Health Equity within the State Department of Public Health shall provide technical assistance to the office, counties, contracted crisis hotline centers, and other contracted entities seeking to obtain funds for initiatives in multicultural health, including identification of funding sources and assistance with writing grants in compliance with paragraph (9) of subdivision (a) of Section 152 of the Health and Safety Code.

53123.6. (a) The 988 State Mental Health and Crisis Services Special Fund is hereby established in the State Treasury.

(b) The fund shall consist of all of the following:

(1) Revenue generated by the 988 surcharge assessed on users under Section 41020 of the Revenue and Taxation Code.

(2) Appropriations made by the Legislature.

(3) Grants and gifts intended for deposit in the fund.

(4) Interest, premiums, gains, or other earnings on the fund.

(5) Money from any other source that is deposited in or transferred to the fund.

(c) Notwithstanding Section 11754 of the Health and Safety Code, federal funds payable directly to the state by the Substance Abuse and Mental Health Services Administration to implement 988 may be made directly to the fund.

(d) Money in the fund is subject to all of the following:

(1) Money shall not revert at the end of any fiscal year and shall remain available for the purposes of the fund in subsequent state fiscal years.

(2) Money shall not be subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose outside of those specified in this article.

(3) Money shall be continuously appropriated for the purposes of the fund.

(e) (1) Counties shall use any funds remitted to them to fund their 988 crisis hotline centers. Any surplus may be used to fund mental health crisis services including, but not limited to, mobile crisis support teams and crisis receiving and stabilization services.

(2) The office may adopt regulations regarding the process for counties to receive funds.

(3) Beginning on December 31, 2022 and annually thereafter, counties shall report to the office on the state of their mental health crisis services, how they are funding these services, and how any additional remittance from the 988 State Mental Health and Crisis Services Special Fund will be used to improve, create, and expand access to mental health crisis services.

(f) The State Treasurer shall report annually to the office on fund deposits and expenditures.

SEC. 3. Section 324.9 is added to the Public Utilities Code, to read:

324.9. The California Public Utilities Commission shall publish on its internet website relevant information regarding the Miles Hall Lifeline Act, Article 6.1 (commencing with Section 53123) of Part 1 of Division 2 of Title 5 of the Government Code and Federal Communications Commission and North American Numbering Plan Administrator guidelines regarding 988 implementation, including customer education and network modification.

SEC. 4. Section 41007.2 of the Revenue and Taxation Code is amended to read:

41007.2. (a) “Wireline communications service” shall mean a local exchange service provided at a physical location in this state that allows the user to make an outbound communication to the 911 emergency communications system.

(b) For the purposes of the surcharge imposed by Chapter 2 (commencing with Section 41020):

(1) A wireline communications service access line does not include a direct inward dialing number, extension, or other similar feature that routes an inbound call and cannot provide access to the 911 emergency communications ~~system.~~ *or 988 crisis hotline.*

(2) The number of surcharges imposed shall not exceed the total number of concurrent outbound calls that can be placed to the emergency communications system at a single point of time.

(c) This definition shall apply only to this part.

(d) Commencing January 1, 2022, the definition shall include a local exchange service provided at a physical location in this state that allows the user to make an outbound communication to the 988 crisis hotline as defined in Miles Hall Lifeline Act, Article 6.1 (commencing with Section 53123) of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 5. Section 41007.3 of the Revenue and Taxation Code is amended to read:

41007.3. (a) “Wireless communications service line” shall mean a telecommunications service provided to an end user with a place of primary use in this state that allows the end user to make an outbound communication to the 911 emergency communications system. A wireless communications service line shall not include prepaid mobile telephony service.

(b) For the purposes of the surcharge imposed by Chapter 2 (commencing with Section 41020), not more than one surcharge may be imposed per wireless communications service line number assigned to an end user of mobile telecommunications service.

(c) This definition shall apply only to this part.

(d) Commencing January 1, 2022, the definition shall include a telecommunications service provided to an end user with a place of primary use in this state that allows the end user to make an outbound communication to the 988 crisis hotline as defined in Miles Hall Lifeline Act, Article 6.1 (commencing with Section 53123) of Part 1 of Division 2 of Title 5 of the Government Code. A wireless communications service line shall not include prepaid mobile telephony service.

SEC. 6. Section 41013 of the Revenue and Taxation Code is amended to read:

41013. "Surcharge" means a tax *or taxes* levied by this state. *"Surcharge," or "surcharges" as used in this part, refers to two separate charges, one related to 911 service and one related to 988 service.*

SEC. 7. The heading of Chapter 2 (commencing with Section 41020) of Part 20 of Division 2 of the Revenue and Taxation Code is amended to read:

CHAPTER 2. The ~~Surcharge~~ *Surcharges*

SEC. 8. The heading of Article 1 (commencing with Section 41020) of Chapter 2 of Part 20 of Division 2 of the Revenue and Taxation Code is amended to read:

Article 1. Imposition of the ~~Surcharge~~ *Surcharges*

SEC. 9. Section 41020 of the Revenue and Taxation Code is amended to read:

41020. (a) (1) (A) On and after January 1, 2020, a *911* surcharge is hereby imposed on each access line for each month or part thereof for which a service user subscribes with a service supplier, at an amount determined under Article 2 (commencing with Section 41030). *Beginning January 1, 2022, a separate 988 surcharge is hereby imposed on each access line for each month or part thereof for which a service user subscribes with a service supplier, at an amount determined under Article 2 (commencing with Section 41030).*

(B) The ~~surcharge~~ *surcharges* shall be paid by the service user as hereinafter provided.

(2) On and after January 1, 2020, the purchase of prepaid mobile telephony services in this state shall be subject to ~~a surcharge~~ *the surcharges* set forth under Article 2 (commencing with Section 41030). The ~~surcharge~~ *surcharges* shall be paid by the prepaid consumer in accordance with Section 41028 and remitted and administered in accordance with this part.

(b) The ~~surcharge~~ *surcharges* imposed shall not apply to either of the following:

(1) In accordance with the Mobile Telecommunications Sourcing Act (Public Law 106-252), which is incorporated herein by reference, to any charges for mobile telecommunications services billed to a customer where those services are provided, or deemed provided, to a customer whose place of primary use is outside this state. Mobile telecommunications services shall be deemed provided by a customer's home service provider to the customer if those services are provided in a taxing jurisdiction to the customer, and the charges for those services are billed by or for the customer's home service provider.

(2) To any charges for VoIP service billed to a customer where those services are provided to a customer whose place of primary use of VoIP service is outside this state.

(c) For purposes of this section:

(1) "Access line in this state" means a telephone line as defined in Section 233 of the Public Utilities Code associated with a billing address located in California.

(2) "Charges for mobile telecommunications services" means any charge for, or associated with, the provision of commercial mobile radio service, as defined in Section 20.3 of Title 47 of the Code of Federal Regulations, as in effect on June 1, 1999, or any charge for, or associated with, a service provided as an adjunct to a commercial mobile radio service, that is billed to the customer by or for the customer's home service provider, regardless of whether individual transmissions originate or terminate within the licensed service area of the home service provider.

(3) "Customer" means (A) the person or entity that contracts with the home service provider for mobile telecommunications services, or with a VoIP service provider for VoIP service, or (B) if the end user of mobile telecommunications services or VoIP service is not the contracting party, the end user of the mobile

telecommunications service or VoIP service. This paragraph applies only for the purpose of determining the place of primary use. The term "customer" does not include (A) a reseller of mobile telecommunications service or VoIP communication service, or (B) a serving carrier under an arrangement to serve the mobile customer outside the home service provider's licensed service area.

(4) "Home service provider" means the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

(5) "Licensed service area" means the geographic area in which the home service provider is authorized by law or contract to provide commercial mobile radio service to the customer.

(6) "Mobile telecommunications service" means commercial mobile radio service, as defined in Section 20.3 of Title 47 of the Code of Federal Regulations, as in effect on June 1, 1999.

(7) "Place of primary use" means the street address representative of where the customer's use of the mobile telecommunications service or VoIP service primarily occurs, that must be:

(A) The residential street address or the primary business street address of the customer.

(B) With respect to mobile telecommunications service, within the licensed service area of the home service provider.

(8) (A) "Reseller" means a provider who purchases telecommunications services or VoIP service from another telecommunications service provider or VoIP service and then resells the services, or uses the services as a component part of, or integrates the purchased services into, a mobile telecommunications service or VoIP service.

(B) "Reseller" does not include a serving carrier with which a home service provider arranges for the services to its customers outside the home service provider's licensed service area.

(9) "Serving carrier" means a facilities-based carrier providing mobile telecommunications service to a customer outside a home service provider's or reseller's licensed area.

(10) "Taxing jurisdiction" means any of the several states, the District of Columbia, or any territory or possession of the United States, any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision within the territorial limits of the United States with the authority to impose a tax, charge, or fee.

(11) "VoIP service provider" means that provider of VoIP service with whom the end user customer contracts for the provision of VoIP services for the customer's own use and not for resale.

SEC. 10. Section 41021 of the Revenue and Taxation Code is amended to read:

41021. (a) A service supplier shall collect the ~~surcharge~~ *surcharges* from each service user at the time it collects its billings from the service user, provided that the duty to collect the surcharge from a service user shall commence with the beginning of the first regular billing period applicable to that person which starts on or after the operative date of the surcharge imposed by this part. If the stations or lines of more than one service supplier are utilized in furnishing the telephone communication services to the service user, the service supplier that bills the customer shall collect the surcharge from the customer.

(b) Only one payment under this part shall be required with respect to the ~~surcharge~~ *surcharges* on a service, notwithstanding that the lines or stations of one or more service suppliers are used in furnishing that service.

SEC. 11. Section 41022 of the Revenue and Taxation Code is amended to read:

41022. The ~~surcharge~~ *surcharges* required to be collected by the service supplier shall be added to and stated separately in its billings to the service user.

SEC. 12. Section 41023 of the Revenue and Taxation Code is amended to read:

41023. The ~~surcharge~~ *surcharges* required to be collected by the service supplier, and any amount unreturned to the service user which is not a surcharge but was collected from the service user as representing a surcharge, constitute debts owed by the service supplier to this state.

A service supplier that has collected any amount of ~~surcharge~~ *surcharges* in excess of the amount of ~~surcharge~~ *surcharges* imposed by this part and actually due from a service user, may refund such amount to the service user, even though such surcharge amount has already been paid over to the board and no corresponding credit or refund has yet been secured. Any service supplier making a refund of any charge to a service user upon which surcharge is collected under this part from the service user may repay therewith the amount of the surcharge paid. The service supplier may claim credit for such overpayment against the amount of ~~surcharge~~ *surcharges* imposed by this part which is due upon any other quarterly return, providing such credit is claimed in a return dated no later than three years from the date of overpayment.

SEC. 13. Section 41024 of the Revenue and Taxation Code is amended to read:

41024. Every service user in this state is liable for the ~~surcharge~~ *surcharges* until ~~it has~~ *they have* been paid to this state, except that payment to a service supplier registered under this part is sufficient to relieve the user from further liability for the tax.

Any surcharge collected from a service user which has not been remitted to the board shall be deemed a debt owed to the State of California by the person required to collect and remit such surcharge. Nothing in this part shall impose any obligation upon a service supplier to take any legal action to enforce the collection of the utility users surcharge imposed by this part. The service supplier shall provide the board with amounts uncollected which total three dollars ($3) or more on a cumulative basis with respect to a single service user along with the names, addresses and reasons of the service users refusing to pay the ~~surcharge~~ *surcharges* imposed by this part.

SEC. 14. Section 41026 of the Revenue and Taxation Code is amended to read:

41026. In the payment of the ~~surcharge~~ *surcharges* imposed by this part, a fractional part of a cent shall be disregarded unless it amounts to one-half or more, in which case it shall be increased to one cent.

SEC. 15. Section 41028 of the Revenue and Taxation Code is amended to read:

41028. (a) (1) On and after January 1, 2020, the surcharge ~~amount~~ *amounts* imposed by Section 41020 on the purchase of prepaid mobile telephony services in this state shall be collected by a seller from each prepaid consumer at the time of each retail transaction in this state.

(2) The amount of the ~~surcharge~~ *surcharge* shall be separately stated on an invoice, receipt, or other similar document that is provided to the prepaid consumer of mobile telephony services by the seller, or otherwise disclosed electronically to the prepaid consumer, at the time of the retail transaction.

(b) (1) The ~~surcharge that is~~ *surcharges that are* required to be collected by a seller and any amount unreturned to the prepaid consumer of mobile telephony services that is not owed as part of the surcharge, but was collected from the prepaid consumer under the representation by the seller that it was owed as part of the surcharge, constitutes debts owed by the seller to this state.

(2) A seller that has collected any amount of surcharge in excess of the amount of the surcharge imposed by this part and actually due from a prepaid consumer may refund that amount to the prepaid consumer, even though the surcharge amount has already been paid over to the department and no corresponding credit or refund has yet been secured. Any seller making a refund of any charge to a prepaid consumer may repay therewith the amount of the surcharge paid. The seller may claim credit for such overpayment against the amount of surcharge imposed by this part which is due upon any other quarterly return, providing such credit is claimed in a return dated no later than three years from the date of overpayment.

(c) (1) Every prepaid consumer of prepaid mobile telephony services in this state is liable for the ~~surcharge~~ *surcharges* until it has been paid to this state, except that payment to a seller registered under this part relieves the prepaid consumer from further liability for the ~~surcharge.~~ *surcharges.* Any surcharge collected from a prepaid consumer that has not been remitted to the department shall be a debt owed to the state by the person required to collect and remit the surcharge. Nothing in this part shall impose any obligation upon a seller to take any legal action to enforce the collection of the surcharge imposed by this section.

(2) A credit shall be allowed against, but shall not exceed, the surcharge ~~amount~~ *amounts* imposed on any prepaid consumer of mobile telephony services by this part to the extent that the prepaid consumer has paid emergency telephone users charges on the purchase to any other state, political subdivision thereof, or the District of Columbia. The credit shall be apportioned to the charges against which it is allowed in proportion to the amounts of those charges.

(d) A seller is relieved from liability to collect the prepaid MTS surcharge imposed by this part that became due and payable, insofar as the base upon which the surcharge is imposed is represented by accounts that have been found to be worthless and charged off for income tax purposes by the seller or, if the seller is not required to file income tax returns, charged off in accordance with generally accepted accounting principles. A seller that has previously paid the surcharge may, under rules and regulations prescribed by the board, take as a deduction on its return the amount found worthless and charged off by the seller. If any such accounts are thereafter in whole or in part collected by the seller, the amount so collected shall be included in the first return filed after such collection and the surcharge shall be paid with the return.

(e) For purposes of this part, all of the following definitions shall apply:

(1) "Prepaid consumer" means a person who purchases prepaid mobile telephony services in a retail transaction.

(2) "Retail transaction" means the purchase of prepaid mobile telephony services, either alone or in combination with mobile data or other services, from a seller for any purpose other than resale in the regular course of business. For these purposes, a "purchase" means any transfer of title or possession, exchange, or barter, conditional or otherwise.

(3) "Seller" means a person that sells prepaid mobile telephony service to a person in a retail transaction.

(f) For purposes of this section, a retail transaction occurs in the state under any of the following circumstances:

(1) The prepaid consumer makes the retail transaction in person at a business location in the state (point-of-sale transaction).

(2) If paragraph (1) is not applicable, the prepaid consumer's address is in the state (known-address transaction). A known-address transaction occurs in the state under any of the following circumstances:

(A) The retail sale involves shipping of an item to be delivered to, or picked up by, the prepaid consumer at a location in the state.

(B) If the prepaid consumer's address is known by the seller to be in the state, including if the seller's records maintained in the ordinary course of business indicate that the prepaid consumer's address is in the state and the records are not made or kept in bad faith.

(C) The prepaid consumer provides an address during consummation of the retail transaction that is in the state, including an address provided with respect to the payment instrument if no other address is available and the address is not given in bad faith.

(3) If an address is not available to the seller to determine whether any of the circumstances in paragraph (2) exist, the transaction will be deemed to be a known-address transaction occurring in this state if the mobile telephone number is associated with a location in this state.

(g) The surcharge amounts imposed under this section shall be remitted by every seller, except a service supplier, as prescribed under Part 1 (commencing with Section 6001), along with a return filed using electronic media. The department shall administer such remittance and returns as prescribed under Part 1 (commencing with Section 6001).

(h) The purchase in a retail transaction in this state of prepaid mobile telephony services, either alone or in combination with mobile data or other services, by a prepaid consumer is exempt from the ~~surcharge~~ *surcharges* if all of the following apply:

(1) The prepaid consumer is certified as eligible for the state lifeline program or federal lifeline program.

(2) The seller is authorized to provide lifeline service under the state lifeline program or federal lifeline program.

(3) The exemption is applied only to the amount paid for the portion of the prepaid mobile telephony service that the lifeline program specifies is exempt from the surcharges and fees.

SEC. 16. The heading of Article 2 (commencing with Section 41030) of Chapter 2 of Part 20 of Division 2 of the Revenue and Taxation Code is amended to read:

Article 2. Adjustment of Surcharge ~~Amount~~ *Amounts*

SEC. 17. Section 41030 of the Revenue and Taxation Code is amended to read:

41030. (a) The Office of Emergency Services shall determine annually, on or before October 1, to be effective on January 1 of the following year, a surcharge amount pursuant to subdivision (b) that it estimates will produce sufficient revenue to fund the current fiscal year's 911 ~~9-8-8 costs.~~ *and 988 costs.*

(b) For determinations made that are applicable to the calendar year beginning on January 1, 2020, and each calendar year thereafter, the surcharge amount shall be determined annually by dividing the costs, including incremental costs, the Office of Emergency Services estimates for the current fiscal year of ~~911~~ *both of the following:*

(1) 911 costs approved pursuant to Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of

Title 5 of the Government Code, less the available balance in the State Emergency Telephone Number Account in the General Fund, by its estimate of the number of access lines to which the surcharge will apply per month for the period of January 1 to December 31, inclusive, of the next succeeding calendar year, but in no event shall the surcharge amount in any month be greater than eighty cents ($0.80) per access line per month.

(2) For the year beginning January 1, 2023, and each calendar year thereafter, 988 costs approved pursuant to Article 6.1 (commencing with Section 53123) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, less the available balance in the State Mental Health and Crisis Services Special Fund by its estimate of the number of access lines to which the surcharge will apply per month for the period of January 1 to December 31, inclusive, of the next succeeding calendar year.

(c) When determining the surcharge amount pursuant to this section, the office shall include the costs it expects to incur to plan, test, implement, and operate Next Generation 911 technology and services, including text to 911 service, and alerts and warnings, consistent with the plan and timeline required by Section 53121 of the Government Code.

(d) (1) Service suppliers shall report the total number of access lines to the Office of Emergency Services, on or before August 1, for the previous period of January 1 to December 31, inclusive.

(2) The total number of access lines required to be reported in paragraph (1) shall include all lines from the categories of wireline communication service line, wireless communication service line, prepaid mobile telephony service line, and VoIP service line. The number of access line figures shall be reported individually for these categories.

(e) The office shall perform a validation of the number of access lines using subscription data or other comparable data collected by appropriate federal or state agencies. This subscription data or other comparable data shall be used to validate the access line data required to be reported by service suppliers in subdivision (d).

(f) (1) The office shall notify the department of the surcharge amount imposed under this part, determined pursuant to this section on or before October 1 of each year.

(2) The surcharge imposed on the purchase of prepaid mobile telephony services shall be equal to the amount set forth in subdivision (b) for each retail transaction in this state.

(g) (1) At least 30 days prior to determining the surcharge pursuant to subdivision (a), the Office of Emergency Services shall prepare a summary of the calculation of the proposed surcharge and make it available to the public, the Legislature, the 911 Advisory ~~Board,~~ *Board, the Mental Health Services Oversight and Accountability Commission, the State Department of Public Health,* and on its internet website.

(2) For determinations made on or before October 1, 2019, the summary shall contain all of the following:

(A) The prior year revenues to fund 911 costs, including, but not limited to, revenues from prepaid service.

(B) Projected expenses and revenues from all sources, including, but not limited to, prepaid service to fund 911 costs.

(C) The rationale for adjustment to the surcharge determined pursuant to subdivision (b), including, but not limited to, all impacts from the surcharge collected pursuant to Part 21 (commencing with Section 42001).

(h) For purposes of this section, for the determination made by the office on or before October 1, 2019, that is applicable for the calendar year beginning on January 1, 2020, and ending on December 31, 2020, the following definitions shall apply:

(1) “Service supplier” shall mean a person supplying an access line to a service user in this state.

(2) “Service user” means any person that subscribes for the right to utilize an access line in this state who is required to pay a surcharge under the provisions of this part.

(i) It is the intent of the Legislature that the 988 surcharge may be adjusted for low-income households, including all households eligible for the California Lifeline Program.

SEC. 18. Section 41031 of the Revenue and Taxation Code is amended to read:

41031. The Office of Emergency Services shall make its determination of the surcharge ~~amount~~ *amounts* each year no later than October 1 and shall notify the department of the new ~~amount,~~ *amounts,* which shall be fixed by the department to be effective with respect to access lines on or after January 1 of the next succeeding calendar year.

SEC. 19. Section 41032 of the Revenue and Taxation Code is amended to read:

41032. Immediately upon notification by the Office of Emergency Services and fixing the surcharge ~~amount,~~ *amounts,* the department shall each year no later than November 15 publish in its minutes the new amount, and it shall notify every service supplier registered with it of the new amount by a means, or means determined by the department, that may include, but is not limited to, mail, electronic mail, or internet website postings.

SEC. 20. Section 41050 of the Revenue and Taxation Code is amended to read:

41050. The ~~surcharge~~ *surcharges* imposed by Section 41020 ~~attaches~~ *attach* at the time charges for the intrastate telephone communication services and VoIP service are billed by the service supplier to the service user and shall be paid by the service user when paying for such services.

SEC. 21. Section 41098 of the Revenue and Taxation Code is amended to read:

41098. (a) If the board finds that a person's failure to make a timely return or payment is due to the person's reasonable reliance on written advice from the board, the person may be relieved of the ~~surcharge~~ *surcharges* imposed by this part and any penalty or interest added thereto.

(b) For purposes of this section, a person's failure to make a timely return or payment shall be considered to be due to reasonable reliance on written advice from the board, only if the board finds that all of the following conditions are satisfied:

(1) The person requested in writing that the board advise ~~him or her~~ *them* whether a particular activity or transaction is subject to the surcharge under this part. The specific facts and circumstances of the activity or transaction shall be fully described in the request.

(2) The board responded in writing to the person regarding the written request for advice, stating whether or not the described activity or transaction is subject to the ~~surcharge,~~ *surcharges,* or stating the conditions under which the activity or transaction is subject to the ~~surcharge.~~ *surcharge.*

(3) The liability for surcharges applied to a particular activity or transaction which occurred before either of the following:

(A) Before the board rescinded or modified the advice so given, by sending written notice to the person of rescinded or modified advice.

