



AGENDA

REGULAR CITY COUNCIL MEETING OCTOBER 5, 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://us06web.zoom.us/j/84341362683?pwd=Uy83TzBkZW11ZVJhd1pINm1XQTdkZz09>

Meeting ID: 843 4136 2683 **Password:** 335069
or Dial in: 1-408-638-0968

The City Council may continue to meet by teleconference, consistent with the Brown Act as amended by AB 361 (2021). Under the amended rules, the City will not provide a physical location for members of the public to participate in the teleconference 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. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF A MOMENT OF SILENCE

2. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

3. 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.

4. 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.

5. 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. Children’s Environmental Health Month Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring October 2021 as Children's Environmental Health Month in the City of El Cerrito.

Contact: Karen Pinkos, City Manager, City Management

B. National Arts and Humanities Month Proclamation

Action Proposed: Pass a motion to approve a proclamation in support and recognition of October 2021 as National Arts and Humanities Month in El Cerrito.

Contact: Alexandra Orologas, Assistant City Manager, City Management

C. Economic Development Committee Appointment

Action Proposed: Approve one Economic Development Committee recommendation to appoint a new member, Patrick Swen, effective October 5, 2021.

Contact: Aissia Ashoori, Community Development Analyst, Community

Development Department

D. Authorize City Council and City Advisory Body Meetings to be Held Via Teleconference Pursuant to Assembly Bill 361 (AB 361)

Action Proposed: Adopt a resolution authorizing City Council and City Advisory Body meetings to be held via teleconference for a period of 30 days, and making related findings pursuant to AB 361.

Contact: Holly M. Charl  ty, City Clerk, City Management

6. PRESENTATIONS

A. District Attorney's Office Overview

Action Proposed: Receive and file an overview of the Contra Costa County District Attorney's office including budget, departments, and programs.

Contact: Diana Becton, District Attorney, Contra Costa County

7. PUBLIC HEARINGS

A. Revisions to FY 2021-22 Master Fee Schedule

Notice published on 9/25/21 and 10/1/21

Action Proposed: Conduct a public hearing and upon conclusion, adopt a resolution approving the revision to the Fiscal Year 2021-22 Master Fee Schedule.

Contact: Karen Pinkos, City Manager, City Management

B. Cost Hearing Regarding Fire Hazard Abatement of a Public Nuisance for Properties Identified and pursuant to El Cerrito Municipal Code Chapter 16.26

Notice published on 9/25/2021

Action Proposed: Conduct a public hearing and upon conclusion adopt a resolution confirming the cost of abatement of public nuisance conditions resulting from the presence of weeds, rubbish, litter or other flammable material on private properties designated in Exhibit A to the resolution as authorized by El Cerrito Municipal Code Chapter 16.26.

Contact: Michael Pigoni, Fire Chief/Fire Marshal, Fire Prevention Officer; David Yun, Fire Prevention Officer, Fire Department

8. POLICY MATTERS

A. Campaign Contribution Limits and Regulations for Local Elections

Action Proposed: 1) Discussion options regarding limits on campaign contributions made to candidates for local elective office as necessitated by Assembly Bill 571 (AB 571) and 2) Provide staff direction to proceed with one of three options related to local campaign contribution limits and regulations.

Contact: Holly M. Charley, City Clerk; Sky Woodruff, City Attorney, City Management

9. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

10. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, October 19, 2021 at 7:00 p.m.

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 PROCLAMATION
Designating October 2021 as
Children's Environmental Health Month

WHEREAS, the aim of Children's Environmental Health Month is to raise awareness about the importance of clean air and water, safe food and consumer products, healthy environments, and stable climates to children's health and development; and

WHEREAS, a statewide Children's Environmental Health Month was established on September 1st, 2021, through House Resolution 68 by the California State Assembly; and

WHEREAS, Children's Environmental Health Month provides a means to celebrate the progress of the children's environmental health movement and create an even stronger network of child health advocates; and

WHEREAS, Children's Environmental Health Month encourages individuals and organizations to raise awareness and understanding of children's environmental health issues, seek improved protections for all children, and to perform acts of sustainability or environmental health wellness; and

WHEREAS, together, we can safeguard the health, safety, and wellbeing of our most precious resource: children.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim October 2021, as Children's Environmental Health Month in the City of El Cerrito and urges all people to observe this month with awareness-raising and environmental health and stewardship activities to create a healthier environment for our children.

Dated: October 5, 2021

Paul Fadelli, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Recognizing and Supporting October 2021 as
National Arts and Humanities Month in El Cerrito

WHEREAS, the month of October has been recognized as National Arts and Humanities Month across the country since 1993; and

WHEREAS, National Arts and Humanities Month was initiated to encourage all Americans to begin a lifelong habit of participation in the arts and humanities; and

WHEREAS, the arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind; and

WHEREAS, the arts and humanities play a unique role in the lives of our families, our communities, and our country; and

WHEREAS, the arts and humanities enhance and enrich the lives of every American; and

WHEREAS, the arts and humanities contribute towards cross-cultural understanding, and enhance the quality of life; and

WHEREAS, studies show that innovation and creativity are key components to a prosperous future California economy; and

WHEREAS, the Arts and Culture Commission works to encourage and promote arts programs and events happening in El Cerrito during October.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby declares October 2021 as Arts and Humanities Month in the City of El Cerrito and encourages all members of the community to celebrate and promote the arts and culture in our nation and to participate, patronize and support the arts and humanities in El Cerrito.

Dated: October 5, 2021

Paul Fadelli, Mayor



AGENDA BILL

Agenda Item No. 5.C.

Date: October 5, 2021
To: El Cerrito City Council
From: Aissia Ashoori, Community Development Analyst, Community Development Department
Subject: Economic Development Committee Appointment

ACTION PROPOSED

Approve one Economic Development Committee recommendation to appoint a new member, Patrick Swen, effective October 5, 2021.

BACKGROUND/ ANALYSIS

Mr. Swen grew up in El Cerrito, relocated and returned in 2018 with a combined 23 years of residency. He has managed/operated a travel and tourism business where he partnered with businesses across the world. Since returning to El Cerrito, he is looking to become more involved with local businesses and connecting with entrepreneurs by serving on the EDC.

Mr. Swen has demonstrated through his participation in EDC meetings that he is committed to keeping with the mission of the Committee and bolstering economic growth in our community.

The Economic Development Committee voted unanimously to recommend the appointment of Mr. Swen at its regular meeting on September 20, 2021.

If the City Council approves this recommendation for appointment, the number of committee members will be 8 out of a possible membership total of 15, as established by Resolution 2013-66.