(B) Before a change in statutory or constitutional law, a change in the board's regulations, or a final decision of a court, which renders the board's earlier written advice no longer valid.

(c) Any person seeking relief under this section shall file with the board all of the following:

(1) A copy of the person's written request to the board and a copy of the board's written advice.

(2) A statement under penalty of perjury setting forth the facts on which the claim for relief is based.

(3) Any other information which the board may require.

(d) Only the person making the written request shall be entitled to rely on the board's written advice to that person.

SEC. 22. Section 41100 of the Revenue and Taxation Code is amended to read:

41100. If the department determines that any amount, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, the department shall set forth that fact in the records of the department, certify the amount collected in excess of the amount legally due and the person from whom it was collected or by whom paid, and credit the excess amount collected or paid on any amounts then due and payable from the person from whom the excess amount was collected or by whom it was paid under this part, and the balance shall be refunded to the person, or their successors, administrators, or executors. Any proposed determination by the department pursuant to this section with respect to an amount in excess of fifty thousand dollars ($50,000) shall be available as a public record for at least 10 days prior to the effective date of that determination.

Any overpayment of ~~the~~ *a* surcharge by a service user to a service supplier or seller who is required to collect the surcharge shall be credited or refunded by the state to the service user. However, if the service supplier or seller has paid the amount to the department and establishes to the satisfaction of the department that it has not collected the amount from the service user or has refunded the amount to the service user, the overpayment may be credited or refunded by the state to the service supplier.

SEC. 23. Section 41128 of the Revenue and Taxation Code is amended to read:

41128. The board shall enforce the provisions of this part and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this part. The board shall not prescribe, adopt or enforce any rule or regulation which has the effect, directly or indirectly, of altering the terms and conditions of service of a service supplier serving the general public, other than the imposition of the ~~surcharge.~~ *surcharges.*

SEC. 24. Section 41135 of the Revenue and Taxation Code is amended to read:

41135. *(a)* All amounts required to be paid to the state under this part shall be paid to the department in the form of remittances payable to the California Department of Tax and Fee Administration. The department shall transmit the payments to the State Treasurer to be deposited in the State Treasury to the credit of *either* the State Emergency Telephone Number Account in the General ~~Fund, which is hereby created.~~ *Fund, or the State Mental Health and Crisis Services Special Fund depending on the apportionment of the surcharge to arising from the 911 emergency communication system or the 988 crisis hotline.*

(b) The department in consultation with the Office of Emergency Services, may adopt regulations to implement the apportionment of the surcharge.

(c) The department shall submit an annual report to the Office of Emergency Services on revenue generated by the 988 surcharge.

SEC. 25. Section 41136 of the Revenue and Taxation Code is amended to read:

41136. *(a)* From the funds in the State Emergency Telephone Number Account, all amounts of the *911* surcharge collected shall, when appropriated by the Legislature, be spent solely for the following purposes:

~~(a)~~

(1) To pay refunds authorized by this part.

~~(b)~~

(2) To pay the department for the cost of the administration of this part.

~~(c)~~

(3) To pay the Office of Emergency Services for its costs in administration of the “911” emergency telephone number system.

~~(d)~~

(4) To pay bills submitted to the Office of Emergency Services by service suppliers or communications equipment companies for the installation of, and ongoing expenses for, the following communications services supplied to local agencies in connection with the “911” emergency phone number system:

~~(1)~~

(A) A basic system, defined as 911 systems, including, but not limited to, Next Generation 911, and the subsequent technologies, and interfaces needed to deliver 911 voice and data information from the 911 caller to the emergency responder and the subsequent technologies, and interfaces needed to send information, including, but not limited to, alerts and warnings, to potential 911 callers.

~~(2)~~

(B) A basic system with telephone central office identification.

~~(3)~~

(C) A system employing automatic call routing.

~~(4)~~

(D) Approved incremental costs.

~~(e)~~

(5) To pay claims of local agencies for approved incremental costs, not previously compensated for by another governmental agency.

~~(f)~~

(6) To pay claims of local agencies for incremental costs and amounts, not previously compensated for by another governmental agency, incurred prior to the effective date of this part, for the installation and ongoing expenses for the following communication services supplied in connection with the "911" emergency telephone number system:

~~(1)~~

(A) A basic system, defined as 911 systems, including, but not limited to, Next Generation 911, and the subsequent technologies, and interfaces needed to deliver 911 voice and data information from the 911 caller to the emergency responder and the subsequent technologies, and interfaces needed to send information, including, but not limited to, alerts and warnings, to potential 911 callers.

~~(2)~~

(B) A basic system with telephone central office identification.

~~(3)~~

(C) A system employing automatic call routing.

~~(4)~~

(D) Approved incremental costs. Incremental costs shall not be allowed unless the costs are concurred in by the Office of Emergency Services.

(b) (1) From the funds in the State Mental Health and Crisis Services Special Fund, all amounts of the 988 surcharge collected are continuously appropriated and shall be spent for purposes identified in Section 53123.6 of the Government Code. However, before funds are disbursed as provide in Section 53123.6 of the Government Code, funds shall be used for all of the following:

(A) To pay refunds authorized by this part.

(B) To pay the department for the cost of the administration of this part.

(C) To pay the Office of Emergency Services for its costs in administration of the 988 crisis hotline.

(2) The remainder of the revenue shall be disbursed to the Office of Emergency Services for the purposes identified in Section 53123.6.

SEC. 26. Section 41150 of the Revenue and Taxation Code is amended to read:

41150. *(a)* The Legislature hereby declares and finds that to enable public agencies to implement "911" emergency phone systems required by the provisions of Chapter 1005 of the 1972 Regular Session (Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code) it is necessary that a surcharge be imposed upon access lines purchased by every person in the state for access to the 911 emergency communication system. This act will provide funding for basic 911, as defined in Section 41136, and the technology and interfaces needed to deliver 911 voice and data information from the 911 caller to the emergency responder and the subsequent technologies, and interfaces needed to send information, including, but not limited to, alerts and warnings, to potential 911 callers. In addition, this part will provide funding for incremental costs.

(b) The Legislature hereby finds and declares that to enable public agencies to implement the "988" hotline required by the provisions of the Miles Hall Lifeline Act (Article 6.1 (commencing with Section 53123) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code) it is necessary that a surcharge be imposed upon access lines purchased by every person in the state for access to the 988 crisis hotline. This act, as amended by the act adding this subdivision will provide funding, in part, for 988 crisis hotline centers operated by counties and mobile crisis support teams and crisis receiving and stabilization services.

SEC. 27. Notwithstanding Section 13340 of the Government Code, the State Mental Health and Crisis Services Special Fund is hereby continuously appropriated to the Office of Emergency Services for allocation as set forth in this act without regard to fiscal year for the purposes of this act.

SEC. 28. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 29. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

The national 988 system will be fully operationalized on July 16, 2022, by which point California must establish the means to answer and respond to calls. Given the Office of Emergency Services, counties, and 988 crisis hotline centers must implement this act within less than one year of its passage, it is necessary for this act to take immediate effect.

REVISIONS:
Heading—Lines 2, 5, and 6.

RESOLUTION 2021-XX

A RESOLUTION OF THE EL CERRITO CITY COUNCIL SUPPORTING FEDERAL LEGISLATION S.127 AND H.R.1581 – THE BUILD AMERICA'S LIBRARIES ACT

WHEREAS, libraries are at the heart of their communities and, in the words of former California Poet Laureate Dana Gioia, are the one place in the community where everyone can feel safe and accepted regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all; and

WHEREAS, libraries provide a vital role as second responders to our community in times of crisis and to those needing respite; and

WHEREAS, the El Cerrito Library has over 36,000 items in its collection including books in English, Spanish and Chinese and a wide range of DVDs, CDs, magazines and audiobooks; and

WHEREAS, the El Cerrito Library provides a variety of programs and clinics for El Cerritans of all ages – including children's story time, the Coloring Club, the Catapult Club, Read to a Dog, English as a second language meetings and a weekly Individual Computer Tutoring program; and

WHEREAS, the El Cerrito library building is over 70 years old, built for a smaller community and lacks some of the essential attributes to provide full service to our community and could be assisted by additional funding; and

WHEREAS, S. 127 and H.R. 1581 have been introduced in the United States Congress as the "Build America's Libraries Act" to provide funding for replacement and renovation of libraries nationwide in order to better meet the needs of all Americans and especially underserved communities; and

WHEREAS, supporters of this Act include the American Library Association, the National League of Cities, the Urban Library Council and more than 30 other library, research and educational associations and groups;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby supports the passage of the Build America's Libraries Act by the United States Congress, with the goal of assisting important upgrades and other funding needs of our local library.

BE IT FUTHER RESOLVED that the City Council authorizes the Mayor to sign letters of support to the appropriate Congressional offices, together with a thank you letter to Representative Mark DeSaulnier for his co-authorship.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on May 18, 2021 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May _______, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor

El Cerrito City Letterhead

Month, Day 2021

The Honorable Mark DeSaulnier
Room 503, Canon House Office Building
Washington, DC 20515

Subject: Thank You for Co-Sponsoring Build America's Libraries Act

Dear Congressmember DeSaulnier:

On behalf of the City of El Cerrito, I want to thank you for your continued support of California's public libraries. The COVID-19 Pandemic has highlighted the importance of our libraries. Now that they can once more be more open to the public, libraries continue to be lifelines to their communities, both physically and through virtual programs.

As you know, the current library building in El Cerrito is inadequate. The structure was the first new library in Contra Costa County built following World War II, when the population of El Cerrito was significantly less. It is inadequate to serve the existing number of patrons. In addition, the size of a library affects staffing size which affects how many hours the library can be open. The county informs us that, based on the library's size, we can only have the library open 46 hours a week, an inadequate period given the need for high speed internet access alone.

Our library also lacks HVAC capacity such that in times of high heat or smoky air, the library must close rather than being able to serve as a place of shelter. The BART tracks run behind the library and there is not adequate sound proofing. The library also lacks adequate meeting rooms to support the many programs that many other libraries are able to provide their patrons without causing interruption to other users. In 2016 a bond measure to provide a new library in El Cerrito failed to get the required supermajority of ⅔ although it was supported by over 63% of those voting. As you are no doubt aware, El Cerrito currently faces significant fiscal problems that will make it more difficult to obtain voter approval of an adequate bond measure.

We appreciate that you have co-sponsored HR 1581, the Build America's Libraries Act (companion bill: S 127) which would provide $5 billion to repair and construct modern library facilities across the nation, especially in underserved areas. The bill would enable libraries to rebuild, refurbish, and expand their facilities – as well as improve our digital infrastructure and purchase devices – to meet the needs of the community. Approximately $500 million of that funding would come to California libraries.

Libraries, as trusted centers of community life and essential infrastructure, are a perfect place to provide many services to support our most needy. We appreciate your support for this important municipal resource.

Paul Fadelli, Mayor

El Cerrito City Letterhead

Month, Day 2021

The Honorable Dianne Feinstein
Room 331, Hart Senate Office Building
Washington, DC 20510

The Honorable Alex Padilla
Room B03, Russell Senate Office Building
Washington, DC 20510

Subject: Support and Co-Sponsor Build America's Libraries Act

Dear Senator Feinstein / Senate Padilla:

The COVID-19 Pandemic has highlighted the need for our public libraries. Now that they can once more be more open to the public, our libraries continue to be lifelines to their communities, both physically and through virtual programs.

S 127 (companion bill: HR 1581), the Build America's Libraries Act, would provide $5 billion to repair and construct modern library facilities across the nation, especially in underserved areas. The bill would enable libraries to rebuild, refurbish, and expand their facilities – as well as improve our digital infrastructure and purchase devices – to meet the needs of the community. Approximately $500 million of that funding would come to California libraries. We are asking that you support and consider co-sponsoring S 127.

Libraries, as trusted centers of community life and essential infrastructure, are a perfect place to provide many services to support our most needy. But when these buildings are inadequate our patrons are ill-served. El Cerrito, like several other locations in Contra Costa County, has an inadequate library. The demographic makeup of the county, together with the ability of residents to use any library within the county, means these locations are not adequately serving the community including areas traditionally underserved.

The El Cerrito library structure was the first new library in Contra Costa County built following World War II, when the population of El Cerrito was significantly less. It is inadequate to serve the current population. In addition, the size of a library determines maximum staffing numbers which affects how many hours the library can be open. The county, which provides staffing for the library, informs us that we can only have the library open 46 hours a week, an inadequate period given the need for high-speed internet access alone.

Our library also lacks HVAC capacity such that in times of high heat or smoky air, the library must close rather than being able to serve as a place of shelter. The BART tracks run behind the library and there is not adequate sound proofing. The library also lacks adequate meeting rooms to support the many programs that many other libraries are able to provide their patrons without causing interruption to other users. In 2016 a bond measure to provide a new library in El Cerrito failed to get the required supermajority of ⅔ although it was supported by over 63% of those voting. El Cerrito currently faces significant fiscal problems that will make it more difficult to obtain voter approval of an adequate bond measure.

We urge you, then, to support and consider co-sponsoring the Build America's Libraries Act.
We thank you for your consideration.

Paul Fadelli, Mayor

CONGRESS.GOV

S.127 - Build America's Libraries Act

117th Congress (2021-2022) | Get alerts

Sponsor: Sen. Reed, Jack [D-RI] (Introduced 01/28/2021)
Committees: Senate - Health, Education, Labor, and Pensions
Latest Action: 01/28/2021 Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Sponsor introductory remarks on measure: CR S201) (All Actions)
Tracker: **Introduced** Passed Senate Passed House To President Became Law

Summary(1) Text(1) Actions(1) Titles(2) Amendments(0) Cosponsors(17) Committees(1) Related Bills(1)

There is one summary for S.127. Bill summaries are authored by CRS.

Shown Here:
Introduced in Senate (01/28/2021)

Build America's Libraries Act

This bill establishes and provides funds through FY2024 for the Build America's Libraries Fund, from which the Institute of Museum and Library Services (IMLS) must allocate funding to states and, through them, need-based grants to libraries to make long-term improvements to library facilities. The IMLS must also award grants to Indian tribes and organizations that primarily serve and represent Native Hawaiians.

Specifically, the bill requires each state that receives an allocation, and each library that receives a grant, to carry out certain activities to improve library facilities. These activities include constructing and renovating library facilities, investing in infrastructure projects to improve internet access and connectivity, improving indoor air quality, and making facilities accessible to individuals with disabilities.

The bill also outlines administrative and oversight provisions, including by requiring library projects to use iron and steel products that are produced in the United States.

II

117TH CONGRESS
1ST SESSION

S. 127

To support library infrastructure.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. REED (for himself, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

A BILL

To support library infrastructure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Build America's Libraries Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to support long-term improvements to library facilities (including addressing needs that have arisen due to COVID–19) in order for libraries to better serve underserved and distressed communities, low-income and rural areas, and people with disabilities and vulnerable library users including children and seniors.

SEC. 3. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term ''Director'' has the meaning given the term in section 202 of the Museum and Library Services Act (20 U.S.C. 9101).

(2) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 202 of the Museum and Library Services Act (20 U.S.C. 9101).

(3) LIBRARY.—The term ''library'' has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

(4) STATE.—The term ''State'' has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

(5) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term ''State library administrative agency'' has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

SEC. 4. BUILD AMERICA'S LIBRARIES FUND.

(a) ESTABLISHMENT.—From the amount appropriated under section 9, there is established a Build America's Libraries Fund for the purpose of supporting long-term improvements to library facilities in accordance with this Act.

(b) RESERVATIONS.—From the amount available in the Build America's Libraries Fund, the Director shall reserve 3 percent to award grants to Indian Tribes and to organizations that primarily serve and represent Native Hawaiians, in the same manner as the Director makes grants under section 261 of the Library Services and Technology Act (20 U.S.C. 9161) to enable such Indian Tribes and organizations to carry out the activities described in paragraphs (1) through (9) of section 5(c).

SEC. 5. ALLOCATION TO STATES.

(a) ALLOCATION TO STATES.—

(1) STATE-BY-STATE ALLOCATION.—

(A) IN GENERAL.—From the amount available in the Build America's Libraries Fund and not reserved under section 4(b), each State that has a plan approved by the Director under subsection (b) shall be allocated an amount in the same manner as the Director makes allotments to States under section 221(b) of the Library Services and Technology Act (20 U.S.C.

9131(b)), except that, for purposes of this section, the minimum allotment for each State shall be $10,000,000, except that the minimum allotment shall be $500,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(B) REALLOCATION OF REMAINING FUNDS.—

(i) IN GENERAL.—From the remainder of any amounts not reserved or allocated under subparagraph (A), on the date that is 1 year after the date of enactment of this Act, the Director shall allocate to each State that has a plan approved by the Director under subsection (b), an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

(ii) DATA.—For the purposes of clause (i), the population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

(2) STATE RESERVATIONS.—A State shall reserve not more than 4 percent of its allocation under paragraph (1) for administrative costs and to provide technical assistance to libraries that are eligible to apply for a grant under section 6.

(b) STATE PLAN.—

(1) IN GENERAL.—To be eligible to receive an allocation under this section, a State library administrative agency shall submit to the Director a plan that includes such information as the Director may require, including at a minimum—

(A) a description of how the State will use the allocation to make long-term improvements to library facilities with a focus on underserved and marginalized communities;

(B) a description regarding how the State will carry out its responsibility to provide technical assistance under subsection (a)(2), including providing, as appropriate, training and resources to help library staff maximize the use, functionality, and accessibility of library facilities improved under this section;

(C) a description regarding how the State will make the determinations of eligibility and priority under subsections (b) and (d) of section 6;

(D) a certification that the State has met the maintenance of effort requirements under section 223(c) of the Library Services and Technology Act (20 U.S.C. 9133(c)); and

(E) an assurance that the State will meet the supplement not supplant requirement under section 7(c).

(2) APPROVAL.—

(A) IN GENERAL.—The Director shall approve a State plan submitted under paragraph (1) that meets the requirements of paragraph (1) and provides satisfactory assurances that the provisions of such plan will be carried out.

(B) PUBLIC AVAILABILITY.—Each State library administrative agency receiving an allocation under this section shall make the State plan available to the public, including through electronic means.

(C) ADMINISTRATION.—If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

(i) immediately notify the State library administrative agency of such determination and the reasons for such determination;

(ii) offer the State library administrative agency the opportunity to revise its State plan;

(iii) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

(iv) provide the State library administrative agency the opportunity for a hearing.

(c) USES OF FUNDS.—Each State receiving an allocation under this section shall use the funds for any 1 or more of the following:

(1) Constructing, renovating, modernizing, or retrofitting library facilities in the State, which may include—

(A) financing new library facilities;

(B) making capital improvements to existing library facilities, including buildings, facilities, grounds, and bookmobiles;

(C) enhancing library facilities to improve the overall safety and health of library patrons and staff, including improvements directly related to reducing the risk of community spread of COVID–19; and

(D) addressing the vulnerability of library facilities to natural disasters and hazards.

(2) Investing in infrastructure projects related to improving internet access and connectivity in library facilities and for library patrons, including projects related to high-speed broadband, technology hardware, and mobile hotspots and similar equipment.

(3) Improving energy and water efficiency and addressing the environmental impacts of library facilities.

(4) Improving indoor air quality and ventilation in library facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering and other air cleaning, fans, control systems, and window and door repair and replacement.

(5) Reducing or eliminating the presence in library facilities of potential hazards to library staff and patrons, including—

(A) toxic substances, including mercury, radon, PCBs, lead, and asbestos; or

(B) mold and mildew.

(6) Ensuring the safety of drinking water at the tap in library facilities, which may include testing of the potability of water at the tap for the presence of lead and other contaminants.

(7) Ensuring that library facilities are—

(A) accessible to people with disabilities, including by implementing universal and inclusive design; and

(B) in compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(8) Improving library facilities for the purposes of supporting place-based services or community-based partnerships that provide library patrons with access to educational, workforce, behavioral health, mental health, and social services.

(9) Assessing the condition of existing library facilities and the need for new or improved library facilities and developing facilities master plans.

SEC. 6. NEED-BASED GRANTS TO LIBRARIES.

(a) GRANTS TO LIBRARIES.—From the amounts allocated to a State under section 5(a), the State library administrative agency shall award grants to libraries, on a competitive basis, to carry out the activities described in paragraphs (1) through (9) of section 5(c).

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a library shall be—

(1) a public library;

(2) a tribal library; or

(3) a State library or a State archive, with respect to outlets and facilities that provide library service directly to the general public.

(c) APPLICATION.—A library described in subsection (b) that desires to receive a grant under this section shall submit an application to the State library administrative agency at such time, in such manner, and containing such information as the State library administrative agency may require, including—

(1) the information necessary for the State to make a determination of the library's eligibility for the grant and priority under subsection (d); and

(2) a description of the projects that the library plans to carry out with the grant, in accordance with paragraphs (1) through (9) of section 5(c), including—

(A) the rationale the library used to select such project; and

(B) a description of how the library took into consideration the impacts of such projects on underserved or marginalized communities, including families with incomes below the poverty line (as defined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(d) PRIORITY OF GRANTS.—In awarding grants under this section, the State—

(1) shall give first priority to eligible libraries that demonstrate the greatest need for such a grant in order to plan for, and make long-term improvements to, library facilities that predominantly provide service to underserved or marginalized communities, including families with incomes below the poverty line (as defined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); and

(2) may additionally give priority to eligible libraries that will use the grant to replace, renovate, modernize, or retrofit existing library facilities in order to—

(A) make health, safety, resiliency, hazard mitigation, or emergency preparedness improvements to existing library facilities that pose a severe health or safety threat to library patrons or staff, which may include a threat posed by the proximity of the facilities to toxic sites or the vulnerability of the facilities to natural disasters;

(B) install or upgrade hardware that will improve access to high-speed broadband for library patrons of the library facilities;

(C) improve access for library patrons or staff with disabilities to use the library facilities and its equipment; or

(D) improve the energy efficiency of or reduce the carbon emissions or negative environmental impacts resulting from the existing library facilities.

(e) SUPPLEMENT NOT SUPPLANT.—A library shall use a grant received under this section only to supplement the level of Federal, State, and local public funds that would, in the absence of such grant, be made available for the activities supported by the grant, and not to supplant such funds.

SEC. 7. ADMINISTRATION AND OVERSIGHT.

(a) NO PROHIBITION AGAINST CONSTRUCTION.—Section 210A of the Museum and Library Services Act (20 U.S.C. 9109) shall not apply to this Act.

(b) NO MATCHING REQUIREMENT OR NON-FEDERAL SHARE.—Notwithstanding any other provision of law, a State, Indian Tribe, organization, library, or other entity that receives funds under this Act shall not be required to provide matching funds or a non-Federal share toward the cost of the activities carried out with the funds.

(c) SUPPLEMENT NOT SUPPLANT.—A State shall use an allocation received under section 5 only to supplement the level of Federal, State, and local public funds that would, in absence of such allocation, be made available for the activities supported by the allocation, and not to supplant such funds.

(d) ADMINISTRATIVE COSTS.—From the amount appropriated under section 9, the Director may allocate not more than 3 percent of such amount for program administration, oversight activities, research, analysis, and data collection related to the purposes of the Build America's Libraries Fund.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and annually thereafter until all funds provided under this Act have been expended, the Director shall issue reports to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Appropriations and the Committee on Education and Labor of the House of Representatives detailing how funding under this Act has been spent and its impact on improving library services in communities that are served, including underserved and marginalized populations, Indian Tribes, and Native Hawaiian communities, and shall make such reports publicly available on the website of the Institute of Museum and Library Services.

(2) STATE REPORT.—A State that receives funds under this Act shall, not later than 1 year after the date of enactment of this Act, and annually thereafter until all funds have been expended, submit a report to the Director at such time and in such manner as the Director may require.

(f) AMERICAN IRON AND STEEL PRODUCTS.—

(1) IN GENERAL.—As a condition on receipt of funds under this Act for a project, an entity shall ensure that all of the iron and steel products used in the project are produced in the United States.

(2) APPLICATION.—Paragraph (1) shall be waived in any case or category of cases in which the Director finds that—

(A) applying subparagraph (A) would be inconsistent with the public interest;

(B) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(C) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(3) WAIVER.—If the Director receives a request for a waiver under this subsection, the Director shall make available to the public, on an informal basis, a copy of the request and information available to the Director concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Director shall make the request and ac-

companying information available by electronic means.

(4) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

(5) MANAGEMENT AND OVERSIGHT.—The Director may retain up to 0.25 percent of the funds appropriated for this Act for management and oversight of the requirements of this subsection.

(6) EFFECTIVE DATE.—This paragraph does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of this Act.

SEC. 8. OTHER REQUIREMENTS.

For fiscal year 2022 and each succeeding fiscal year, with respect to each contract or subcontract funded, in whole or in part, under a grant under this Act—

(1) the provisions of subchapter IV of chapter 31 of title 40, United States Code, shall apply with respect to laborers or mechanics for each construc-

tion contract or subcontract funded, in whole or in part, through such grant; and

(2) the provisions of chapter 67 of title 41, United States Code, shall apply with respect to service employees for each contract or subcontract funded, in whole or in part, under this Act, except that, for purposes of such chapter, the term ''service employee'' shall—

(A) have the meaning given the term in section 6701 of such title;

(B) include employees that are routine operations workers or routine maintenance workers; and

(C) not include any employee covered under paragraph (1).

SEC. 9. APPROPRIATION OF FUNDS.

There is authorized to be appropriated, and there is appropriated, to carry out this Act, $5,000,000,000, for the period of fiscal years 2022 through 2024, to remain available until expended.

○

CONGRESS.GOV

H.R.1581 - Build America's Libraries Act

117th Congress (2021-2022) | Get alerts

Sponsor: Rep. Levin, Andy [D-MI-9] (Introduced 03/03/2021)
Committees: House - Education and Labor
Latest Action: House - 03/03/2021 Referred to the House Committee on Education and Labor. (All Actions)
Tracker: **Introduced** Passed House Passed Senate To President Became Law

Summary(1) Text(1) Actions(2) Titles(2) Amendments(0) Cosponsors(112) Committees(1) Related Bills(1)

There is one summary for H.R.1581. Bill summaries are authored by CRS.

Shown Here:
Introduced in House (03/03/2021)

Build America's Libraries Act

This bill establishes and provides funds through FY2024 for the Build America's Libraries Fund, from which the Institute of Museum and Library Services (IMLS) must allocate funding to states and, through them, need-based grants to libraries to make long-term improvements to library facilities. The IMLS must also award grants to Indian tribes and organizations that primarily serve and represent Native Hawaiians.

Specifically, the bill requires each state that receives an allocation, and each library that receives a grant, to carry out certain activities to improve library facilities. These activities include constructing and renovating library facilities, investing in infrastructure projects to improve internet access and connectivity, improving indoor air quality, and making facilities accessible to individuals with disabilities.

The bill also outlines administrative and oversight provisions, including by requiring library projects to use iron and steel products that are produced in the United States.

I

117TH CONGRESS
1ST SESSION

H. R. 1581

To support library infrastructure.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2021

Mr. LEVIN of Michigan (for himself, Ms. TLAIB, Mr. TONKO, Mr. COOPER, Ms. NORTON, Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Mr. LOWENTHAL, Mr. GRIJALVA, Mr. VARGAS, Mr. SIRES, Mrs. BUSTOS, Mr. YOUNG, Ms. KAPTUR, Mr. MORELLE, Ms. DEAN, Ms. JAYAPAL, Ms. TITUS, Mr. BLUMENAUER, Ms. JACKSON LEE, Mr. KILMER, Mr. MCGOVERN, Mr. WELCH, Mr. LANGEVIN, Mr. MCNERNEY, Ms. OCASIO-CORTEZ, Ms. VELÁZQUEZ, Ms. WILD, Mr. PANETTA, Mr. POCAN, Mr. RYAN, Mr. CASTEN, Ms. DAVIDS of Kansas, Ms. MENG, Ms. CHU, Ms. JOHNSON of Texas, Ms. KUSTER, Mr. HUFFMAN, Mrs. BEATTY, Mr. KILDEE, Mr. RASKIN, Mr. COURTNEY, Mr. NADLER, Mr. KAHELE, Mr. CICILLINE, Mr. ESPAILLAT, Mr. GALLEGO, Ms. PINGREE, Mr. JONES, Mrs. NAPOLITANO, Mr. BOWMAN, Mr. O'HALLERAN, Mrs. HAYES, and Mr. CROW) introduced the following bill; which was referred to the Committee on Education and Labor

---

A BILL

To support library infrastructure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Build America's Libraries Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to support long-term improvements to library facilities (including addressing needs that have arisen due to COVID–19) in order for libraries to better serve underserved and distressed communities, low-income and rural areas, and people with disabilities and vulnerable library users including children and seniors.

SEC. 3. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term ‘‘Director’’ has the meaning given the term in section 202 of the Museum and Library Services Act (20 U.S.C. 9101).

(2) INDIAN TRIBE.—The term ‘‘Indian Tribe’’ has the meaning given the term ‘‘Indian tribe’’ in section 202 of the Museum and Library Services Act (20 U.S.C. 9101).

(3) LIBRARY.—The term ‘‘library’’ has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

(4) STATE.—The term ‘‘State’’ has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

(5) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term ‘‘State library administrative agen-

cy'' has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

SEC. 4. BUILD AMERICA'S LIBRARIES FUND.

(a) ESTABLISHMENT.—From the amount appropriated under section 9, there is established a Build America's Libraries Fund for the purpose of supporting long-term improvements to library facilities in accordance with this Act.

(b) RESERVATIONS.—From the amount available in the Build America's Libraries Fund, the Director shall reserve 3 percent to award grants to Indian Tribes and to organizations that primarily serve and represent Native Hawaiians, in the same manner as the Director makes grants under section 261 of the Library Services and Technology Act (20 U.S.C. 9161) to enable such Indian Tribes and organizations to carry out the activities described in paragraphs (1) through (9) of section 5(c).

SEC. 5. ALLOCATION TO STATES.

(a) ALLOCATION TO STATES.—

(1) STATE-BY-STATE ALLOCATION.—

(A) IN GENERAL.—From the amount available in the Build America's Libraries Fund and not reserved under section 4(b), each State that has a plan approved by the Director under subsection (b) shall be allocated an amount in the same manner as the Director makes allotments to States under section 221(b) of the Library Services and Technology Act (20 U.S.C. 9131(b)), except that, for purposes of this section, the minimum allotment for each State shall be $10,000,000, except that the minimum allotment shall be $500,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(B) REALLOCATION OF REMAINING FUNDS.—

(i) IN GENERAL.—From the remainder of any amounts not reserved or allocated under subparagraph (A), on the date that is 1 year after the date of enactment of this Act, the Director shall allocate to each State that has a plan approved by the Director under subsection (b), an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

(ii) DATA.—For the purposes of clause (i), the population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

(2) STATE RESERVATIONS.—A State shall reserve not more than 4 percent of its allocation under paragraph (1) for administrative costs and to provide technical assistance to libraries that are eligible to apply for a grant under section 6.

(b) STATE PLAN.—

(1) IN GENERAL.—To be eligible to receive an allocation under this section, a State library administrative agency shall submit to the Director a plan that includes such information as the Director may require, including at a minimum—

(A) a description of how the State will use the allocation to make long-term improvements to library facilities with a focus on underserved and marginalized communities;

(B) a description regarding how the State will carry out its responsibility to provide technical assistance under subsection (a)(2), including providing, as appropriate, training and resources to help library staff maximize the use, functionality, and accessibility of library facilities improved under this section;

(C) a description regarding how the State will make the determinations of eligibility and priority under subsections (b) and (d) of section 6;

(D) a certification that the State has met the maintenance of effort requirements under section 223(c) of the Library Services and Technology Act (20 U.S.C. 9133(c)); and

(E) an assurance that the State will meet the supplement not supplant requirement under section 7(c).

(2) APPROVAL.—

(A) IN GENERAL.—The Director shall approve a State plan submitted under paragraph (1) that meets the requirements of paragraph (1) and provides satisfactory assurances that the provisions of such plan will be carried out.

(B) PUBLIC AVAILABILITY.—Each State library administrative agency receiving an allocation under this section shall make the State plan available to the public, including through electronic means.

(C) ADMINISTRATION.—If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

(i) immediately notify the State library administrative agency of such determination and the reasons for such determination;

(ii) offer the State library administrative agency the opportunity to revise its State plan;

(iii) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

(iv) provide the State library administrative agency the opportunity for a hearing.

(c) USES OF FUNDS.—Each State receiving an allocation under this section shall use the funds for any 1 or more of the following:

(1) Constructing, renovating, modernizing, or retrofitting library facilities in the State, which may include—

(A) financing new library facilities;

(B) making capital improvements to existing library facilities, including buildings, facilities, grounds, and bookmobiles;

(C) enhancing library facilities to improve the overall safety and health of library patrons and staff, including improvements directly related to reducing the risk of community spread of COVID–19; and

(D) addressing the vulnerability of library facilities to natural disasters and hazards.

(2) Investing in infrastructure projects related to improving internet access and connectivity in library facilities and for library patrons, including projects related to high-speed broadband, technology hardware, and mobile hotspots and similar equipment.

(3) Improving energy and water efficiency and addressing the environmental impacts of library facilities.

(4) Improving indoor air quality and ventilation in library facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering and other air cleaning, fans, control systems, and window and door repair and replacement.

(5) Reducing or eliminating the presence in library facilities of potential hazards to library staff and patrons, including—

(A) toxic substances, including mercury, radon, PCBs, lead, and asbestos; or

(B) mold and mildew.

(6) Ensuring the safety of drinking water at the tap in library facilities, which may include testing of the potability of water at the tap for the presence of lead and other contaminants.

(7) Ensuring that library facilities are—

(A) accessible to people with disabilities, including by implementing universal and inclusive design; and

(B) in compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(8) Improving library facilities for the purposes of supporting place-based services or community-based partnerships that provide library patrons with access to educational, workforce, behavioral health, mental health, and social services.

(9) Assessing the condition of existing library facilities and the need for new or improved library facilities and developing facilities master plans.

SEC. 6. NEED-BASED GRANTS TO LIBRARIES.

(a) GRANTS TO LIBRARIES.—From the amounts allocated to a State under section 5(a), the State library administrative agency shall award grants to libraries, on a competitive basis, to carry out the activities described in paragraphs (1) through (9) of section 5(c).

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a library shall be—

(1) a public library;

(2) a tribal library; or

(3) a State library or a State archive, with respect to outlets and facilities that provide library service directly to the general public.

(c) APPLICATION.—A library described in subsection (b) that desires to receive a grant under this section shall submit an application to the State library administrative agency at such time, in such manner, and containing such information as the State library administrative agency may require, including—

(1) the information necessary for the State to make a determination of the library's eligibility for the grant and priority under subsection (d); and

(2) a description of the projects that the library plans to carry out with the grant, in accordance with paragraphs (1) through (9) of section 5(c), including—

(A) the rationale the library used to select such project; and

(B) a description of how the library took into consideration the impacts of such projects on underserved or marginalized communities, including families with incomes below the poverty line (as defined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(d) PRIORITY OF GRANTS.—In awarding grants under this section, the State—

(1) shall give first priority to eligible libraries that demonstrate the greatest need for such a grant in order to plan for, and make long-term improvements to, library facilities that predominantly provide service to underserved or marginalized communities, including families with incomes below the poverty line (as defined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); and

(2) may additionally give priority to eligible libraries that will use the grant to replace, renovate, modernize, or retrofit existing library facilities in order to—

(A) make health, safety, resiliency, hazard mitigation, or emergency preparedness improvements to existing library facilities that pose a severe health or safety threat to library patrons or staff, which may include a threat posed by the proximity of the facilities to toxic sites or the vulnerability of the facilities to natural disasters;

(B) install or upgrade hardware that will improve access to high-speed broadband for library patrons of the library facilities;

(C) improve access for library patrons or staff with disabilities to use the library facilities and its equipment; or

(D) improve the energy efficiency of or reduce the carbon emissions or negative environmental impacts resulting from the existing library facilities.

(e) SUPPLEMENT NOT SUPPLANT.—A library shall use a grant received under this section only to supplement the level of Federal, State, and local public funds that would, in the absence of such grant, be made available for the activities supported by the grant, and not to supplant such funds.

SEC. 7. ADMINISTRATION AND OVERSIGHT.

(a) NO PROHIBITION AGAINST CONSTRUCTION.—Section 210A of the Museum and Library Services Act (20 U.S.C. 9109) shall not apply to this Act.

(b) NO MATCHING REQUIREMENT OR NON-FEDERAL SHARE.—Notwithstanding any other provision of law, a State, Indian Tribe, organization, library, or other entity that receives funds under this Act shall not be required to provide matching funds or a non-Federal share toward the cost of the activities carried out with the funds.

(c) SUPPLEMENT NOT SUPPLANT.—A State shall use an allocation received under section 5 only to supplement the level of Federal, State, and local public funds that would, in absence of such allocation, be made available for the activities supported by the allocation, and not to supplant such funds.

(d) ADMINISTRATIVE COSTS.—From the amount appropriated under section 9, the Director may allocate not more than 3 percent of such amount for program administration, oversight activities, research, analysis, and data collection related to the purposes of the Build America's Libraries Fund.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and annually thereafter until all funds provided under this Act have been expended, the Director shall issue reports to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Appropriations and the Committee on Education and Labor of the House of Representatives detailing how funding under this Act has been spent and its impact on improving library services in communities that are served, including underserved and marginalized populations, Indian Tribes, and Native Hawaiian communities, and shall make such reports publicly available on the website of the Institute of Museum and Library Services.

(2) STATE REPORT.—A State that receives funds under this Act shall, not later than 1 year after the date of enactment of this Act, and annually thereafter until all funds have been expended, submit a report to the Director at such time and in such manner as the Director may require.

(f) AMERICAN IRON AND STEEL PRODUCTS.—

(1) IN GENERAL.—As a condition on receipt of funds under this Act for a project, an entity shall ensure that all of the iron and steel products used in the project are produced in the United States.

(2) APPLICATION.—Paragraph (1) shall be waived in any case or category of cases in which the Director finds that—

(A) applying subparagraph (A) would be inconsistent with the public interest;

(B) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(C) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(3) WAIVER.—If the Director receives a request for a waiver under this subsection, the Director shall make available to the public, on an informal basis, a copy of the request and information available to the Director concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Director shall make the request and ac-

companying information available by electronic means.

(4) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

(5) MANAGEMENT AND OVERSIGHT.—The Director may retain up to 0.25 percent of the funds appropriated for this Act for management and oversight of the requirements of this subsection.

(6) EFFECTIVE DATE.—This paragraph does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of this Act.

SEC. 8. OTHER REQUIREMENTS.

For fiscal year 2022 and each succeeding fiscal year, with respect to each contract or subcontract funded, in whole or in part, under this Act—

(1) the provisions of subchapter IV of chapter 31 of title 40, United States Code, shall apply with respect to laborers or mechanics for each construc-

tion contract or subcontract funded, in whole or in part, under this Act; and

(2) the provisions of chapter 67 of title 41, United States Code, shall apply with respect to service employees for each contract or subcontract funded, in whole or in part, under this Act, except that, for purposes of such chapter, the term ''service employee'' shall—

(A) have the meaning given the term in section 6701 of such title;

(B) include employees that are routine operations workers or routine maintenance workers; and

(C) not include any employee covered under paragraph (1).

SEC. 9. APPROPRIATION OF FUNDS.

There is authorized to be appropriated, and there is appropriated, to carry out this Act, $5,000,000,000, for the period of fiscal years 2022 through 2024, to remain available until expended.

○

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING TITLE 19 OF THE EL CERRITO MUNICPAL CODE SECTIONS 19.30.030 AND 19.30.040 RELATED TO INCLUSIONARY ZONING AND A LIMITED EXTENSION OF EXEMPTIONS TO ACCOUNT FOR THE IMPACTS OF THE COVID-19 PANDEMIC.

WHEREAS, the San Pablo Specific Plan and Form Based Code were adopted in 2014 to promote new high-density and mixed use in transit-oriented development for all income levels;

WHEREAS, the El Cerrito Affordable Housing Strategy adopted on August 17, 2017 identifies four policy pillars for implementation over the next five years to produce, protect and preserve affordable housing for El Cerrito residents;

WHEREAS, Pillar A: Leveraging private development to address affordable housing needs, of the El Cerrito Affordable Housing Strategy, recommends establishing a new inclusionary zoning ordinance and/or enacting new housing in-lieu fees for affordable housing;

WHEREAS, on May 15, 2018, the El Cerrito City Council adopted an ordinance (Inclusionary Zoning Ordinance) adding Chapter 19:30: Inclusionary Zoning to the El Cerrito Municipal Code;

WHEREAS, the Inclusionary Zoning Ordinance initially exempted projects with approved entitlements or a complete entitlement application as of the effective date of the ordinance, provided that a building permit was issued within two years of entitlement or by June 30, 2021, whichever came first;

WHEREAS, the COVID-19 global pandemic has added much uncertainty to financial markets;

WHEREAS, on June 2, 2020, the City Council amended the ordinance allowing existing exempt projects to be exempt from the ordinance until June 30, 2021, provided that a building permit application is submitted by this date and the permit is issued within six months of submittal;

WHEREAS, in order to allow developers to secure financing to construct entitled projects in the current uncertain environment, additional time is needed;

WHEREAS, the proposed ordinance amendments will allow additional time to secure financing by allowing existing exempt projects to submit an application to the City Manager to request a limited extension from the ordinance by June 30, 2021, provided that a building permit application is submitted by January 1, 2022 and construction begins by July 1, 2022;

WHEREAS, any approved extension will expire on January 1, 2022, if a building permit application has not been submitted, and July 1, 2022, if construction has not commenced;

WHEREAS, no extension of exemption may be approved for a project if noticed violations of the Municipal Code, California Building Codes, or other state or federal laws related to conditions on the Residential Development project property have not been corrected prior to the filing of an extension application;

WHEREAS, the City of El Cerrito supports the production of housing at all income levels; and

WHEREAS, on April 21, 2021 the Planning Commission, adopted Resolution PC2021-06 recommending that the City Council amend Chapter 19.30, “Inclusionary Zoning” of the El Cerrito Municipal Code, as detailed in this ordinance.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Incorporation of Recitals. The City Council finds that the above Recitals are true and correct and are incorporated herein by reference.

Section 2: Amendment of Title 19 of the Municipal Code. Subsection D of Section 19.30.030 and Subsection A of Section 19.30.040 of the El Cerrito Municipal Code is hereby amended to read as follows: *(~~strikeout~~ indicating deleted text and underline indicating added text)*

19.30.030. - Effective Date and Applicability.

D. Special Circumstances Related to Exemptions.

3. Limited extension of exemption due to COVID-19 delay. In recognition of delays to residential development projects resulting from the economic dislocations of the COVID-19 pandemic, Residential Development projects that are exempt under subsections (C)(4) and (C)(5) of this Section may apply for a limited extension of their exemption, as provided for in this subsection.

   a. An application for a limited extension under this subsection shall be filed by June 30, 2021, and include all of the following:

      1. An application on a form prepared by the City or a Letter of Request.
      2. A narrative description on the economic impacts of the COVID-19 pandemic on the Residential Development project.
      3. A project schedule for the Residential Development project showing that the applicant will be able to file a substantially complete application for building permits by January 1, 2021, and to begin construction of the Residential Development project by July 1, 2022.
      4. An Application Fee to be established by the City Council.

b. The City Manager may grant a limited extension of a Residential Development project's exemption from this Chapter under subsections (C)(4) and (C)(5) of this Section, based upon a determination, in light of the information provided in the application and any other information regarding the economic impact of the COVID-19 pandemic on the project or information regarding the project schedule and delays in the project and delays in the project that the City Manager considers relevant, that the Applicant will be able to comply with the requirements of the extension listed below. Any extension granted shall be subject to the following conditions and any others that the City Manager determines are necessary or appropriate for the Residential Development project:

   1. The Applicant shall submit a building permit application by January 1, 2022; and

   2. The Applicant shall start construction by July 1, 2022.

c. No extension of exemption may be approved for a Residential Development project if noticed violations of the Municipal Code, California Building Codes, or other state or federal laws related to conditions on the Residential Development project property have not been corrected prior to the filing of an extension application.

d. In the event that an extension is approved by the City Manager and the Residential Development has not submitted a building permit application by January 1, 2022, or construction of the Residential Development project has not commenced by July 1, 2022, the provisions of this Chapter shall apply, unless the requirements are waived pursuant to Section 19.30.070(C).

19.30.040. - Inclusionary Housing Requirements.

A. Inclusionary Housing Requirement.

   1. All new residential developments and contiguous property under common ownership and control shall include inclusionary units. Calculations of the number of inclusionary units required by this section shall be based on the number of dwelling units in the residential development, ~~excluding~~ including any density bonus units as defined in this chapter.

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

Section 4: Effective Date. This Ordinance shall take effect and be enforced thirty days after the date of its adoption. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on May 4, 2021 and passed by the following vote:

AYES:	Mayor Fadelli; Mayor Pro Tem Quinto; Councilmembers Abelson, Motoyama, and Rudnick
NOES:	None
ABSENT:	None
ABSTAIN:	None

ADOPTED AND ORDERED published at a regular meeting of the City Council held on May 18, 2021 and passed by the following vote:

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

APPROVED:

____
Paul Fadelli, Mayor

ATTEST:

____
Holly M. Charléty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charléty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2021-02 of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the 18th day of May, 2021; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this _ ______ day of May, 2021.