STRATEGIC PLAN CONSIDERATIONS

The recommended appointment fulfills the City's Strategic Plan Goal C: Deepen a sense of place and community identity.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

Application(s) on file with the City Clerk



AGENDA BILL

Agenda Item No. 5.D.

Date: October 5, 2021
To: El Cerrito City Council
From: Holly M. Charléty, City Clerk, City Management
Subject: Authorize City Council and City Advisory Body Meetings to be Held Via Teleconference Pursuant to Assembly Bill 361 (AB 361)

ACTION PROPOSED

Adopt a resolution authorizing City Council and City Advisory Body meetings to be held via teleconference for a period of 30 days, and making related findings pursuant to AB 361.

BACKGROUND/ANALYSIS

All meetings of the City Council and the City's other legislative bodies are open and public, as required by the Brown Act, so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business. On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means in order to slow the spread of COVID-19. As a result of Executive Order N-29-20, staff set up virtual meetings for all City Council meetings and other City legislative bodies. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, ended the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means.

On September 16, 2021, the Governor signed Assembly Bill 361 ("AB 361") into law which provides the ability for legislative bodies to continue meetings via teleconferencing under specified conditions and includes a requirement that the legislative body make specified findings. AB 361 took effect upon the expiration of Executive Order N-29-20 on October 1, 2021. AB 361 allows a local agency legislative body to hold a meeting utilizing teleconferencing without complying with the standard teleconferencing requirements if the Governor has proclaimed a State of Emergency and if state or local officials have imposed or recommended measures to promote social distancing. These conditions continue to exist. AB 361 further states that a local agency must make certain findings by a majority vote in order to use the bill's exemptions to the Brown Act teleconferencing rules. Any such findings are effective for a period of 30 days, after which such findings must again be declared in order to continue meeting under the provisions of AB 361.

Staff is requesting that the City Council adopt the proposed resolution, directing staff to continue facilitating all meetings of the City of El Cerrito and City Advisory Bodies pursuant to the requirements of AB 361 in order to better ensure the health and safety of the public. If adopted, this resolution would be in effect for the period of October 5 -

November 4, 2021. The attached resolution makes the findings to confirm the current conditions to allow teleconference meetings pursuant to AB 361 for the City Council and on behalf of all of the commissions and committees created by the City Council pursuant to Government Code section 54952(b). The attached resolution also authorizes hybrid meetings held both via teleconference and in-person. This resolution will allow members of the public to safely observe and participate in local government teleconference meetings during the continued pandemic.

If a meeting is held via teleconference, including a hybrid meeting, the following requirements apply under AB 361:

1. Notices and agenda requirements remain the same under the Brown Act;
2. No physical location is required for public attendance or public comment. However, the public must be able to access and participate in the meeting through a call-in or an internet-based service, and instructions for how to participate must appear in the posted notices or agenda;
3. Teleconference meetings must protect the statutory and constitutional rights of the parties and the public;
4. If there is any disruption of the call-in or internet-based service, the agency must suspend the meeting until the problem is fixed;
5. Legislative bodies may allow public comments to be submitted prior to a meeting but must also allow the public to participate in real time through call-in or internet-based service;
6. If an internet-based service requires registration through a third-party, individuals can be required to register with the third-party to participate in the meeting; and
7. When providing a public comment period, whether after each item or during a general comment period, a legislative body must allow reasonable time for members of the public to comment and must also include reasonable time for members to register with a third-party host if applicable.

In order to continue to hold teleconference or hybrid meetings, the City Council must continue to declare every 30 days that either (i) the state of emergency continues to directly impact the ability of the members to meet safely in person, or (ii) State or local officials continue to impose or recommend measures to promote social distancing.

STRATEGIC PLAN CONSIDERATIONS

This action is aligned with Goal E: Ensure the Public's Health and Safety.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and legal considerations have been addressed.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION 2021-XX

A RESOLUTION AUTHORIZING CITY COUNCIL AND CITY ADVISORY BODY MEETINGS TO BE HELD VIA TELECONFERENCE FOR THE 30-DAY PERIOD BEGINNING OCTOBER 5, 2021 AND MAKING RELATED FINDINGS PURSUANT TO AB 361

WHEREAS, all meetings of the City of El Cerrito's legislative bodies are open and public, as required by the Brown Act, so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, in addition to the City Council, the City's legislative bodies include all boards, commissions, and committees created by the City Council pursuant to Government Code section 54952(b) (hereafter "Advisory Bodies"); and

WHEREAS, on March 4, 2020, the State of California declared a statewide emergency over the COVID-19 pandemic; and

WHEREAS, on March 10, 2020, the County of Contra Costa adopted Resolution 2020-92 declared a countywide emergency over the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-12 declaring a citywide emergency over the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the Governor signed Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up teleconference meetings for all City Council meetings and all Advisory Body meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 which ended the applicable provisions of Executive Order N-29-20 on September 30, 2021; and

WHEREAS, the Contra Costa County Health Department issued a Health Order requiring masks indoors in public places, regardless of vaccination status, starting August 3, 2021; and

WHEREAS, on September 16, 2021, the Governor signed AB 361 (2021) into law allowing legislative bodies to continue to conduct meetings via teleconferencing under specified conditions, including the requirement that the legislative body make specified findings. AB 361 (2021) took effect immediately; and

WHEREAS, AB 361 (2021) requires that the Governor declare a State of Emergency pursuant to Government Code section 8625; and

WHEREAS, AB 361 (2021) further requires that state or local officials have imposed or recommended measures to promote social distancing, or, requires that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the City, specifically, Governor Newsom has declared a State of Emergency due to COVID-19 and on September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings; and

WHEREAS, the Contra Costa County Health Officer's recommendations for safely holding public meetings include, but are not limited to, holding online meetings, as they present the lowest risk of virus transmission, and imposing social distancing measures for in-person meetings; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, since issuance of Executive Order N-08-21, the highly contagious Delta variant of COVID-19 has emerged, causing an increase in COVID-19 cases throughout the State; and

WHEREAS, because of the rise in cases due to the Delta variant of COVID-19, the City is concerned about the health and safety of all individuals who intend to attend City Council and Advisory Body meetings; and

WHEREAS, the City Council hereby finds, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of City Advisory Body created by the City Council pursuant to Government Code section 54952(b), that the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees, staff, and members of the City Council and Advisory Bodies, should those bodies hold entirely in-person meetings; and