____
Holly M. Charléty, City Clerk

AGENDA BILL

THE CITY OF EL CERRITO

Agenda Item No. 4.E.

Date: May 18, 2021
To: El Cerrito City Council
From: Ana Bernardes, Engineering Manager/Senior Engineer, Public Works Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Construction Contract Award for 2021 Slurry Seal Project, City Project No. C3027.22

ACTION PROPOSED

Adopt a resolution approving plans and specifications for the 2021 Slurry Seal Project, City Project No. C3027.22 (Project); accepting the four submitted bids for the Project; authorizing the City Manager to execute a contract in the amount of $395,286.97 with Pavement Coatings Co. Inc. and to approve change orders in an amount not to exceed $40,000 for the construction of the Project; and amend the Fiscal Year (FY) 2020-2021 Adopted Budget and Measure A Annual Program of Maintenance and Improvement to appropriate an additional $151,537 in the Measure A Street Improvement Fund for the Project.

BACKGROUND

Project Description

The 2021 Slurry Seal Project is a component of the Annual Street Improvement Program. This project is intended to resurface 19 street segments, which currently have minor distressed pavement conditions. These segments are listed below.

Street Name	From	To
Alta Vista Avenue	Monte Vista Avenue	Arlington Blvd.
Alma Avenue	Cutting Blvd.	Jordan Avenue
Irma Street	Cutting Blvd.	Carquinez Avenue
Ashbury Avenue	Fairmont Avenue	South City Limits
Elm Street/Richmond St.	Summit School	Potrero Avenue
Fairmount Avenue	Carlson Blvd.	San Pablo Avenue
Harris Avenue	Barrett Avenue	Pointsett Avenue
Rosalind Avenue	Harris Avenue	Hillside Avenue
Jefferson Avenue	San Pablo Avenue	West City Limit

Navallier Street	Potrero Avenue	Blake Street
Pomona Avenue	Fairmount Avenue	Lynn Avenue
Potrero Avenue	San Pablo Avenue	West City Limit
San Mateo Street	North City Limit	South City Limit
Santa Clara Avenue	El Dorado St	Central Park
Silva Avenue	Zara Avenue	West City Limit
Susan Avenue	Colusa Avenue	Bonnie Drive
View Drive	Harvard Street	Scenic Avenue
Wesley Avenue	Walnut Street	Blake Street
Yolo Avenue	El Dorado Avenue	Central Avenue

The work generally consists of repairing localized pavement failures (patch paving), sealing pavement cracks, applying a slurry seal treatment, installation of traffic striping and markings, and other related work. In the fall of 2019, the City completed patch paving and crack sealing for 12 of the segments listed above, and had anticipated completing the slurry seal treatment in late spring/early summer 2020. However, due to the impacts of COVID-19 pandemic, the bidding of the work was postponed. To streamline completion of last year's work and address additional street segments in need of maintenance, City staff has combined the work needed on for the 19 street segments.

In addition, per the City's Active Transportation Plan, Policy 3-8, which calls for coordination of paving projects with implementation of bicycle and pedestrian improvements, as well as in response to requests from residents, the Project will also enhance the traffic striping, pavement markings, and signage on two roadways segments to improve bicycle facilities and pedestrian facilities. On Ashbury Avenue from Fairmount Avenue to the south city limit, the bicycle lanes will be upgraded to buffered bike lanes and crosswalk markings will be enhanced. On Potrero Ave from San Pablo Avenue to the west city limit, bike lanes will be installed, and crosswalk markings will also be enhanced. The width of travel and parking lanes will be reduced to calm traffic speeds, while on-street parking will be maintained.

Bidding
The Project was advertised for bids in the West County Times on March 30 and April 6, 2021. Additionally, the notice and complete set of contract documents were sent to eight Builder and Construction Exchanges in the Bay Area and Northern California and were available for purchase through the BPXpress website, an online planroom service used by the City. A non-mandatory pre-bid meeting was held on April 13, 2021, and one contractor attended. One addendum was issued. Due to the COVID-19 health orders, bidders were instructed to submit bids electronically via a secure online portal.

ANALYSIS
Four bids were received by the advertised bid opening date and time of April 20, 2021 at 2 p.m. The bids were publicly opened and read by the City Clerk via a WebEx meeting. All four bids were checked for completeness and were found to be responsive. The bid results are summarized below.

Order by Bid Amount	Bidder	Bid Amount
1	Pavement Coatings, Woodland	$395,286.97
2	VSS International, West Sacramento	$406,999.00
3	Graham Contractors, San Jose	$474,222.65
4	Bond Blacktop, Union City	$474,566.17
Engineer's Estimate		**$312,115.00**

The bid from Pavement Coatings of $395,286.97 is the lowest although approximately 27 percent above the Engineer's Estimate. The Engineer's Estimate is based on unit prices from prior similar projects and prices from other agencies in the area. Some of these prices were from before the pandemic. Prices for asphalt have since been affected. With the summer months approaching, we anticipate prices will tend to continue increasing. The slurry seal treatment must be placed on the road when temperatures are above 55 degrees, and takes several hours to set so it is optimal to complete this work in late spring/summer.

Given these considerations, City staff recommends that the City Council award the construction contract in the amount of $395,286.97 to Pavement Coatings as the lowest responsive and responsible bidder. City staff also recommends that City Council approve change orders in an amount not to exceed $40,000 for the construction of the Project.

STRATEGIC PLAN CONSIDERATIONS
Award of the construction contract is consistent with the following El Cerrito Strategic Plan Goals:

- Goal D – Develop and rehabilitate public facilities as community focal points by addressing ongoing and deferred maintenance of facilities and infrastructure; and
- Goal E – Ensure the public's health and safety by maintaining streets in a state of good repair for all modes of transportation.

ENVIRONMENTAL CONSIDERATIONS

The Project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project is a repair to an existing facility involving negligible or no expansion of use beyond that presently existing. More specifically, restoration or rehabilitation of deteriorated or damaged facilities to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as an earthquake, landslide, or flood, is exempt from CEQA.

FINANCIAL CONSIDERATIONS

Funding for the Project is under the Annual Street Improvement Program included in the FY 2020-21 Adopted Budget and Capital Improvement Program as follows:

- $280,000 in the Measure A Street Improvement Fund/Annual Program of Maintenance and Improvement
- $100,000 in the SB 1 – Road Maintenance and Rehabilitation Account Fund

The estimated expenditures in FY 2020-21 total $531,537 as summarized below.

Design	$30,000
Construction Contract	$395,287
Construction Contract Contingency (~10%)	$40,000
Construction Management and Materials Testing	$62,200
Miscellaneous (printing, postage, etc.)	$4,000
Total	**$531,537**

The expenditures are higher than the current budget as a result of higher construction bid prices described above and need for external construction management due to current City staffing levels.

The estimated expenditures result in a funding shortfall of $151,537. Given the need to maintain the City's streets in a state of good repair and postponement of last year's project, City staff is requesting a supplemental appropriation of this amount in the Measure A Street Improvement Fund.

The Finance Department has reviewed the appropriation request and confirmed that there is sufficient fund balance in the Measure A Street Improvement Fund, which is projected to be $792,214 at the end of FY 2020-21 with this additional appropriation as summarized below.

Audited FY 2019-20 Fund Balance	**$1,248,383**
FY 2020-21 Budget	
Revenues	$1,449,721
Expenses	($1,753,890)
Additional Appropriation	*($151,537)*
Projected FY 2020-21 Fund Balance	**$792,677**

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed actions and found that legal considerations have been addressed.

Reviewed by:

Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION 2021-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING PLANS AND SPECIFICATIONS FOR THE 2021 SLURRY SEAL PROJECT, CITY PROJECT NO. C3027.22, (PROJECT); ACCEPTING THE FOUR BIDS SUBMITTED FOR THE PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF $395,286.97 WITH PAVEMENT COATINGS CO. INC., AND TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED $40,000 FOR THE CONSTRUCTION OF THE PROJECT; AND AMENDING THE FISCAL YEAR (FY) 2020-2021 ADOPTED BUDGET AND MEASURE A ANNUAL PROGRAM OF MAINTENANCE AND IMPROVEMENT TO APPROPRIATE AN ADDITIONAL $151,537 IN THE MEASURE A STREET IMPROVEMENT FUND FOR THE PROJECT

WHEREAS, the 2021 Slurry Seal Project, City Project No. C3027.22 is a component of the Annual Street Improvement Program, and will resurface 19 street segments, which currently have minor distressed pavement; and

WHEREAS, the Project consists of the application of a slurry seal treatment, installation of traffic striping and markings, and other related work; and

WHEREAS, the Notice Inviting Bids for the Project was advertised in the West County Times on March 30 and April 6, 2021, the notice and complete set of contract documents were sent to eight Builder and Construction Exchanges, and the contract documents were made available to contractors through an online planroom; and

WHEREAS, a non-mandatory pre-bid meeting was held on April 13, 2021 with one contractor attending, and one addendum was issued; and

WHEREAS, four bids were publicly opened and read by the City Clerk on April 20, 2021 at 2 p.m., the advertised bid opening date and time; and

WHEREAS, Pavement Coatings, Inc. submitted the lowest responsive and responsible bid in the amount of $395,286.97, which is approximately 27 percent above the Engineer's Estimate; and

WHEREAS, the Project is needed to maintain the City's streets in a state of good repair especially given the postponement of last year's work due to the COVID-19 pandemic; and

WHEREAS, funding for the Project is under the Annual Street Improvement Program included in the Fiscal Year (FY) 2020-21 Adopted Budget and Capital Improvement Program with allocations of $280,000 in the Measure A Street Improvement Fund and Improvement and $100,000 in the SB 1 – Road Maintenance and Rehabilitation Account Fund; and

WHEREAS, an additional amount of $151,137 is needed to cover the estimated expenditures in FY 2020-21 for the construction contract, contingency and construction management and testing; and

WHEREAS, an amendment to the FY 2020-21 Adopted Budget and Capital Improvement Program, including the Annual Program of Maintenance and Improvement pursuant to Measure A, is required to appropriate an additional amount of $151,137 in the Measure A Street Improvement Fund; and

WHEREAS, the project work is an appropriate use of Measure A Street Improvement funds; and

WHEREAS, the Project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project is a repair to an existing facility involving negligible or no expansion of use beyond that presently existing.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that is hereby:

1) Approves plans and specifications for the 2021 Slurry Seal Project, City Project No. C3027.22 (Project);
2) Accepts the four bids submitted for the Project; and
3) Authorizes the City Manager to execute a contract in the amount of $395,286.97 with Pavement Coatings Co. Inc and to approve change orders in an amount not to exceed $40,000 for the construction of the Project; and
4) Amends the FY 2020-21 Adopted Budget and Capital Improvement Program, including the Annual Program of Maintenance and Improvement pursuant to Measure A, to appropriate $151,137 in in the Measure A Street Improvement Fund for the Project.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on May 18, 2021 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May _______, 2021.

____
Holly M. Charléty, City Clerk

APPROVED:

____
Paul Fadelli, Mayor

Agenda Item 7.A

FY 2021-22 Proposed Budget Department Preview

City Council Meeting

May 18, 2021

THE CITY OF EL CERRITO

FY 2021-22 Proposed Budget Department Preview

- High Level, Draft Preview of Departments
  - Main focus on General Fund
  - Major revenue assumptions
  - Major non-personnel expenditures over $50,000
- Budget totals and line-item detail still being finalized
  - Non-departmental, special funds, Capital Improvement Program (CIP) also in progress
- American Rescue Plan Act funds still to be determined
- Short-term budget strategies and assumptions:
  - Conservative revenue estimates
  - Expenditures baseline: status quo
    - Modified service delivery reflecting current operating environment because of pandemic
  - Increased focus on cost recovery and fees
  - Personnel (in progress)
    - Management/Confidential/Unrepresented – Resolution to be presented in June
    - Discussions with unions/bargaining units ongoing
    - Vacant positions – case by case consideration for filling or eliminating

THE CITY OF EL CERRITO

FY 2021-22 General Fund Draft Preliminary Budget

This table shows the current Preliminary Budget that has been updated since the forecast presented to City Council in March and includes the short-term budget strategies. This Preliminary Budget was discussed with the FAB on May 11.

DRAFT

	Mid-year Projected 2020-21	Forecast 2021-22	Preliminary Budget 2021-22	Delta
Tax Revenues ($000s)				
Property taxes	$10,240	$10,446	$10,446	$0
Sales Taxes	$6,250	7,101	7,157	$56
Real Property Transfer Tax	2,600	3,000	3,000	$0
Utility Tax	3,200	3,100	3,100	$0
Franchise Tax	1,050	1,250	1,250	$0
Business License Tax	821	900	900	$0
Other Taxes	136	150	150	0
Total Taxes	24,297	25,947	26,003	56
Other Revenues ($000s)				
Licenses and permits	739	$775	$636	($139)
Fines and forfeitures	95	200	140	($60)
Use of money and property	332	342	354	$12
Intergovernmental	3,855	3,800	3,776	($24)
- Fire OES Overtime Reimb	1,150	550	450	($100)
Vehicle Licensing Fee	2,800	3,087	3,087	$0
Charges for services-Recreation	2,414	3,500	3,461	($39)
Charges for services-Other	1,245	2,000	1,339	($661)
Cost recovery Transfers	941	941	954	$13
Sale of Property				$0
Other revenues	213	200	175	($25)
Total Other Revenues	13,784	15,395	14,372	-1,023
Total revenues	38,081	41,342	40,375	-967

	Mid-year Projected 2020-21	Forecast 2021-22	Preliminary Budget 2021-22	Delta
Personnel				
- Regular Salaries & Benefits	15,266	18,662	17,025	$1,637
- Part-time Salaries & Benefits	1,025	1,300	1,087	$213
- One-time payments	305	350	350	$0
- CalPers Contributions- Safety	5,551	6,017	5,866	$151
- CalPers Contributions- Misc	1,877	2,062	1,794	$268
- Medical Benefits	2,875	2,942	2,688	$254
- Public Safety Regular Overtime	1,517	1,000	1,147	($147)
- Fire OES Overtime	852	500	400	$100
Total Personnel	29,268	32,833	30,357	2,476
Professional Services	3,100	3,600	3,572	$28
Purchased Property Services	1,710	2,200	1,840	$360
Other Services	1,576	1,900	1,982	($82)
Supplies	408	715	632	$83
Property & Capital outlay	409	410	373	$37
Financing Costs & TRAN Interest	310	550	508	$42
Pension Payments	85	85	85	$0
City Hall Debt Payments	580	580	581	($1)
Total Non-Personnel	8,178	10,040	9,573	467
Total Operating Expenditures	37,446	42,873	39,930	2,943
Proposed Budget Reductions		**(2,000)**		
Total Expenditures w/reductions	37,446	40,873	39,930	943
Excess of revenues over/(under) expenditures	635	469	445	($24)
Other revenues & expenditures				
- Covid-19 Federal Relief	2,400	2,400	2,400	0
- RDA loan writeoff	(1,325)			
Net Revenues/(Expenditures)	1,710	2,869	2,845	(24)
Beginning Fund balance - July 1	(110)	1,600	1,600	
Ending Fund balance - June 30	1,600	4,469	4,445	(24)
Fund Bal. as a % of Op. expenditures	4.3%	**10.9%**	**11.1%**	

FY 2021-22 Proposed Budget Preview – Department Staffing

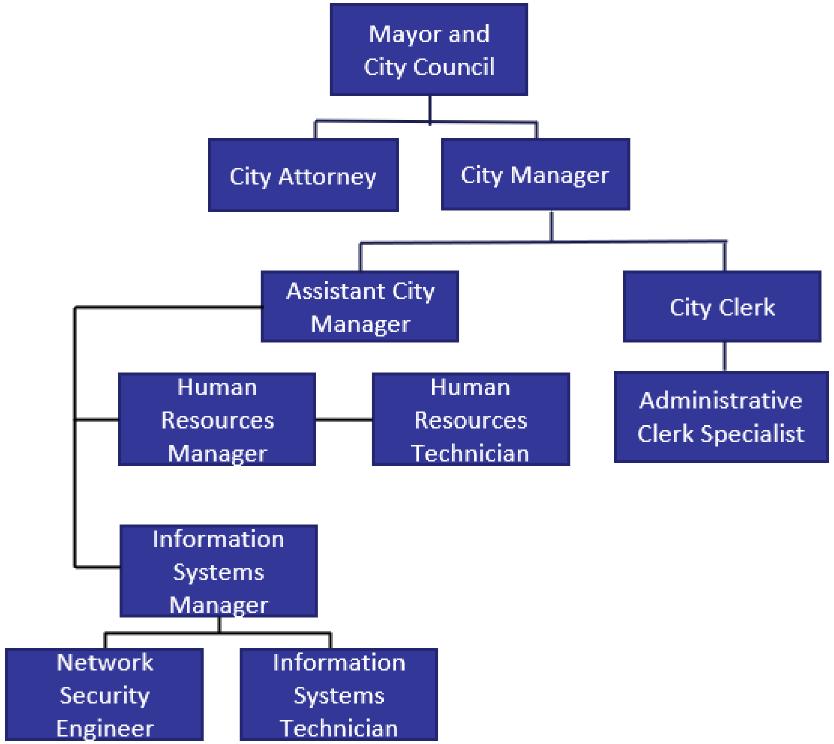
Department	FY 2019-20	FY 2020-21 (Authorized)	FY 2020-21 (Actual Including Vacancies)	FY 2021-22 (Proposed)	Position Reductions (since FY20)	FY 2021-22 Vacancies (Funded)
City Council	5	5	5	5	0	0
City Management	11.5	10	10	9	(2.5)	1
Finance Department	6	6	6	6	0	1
Community Development	14	15	14	14	0	0
Police Department	58	55	50	48	(10)	1
Fire Department	37	37	37	37	0	1
Public Works Department	25.2	25	25	24.2	(1.0)	1
Recreation Department	23	21	21	18	(5.0)	0
Total	**179.7**	**174**	**168**	**162.2**	**(17.5)**	**5**

THE CITY OF EL CERRITO

City Management

Divisions: City Council, City Manager, City Attorney, City Clerk, Human Resources, Information Technology

Chart 3-1
City Management Organizational Structure



CITY MANAGEMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Assistant City Manager	1	1	1	1	1
Assistant to the City Manager	1	1	1	0	0
Administrative Clerk Specialist	1.5	1.5	1.5	1	1
City Manager	1	1	1	1	1
City Clerk	1	1	1	1	1
Human Resources Manager	0	1	1	1	1
Human Resources Technician	1	1	1	0	0
Human Resources Specialist	0	0	0	1	1
Information Technology Manager	1	1	1	1	1
Information Technology Specialist	2	2	2	2	2
Management Assistant	1	1	1	1	0
Senior Human Resources Analyst	1	0	0	0	0
CITY MANAGEMENT TOTAL	11.5	11.5	11.5	10	9

THE CITY OF EL CERRITO

City Management Major Expenditures

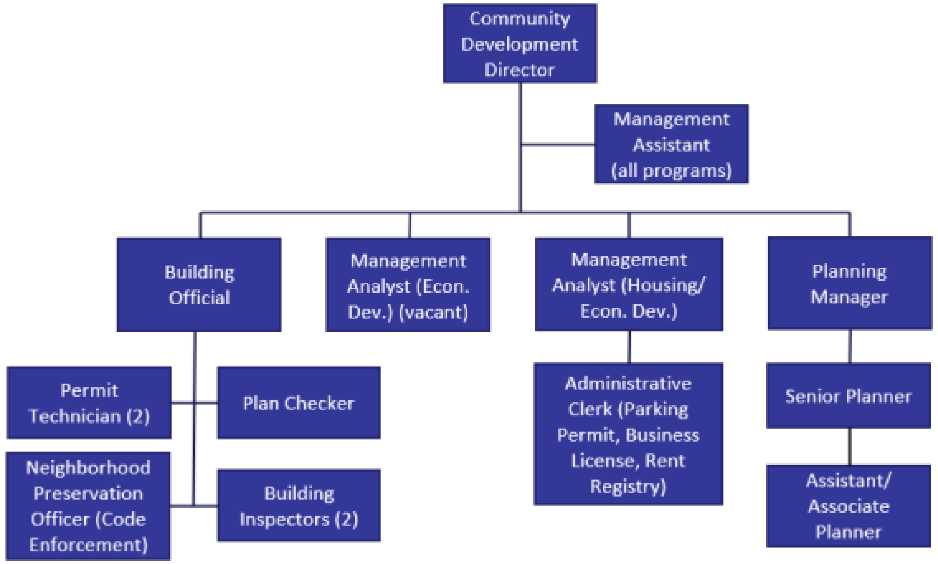
General Fund (non-personnel) Major Expenditures (>$50k)		
	Amount	Description
City Council	$58,099	Payment to Contra Costa County for OPTIONAL 6 extra operating hours for El Cerrito Library (FY 2020-21 $103,000 for 11 hrs)
City Manager	$65,927	Professional consulting and technical services contracts
Human Resources	$811,882	Insurance Premiums: Citywide General Liability (increase due to premium increase per MPA) and Workers Compensation
Human Resources	$350,000	Claims, potential litigation or settlements, and insurance pool payments
Human Resources	$75,000	Other Administrative Services: Personnel Investigations, Labor Relations
Information Technology	$55,000	Community Development and eTRAKiT system hosting, licenses & maintenance

No General Fund revenues projected over >$50K for this department.

Community Development

Divisions: Building, Planning, Economic Development, Housing, Neighborhood Preservation

Chart 4-1
Community Development Department Organizational Structure



COMMUNITY DEVELOPMENT DEPARTMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Management Analyst (Economic Dev)	1	1	1	1	0
Management Analyst III (Affordable Housing)	0	1	1	1	1
Management Assistant (All Programs)	0	1	1	1	1
Neighborhood Preservation Officer (Code Enforcement/Residential Rental Inspection)	0.5	1	1	1	1
Building Inspector I-III	1	1	2	2	1
Building Inspector III	1	1	0	0	1
Building Official	1	1	1	1	1
Building Plan Checker II	1	1	1	1	1
Community Development Director	1	1	1	1	1
Planning Manager	1	1	1	1	1
Permit Technician I-II	1	1	1	1	1
Permit Technician III	1	1	1	1	1
Assistant/Associate Planner	0	0	1	1	1
Senior Planner	2	2	1	1	1
Senior Program Manager	2	0	0	0	0
Administrative Clerk Specialist (Parking Permits, Business License, Rent Registry)	0	0	1	1	1
COMMUNITY DEVELOPMENT TOTAL	**13.5**	**14**	**15**	**15**	**14**

Community Development Revenue Assumptions

General Fund Revenue Assumptions (>$50k)		
	Amount	**Description**
Administration	$144,200	Program Fees including Rent Registry, Parking Permits, Credit Card Fees, Cannabis Administration Fee
Administration	$77,250	Business License Admin Fee: Amount set per ordinance/Master Fee Schedule
Planning	$120,000	Plan Check fees: Planning receives 20% of Building Permit cost as Plan Check fees
Planning	$175,000	Development Entitlements: Average has been $230,000 over last several years (2018-2021).
Building	$500,000	Building Permits: Average has been ~$600K, assumes at least one large project pulls a building permit
Building	$325,000	Plan Check Fees: Average has been $390K, could increase when projects that received Inclusionary Zoning extension submit for building permit prior to January 1, 2022; 65% of fee goes to outside plan check

THE CITY OF EL CERRITO

Community Development Major Expenditures

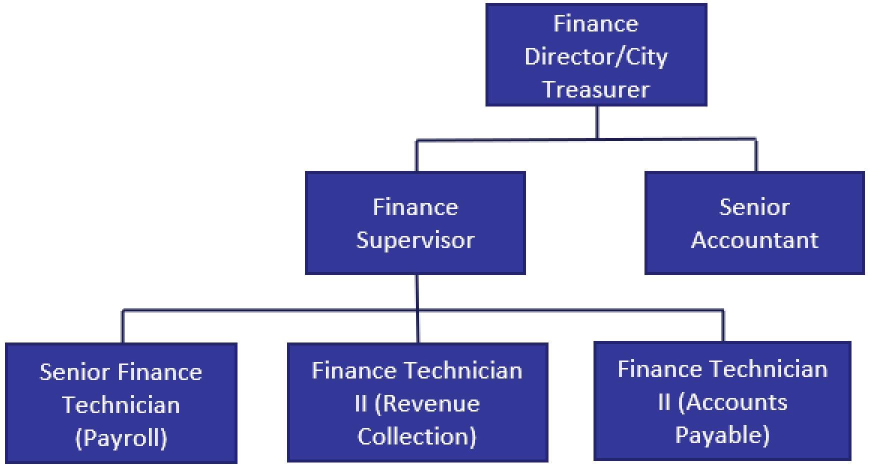
General Fund (non-personnel) Major Expenditures (>$50k)		
	Amount	Description
Planning	$60,000	Miscellaneous Professional Services: Temporary staff and specialized professional planning services to support staff upcoming parental leave and, as needed, to support development of Specific Plan Update
Building	$50,000	Architect/Engineering support for Plan Check services for smaller projects that exceed in-house capacity
Building	$100,000	Major Projects: Multifamily and major commercial projects sent for outside review, covered by fees, assumes one major project. (FY 2020 was $113,000; FY 2021 was 0)
Building	$125,000	Professional Services: Temporary Building staff to backfill vacant positions and occasional augmenting of services to account for demand
Building	$70,000	Temporary Inspection services for large multifamily projects that are a result of the San Pablo Avenue Specific Plan, covered by fees. Assumes current active projects. If new projects move into construction phase, will need to increase.

THE CITY OF EL CERRITO

Finance Department

Divisions: Budget & Treasury, Accounting, Municipal Services

Chart 5.1
Finance Department Organizational Structure



FINANCE DEPARTMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Finance Director/City Treasurer	1	1	1	1	1
Accounting Supervisor	1	1	1	1	0
Finance Supervisor	0	0	0	0	1
Accountant II/Mgt. Analyst III	1	1	1	1	0
Senior Accountant	0	0	0	0	1
Account Clerk/Clerk Technician	3	3	3	3	0
Finance Technician	0	0	0	0	2
Senior Finance Technician	0	0	0	0	1
FINANCE DEPARTMENT TOTAL	6	6	6	6	6

THE CITY OF EL CERRITO

Finance Department Major Expenditures

General Fund (non-personnel) Major Expenditures (>$50k)		
	Amount	**Description**
Accounting	$54,000	Badawi & Associates - External Auditor
Accounting	$60,000	Tyler Technologies - Citywide New World ERP Software annual contract
Budget & Treasury	$50,000	Bartel, HdL, Fraser, Willdan - professional services contracts
Budget & Treasury	$75,000	OpenGov Budget Builder and budget book, Accountemps

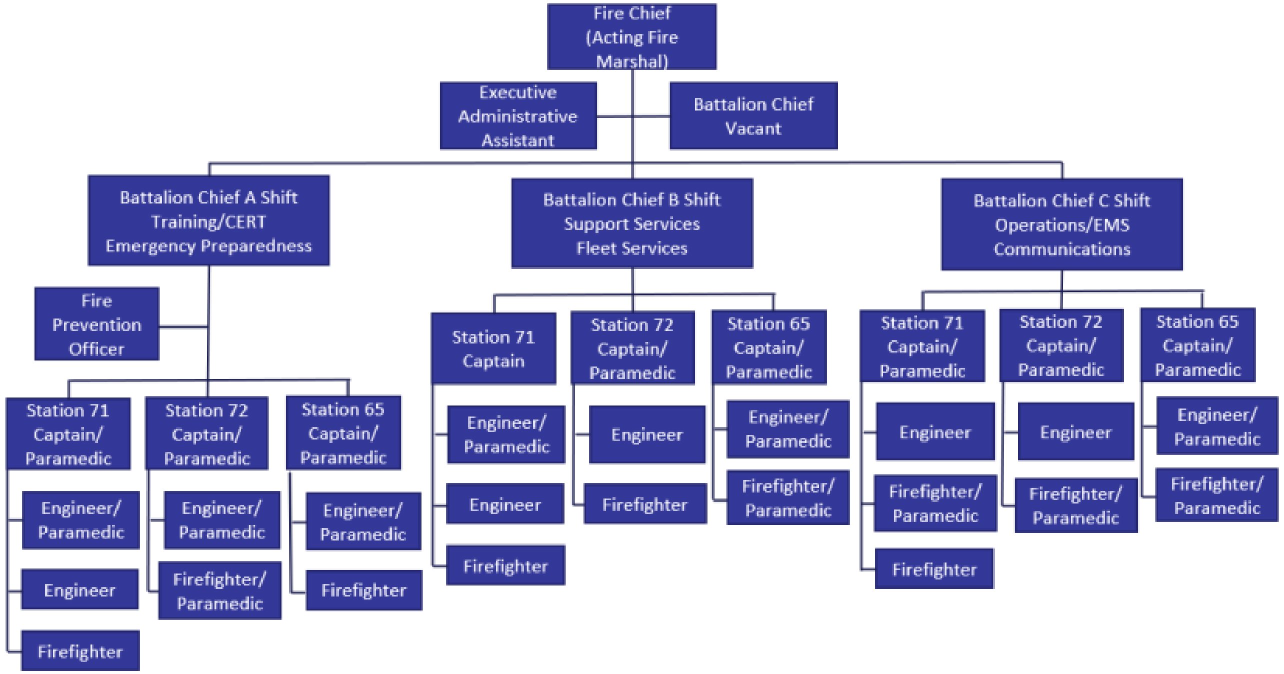
No General Fund revenues projected over >$50K for this department.

THE CITY OF EL CERRITO

Fire Department

Divisions: Fire Prevention, Training/Emergency Preparedness, Operations, Support Services

Chart 6-1
Fire Department Organizational Structure



FIRE DEPARTMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Fire Chief	1	1	1	1	1
Executive Assistant	1	1	1	1	1
Battalion Chief	3	3	3	3	3
Battalion Chief/Training Officer	1	1	1	1	1
Fire Captain	2	3	3	3	2
Fire Captain/Paramedic	7	6	6	6	7
Fire Captain/Paramedic/FPO	1	1	1	1	1
Fire Engineer	3	4	4	4	5
Fire Engineer/Paramedic	9	8	8	8	7
Firefighter	6	6	6	6	6
Firefighter/Paramedic	3	3	3	3	3
FIRE DEPARTMENT TOTAL	37	37	37	37	37

THE CITY OF EL CERRITO

Fire Department Revenue Assumptions/Major Expenditures

General Fund Revenue Assumptions (>$50k)

	Amount	Description
Operations	$450,000	State of California Office of Emergency Services (CalOES) reimbursements providing personnel and response when requested. Based on five-year average. Funds fully offset expenses. (Estimate)
Administration	$3,600,000	Contracted charges to provide fire service to the Kensington Fire Protection District.
Operations	$112,000	Measure H EMS reimbursements are funds provided by Contra Costa County Health Services. Annual contract price per 2019 agreement with the County.
Operations	$100,000	Weed Abatement reimbursement for forced abatements of Vegetation Management Standards (becomes lien on property by County).

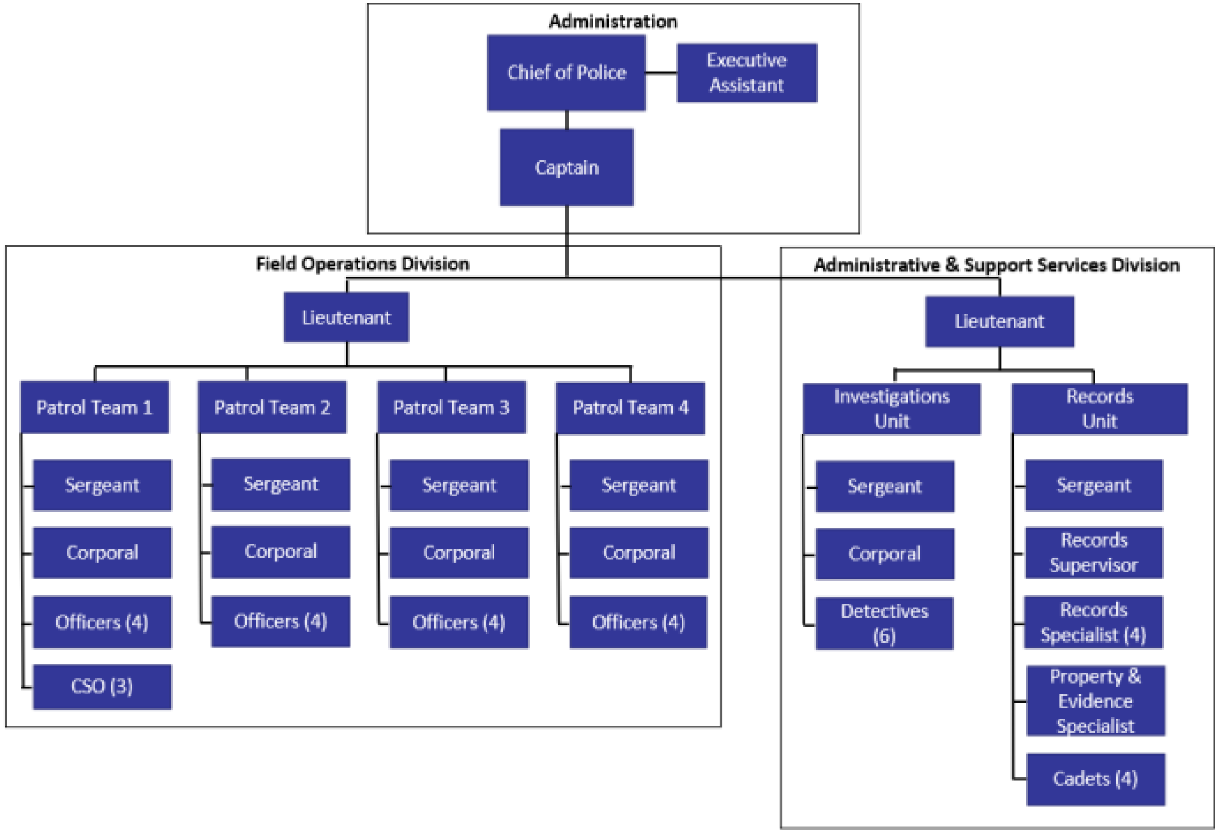
General Fund Major Expenditures (>$50k)

	Amount	Description
Administration	$299,500	Includes Fire Dispatch Services contract with Contra Costa County - $187,000, Plan Check Services for fire sprinkler reviews - $60,000, hiring/promotional costs: promotional testing, background investigations, and physiological evaluations
Administration	$109,100	Includes annual license and repair fees for EBRCS radios - $50,000, 5-year upgrade of public safety computer servers - $32,900
Operations	$450,000	Expenses for Out of County and Cal OES deployments to cover payroll/OT/backfill and equipment repairs/replacement for which all costs are fully reimbursed (Estimate)
Operations	$272,000	Expenses to cover annual services of apparatus, staff vehicles, trailers as well as staff vehicle upgrades and fuel. Expenses have been increased due to age of the apparatus and frequent equipment failures.
Operations	$100,000	Weed Abatement – forced abatements of Vegetation Management Standards (reimbursed by County via lien)

Police Department

Divisions: Administration, Administrative & Support Services, Field Operations

Chart 7-1
Police Department Organizational Chart



POLICE DEPARTMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Community Services Officer (CSO)	2.4	2.4	2.4	2.4	2.4
Police Cadet	1.6	1.6	1.6	1.6	1.6
Police Captain	1	1	1	1	1
Police Chief	1	1	1	1	1
Police Corporal	4	4	4	4	4
Police Corporal - Detective	1	1	1	1	1
Management Analyst II	1	1	1	0	0
Public Safety Executive Assistant	1	1	1	1	1
Police Lieutenant	3	3	3	3	2
Police Officer	18	17	17	17	13
Police Officer - Detective	4	4	4	4	6
Police Officer - K9	2	2	2	2	2
Police Officer - SRO	2	2	2	0	0
Police Officer - Traffic	3	3	3	3	0
Police Records Specialist	4	4	4	4	4
Police Records Supervisor	1	1	1	1	1
Police Sergeant	4	4	4	4	5
Police Sergeant - Detective	1	1	1	1	1
Police Sergeant - Motor	1	1	1	1	0
Police Sergeant - Admin	0	1	1	1	1
Property and Evidence Specialist	1	1	1	1	1
Senior Police Records Specialist	1	1	1	1	0
POLICE DEPARTMENT TOTAL	**58**	**58**	**58**	**55**	**48**

Police Department Revenue Assumptions/Major Expenditures

General Fund Revenue Assumptions (>$50k)

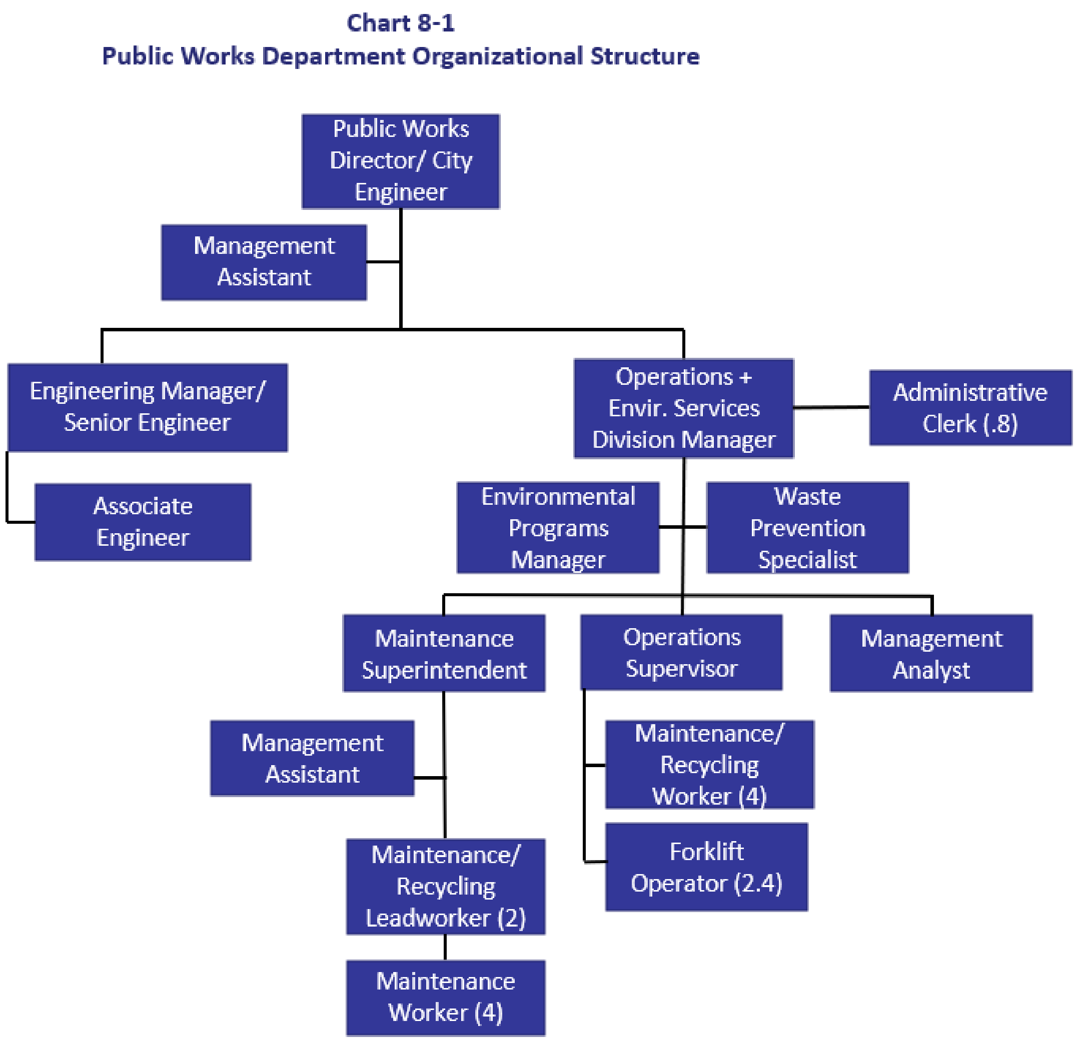
	Amount	Description
Operations	$60,000	Moving Vehicle Citations – based on traffic enforcement trends during the pandemic and impacts of the midyear elimination of the traffic unit; expect citation trends will continue in line with FY 2021
Operations	$60,000	Parking Citations/Fines – based on parking citation trends during the pandemic as well as impacts of part time staff reductions, and parking enforcement activity during the final months of FY 2021. Staff estimates that parking citation trends will increase modestly.

General Fund (non-personnel) Major Expenditures (>$50k)

	Amount	Description
Administration	$1,262,000	Contract and Regional Service Agreements, including Richmond Dispatch Communications Center ($924,339), Animal Control ($166,456), East Bay Regional Communications ($65,000), fingerprint connection services ($35,000), building cleaning, psychological services, and shredding
Administration	$100,000	Training including CA POST mandated continuing education, meetings, conferences, and advanced officer training. Training is often not available locally, requiring travel.
Administration	$97,000	Software as a Service Agreements, including regional data sharing ($9,500), transcription services ($20,000), records management and computer aided dispatch ($50,000), online reporting ($6,500), employee scheduling, and planned crime mapping service.
Operations	$295,000	$75,000 - expenses related to police vehicle and equipment repair and maintenance, $70,000 - annual fuel expenses, $150,000 - expenses related to the purchase and outfitting of vehicles, typically 2 to 3 patrol vehicles and 1 to 2 support vehicles
Investigations	$70,000	Evidence processing services provided by the Contra Costa County Crime Laboratory as well as private industry partners, including blood alcohol determination, fingerprint analysis, and DNA processing

Public Works Department

Divisions: Engineering, Operations & Environmental Services



PUBLIC WORKS DEPARTMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Management Analyst	1	1	1	1	1
Administrative Clerk	0.4	0.8	0.8	0.8	0.8
Associate Engineer	1	1	1	1	1
Engineering Technician	1	1	1	1	0
Environmental Programs Manager	1	1	1	1	1
Operations + Enviro. Services Manager	1	1	1	1	1
Forklift Operator	2.4	2.4	2.4	2.2	2.4
Maintenance Services Leadworker	2	2	2	2	2
Maintenance Services Superintendent	1	1	1	1	1
Maintenance Worker	4	4	4	4	4
Management Assistant	2	2	2	2	2
Public Works Director/City Engineer	1	1	1	1	1
Recycling Maintenance Worker	4	4	4	4	4
Recycling Operations Supervisor	1	1	1	1	1
Senior Engineer/Engineering Manager	1	1	1	1	1
Waste Prevention Specialist	1	1	1	1	1
PUBLIC WORKS DEPARTMENT TOTAL	24.8	25.2	25.2	25	24.2

Public Works Revenue Assumptions/Major Expenditures

General Fund Revenue Assumptions (>$50k)

	Amount	Description
Engineering	$293,550	Engineering Fees conservatively projected to remain flat due to slowing development trend offset by increases in development building permit and planning fees to meet cost recovery goals as proposed in the Master Fee Schedule.