WHEREAS, teleconference meetings may include hybrid meetings, in which all or some members of the City Council or Advisory Body meet in person while others attend by teleconference, and members of the public are either allowed to participate only by teleconference or both in person and by teleconference ("hybrid meetings"). The purpose of hybrid meetings is to allow for multiple modes of attending meetings while reducing the risks of COVID-19, including the Delta variant; and

WHEREAS, the City shall ensure that all City Council and City Advisory Body meetings subject to AB 361 (2021), including hybrid meetings, comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby makes the following findings:

1. The above recitals are true and correct, and incorporated into this resolution.
2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings pursuant thereto, the City Council hereby finds that:
 - a. The City Council has considered the circumstances of the state of emergency; and
 - b. The state of emergency, as declared by the Governor, and the local emergency proclaimed by the City Council, continue to directly impact the ability of the City Council and the Advisory Bodies, as well as staff and members of the public, from meeting safely in person; and
 - c. The CDC and the Contra Costa County Health Officer continue to recommend social distancing due to COVID-19 and as a result of the presence of COVID-19 and the Delta variant, meeting in person would present imminent risks to the health or safety of attendees, the members of City Council and the City's Advisory Bodies, and staff.

BE IT FURTHER RESOLVED that city staff is directed to facilitate any teleconference meetings of the City Council and City Advisory Bodies subject to AB 361 (2021), including any hybrid meetings, pursuant to the requirements of AB 361 (2021) in order to better ensure the health and safety of the public.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption and be in effect for a period of 30 days from the date of adoption. The City Council may reconsider the circumstances necessitating this resolution within 30 days of the adoption of this resolution.

I CERTIFY that at a regular meeting on October 5, 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 October _____, 2021.

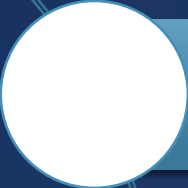
Holly M. Charléty, City Clerk

APPROVED:

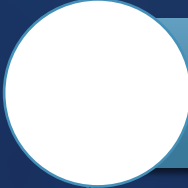
Paul Fadelli, Mayor

CONTRA COSTA COUNTY DISTRICT ATTORNEY'S OFFICE

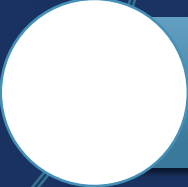
DIANA BECTON, DISTRICT ATTORNEY



Budget and Personnel

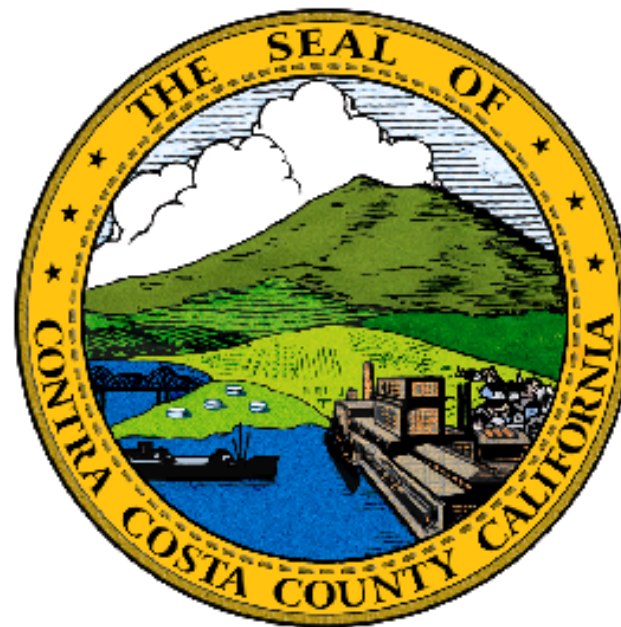


Department Overview



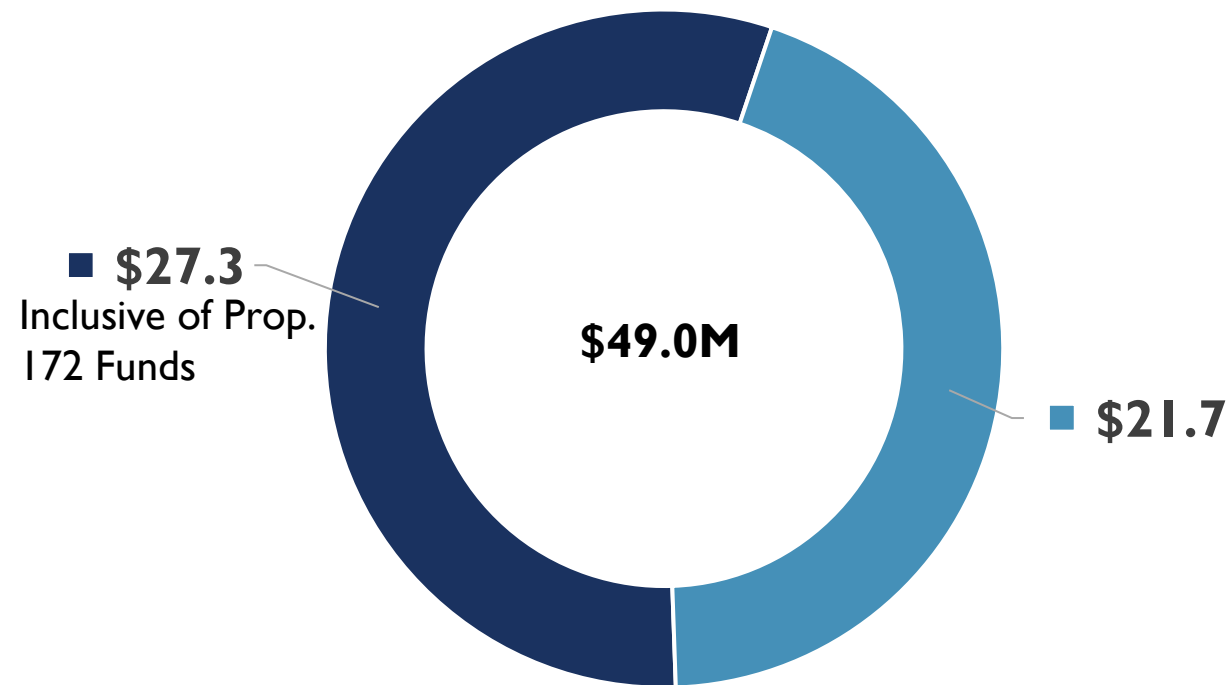
Programs

COLLABORATION



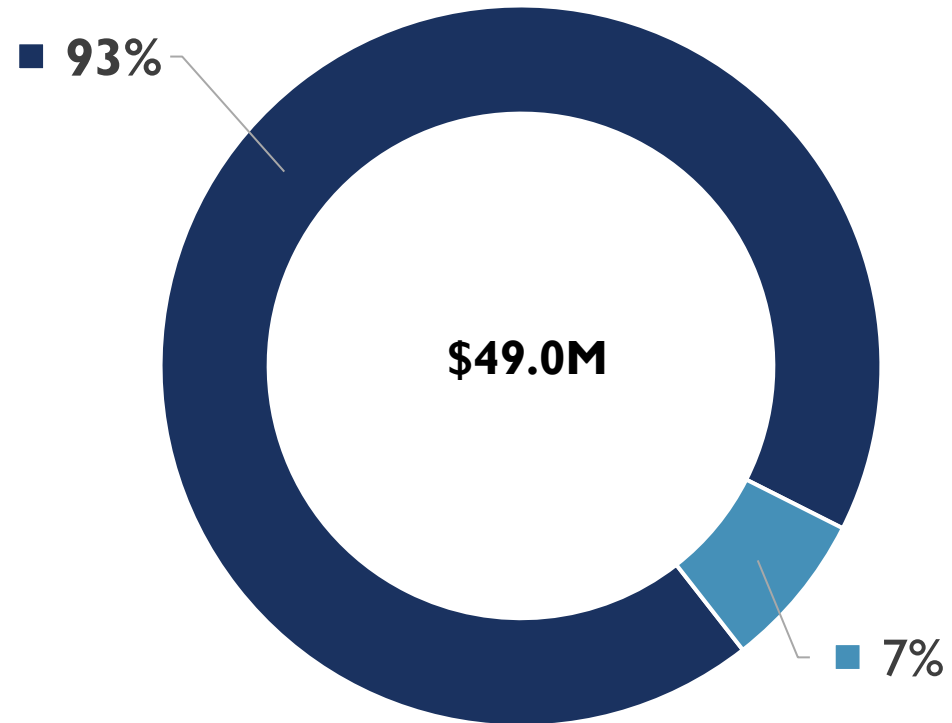
FISCAL YEAR 2021-22 BUDGET

FY 2021-2022 Budget



PERSONNEL

FY 2021-22 Budget



ALLOCATED POSITIONS (AS OF 04/13/21)

Description	FTE	Vacancy
Attorney	103.1	4
Investigative	28	8
Victim/Witness	17	1
Administration and Support	77.5	17.5
Total	225.6	30.5

DISTRICT ATTORNEY'S OFFICE

Seek Justice. Serve Justice. Do Justice.

Mission

To seek justice and enhance public safety for all our residents.

By fairly, ethically, aggressively and efficiently prosecuting those who violate the law, and by working to prevent crime.

2020 PERFORMANCE

Statistics

1.15 Million residents

25 law enforcement agencies within 19 cities

Filed over 3,327 felony cases

Filed over 4,634 misdemeanor cases

DIVISIONS AND UNITS

Function
Superior Court Operations
Special Operations
Community Violence Reduction
Homicide
Family Violence
Juvenile
Victim/Witness
Bureau of Investigations

2021-22 SPECIALTY UNITS AND PROGRAMS

Specialty Units and Programs

Conviction Integrity Unit

Cold Case Unit

Human Trafficking Unit

2021-22 RACIAL EQUITY, SOCIAL JUSTICE, AND REDUCING INCARCERATION

Reducing Incarceration

Youth Restorative Justice Diversion

Neighborhood Community Courts

Mental Health Diversion

Vera

Post Conviction Resentencing

Immigration Training

Implicit Bias Training

Training Oversight Committee

Community Academy

CONTACT US



- Community Academy
- Application is on the website
- www.contracosta.ca.gov



COMMUNITY COURTS

bmauler@contracostada.org





AGENDA BILL

Agenda Item No. 7.A.

Date: October 5, 2021
To: El Cerrito City Council
From: Karen Pinkos, City Manager, City Management
Subject: Revisions to FY 2021-22 Master Fee Schedule

ACTION PROPOSED

Conduct a public hearing and upon conclusion, adopt a resolution approving the revision to the Fiscal Year 2021-22 Master Fee Schedule.

BACKGROUND/ANALYSIS

The FY 2021-22 Master Fee Schedule was presented and adopted by the City Council on May 4, 2021, with additional revisions adopted on June 1, 2021. Section 2 under Miscellaneous Services and Charges notes a Credit Card Transaction fee of 3%. This percent does not cover the full cost charged by the merchant for credit card transactions, pursuant to the Merchant Surcharge Program Addendum (MSP). In order to ensure that the surcharge can fully be passed along to the cardholder, staff is requesting a revision to list this fee at **"actual cost."** Currently, the majority of credit card transactions are collecting no surcharge as most methods of processing the payment do not allow a manual entry for the amount. Revision to the master fee schedule will ensure that the system automation can be enabled, collecting the percent indicated in the current MSP.

STRATEGIC PLAN CONSIDERATIONS

The Master Fee Schedule is the basis for all City-wide fees and charges. Approving the attached resolution will allow the City to ensure that City-wide revenue meets the cost of providing City-wide services to assist in achieving long-term fiscal sustainability (Goal B).

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

The Master Fee Schedule is the basis for all City-wide fees and charges. Approving the attached resolution will ensure collection of all merchant surcharges for credit card transactions from the credit card holder.

LEGAL CONSIDERATIONS

As required by California Government Code section 66018(a), the City is required to conduct a public hearing prior to adopting certain fees or fee increases. Notification of this public hearing was completed in accordance with State law and the El Cerrito

Municipal Code. Notice was physically posted at City Hall and on the City's website and published in the West County Times on September 25 and October 1, 2021.

Reviewed by:

A handwritten signature in blue ink, reading "Alexandra Orologas". The signature is fluid and cursive, with the first name "Alexandra" written in a larger, more prominent script than the last name "Orologas".