General Fund (non-personnel) Major Expenditures (>$50k)

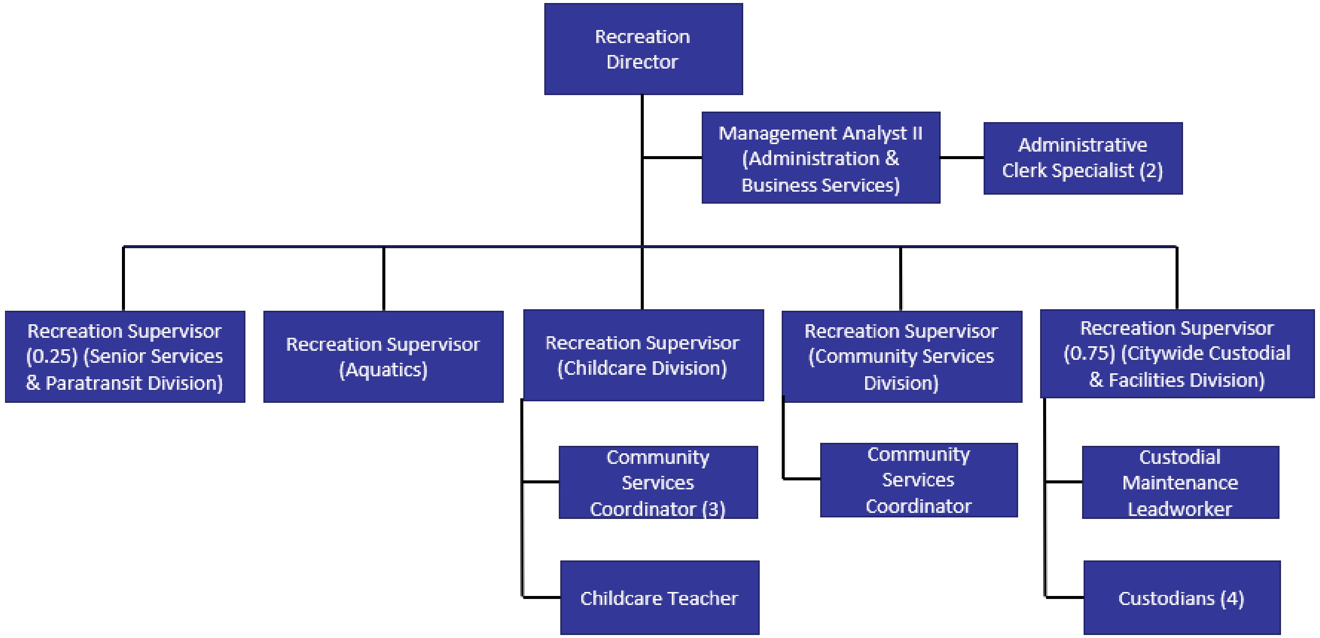
	Amount	Description
Utilities	$121,300	PG&E for Admin, Maint & Recreation Buildings--New PG&E Time of Day (TOD) Electric & Gas, 13% Increase - 2021
Utilities	$104,000	EBMUD for Admin, Maint & Recreation Buildings - EBMUD Proposed 4% Increase for FY 2021-22
Maintenance	$145,200	Infrastructure maintenance contract services for Street Sweeping $100,000, Underground Storage Tank Maint & Repairs $15,000, Misc Repairs (Sewer, Irrigation) $27,000 - CPI Increase in agreements + $10,000 for Public Safety Bldg Sewer Repair
Maintenance	$79,600	Building maintenance contract services for All Bldgs: Alarm Service $10,000, Pest Management $14,000, Plumbing $10,000, HVAC $25,000, Misc Building/Roof Repairs $19,000 - CPI Increase in contracts
Maintenance	$203,100	Various contract services: Bldg Grnds & Streetscape Landscape Maint $72,000, Street Tree Pruning $85,000, Emergency Street Tree Work $27,000, HNA Trees $15,000 - CPI Increase in contracts
Maintenance	$54,200	Contract Services for Public Works vehicles & equipment - CPI Increase in contracts

THE CITY OF EL CERRITO

Recreation Department

Divisions: Administration, Community Services, Senior Services, Aquatics, Childcare, Custodial

Chart 9-1
Recreation Management Organizational Structure



RECREATION DEPARTMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Administrative Clerk Specialist	2	2	2	2	2
Assistant Program Supervisor	1	1	1	0.5	0
Childcare Teacher	3	3	3	2	1
Community Services Coordinator	5	5	5	4.67	4
Custodial Maintenance Lead Worker	1	1	1	1	1
Custodian	4	4	4	4	4
Management Assistant	1	1	1	0.5	0
Management Analyst II	1	1	1	1	1
Recreation Director	1	1	1	1	1
Recreation Supervisor	4	4	4	4	4
RECREATION DEPARTMENT TOTAL	23	23	23	20.67	18

THE CITY OF EL CERRITO

Recreation Department Revenue Assumptions

General Fund Revenue Assumptions (>$50k)

	Amount	Description
Administration	$70,000	Placeholder for 4th of July Special Event - 2022
Administration	$125,000	Administrative fees charged on most transactions
Childcare	$1,185,000	School Year Childcare Programs: based on trends, interest list for Fall 2022. Conservative estimate at 75% of FY 2019 enrollment when accounting for fee increases - Miscellaneous Program Fees ($75,000) - Teeter Tots Fees ($75,000) - Harding Childcare ($400,000) - Madera Childcare ($510,000) - Fairmount Childcare ($125,000)
Childcare	$270,000	Summer "Traditional Camps": based on trends, 75% of FY 2019 enrollment when accounting for fee increases - Arlington Day camp ($60,000) - Harding Day camp ($70,000) - Mix & Match Camp ($65,000) - Discovery Summer Camp ($75,000)

THE CITY OF EL CERRITO

Recreation Department Revenue Assumptions (continued)

General Fund Revenue Assumptions (>$50k) cont.'d		
	Amount	**Description**
Aquatics	$575,000	Swim Center Revenue: seeing steady demand, conservative estimate of 80% of FY 2019 when accounting for fee increases - Recreation Swim ($75,000) - Lap Swim ($150,000) - Swim Teams ($100,000) - Lesson Fees ($200,000)
Comm Services	$50,000	Represents mostly El Cerrito youth sports leagues who continue to book their normal season field times
Comm Services	$85,000	Estimated at 65% of FY 2019 fees when accounting for fee increases, adult programs are slower to resume normal activities but are steadily increasing
Youth	$100,000	Ravencliff Camp has consistently filled for over 15 years, budgeting at FY 2018 level, increased fees create a buffer for lower enrollment
Youth	$672,500	Youth Classes, Specialty Camps and Sports: estimated at 80% of FY 2019 when accounting for fee increases. Main source of revenue, summer camps, is showing strong demand. - General Activities ($150,000) - Special Program ($222,500) - Sports Programs ($300,000)

THE CITY OF EL CERRITO

Recreation Department Major Expenditures

General Fund (non-personnel) Major Expenditures (>$50k)		
	Amount	Description
All Divisions	$365,000	Instructor Services (all divisions) - programs and classes run by contractors. Based on past trends (resuming normal operations by second quarter). Actual amount depends on programs offered and enrollment. Revenue offsets all expenses in this line item.
All Divisions	$220,935	Utilities (all divisions) - based off estimates provided by Public Works Staff. Accounts for 13% increase in gas and electricity and 4% increase in water expenses.
Senior Services	$126,000	Land & Building Lease - payments to Mobile Modular for two modular buildings of the Midtown Activity Center. Lease ends in 2023.
Administration	$70,000	Special Event expenses, mainly 4th of July. Budgeted equal amount of revenue to make cost neutral. Will only proceed if enough outside funding is identified to make them cost neutral.
Childcare	$55,000	Other Operating Supplies - Childcare and summer camp program supplies. Based on past trends and returning to normal operations by second quarter. Offset by program revenue.
Administration	$125,000	Bank & Credit Card Fees - finance charges for customer credit card usage. Offset by administrative charges. Based on past trends.

THE CITY OF EL CERRITO

FY 2021-22 Proposed Budget – Next Steps

- May 19-24: Staff will finalize FY 2021-22 Proposed Budget
- Week of May 24: FY 2021-22 Proposed Budget Book to City Council and FAB
- May 25: FAB Special Meeting
- June 1: City Council Meeting - Presentation of FY 2021-22 Proposed Budget, Budget Hearing
- June 8: FAB Meeting – Budget Review
- June 15: City Council Meeting – Budget Hearing
    - Additional Council meetings as needed/requested
    - Approval of FY 2021-22 Proposed Budget by June 30, 2021
- TBD: Discussion/Approval of the American Rescue Plan Act (ARPA) funding and expenditure plan

THE CITY OF EL CERRITO

SUPPLEMENTAL AGENDA MATERIALS

REGULAR CITY COUNCIL MEETING
May 18, 2021

PUBLIC COMMENT INDEX

1. Public Comments received

AGENDA ITEM 7A – Study Session on Fiscal Year 2021-2022 Proposed Budget

1. Revised Presentation

SUPPLEMENTAL AGENDA MATERIALS
PUBLIC COMMENT INDEX

REGULAR CITY COUNCIL MEETING
May 18, 2021

The following Public Comments were **received by 4:00 p.m. 5/18/2021**, were provided directly to City Councilmembers in advance of the meeting, and were posted online as supplemental materials at www.el-cerrito.org/CouncilMeetingMaterials

Public Comments – Items Not on the Agenda
1. Cordell Hindler
2. Ira Sharenow
3. Gary Prost
4. Cathy Hanville
5. Marilyn Ashlin

Agenda Item 7A – Study Session on Fiscal Year 2021-2022 Proposed Budget
1. Cordell Hindler
2. Ira Sharenow
3. Sherry Drobner

From: Cordell Hindler
To: City Clerk
Subject: Public Comments Not on the Agenda
Date: Thursday, May 13, 2021 3:57:42 PM

good Evening, Mayor Fadelli, Council members and City Staff, I have a Couple of comments for the Record

1. I would like to Thank the Community development director for the BART presentation two weeks ago

2. I would ask the Council to Consider Either Koff & Associates or Ralph Andersen & Associates to develop the class and comp study

Sincerely
Cordell

From: Ira Sharenow
To: Paul Fadelli; Tessa Rudnick; Lisa Motoyama; Gabe Quinto; Janet Abelson; City Clerk
Cc: Cathy Hanville; Mike Cunningham; Sherry Drobner; William Ktsanes; Debra Saunders; Kimberly White; Arthur Yee
Subject: public comments –not on the agenda
Date: Friday, May 14, 2021 3:09:59 PM

It is 910 days since the first "going concern" statement, and there has been very little progress.

I think that the council needs to resolve the following issues.

The culture in city hall needs to be improved. The public is not the enemy of the government. Management and the council need to communicate with the public and need to take the ideas that concerned citizens have seriously.

Stop using the Brown Act as a way of limiting public access to government. The Brown Act is supposed to be for open government and should not be used to restrict access to government.

The finance department needs to produce better data. We need Excel spreadsheets. We need drill downs. We need scenario analyses. We need more than one year of data. We need the entire budget and not just the general fund.

There need to be fundamental changes to how FAB functions. Their leadership does not seem eager to have public input as best as I can tell. They do not seem to want to do analyses.

El Cerrito is a small city. We need an open government which works with the people who are eager to help out.

This is the current track record of management.

1. Annual "going concern"
2. Annual state auditor high risk list
3. An actual state auditor audit
4. Multiple credit downgrades
5. Lending bank stopped lending for the TRAN

Ira Sharenow
El Cerrito, CA

From:	Gary Prost
To:	City Clerk
Subject:	El Cerrito City Council Meeting, 18 May 2021: Public Comments – Not On the Agenda
Date:	Tuesday, May 18, 2021 11:12:22 AM

Mayor Fadelli and City Council:

A recent story (May 10th) on CBS KPIX Channel 5 headlined "Homebuyers In Northern California 'High Fire Zones' See Insurance Rates Go Through The Roof" highlights an issue that has become increasingly common in the East Bay and El Cerrito (link provided below). Skyrocketing homeowner's insurance rates and non-renewals are happening because we are located in the Very High Fire Danger Severity Zone as mapped by CalFire.

As responsible members of City Council you must for the sake of your residents:

1) contact State Insurance Commissioner Ricardo Lara and request that he bring residential insurance rates and non-renewals under control;

2) contact State Senator Nancy Skinner, State Assembly Member Buffy Wicks, and Contra Costa County Supervisor John Gioia and impress upon them that their districts are not being served unless they get state fire prevention grants to help us mitigate the fuel loads in the East Bay Hills and El Cerrito in particular.

3) make fire prevention a priority in all city departments including Fire (residential vegetation management program), Police (evacuation routes), and Public Works/Recreation (Hillside Natural Area fuel reduction).

KPIX story: https://sanfrancisco.cbslocal.com/2021/05/10/homebuyers-in-northern-california-high-fire-zones-see-insurance-rates-go-through-the-roof/

Ricardo Lara: contact at 800-927-4357 or **insurance**.**ca**.gov .

Nancy Skinner: contact Audrey Momoh, district director at Audrey.Momoh@sen.ca.gov .

Buffy Wicks: contact **Dean Wallace, District Director**; Dean.Wallace@asm.ca.gov or 925-207-4071.

John Gioia: contact Kate Rauch, Kate.Rauch@bos.cccounty.us or 510- 231-8686.

Thank you,

Gary Prost, Make El Cerrito Fire Safe
[redacted]

From: Cathy Hanville
To: City Clerk
Subject: Public comment not on the agenda
Date: Tuesday, May 18, 2021 1:57:17 PM

In El Cerrito there has long been a culture of staff knows best and any residents that disagree obviously do not know what they are talking about. I recently did a public records request to a state agency. I was treated with such respect and not ever made to feel like I was a burden. In El Cerrito staff complain about the public requests at public meetings.

FAB meetings have become intolerable. The chair (who was due to change and has not) has seemingly decided that the public is a problem. The members, with one exception, don't even seem to understand or care about the city's financial situation. They do seem to care a lot about how long the meetings are. The public is clearly made to feel like they don't belong there.

I get that the city staff are tired of being told they are doing everything wrong. But if you want us to stop saying it then stop doing the things wrong. Now it is not just residents saying these things but the State Auditor agreed. The data given is horrible. It is incomplete, and often deceptive. The issue of how budgeting is done has been brought up by the state auditor who believes it needs to be done by Department. The City Manager has said that is a FAB policy that they are following (not that they follow other policies like the reserve policy) and yet it is not been put on the FAB agenda to change that policy.

One of the reasons the community is asking for Excel spreadsheet data is so that they can dig deeper into the data. Because no one trusts the information we are being given by the city manager and finance director. And that says something that we have financial leadership that many in the community do not trust and yet council renewed the city managers contract early and the Finance Director still has his job.

I recently saw the County Finance Director give a presentation and what a breath of fresh air. Clear, concise, and not defensive. I looked at her packet and did not feel the need to make public information requests because she was open and transparent and explained things in a comprehensible manner. We can do better than what we have been doing. But it is up to Council to require that we do better. They are the boss of the City Manager. They can direct her to do whatever a majority of them want. And they can hold her accountable if they make the requests and she doesn't fulfill them. Many of us have heard requests in meetings. We have never heard the follow up and it is not apparent to us if those requests are even being tracked.

The community is not the enemy. I believe we all want a thriving El Cerrito. Maybe stop treating us like the enemy and consider some of our many suggestions. You may not like us but the State Auditor proved that most if not all we have been saying for over a year was the truth. Maybe try to listen with an open mind.

Cathy Hanville
El Cerrito

From: Marilyn Ashlin
To: City Clerk
Subject: Public Comments – Not on the Agenda
Date: Tuesday, May 18, 2021 3:59:15 PM

I participated in the Parks and Recreation Commission's meeting on April 28th during which conversion of the **Castro Park tennis courts** to pickleball was discussed. It is my understanding that their recommendation will be forwarded to the City Council at some point. **I would like to be assured that this item is NOT on the agenda for this evening's City Council meeting.**

Minutes of the April 28th meeting will be available sometime after the next Parks and Recreation Commission meeting on May 26th. Once they are published I plan to review and may prepare a comment for the subsequent City Council meeting.

Thank your for your consideration.

Marilyn Ashlin
[redacted]

From: Cordell Hindler
To: City Clerk
Subject: Public Comments 7-A Policy Matters
Date: Thursday, May 13, 2021 4:02:37 PM

good Evening Mayor Fadelli, Council members and City Staff, I have some comments for the Record

1. I think that city staff has done a wonderful job in their departments

2. also I would like to see more positions in their respected divisions

Sincerely
Cordell

From:	Ira Sharenow
To:	Paul Fadelli; Tessa Rudnick; Lisa Motoyama; Gabe Quinto; Janet Abelson; City Clerk
Cc:	Cathy Hanville; Mike Cunningham; Sherry Drobner; William Ktsanes; Debra Saunders; Kimberly White; Arthur Yee; Ira Sharenow
Subject:	public comments –agenda item # 7A
Date:	Friday, May 14, 2021 9:04:00 PM

I do not believe that the data provided by management reflects the situation with El Cerrito's finances.

I hope you will consider some data from past CAFRs that the council does not usually discuss.

Table A-2.

Total Expenditures

2016: $38,407,819

2019: $54,756,028

Increase: $16,348,209

Perc Increase: 43% in just 3 years

Table A-3

Total GF Expenditures

2016: $31,313,290

2019: $40,202,753

Increase: $8,889,463

Perc Increase: 28% in just 3 years

Table A1

Net Position

2016: $32,326,382

2019: $12,064,380

Decrease: -$15,799,016

Perc Decrease: 49% in just 3 years

And as best as I can tell during this time of a strong Bay Area economy, there were no new services. Now all festivals have been canceled and there are no services on Friday.

In 2019 management claimed they had proven the independent auditor wrong and they were on budget, but basically what they have produced are fewer services and a city in deep financial trouble.

What are the performance standards? Where is the accountability? Are you going to further reduce services in order to compensate for poor decisions by city leadership?

Ira Sharenow
El Cerrito, CA

From: Sherry Drobner
To: Holly Charléty
Subject: Fwd: Public Comment 7a.
Date: Monday, May 17, 2021 1:51:50 PM

Public Comment

---------- Forwarded message ---------
From: **Sherry Drobner** [redacted]
Date: Sat, May 15, 2021 at 8:17 AM
Subject: Public Comment 7a.
To: [redacted]
Cc: Paul Fadelli <pfadelli@ci.el-cerrito.ca.us>, Tessa Rudnick <trudnick@ci.el-cerrito.ca.us>, Gabe Quinto <gquinto@ci.el-cerrito.ca.us>, Janet Abelson <jabelson@ci.el-cerrito.ca.us>, Lisa Motoyama <lmotoyama@ci.el-cerrito.ca.us>, Paul A. Keith <pkeith@ci.el-cerrito.ca.us>

Dear Mayor and City Council Members:
In review of some of the budget being proposed for next year, I note that the contract for Police Dispatch is close to 1,000,000 dollars. Apparently, this cost will continue to rise 5% annually. Has there been any consideration to seeking alternative bidders. Does Albany pay this price?

According to Albany's city website:
The Police Department maintains a 24-hour Public Safety Answering Point (PSAP) for 911 emergency police, fire and medical dispatch, as well as routine telecommunications services for these three professional disciplines. Contract dispatch services are also provided to the Kensington Police Protection and Community Services District. The PSAP utilizes a modern Computer Aided Dispatch and Records Management System which is integrated with mobile computers in each police patrol vehicle. In 2018 Albany's PSAP logged over 28,000 incidents, including over 4,800 9-1-1 calls, approx. 14,000 calls for service and approx.14,400 officer initiated incidents.

I hope you might shed some light on this issue. I recognize that a less expensive contract through the County had been available until the Sheriff vindictively withdrew his offer because of the City's Sanctuary status. However, that was several years ago and certainly there has been time to explore other options.

Sincerely,
Sherry Drobner

[redacted]

Agenda Item 7.A
Revised 5/18/21

FY 2021-22 Proposed Budget Department Preview

City Council Meeting

May 18, 2021

THE CITY OF EL CERRITO

FY 2021-22 Proposed Budget Department Preview

- High Level, Draft Preview of Departments
  - Main focus on General Fund
  - Major revenue assumptions
  - Major non-personnel expenditures over $50,000
- Budget totals and line-item detail still being finalized
  - Non-departmental, special funds, Capital Improvement Program (CIP) also in progress
- American Rescue Plan Act funds still to be determined
- Short-term budget strategies and assumptions:
  - Conservative revenue estimates
  - Expenditures baseline: status quo
    - Modified service delivery reflecting current operating environment because of pandemic
  - Increased focus on cost recovery and fees
  - Personnel (in progress)
    - Management/Confidential/Unrepresented – Resolution to be presented in June
    - Discussions with unions/bargaining units ongoing
    - Vacant positions – case by case consideration for filling or eliminating

THE CITY OF EL CERRITO

FY 2021-22 General Fund Draft Preliminary Budget

This table shows the current Preliminary Budget that has been updated since the forecast presented to City Council in March and includes the short-term budget strategies. This Preliminary Budget was discussed with the FAB on May 11.

DRAFT

	Mid-year Projected 2020-21	Forecast 2021-22	Preliminary Budget 2021-22	Delta
Tax Revenues ($000s)				
Property taxes	$10,240	$10,446	$10,446	$0
Sales Taxes	$6,250	7,101	7,157	$56
Real Property Transfer Tax	2,600	3,000	3,000	$0
Utility Tax	3,200	3,100	3,100	$0
Franchise Tax	1,050	1,250	1,250	$0
Business License Tax	821	900	900	$0
Other Taxes	136	150	150	0
Total Taxes	24,297	25,947	26,003	56
Other Revenues ($000s)				
Licenses and permits	739	$775	$636	($139)
Fines and forfeitures	95	200	140	($60)
Use of money and property	332	342	354	$12
Intergovernmental	3,855	3,800	3,776	($24)
- Fire OES Overtime Reimb	1,150	550	450	($100)
Vehicle Licensing Fee	2,800	3,087	3,087	$0
Charges for services-Recreation	2,414	3,500	3,461	($39)
Charges for services-Other	1,245	2,000	1,339	($661)
Cost recovery Transfers	941	941	954	$13
Sale of Property				$0
Other revenues	213	200	175	($25)
Total Other Revenues	13,784	15,395	14,372	-1,023
Total revenues	38,081	41,342	40,375	-967

	Mid-year Projected 2020-21	Forecast 2021-22	Preliminary Budget 2021-22	Delta
Personnel				
- Regular Salaries & Benefits	15,266	18,662	17,025	$1,637
- Part-time Salaries & Benefits	1,025	1,300	1,087	$213
- One-time payments	305	350	350	$0
- CalPers Contributions- Safety	5,551	6,017	5,866	$151
- CalPers Contributions- Misc	1,877	2,062	1,794	$268
- Medical Benefits	2,875	2,942	2,688	$254
- Public Safety Regular Overtime	1,517	1,000	1,147	($147)
- Fire OES Overtime	852	500	400	$100
Total Personnel	29,268	32,833	30,357	2,476
Professional Services	3,100	3,600	3,572	$28
Purchased Property Services	1,710	2,200	1,840	$360
Other Services	1,576	1,900	1,982	($82)
Supplies	408	715	632	$83
Property & Capital outlay	409	410	373	$37
Financing Costs & TRAN Interest	310	550	508	$42
Pension Payments	85	85	85	$0
City Hall Debt Payments	580	580	581	($1)
Total Non-Personnel	8,178	10,040	9,573	467
Total Operating Expenditures	37,446	42,873	39,930	2,943
Proposed Budget Reductions		(2,000)		
Total Expenditures w/reductions	37,446	40,873	39,930	943
Excess of revenues over/(under) expenditures	635	469	445	($24)
Other revenues & expenditures				
- Covid-19 Federal Relief	2,400	2,400	2,400	0
- RDA loan writeoff	(1,325)			
Net Revenues/(Expenditures)	1,710	2,869	2,845	(24)
Beginning Fund balance - July 1	(110)	1,600	1,600	
Ending Fund balance - June 30	1,600	4,469	4,445	(24)
Fund Bal. as a % of Op. expenditures	4.3%	**10.9%**	**11.1%**	