Alexandra Orologas, Assistant City Manager

Attachments:

1. Resolution
2. Exhibit A to Resolution

RESOLUTION 2021-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ADOPTING REVISIONS TO THE MASTER FEE SCHEDULE FOR FISCAL YEAR 2021-22

WHEREAS, El Cerrito Municipal Code Section 4.01.010 requires that prior to July 1st of each year, the City Council shall consider and adopt the schedule of all general and special fees and charges to be known as the Master Fee Schedule; and

WHEREAS, the City Council desires to update currently established fees to cover inflation and City costs, which form the basis for the majority of the changes, as well as to establish new fees in keeping with City Council policy direction; and

WHEREAS, utilizing a rounding factor provides ease to our customers and our staff in the payment of these fees; and

WHEREAS, the City's Municipal Code requires that Business License Taxes be revised based on the percent change from the February 1988 figure of 117.0 in the Revised Consumer Price Index for Urban Wage Earners and Clerical Workers for the San Francisco-Oakland Bay Area as published by the Department of Labor for the month of February prior to the fiscal year in which the rate adjustment is applicable; and

WHEREAS, market-driven fees and service charges are adjusted based on factors to keep those fees and charges comparable to those charged by entities providing similar services; and

WHEREAS, a public hearing has been noticed and held in accordance with Government Code Sections 6062a, 66016, 66017 and 66018;

WHEREAS, the City Council adopted a Master Fee Schedule for FY 2021-22 on May 4, 2021; and

WHEREAS, the City Council adopted revisions to the FY 2021-22 Master Fee Schedule on June 1, 2021.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby adopts the amendments, as shown in Exhibit A, to the Master Fee Schedule for the City of El Cerrito as previously adopted, incorporated herein by reference, for FY 2021-22, and determines that the fees for services will not exceed the reasonable estimated cost of providing the service.

BE IT FURTHER RESOLVED that the fee change shall go into effect immediately upon adoption.

I CERTIFY that at the regular meeting on October 5, 2021 the El Cerrito City Council passed this resolution by the following vote:

AYES: COUNCILMEMBERS:

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

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

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor

Miscellaneous Services and Charges			
1	Notary, Certification, Legal and Special Services		
	Notary Services for Non-City employees (Set by Calif. Secretary of State)	per notarization	\$15
	Notary Services for City employees	per notarization	free
	City Clerk Document Certification	each	\$6
	Legal Fees—Recovery of legal costs in lawsuits and other instances when the City could be entitled to reimbursement of legal costs.	labor and overhead	actual cost
	Special City services—For special services provided by City staff where special interest are served (other than the general public). Overhead charges for City-sponsored public events may vary from this policy.	pro-rated salary, 15-min increment	\$4
2	Finance Charges		
	Finance Charge on fees remaining unpaid for a period exceeding 30 days (unless the ordinance establishing the fee provides for a penalty in a different amount)	unpaid balance	1.5% per month
	Returned Check Fee	per check	\$26
	Duplicate Business License Certificate	per copy	\$7
	Credit Card Transaction Fee	per transaction	actual cost 3%
3	Business License Related Fees		
	Business Enrollment	per license	\$81
	Business License Renewal	per license	\$26
	Accessibility Compliance and Education Fee (State mandated SB 1186)	per license	\$4
4	Parking Permits		
	1 to 3-year cycles	per year	\$36
	14-day Temporary Parking Permit	each	\$36
5	Use of Council Chambers (Government Agencies Only)	per meeting	\$43
6	Tobacco Retailer License Program Fees		
	Tobacco retailer license (initial license)	Per location	\$466
	Tobacco retailer license renewal	Per location	\$475
	Re-inspection fee (for non-compliant businesses)	Hourly	Based on actual costs
7	Rent Registry		
	Rent Registry	per unit	\$40
8	Election Related Filing Fees		
	Citizen Initiative Petition Filing Fee (refunded if petition qualifies within one year of filing)	per filing	\$200
9	Code Enforcement		
	Administration Citation Fee		\$20



AGENDA BILL

Agenda Item No. 7.B.

Date: October 5, 2021
To: El Cerrito City Council
From: Michael Pigoni, Fire Chief/Fire Marshal, Fire Prevention Officer; David Yun, Fire Prevention Officer, Fire Department
Subject: Cost Hearing Regarding Fire Hazard Abatement of a Public Nuisance for Properties Identified and pursuant to El Cerrito Municipal Code Chapter 16.26

ACTION PROPOSED

Conduct a public hearing and upon conclusion adopt a resolution confirming the cost of abatement of public nuisance conditions resulting from the presence of weeds, rubbish, litter or other flammable material on private properties designated in Exhibit A to the resolution as authorized by El Cerrito Municipal Code Chapter 16.26.

BACKGROUND

The Fire Department is continuing its fire hazard abatement program. The purpose of this program is to remove weeds, dry grass, stubble, brush, rubbish, litter and other flammable material from private properties where such flammable material endangers public safety by creating a public nuisance and a fire hazard.

Notices were initially sent to 110 parcel owners notifying them that hazards existed on their parcels. With support and help from the Fire Department the vast majority of notified property owners abated the hazards on their parcels. However, 11 of those property owners did not voluntarily abate their public nuisance and fire hazard conditions.

For these 11 properties, the City has followed a statutory procedure to remove hazardous conditions. This procedure is specified in the July 20, 2021 Agenda Bill and Resolution No. 2021-41. The property owners identified in the July 20, 2021 Exhibit A as amended were notified that if they did not abate the hazardous conditions on their property, the City would do so. They were given the opportunity at a public hearing to object to the City's plan to abate these conditions. On July 26, 2021, the City then sent these 11 property owners a second notice, informing them that the City would perform abatement through its own staff or through a private contract.

The majority of the 11 property owners then contacted the Fire Department and either performed the required abatement or entered a work agreement to perform the abatement over a given period of time.

On August 18, 2021, a notice was posted in plain view on each of the three remaining properties stating that the City would begin abatement on their properties as soon as August 23, 2021.

During the period of August 23, 2021 and September 3, 2021, the City performed abatement of the remaining three properties through private contractors. Two of the property owners paid the contractors directly the day the work was performed. One remaining property owner has not contacted the City to date, and is presented in Exhibit A.

ANALYSIS

The fire hazard abatement procedure provides ample due process for the affected property owner, well beyond the minimum procedure statutorily required. The most important part of the procedure is that the property owner listed in Exhibit A was given the opportunity to contest whether their property constituted a public nuisance and a fire hazard at a public hearing before the City Council. The property owner did not contest the designation, nor did the property owners voluntarily abate the nuisance conditions. The City Council therefore directed City staff to abate said conditions.

This matter appears before the City Council for the sole purpose of confirming the abatement costs already incurred by the City for the properties identified in Exhibit A. At this hearing, the City Council should review the reasonableness of the costs of abatement as specified, and then determine the abatement costs to be assessed. The proposed resolution provides for confirmation of the report of abatement costs, and attached Exhibit B specifies the administrative costs associated with the abatement of the property. Once confirmed by the City Council, the costs of abating the nuisance will be forwarded to the County Auditor no later August 10, 2022 for assessment of the individual property and a lien will be recorded with the County Recorder.

RECOMMENDATION

Staff recommends that the City Council adopt the proposed resolution as presented at the conclusion of the hearing. Alternatively, the City Council may adopt a resolution with amended costs; or the Council may choose not to adopt the proposed resolution, thereby not confirming the report of the cost of abatement, not forwarding the costs of abatement to the County for collection, and causing the City of El Cerrito to absorb the full cost of abating the hazardous conditions of the subject properties.

STRATEGIC PLAN CONSIDERATIONS

This section is not applicable to this agenda item.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

The abatement work has been completed by contract labor and the City is obligated to pay a contractor a total of \$1,600 for their work. The administrative costs, totaling \$601, have been added, bringing the total abatement cost to \$2,201. Total administrative costs may include: (1) Fire Department initial inspection and notice, (2) re-inspection,

(3) office work and attendance at City Council hearings, (4) additional notices, (5) vendor bid inspection, (6) posting of property, (7) writing of inspection/abatement warrants, (8) court appearances for signing and filing of warrants, (9) vendor observation/inspection, and (10) submittal of records/liens to the County. In order for the City to fully recover the direct and indirect costs of \$2,201 already incurred for the abatement work performed, the City Council should confirm the staff report on the costs of abatement at this time so that these costs can be forwarded to the County for collection from the property owner.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved the process.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Exhibit A to Resolution
3. Exhibit B to Resolution

RESOLUTION NO. 2021-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO CONFIRMING THE REPORT OF THE COSTS OF ABATEMENT OF PUBLIC NUISANCE CONDITIONS RESULTING FROM THE PRESENCE OF WEEDS, RUBBISH, LITTER OR OTHER FLAMMABLE MATERIAL ON THE PRIVATE PROPERTY DESIGNATED HEREIN UNDER THE AUTHORITY CONTAINED IN EL CERRITO MUNICIPAL CODE SECTION 16.26

WHEREAS, El Cerrito Municipal Code Section 16.26, et seq. provides a method by which a local legislative body may abate public nuisance conditions on private property relating to weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, pursuant to El Cerrito Municipal Code Section 16.26 the El Cerrito City Council declared, through Resolution No. 2021-40, that the properties identified herein in Exhibit A constitute a public nuisance because the presence of weeds, rubbish, litter or other flammable material on the properties created a fire hazard, a menace to the public health, or were otherwise noxious or dangerous; and

WHEREAS, through Resolution No. 2021-40 the City Council directed, under the further authority of El Cerrito Municipal Code Section 16.26, that notice be provided to the owners of the properties identified in Exhibit A informing the owners that if they did not abate the nuisance conditions, that these conditions would be abated by the City, and that upon confirmation, the abatement costs would constitute a lien upon the properties until paid; and

WHEREAS, through Resolution No. 2021-40 the City Council further directed that a public hearing be scheduled at which time the owners of the properties identified in Exhibit A could present objections to the designation of their property as a public nuisance and objections to the abatement of these public nuisance conditions by the City; and

WHEREAS, notice designating the properties identified in Exhibit A a public nuisance and informing the owners of the properties of the right to object to such designation and proposed abatement by the City was provided to the owners of the properties as required by Government Code Sections 39560 through 39588; and

WHEREAS, the owners of the properties identified in Exhibit A did not appear at the July 20, 2021 public hearing to contest the public nuisance designation or to object to the abatement of the public nuisance conditions by the City; and

WHEREAS, at the conclusion of the July 20, 2021 public hearing, the City Council, by Resolution No. 2021-41 for Exhibit A as amended, directed the City Manager or designee to abate those public nuisance conditions as provided for by El

Cerrito Municipal Code Section 16.26 and Government Code Section 39560 through 39588; and

WHEREAS, the City Council further directed that the City Manager or designee to keep an account of the cost of abatement for each property on which work was performed and that a report be prepared and presented to the City Council so that, after notice and hearing, these abatement costs could be confirmed as a special assessment against the property; and

WHEREAS, after the adoption of Resolution No. 2021-41 a second notice was mailed to the owners of the properties identified in that resolution again informing the property owners that if they did not abate the public nuisance conditions on the properties, that the City would abate these nuisance conditions and assess the abatement costs against the properties; and

WHEREAS, as required by El Cerrito Municipal Code Section 16.26 the El Cerrito City Council conducted a hearing on October 5, 2021 at which an opportunity was given to voice objections regarding the report and the assessment of the abatement costs for the property identified in Exhibit A of this Resolution. Notice of the hearing was provided to the owner of the property; and

WHEREAS, at the October 5, 2021 hearing, the property owner was given the opportunity to object and protest the report and the abatement costs assessed. The property owner was also given the opportunity to present evidence in support of their argument; and

WHEREAS, such testimony provided at the public hearing included a description of the public nuisance conditions which existed at the property prior to the abatement, a description of the services required to abate those conditions, the cost to the City in abating those conditions and such other matters deemed relevant by the City Council; and

WHEREAS, the City Council does hereby conclude that the abatement costs as contained in Exhibit B, as such costs may have been modified by the City Council after a review of the evidence, are fair and reasonable. This determination is based on the evidence submitted by the property owners, the evidence submitted by City staff, the evidence concerning the nuisance conditions which existed at the property prior to abatement, the evidence concerning the scope of services required to abate those conditions, and such other matters deemed relevant by the City Council.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito does hereby confirm the report of the costs of abatement as contained in Exhibit B of this Resolution.

BE IT FURTHER RESOLVED that the costs of abatement shall be levied as a

special assessment against the property and that these costs shall be certified to the Auditor of Contra Costa County so that the costs of abatement shall be collected at the same time and in the same manner as ordinary municipal taxes.

BE IT FURTHER RESOLVED that a certified copy of this Resolution confirming the abatement costs for the property identified in Exhibit A of this Resolution shall be filed with the County Auditor on or before August 10, 2022.

BE IT FURTHER RESOLVED that the City Manager or designee shall take such action as may be necessary to record the abatement costs for the property identified in Exhibit A of this Resolution with the County Recorder as a lien against the properties as provided for in El Cerrito Municipal Code Section 16.26.

I CERTIFY that at a regular meeting on October 5, 2021 the City Council of the City of El Cerrito passed this resolution by the following vote:

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

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

Holly M. Charl  ty, City Clerk

APPROVED:

Paul Fadelli, Mayor

EXHIBIT A

El Cerrito Fire Protection District List of Real Property Abated

APN	Street Address
501-243-008-7	6327 Conlon Ave.

Exhibit B

**CITY OF EL CERRITO
ADMINISTRATIVE COST WORK SHEET**

6327 Conlon Ave. APN#501-243-008-7

06/07/2021 - Initial inspection and notice.....\$0.00

07/12/2021 – Re-inspection 15 min @ 126.00/hr.....\$31.50

7/20/2021- Office work and attend City Council meeting Abatement
Hearing..... 60 min@ 126.00/hr..... \$126.00

..