FY 2021-22 Proposed Budget Preview – Department Staffing

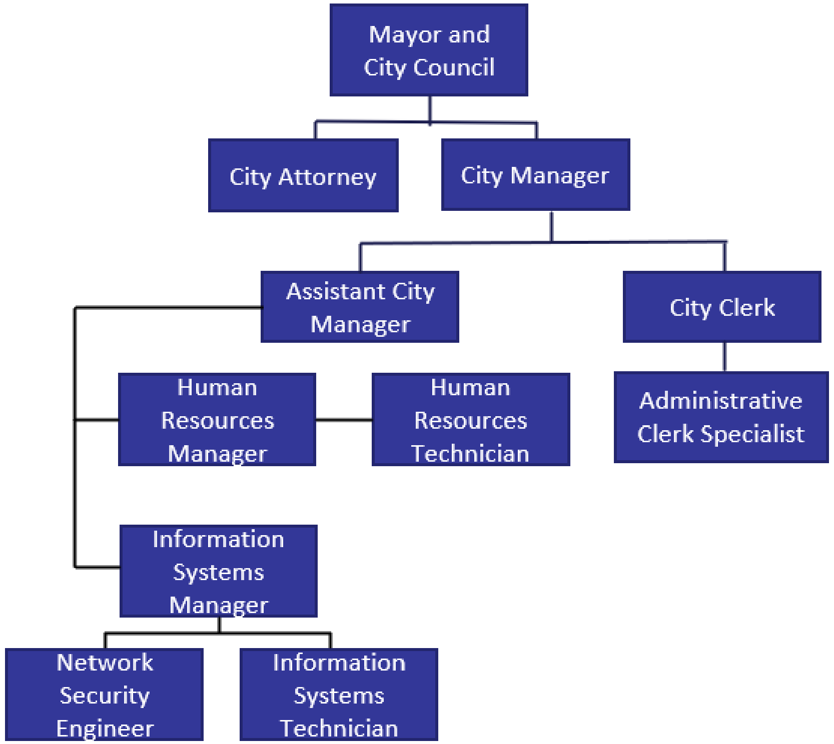
Department	FY 2019-20	FY 2020-21 (Authorized)	FY 2020-21 (Actual Including Vacancies)	FY 2021-22 (Proposed)	Position Reductions (since FY20)	FY 2021-22 Vacancies (Funded)
City Council	5	5	5	5	0	0
City Management	11.5	10	10	9	(2.5)	1
Finance Department	6	6	6	6	0	1
Community Development	14	15	14	14	0	0
Police Department	58	55	50	48	(10)	1
Fire Department	37	37	37	37	0	1
Public Works Department	25.2	25	25	24.2	(1.0)	1
Recreation Department	23	21	21	18	(5.0)	0
Total	**179.7**	**174**	**168**	**162.2**	**(17.5)**	**5**

THE CITY OF EL CERRITO

City Management

Divisions: City Council, City Manager, City Attorney, City Clerk, Human Resources, Information Technology

Chart 3-1
City Management Organizational Structure



CITY MANAGEMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Assistant City Manager	1	1	1	1	1
Assistant to the City Manager	1	1	1	0	0
Administrative Clerk Specialist	1.5	1.5	1.5	1	1
City Manager	1	1	1	1	1
City Clerk	1	1	1	1	1
Human Resources Manager	0	1	1	1	1
Human Resources Technician	1	1	1	0	0
Human Resources Specialist	0	0	0	1	1
Information Technology Manager	1	1	1	1	1
Information Technology Specialist	2	2	2	2	2
Management Assistant	1	1	1	1	0
Senior Human Resources Analyst	1	0	0	0	0
CITY MANAGEMENT TOTAL	11.5	11.5	11.5	10	9

THE CITY OF EL CERRITO

City Council Preliminary Budget Summary

Expenditures	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Adopted	FY 2021-22 Draft Proposed
General Fund (101)					
Personnel Services	$27,823	$34,715	$35,660	$38,617	$32,212
Purchased Professional & Technical Services	$34,593	$119,812	$91,002	$117,623	$66,524
Other Purchased Services	$46,057	$39,055	$31,545	$57,047	$50,797
Supplies	$2,730	$1,880	$1,286	$422	$600
Office Equipment	$0	$0	$0	$0	$0
Total Expenditures	**$111,203**	**$195,462**	**$159,493**	**$213,709**	**$150,133**

City Management Preliminary General Fund Budget Summary

(City Manager, City Clerk, Human Resources, Information Technology)

Expenditures	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Adopted	FY 2021-22 Draft Proposed
General Fund (101)					
Personnel Services	$1,963,106	$2,344,847	$2,295,047	$2,109,076	$1,899,147
Purchased Professional & Technical Services	$440,353	$460,070	$369,321	$372,086	$225,418
Purchased Property Services	$16	-$4,231	$101	$4,635	$1,015
Other Purchased Services	$1,065,062	$894,806	$1,113,194	$988,067	$1,453,300
Supplies	$56,642	$47,546	$70,209	$41,426	$39,916
Property & Capital	$51,199	$52,617	$267,315	$43,764	$92,102
Total Expenditures	**$3,576,378**	**$3,795,655**	**$4,115,187**	**$3,559,054**	**$3,710,898**

THE CITY OF EL CERRITO

City Management Major Expenditures

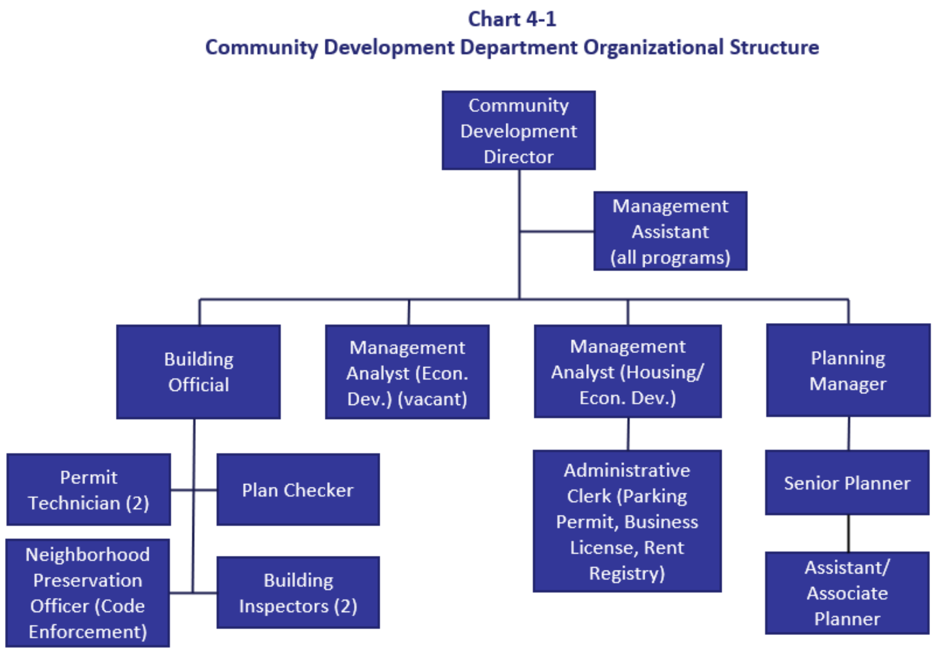
General Fund (non-personnel) Major Expenditures (>$50k)		
	Amount	Description
City Council	$58,099	Payment to Contra Costa County for OPTIONAL 6 extra operating hours for El Cerrito Library (FY 2020-21 $103,000 for 11 hrs)
City Manager	$65,927	Professional consulting and technical services contracts
Human Resources	$811,882	Insurance Premiums: Citywide General Liability and Workers Compensation (premium increase per MPA)
Human Resources	$350,000	Claims, potential litigation or settlements, and insurance pool payments
Human Resources	$75,000	Other Administrative Services: Personnel Investigations, Labor Relations
Information Technology	$55,000	Community Development and eTRAKiT system hosting, licenses & maintenance

No General Fund revenues projected over >$50K for this department.

THE CITY OF EL CERRITO

Community Development

Divisions: Building, Planning, Economic Development, Housing, Neighborhood Preservation



COMMUNITY DEVELOPMENT DEPARTMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Management Analyst (Economic Dev)	1	1	1	1	0
Management Analyst III (Affordable Housing)	0	1	1	1	1
Management Assistant (All Programs)	0	1	1	1	1
Neighborhood Preservation Officer (Code Enforcement/Residential Rental Inspection)	0.5	1	1	1	1
Building Inspector I-III	1	1	2	2	1
Building Inspector III	1	1	0	0	1
Building Official	1	1	1	1	1
Building Plan Checker II	1	1	1	1	1
Community Development Director	1	1	1	1	1
Planning Manager	1	1	1	1	1
Permit Technician I-II	1	1	1	1	1
Permit Technician III	1	1	1	1	1
Assistant/Associate Planner	0	0	1	1	1
Senior Planner	2	2	1	1	1
Senior Program Manager	2	0	0	0	0
Administrative Clerk Specialist (Parking Permits, Business License, Rent Registry)	0	0	1	1	1
COMMUNITY DEVELOPMENT TOTAL	**13.5**	**14**	**15**	**15**	**14**

Community Development Preliminary General Fund Budget Summary

Expenditures	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Adopted	FY 2021-22 Draft Proposed
Personnel Services	$1,609,570	$1,710,878	$1,948,501	$1,848,902	$2,033,590
Purchased Professional & Technical Services	$765,723	$684,887	$471,709	$534,963	$384,000
Purchased Property Services	$8,356	$2,255	$10,505	$8,700	$11,700
Other Purchased Services	$57,094	$53,558	$36,593	$60,032	$43,682
Supplies	$20,525	$14,037	$10,764	$17,026	$17,709
Property & Capital	$5,881	$8,272	$13,617	$7,982	$7,576
Financing Costs	$0	$0	$0	$0	$50,000
Total Expenditures	**$2,467,149**	**$2,473,887**	**$2,491,689**	**$2,477,605**	**$2,548,257**

Revenues	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Adopted	FY 2021-22 Draft Proposed
Property and Other Taxes	$1,714	$1,935	$2,811	$0	$1,500
Licenses & Permits	$759,825	$772,364	$779,670	$755,000	$632,600
Intergovernmental Revenues	$536	$571	$140	$0	$0
Use of Money	$1,000	$0	$0	$0	$0
Charges for Services	$954,313	$1,050,428	$1,008,101	$988,651	$907,500
Other Revenue	$10,051	$147,465	$50,250	$60,000	$25,000
Total Revenues	**$1,727,439**	**$1,972,763**	**$1,840,972**	**$1,803,651**	**$1,566,600**

THE CITY OF EL CERRITO

Community Development Revenue Assumptions

General Fund Revenue Assumptions (>$50k)		
	Amount	Description
Administration	$144,200	Program Fees including Rent Registry, Parking Permits, Credit Card Fees, Cannabis Administration Fee
Administration	$77,250	Business License Admin Fee: Amount set per ordinance/Master Fee Schedule
Planning	$120,000	Plan Check fees: Planning receives 20% of Building Permit cost as Plan Check fees
Planning	$175,000	Development Entitlements: Average has been $230,000 over last several years (2018-2021).
Building	$500,000	Building Permits: Average has been ~$600K, assumes at least one large project pulls a building permit
Building	$325,000	Plan Check Fees: Average has been $390K, could increase when projects that received Inclusionary Zoning extension submit for building permit prior to January 1, 2022; 65% of fee goes to outside plan check

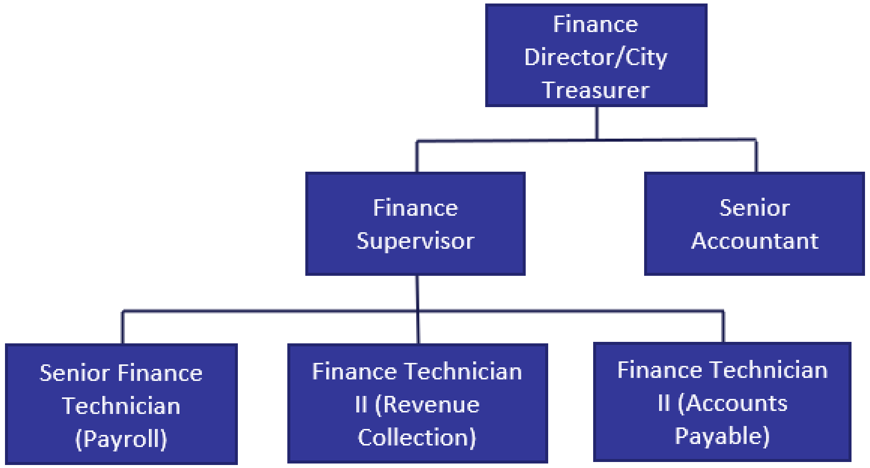
Community Development Major Expenditures

General Fund (non-personnel) Major Expenditures (>$50k)		
	Amount	Description
Planning	$60,000	Miscellaneous Professional Services: Temporary staff and specialized professional planning services to support staff upcoming parental leave and, as needed, to support development of Specific Plan Update
Building	$50,000	Architect/Engineering support for Plan Check services for smaller projects that exceed in-house capacity
Building	$100,000	Major Projects: Multifamily and major commercial projects sent for outside review, covered by fees, assumes one major project. (FY 2020 was $113,000; FY 2021 was 0)
Building	$125,000	Professional Services: Temporary Building staff to backfill vacant positions and occasional augmenting of services to account for demand
Building	$70,000	Temporary Inspection services for large multifamily projects that are a result of the San Pablo Avenue Specific Plan, covered by fees. Assumes current active projects. If new projects move into construction phase, will need to increase.

Finance Department

Divisions: Budget & Treasury, Accounting, Municipal Services

Chart 5.1
Finance Department Organizational Structure



FINANCE DEPARTMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Finance Director/City Treasurer	1	1	1	1	1
Accounting Supervisor	1	1	1	1	0
Finance Supervisor	0	0	0	0	1
Accountant II/Mgt. Analyst III	1	1	1	1	0
Senior Accountant	0	0	0	0	1
Account Clerk/Clerk Technician	3	3	3	3	0
Finance Technician	0	0	0	0	2
Senior Finance Technician	0	0	0	0	1
FINANCE DEPARTMENT TOTAL	6	6	6	6	6

THE CITY OF EL CERRITO

Finance Department Preliminary General Fund Budget Summary

Expenditures	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Adopted	FY 2021-22 Draft Proposed
General Fund (101)					
Personnel Services	$812,435	$950,737	$1,038,499	$943,008	$1,023,208
Purchased Professional & Technical Services	$404,037	$407,654	$365,358	$259,642	$355,000
Other Purchased Services	$12,301	$14,463	$20,089	$19,364	$41,039
Supplies	$10,406	$10,514	$8,708	$9,462	$9,462
Property & Capital	$401	$2,267	$2,352	$2,526	$5,000
Financing Costs	$199,415	$189,771	$209,872	$79,568	$50,000
Other Financing Uses	$412,272	$666,434	$669,865	$0	$0
Total Expenditures	**$1,851,267**	**$2,241,840**	**$2,314,743**	**$1,313,570**	**$1,483,709**

THE CITY OF EL CERRITO

Finance Department Major Expenditures

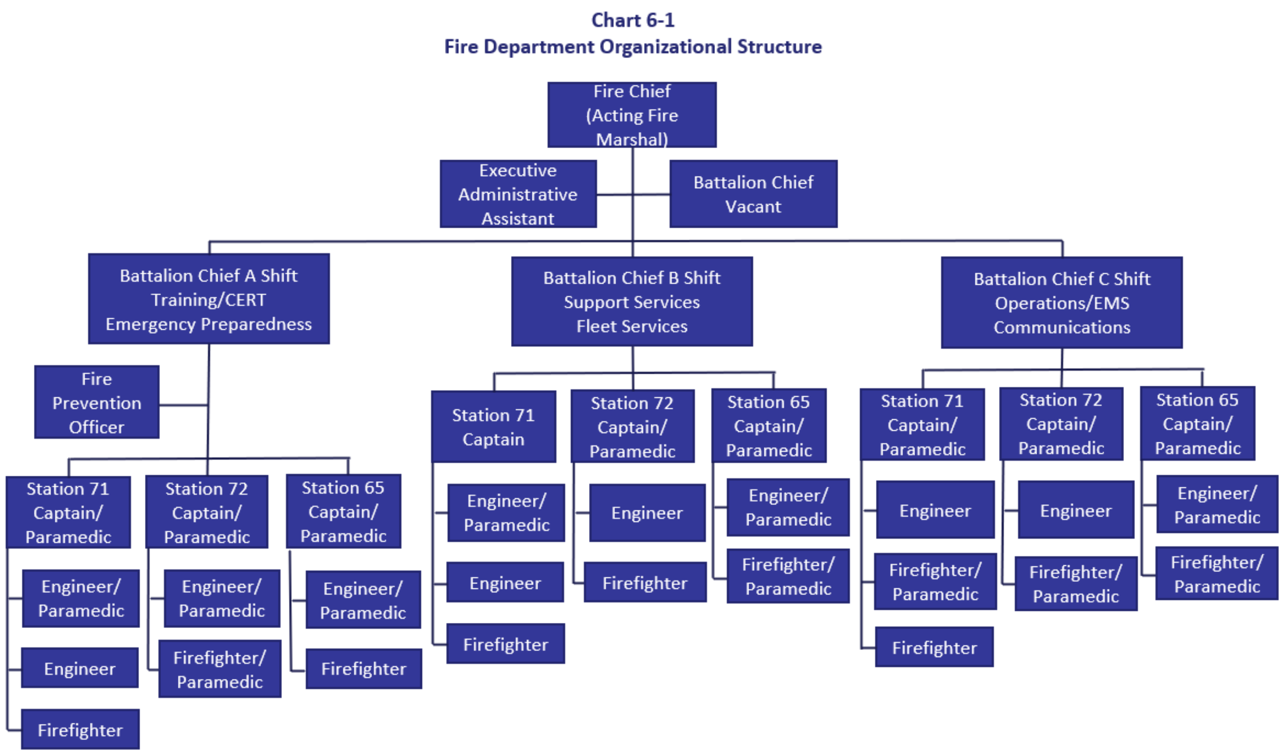
General Fund (non-personnel) Major Expenditures (>$50k)		
	Amount	**Description**
Admin	$100,000	Contra Costa County Property Tax Admin & Collection fees
Accounting	$54,000	Badawi & Associates - External Auditor
Accounting	$41,000	NHA, Jones Hall, Hilltop, S&P - TRAN Issuance
Accounting	$30,000	Bartel, HdL, Fraser, Willdan Professional services contracts
Budget & Treasury	$50,000	OpenGov Budget Builder and Budget Book software annual contracts
Budget & Treasury	$60,000	Tyler - City wide New World ERP software annual contract

No General Fund revenues projected over >$50K for this department.

THE CITY OF EL CERRITO

Fire Department

Divisions: Fire Prevention, Training/Emergency Preparedness, Operations, Support Services



FIRE DEPARTMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Fire Chief	1	1	1	1	1
Executive Assistant	1	1	1	1	1
Battalion Chief	3	3	3	3	3
Battalion Chief/Training Officer	1	1	1	1	1
Fire Captain	2	3	3	3	2
Fire Captain/Paramedic	7	6	6	6	7
Fire Captain/Paramedic/FPO	1	1	1	1	1
Fire Engineer	3	4	4	4	5
Fire Engineer/Paramedic	9	8	8	8	7
Firefighter	6	6	6	6	6
Firefighter/Paramedic	3	3	3	3	3
FIRE DEPARTMENT TOTAL	37	37	37	37	37

THE CITY OF EL CERRITO

Fire Department Preliminary General Fund Budget Summary

Expenditures	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Adopted	FY 2021-22 Draft Proposed
Personnel Services	$9,591,094	$10,301,035	$10,162,681	$10,602,202	$11,084,920
Purchased Professional & Technical Services	$22,499	$59,803	$51,812	$111,940	$378,900
Purchased Property Services	$304,364	$524,672	$698,263	$622,156	$549,600
Other Purchased Services	$108,638	$102,866	$121,709	$118,240	$139,582
Supplies	$120,976	$133,853	$106,773	$163,025	$155,800
Property & Capital	$37,897	$47,364	$39,795	$22,800	$37,100
Financing Costs	$134	$0	$1,379	$5,450	$2,500
Other Financing Uses	$26,862	$26,862	$26,862	$0	$0
Total Expenditures	**$10,212,464**	**$11,196,455**	**$11,209,274**	**$11,645,813**	**$12,348,402**

Revenues	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Adopted	FY 2021-22 Draft Proposed
Intergovernmental Revenues	$3,701,640	$3,698,983	$3,548,905	$4,122,174	$4,188,500
Charges for Services	54,719	95,059	78,995	208,000	175,000
Other Revenue			200		
Total Revenues	**$3,756,359**	**$3,794,042**	**$3,628,100**	**$4,330,174**	**$4,363,500**

THE CITY OF EL CERRITO

Fire Department Revenue Assumptions/Major Expenditures

General Fund Revenue Assumptions (>$50k)

	Amount	Description
Operations	$450,000	State of California Office of Emergency Services (CalOES) reimbursements providing personnel and response when requested. Based on five-year average. Funds fully offset expenses. (Estimate)
Administration	$3,600,000	Contracted charges to provide fire service to the Kensington Fire Protection District.
Operations	$112,000	Measure H EMS reimbursements are funds provided by Contra Costa County Health Services. Annual contract price per 2019 agreement with the County.
Operations	$100,000	Weed Abatement reimbursement for forced abatements of Vegetation Management Standards (becomes lien on property by County).