7/26/2021 – Second notice..... 15 min @ 126.00/hr..... \$31.50

08/18/2021 – Posting of Property..... 15 min @ 126.00/hr.....\$31.50

08/20/2021 - Vendor bid inspection..... 30 min @ 126.00/hr..... \$63.00

08/26/2021 - Vendor observation/inspection...15 min @ 126.00/hr..... \$31.50

09/21/2021- Office work and attend City Council Meeting Cost
Hearing.....30 min @ 126.00/hr..... \$63.00

6/30/2022 - County Record Abatement..... 30 min @ 126.00/hr..... \$63.00

TOTAL ADMINISTRATIVE COST..... \$441.00

TOTAL CONTRACTOR’S INVOICE \$1600.00

CONTRACTOR’S 10% SURCHARGE \$160.00

TOTAL COST OF ABATEMENT \$2201.00



Julian Tree Care Inc

Estimate No: 2874
Date: 08/20/2021
For: El Cerrito Fire Department/Kensington Fire Protection District
DYun@ci.el-cerrito.ca.us
6327 Conlon Ave
El Cerrito, CA, 94530

Estimate

561 Juliga Woods St Richmond, CA
94804
juliantreecare@gmail.com
(510)256-7009
Contractor Lic#1009796

Description	Quantity	Rate	Amount
Weed wack remove fire dangerous material	1	\$1,600.00	\$1,600.00

Payment Details

A 0% deposit of \$0.00 is required by 08/20/2021.

Subtotal	\$1,600.00
TAX 0%	\$0.00
Total	\$1,600.00

Total	\$1,600.00
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Deposit due 08/20/2021	\$0.00
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Comments

If you want to pay with a card there will be a 3% fee added to your invoice.

Julian Tree Care Inc

Client's signature

Photo 1

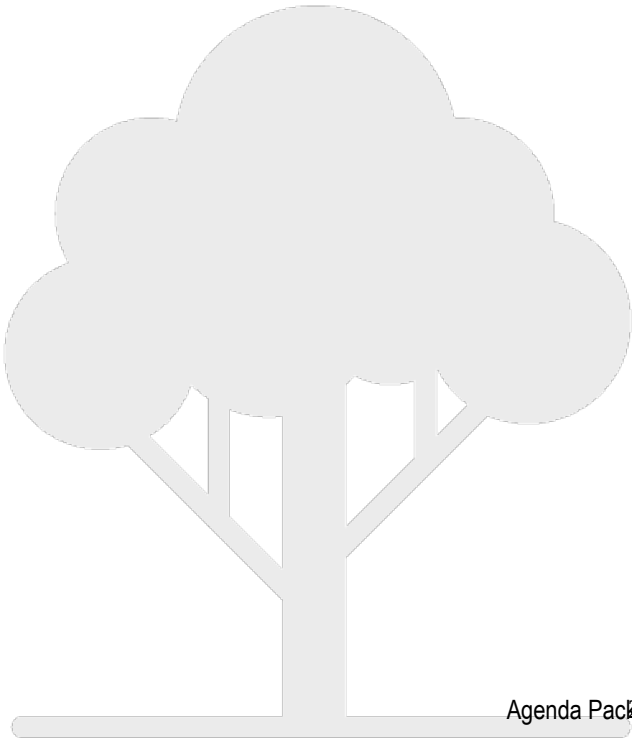
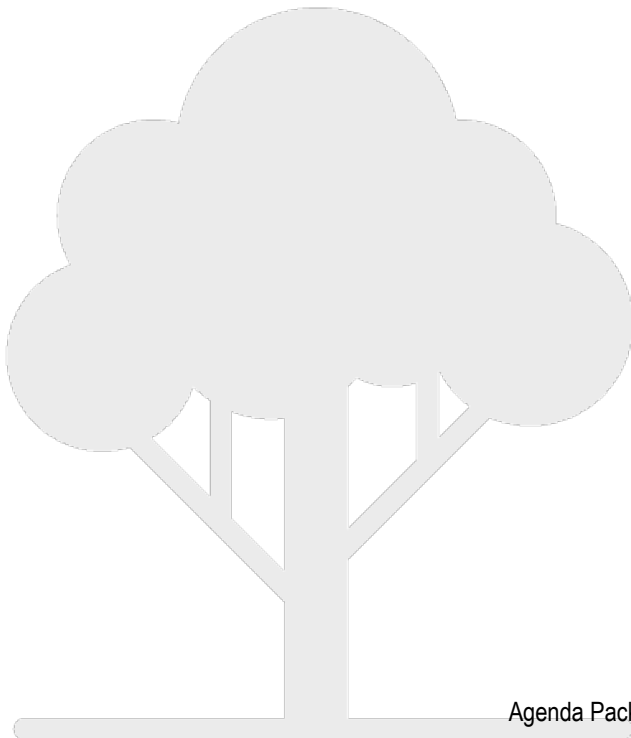


Photo 2





AGENDA BILL

Agenda Item No. 8.A.

Date: October 5, 2021
To: El Cerrito City Council
From: Holly M. Charlety, City Clerk; Sky Woodruff, City Attorney, City Management
Subject: Campaign Contribution Limits and Regulations for Local Elections

ACTION PROPOSED

1) Discussion options regarding limits on campaign contributions made to candidates for local elective office as necessitated by Assembly Bill 571 (AB 571) and 2) Provide staff direction to proceed with one of three options related to local campaign contribution limits and regulations.

BACKGROUND

The Political Reform Act of 1974 ("Act") (Gov. Code §81000 *et seq.*) limits donors, other than a small contributor committee or political party committee, to a maximum campaign contribution amount per election to candidates for state office.

Effective January 1, 2021, AB 571 amended the Act to create a default campaign contribution limit for city and county candidates equal to the limit for State Assembly and Senate candidates for individual donors per calendar year. The limit is updated biennially for inflation and is currently set at \$4,900.

Local jurisdictions have the ability to set their own limits, however if a local jurisdiction adopts more stringent contribution limits for local races, the local jurisdiction becomes responsible for administering and enforcing the campaign reporting requirements, unless it contracts with the FPPC to do so.