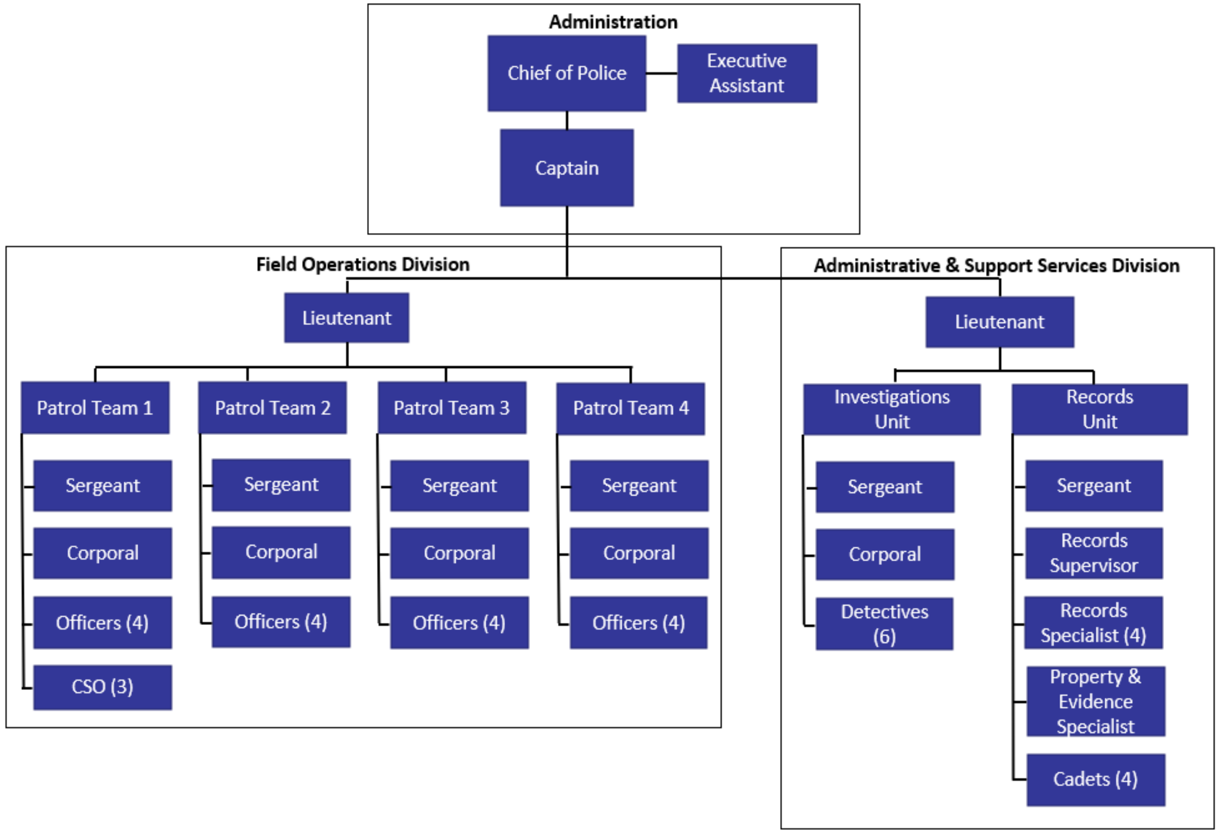
General Fund Major Expenditures (>$50k)

	Amount	Description
Administration	$299,500	Includes Fire Dispatch Services contract with Contra Costa County - $187,000, Plan Check Services for fire sprinkler reviews - $60,000, hiring/promotional costs: promotional testing, background investigations, and physiological evaluations
Administration	$109,100	Includes annual license and repair fees for EBRCS radios - $50,000, 5-year upgrade of public safety computer servers - $32,900
Operations	$450,000	Expenses for Out of County and Cal OES deployments to cover payroll/OT/backfill and equipment repairs/replacement for which all costs are fully reimbursed (Estimate)
Operations	$272,000	Expenses to cover annual services of apparatus, staff vehicles, trailers as well as staff vehicle upgrades and fuel. Expenses have been increased due to age of the apparatus and frequent equipment failures.
Operations	$100,000	Weed Abatement – forced abatements of Vegetation Management Standards (reimbursed by County via lien)

Police Department

Divisions: Administration, Administrative & Support Services, Field Operations

Chart 7-1
Police Department Organizational Chart



POLICE DEPARTMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Community Services Officer (CSO)	2.4	2.4	2.4	2.4	2.4
Police Cadet	1.6	1.6	1.6	1.6	1.6
Police Captain	1	1	1	1	1
Police Chief	1	1	1	1	1
Police Corporal	4	4	4	4	4
Police Corporal - Detective	1	1	1	1	1
Management Analyst II	1	1	1	0	0
Public Safety Executive Assistant	1	1	1	1	1
Police Lieutenant	3	3	3	3	2
Police Officer	18	17	17	17	13
Police Officer - Detective	4	4	4	4	6
Police Officer - K9	2	2	2	2	2
Police Officer - SRO	2	2	2	0	0
Police Officer - Traffic	3	3	3	3	0
Police Records Specialist	4	4	4	4	4
Police Records Supervisor	1	1	1	1	1
Police Sergeant	4	4	4	4	5
Police Sergeant - Detective	1	1	1	1	1
Police Sergeant - Motor	1	1	1	1	0
Police Sergeant - Admin	0	1	1	1	1
Property and Evidence Specialist	1	1	1	1	1
Senior Police Records Specialist	1	1	1	1	0
POLICE DEPARTMENT TOTAL	58	58	58	55	48

Police Department Preliminary General Fund Budget Summary

Expenditures	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Adopted	FY 2021-22 Draft Proposed
Personnel Services	$9,107,911	$10,145,543	$10,334,946	$10,077,521	$10,136,681
Purchased Professional & Technical Services	$1,157,401	$1,269,477	$1,315,407	$1,349,000	$1,400,000
Purchased Property Services	$151,859	$152,780	$97,640	$135,500	$136,500
Other Purchased Services	$278,678	$232,514	$206,071	$314,935	$274,592
Supplies	$186,049	$160,730	$164,323	$145,232	$161,500
Property & Capital	$243,736	$104,516	$189,353	$210,000	$190,000
Financing Costs	$1,344	$1,555	$1,272	$1,545	$1,545
Total Expenditures	**$11,126,978**	**$12,067,115**	**$12,309,012**	**$12,233,733**	**$12,300,818**

Revenues	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Adopted	FY 2021-22 Draft Proposed
Fines & Forfeitures	$200,168	$203,227	$213,294	$150,000	$120,000
Intergovernmental Revenues	$385,731	$361,358	$324,708	$20,000	$20,000
Charges for Services	$152,426	$123,979	$99,086	$102,244	$79,000
Other Revenue	$185,678	$112	$156	$0	$0
Total Revenues	**$924,003**	**$688,676**	**$637,244**	**$272,244**	**$219,000**

THE CITY OF EL CERRITO

Police Department Revenue Assumptions/Major Expenditures

General Fund Revenue Assumptions (>$50k)

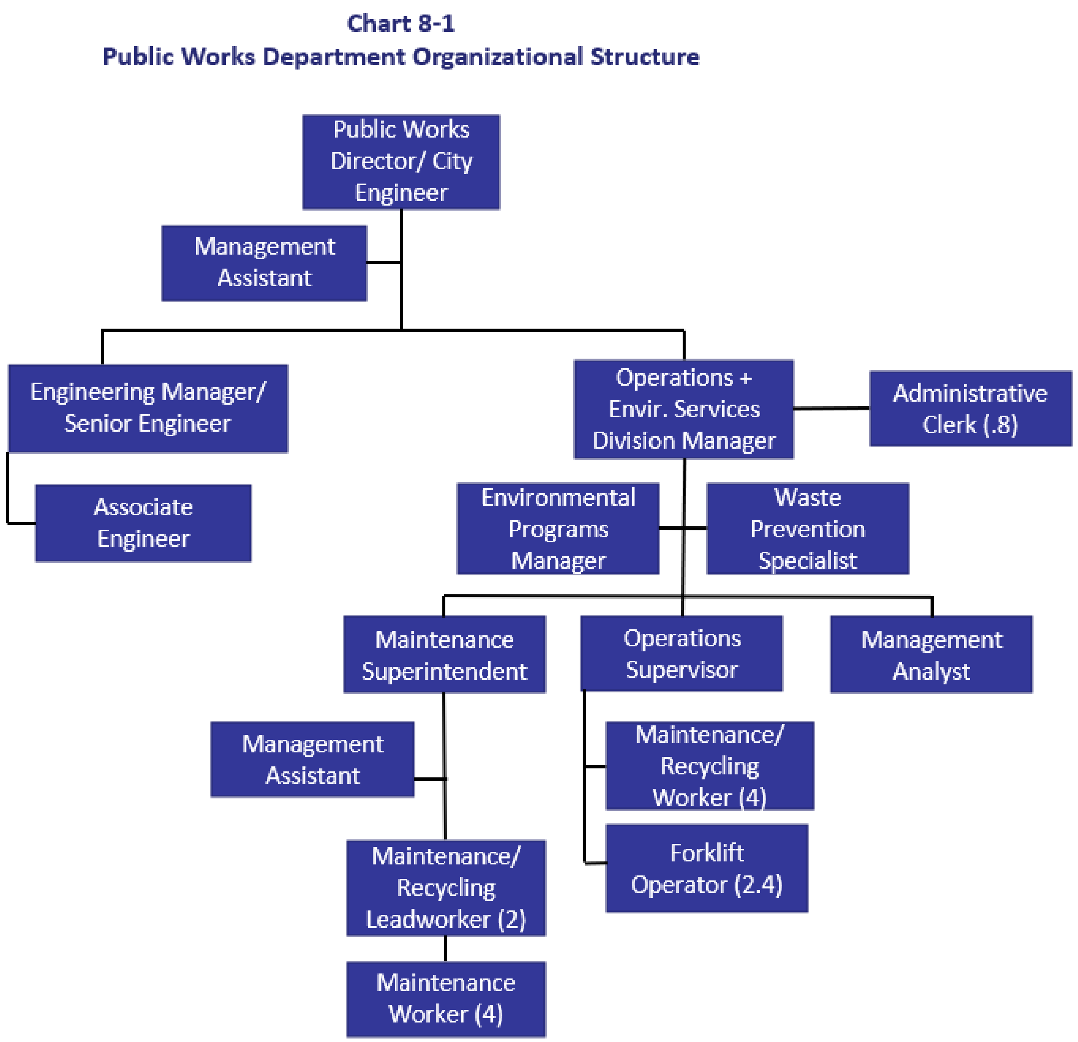
	Amount	Description
Operations	$60,000	Moving Vehicle Citations – based on traffic enforcement trends during the pandemic and impacts of the midyear elimination of the traffic unit; expect citation trends will continue in line with FY 2021
Operations	$60,000	Parking Citations/Fines – based on parking citation trends during the pandemic as well as impacts of part time staff reductions, and parking enforcement activity during the final months of FY 2021. Staff estimates that parking citation trends will increase modestly.

General Fund (non-personnel) Major Expenditures (>$50k)

	Amount	Description
Administration	$1,262,000	Contract and Regional Service Agreements, including Richmond Dispatch Communications Center ($924,339), Animal Control ($166,456), East Bay Regional Communications ($65,000), fingerprint connection services ($35,000), building cleaning, psychological services, and shredding
Administration	$100,000	Training including CA POST mandated continuing education, meetings, conferences, and advanced officer training. Training is often not available locally, requiring travel.
Administration	$97,000	Software as a Service Agreements, including regional data sharing ($9,500), transcription services ($20,000), records management and computer aided dispatch ($50,000), online reporting ($6,500), employee scheduling, and planned crime mapping service.
Operations	$295,000	$75,000 - expenses related to police vehicle and equipment repair and maintenance, $70,000 - annual fuel expenses, $150,000 - expenses related to the purchase and outfitting of vehicles, typically 2 to 3 patrol vehicles and 1 to 2 support vehicles
Investigations	$70,000	Evidence processing services provided by the Contra Costa County Crime Laboratory as well as private industry partners, including blood alcohol determination, fingerprint analysis, and DNA processing

Public Works Department

Divisions: Engineering, Operations & Environmental Services



PUBLIC WORKS DEPARTMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Management Analyst	1	1	1	1	1
Administrative Clerk	0.4	0.8	0.8	0.8	0.8
Associate Engineer	1	1	1	1	1
Engineering Technician	1	1	1	1	0
Environmental Programs Manager	1	1	1	1	1
Operations + Enviro. Services Manager	1	1	1	1	1
Forklift Operator	2.4	2.4	2.4	2.2	2.4
Maintenance Services Leadworker	2	2	2	2	2
Maintenance Services Superintendent	1	1	1	1	1
Maintenance Worker	4	4	4	4	4
Management Assistant	2	2	2	2	2
Public Works Director/City Engineer	1	1	1	1	1
Recycling Maintenance Worker	4	4	4	4	4
Recycling Operations Supervisor	1	1	1	1	1
Senior Engineer/Engineering Manager	1	1	1	1	1
Waste Prevention Specialist	1	1	1	1	1
PUBLIC WORKS DEPARTMENT TOTAL	24.8	25.2	25.2	25	24.2

Public Works Preliminary General Fund Budget Summary

Expenditures	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Adopted	FY 2021-22 Draft Proposed
Personnel Services	$662,690	$683,626	$768,809	$707,111	$684,297
Purchased Professional & Technical Services	$134,877	$159,554	$55,254	$30,062	$43,100
Purchased Property Services	$1,186,308	$891,429	$987,333	$777,960	$815,700
Other Purchased Services	$50,500	$50,780	$52,361	$55,439	$70,588
Supplies	$50,171	$52,686	$50,516	$45,673	$45,500
Property & Capital	$73,217	$113,114	$9,209	$8,196	$8,500
Financing Costs	$4,452	$19,576	$24,465	$27,305	$29,300
Total Expenditures	**$2,162,215**	**$1,970,765**	**$1,947,947**	**$1,651,746**	**$1,696,985**

Revenues	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Adopted	FY 2021-22 Draft Proposed
Intergovernmental Revenues	$10,461	$27,327	$17,405	$16,480	$17,400
Charges for Services	430,425	371,974	312,994	311,334	313,400
Other Revenue	2,792	2,887	2,458	0	0
Revenue Totals	**$443,678**	**$402,188**	**$332,857**	**$327,814**	**$330,800**

THE CITY OF EL CERRITO

Public Works Revenue Assumptions/Major Expenditures

General Fund Revenue Assumptions (>$50k)

	Amount	Description
Engineering	$293,550	Engineering Fees conservatively projected to remain flat due to slowing development trend offset by increases in development building permit and planning fees to meet cost recovery goals as proposed in the Master Fee Schedule.

General Fund (non-personnel) Major Expenditures (>$50k)

	Amount	Description
Utilities	$121,300	PG&E for Admin, Maint & Recreation Buildings--New PG&E Time of Day (TOD) Electric & Gas, 13% Increase - 2021
Utilities	$104,000	EBMUD for Admin, Maint & Recreation Buildings - EBMUD Proposed 4% Increase for FY 2021-22
Maintenance	$145,200	Infrastructure maintenance contract services for Street Sweeping $100,000, Underground Storage Tank Maint & Repairs $15,000, Misc Repairs (Sewer, Irrigation) $27,000 - CPI Increase in agreements + $10,000 for Public Safety Bldg Sewer Repair
Maintenance	$79,600	Building maintenance contract services for All Bldgs: Alarm Service $10,000, Pest Management $14,000, Plumbing $10,000, HVAC $25,000, Misc Building/Roof Repairs $19,000 - CPI Increase in contracts
Maintenance	$203,100	Various contract services: Bldg Grnds & Streetscape Landscape Maint $72,000, Street Tree Pruning $85,000, Emergency Street Tree Work $27,000, HNA Trees $15,000 - CPI Increase in contracts
Maintenance	$54,200	Contract Services for Public Works vehicles & equipment - CPI Increase in contracts

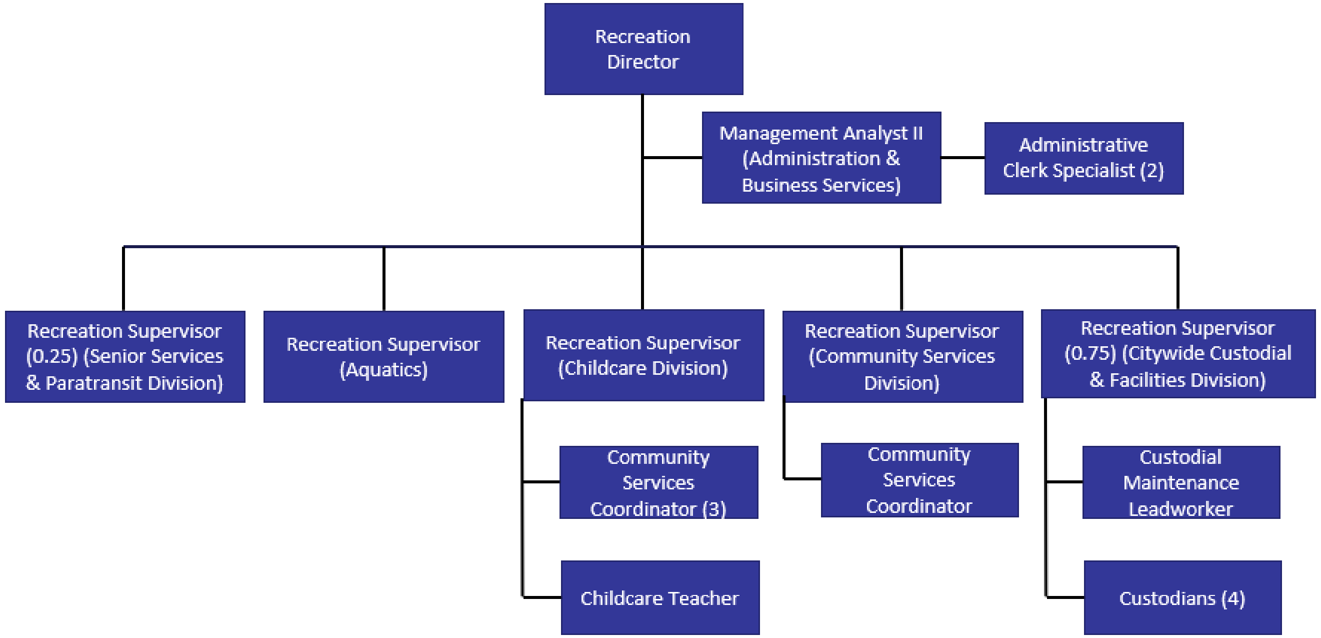
THE CITY OF EL CERRITO

Recreation Department

Divisions: Administration, Community Services, Senior Services, Aquatics, Childcare, Custodial

Chart 9-1

Recreation Management Organizational Structure



RECREATION DEPARTMENT	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Administrative Clerk Specialist	2	2	2	2	2
Assistant Program Supervisor	1	1	1	0.5	0
Childcare Teacher	3	3	3	2	1
Community Services Coordinator	5	5	5	4.67	4
Custodial Maintenance Lead Worker	1	1	1	1	1
Custodian	4	4	4	4	4
Management Assistant	1	1	1	0.5	0
Management Analyst II	1	1	1	1	1
Recreation Director	1	1	1	1	1
Recreation Supervisor	4	4	4	4	4
RECREATION DEPARTMENT TOTAL	23	23	23	20.67	18

THE CITY OF EL CERRITO

Recreation Department Preliminary General Fund Budget Summary

Expenditures	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Adopted	FY 2021-22 Draft Proposed
Personnel Services	$3,593,052	$3,783,037	$3,798,869	$3,241,153	$3,115,123
Purchased Professional & Technical Services	$739,801	$678,422	$608,563	$540,908	$389,300
Purchased Property Services	$167,377	$335,295	$338,737	$264,840	$325,764
Other Purchased Services	$317,077	$431,291	$236,576	$219,796	$273,468
Supplies	$265,445	$302,558	$193,378	$188,759	$201,646
Property & Capital	$10,069	$20,227	$38,595	$15,000	$33,000
Financing Costs	$145,895	$162,588	$122,805	$135,474	$137,418
Total Expenditures	**$5,238,716**	**$5,713,418**	**$5,337,523**	**$4,605,930**	**$4,475,719**

Revenues	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Actual	FY 2020-21 Adopted	FY 2021-22 Draft Proposed
Use of Money and Property	$238,172	$226,678	$193,992	$238,610	$210,000
Charges for Services	$3,524,742	$4,102,548	$2,863,255	$3,558,397	$3,075,100
Other Revenue	$19,183	$39,462	$30,022	$147,000	$140,000
Other Financing Sources	$33,403	$34,000	$35,360	$34,000	$34,000
Total Revenues	**$3,815,500**	**$4,402,688**	**$3,122,629**	**$3,978,007**	**$3,459,100**

THE CITY OF EL CERRITO

Recreation Department Revenue Assumptions

General Fund Revenue Assumptions (>$50k)		
	Amount	Description
Administration	$70,000	Placeholder for 4th of July Special Event - 2022
Administration	$125,000	Administrative fees charged on most transactions
Childcare	$1,185,000	School Year Childcare Programs: based on trends, interest list for Fall 2022. Conservative estimate at 75% of FY 2019 enrollment when accounting for fee increases - Miscellaneous Program Fees ($75,000) - Teeter Tots Fees ($75,000) - Harding Childcare ($400,000) - Madera Childcare ($510,000) - Fairmont Childcare ($125,000)
Childcare	$270,000	Summer "Traditional Camps": based on trends, 75% of FY 2019 enrollment when accounting for fee increases - Arlington Day camp ($60,000) - Harding Day camp ($70,000) - Mix & Match Camp ($65,000) - Discovery Summer Camp ($75,000)

THE CITY OF EL CERRITO

Recreation Department Revenue Assumptions (continued)

General Fund Revenue Assumptions (>$50k) cont.'d

	Amount	Description
Aquatics	$575,000	Swim Center Revenue: seeing steady demand, conservative estimate of 80% of FY 2019 when accounting for fee increases - Recreation Swim ($75,000) - Lap Swim ($150,000) - Swim Teams ($100,000) - Lesson Fees ($200,000)
Community Services (Sports)	$50,000	Represents mostly El Cerrito youth sports leagues who continue to book their normal season field times
Community Services (Adult)	$85,000	Estimated at 65% of FY 2019 fees when accounting for fee increases, adult programs are slower to resume normal activities but are steadily increasing
Community Services (Youth)	$100,000	Ravencliff Camp has consistently filled for over 15 years, budgeting at FY 2018 level, increased fees create a buffer for lower enrollment
Community Services (Youth)	$672,500	Youth Classes, Specialty Camps, and Sports: estimated at 80% of FY 2019 when accounting for fee increases. Main source of revenue, summer camps, is showing strong demand. - General Activities ($150,000) - Special Programs ($222,500) - Sports Programs ($300,000)

THE CITY OF EL CERRITO

Recreation Department Major Expenditures

General Fund (non-personnel) Major Expenditures (>$50k)		
	Amount	Description
All Divisions	$365,000	Instructor Services (all divisions) - programs and classes run by contractors. Based on past trends (resuming normal operations by second quarter). Actual amount depends on programs offered and enrollment. Revenue offsets all expenses in this line item.
All Divisions	$220,935	Utilities (all divisions) - based off estimates provided by Public Works Staff. Accounts for 13% increase in gas and electricity and 4% increase in water expenses.
Senior Services	$126,000	Land & Building Lease - payments to Mobile Modular for two modular buildings of the Midtown Activity Center. Lease ends in 2023.
Administration	$70,000	Special Event expenses, mainly 4th of July. Budgeted equal amount of revenue to make cost neutral. Will only proceed if enough outside funding is identified to make them cost neutral.
Childcare	$55,000	Other Operating Supplies - Childcare and summer camp program supplies. Based on past trends and returning to normal operations by second quarter. Offset by program revenue.
Administration	$125,000	Bank & Credit Card Fees - finance charges for customer credit card usage. Offset by administrative charges. Based on past trends.

THE CITY OF EL CERRITO

FY 2021-22 Proposed Budget – Next Steps

- May 19-24: Staff will finalize FY 2021-22 Proposed Budget
- Week of May 24: FY 2021-22 Proposed Budget Book to City Council and FAB
- May 25: FAB Special Meeting
- June 1: City Council Meeting - Presentation of FY 2021-22 Proposed Budget, Budget Hearing, Approve TRAN Issuance
- June 8: FAB Meeting – Budget Review
- June 15: City Council Meeting – Budget Hearing
    - Additional Council meetings as needed/requested
    - Approval of FY 2021-22 Proposed Budget by June 30, 2021
- TBD: Discussion/Approval of the American Rescue Plan Act (ARPA) funding and expenditure plan

THE CITY OF EL CERRITO