If a local jurisdiction does not adopt its own limitations, in addition to the campaign contribution limit discussed above, all of the following existing state controls will extend to local campaigns:

1. A candidate or a committee controlled by that candidate are prohibited from making contributions in excess of the \$4,900 limit to any other candidate for an elective state or local office; (Gov. Code § 85305(a).)
2. A candidate may transfer campaign funds from one controlled committee to another for the same candidate. However, those contributions must be identified using a particular accounting method by donor and the sum of those contributions by the same donor cannot exceed the \$4,900 per election limit; (Gov. Code § 85306.)
3. A loan to the candidate's campaign, including the proceeds of a loan obtained from a commercial lending institution cannot exceed \$100,000 and shall not accrue interest; (Gov. Code § 85307.)

4. An officer may establish a committee to oppose the qualification of a recall petition and any recall election. That officer may accept contributions not subject to the contribution limits (i.e., \$4,900, \$100,000) and voluntary expenditure limits do not apply. After a failure of the petition or the outcome of the recall election, remaining funds are considered surplus and must be spent within 30 days for a specific purpose; (Gov. Code § 85315.)
5. A contribution may be accepted by a candidate after the election as long as it does not exceed the net outstanding election debt and does not exceed the contribution limit for the election; (Gov. Code § 85316.)
6. A local candidate may carry over contributions from one election to subsequent elections for the same office; (Gov. Code § 85317.); and
7. A local candidate may establish separate accounts for primary and general elections, including special elections, and may raise money for a general election before the primary for the same office setting aside the contributions raised before the primary election and use them in the general election. If the candidate is defeated in or withdraws from the primary election, then the funds must be refunded on a pro rata basis after deduction of any expenses associated with the general election. (Gov. Code § 85318.)

It should be noted that AB 571 does not limit the amount of personal funds a local candidate may lend their own campaign. (Gov. Code § 85301(e).)

ANALYSIS

The following cities in Contra Costa County have imposed local contribution limits (including any imposing no limits):

Pinole	Limited to <i>monetary contributions</i> of \$500 (individual), \$1,000 (committee), <i>in-kind contributions</i> of \$1,000 (individual), \$2,000 (committee)
Pleasant Hill	Limited to <i>monetary contributions</i> of \$500 (individual), \$1,000 (committee), <i>in-kind contributions</i> of \$1,000 (individual), \$2,000 (committee)
Richmond	Limited to contributions of \$2,500 from a single source
Walnut Creek	Limited to \$200 (increases by CPI annually)

All other Contra Costa County cities have not adopted local limits and therefore are subject to the state guidelines.

A review of campaign reporting in El Cerrito for the period of 2016-2020 found the following range of maximum contributions from both individual and committees of monetary and in-kind contributions:

Maximum <i>monetary</i> contributions from an individual	\$100 - \$2,500
Maximum <i>monetary</i> contributions from a committee	\$175 - \$3,000
Maximum <i>in-kind</i> contributions from an individual	\$230 – \$1,567
Maximum <i>in-kind</i> contributions from a committee	\$738

The City Council is asked to provide staff direction selecting from one of the following three options:

1. Take No Action. This will result in the state default contribution limits being imposed on those running for a local elective office, along with the other restrictions and allowances set forth above. The default contribution limit of \$4,900 is effective January 1, 2021 through December 31, 2022. (Regulation 18545.) The FPPC may adjust the default contribution limit at the start of odd-numbered years, based upon CPI changes. (Gov. Code § 83124.)
2. Set No Limits. This will result in staff returning to the City Council with an ordinance to adopt no contribution limits for El Cerrito. This option would remove the state restrictions put into place by AB 571 and allow those running for local elective office to receive contributions with no limits.
3. Set Its Own Limit. This will result in staff returning to the City Council with an ordinance to adopt limits in amounts as directed, to be imposed on those running for a local elective office, including a method and cost of enforcement for those local limitations and budget for such an expenditure including whether or not it would like to contract with the FPPC for administration and enforcement.

STRATEGIC PLAN CONSIDERATIONS

Conducting the municipal election will help further Goal A: Delivering Exemplary Government Services by increasing productivity and efficiency by utilizing data-driven analysis to ensure appropriate resource allocation & maintaining an emphasis on providing excellent customer service.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

If the City Council elects to set its own limits, an associated cost for local enforcement may be applicable, as well as adoption of applicable fines or penalties for violation of the limits, which may offset the costs of local enforcement. This will be researched and discussed further should City Council decide to take action in this manner.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. 2021 Contribution Limits Chart
2. FPPC Fact Sheet on AB571

California Fair Political Practices Commission

California State Contribution Limits

(Effective January 1, 2021 - December 31, 2022)

Candidates seeking a state office and committees that make contributions to state candidates are subject to contribution limits from a single source. Beginning January 1, 2021 a state campaign contribution limit will by default apply to city and county candidates when the city or county does not have laws addressing a contribution limit on such candidates. (Sections 85301 - 85303.) Contributions from affiliated entities are aggregated for purposes of the limits. (Regulation 18215.1.) The chart below shows the current limits per contributor for state offices and city and county candidates when the city or county does not have laws addressing a contribution limit on such candidates. The primary, general, special, and special run-off elections are considered separate elections. Contribution limits to candidates apply to each election. Contribution limits to officeholder and other committees apply on a calendar year basis. Contact your city or county about contribution limits for local offices, state campaign contribution limit will by default apply to city and county candidates when the city or county does not have laws addressing a contribution limit on such candidates.

Contribution Limits to State and Local* Candidates Per Election

Candidate or Officeholder	Contributor Sources		
	Person (individual, business entity, committee/PAC)	Small Contributor Committee (see definition on page 2)	Political Party
City and County Candidates subject to Section 85301 (d)	\$4,900	\$4,900	\$4,900
Senate and Assembly	\$4,900	\$9,700	No Limit
CalPERS/CalSTRS	\$4,900	\$9,700	No Limit
Lt. Governor, Secretary of State, Attorney General, Treasurer, Controller, Supt. of Public Instruction, Insurance Commissioner, and Board of Equalization	\$8,100	\$16,200	No Limit
Governor	\$32,400	\$32,400	No Limit

*State campaign contribution limit will by default apply to city and county candidates when the city or county does not have laws addressing a contribution limit on such candidates

Contributions to Other State Committees Per Calendar Year

Committee	Contributor Sources	
	Person (individual, business entity, committee/PAC)	
Committee (Not Political Party) that Contributes to State Candidates (PAC)	\$8,100	
Political Party Account for State Candidates	\$40,500	
Small Contributor Committee	\$200	
Committee Account NOT for State Candidates (Ballot Measure, PAC, Political Party)	No Limit*	

*State committees (including political parties and PACs) may receive contributions in excess of the limits identified above as long as the contributions are NOT used for state candidate contributions. (Regulation 18534.)

Contributions to State Officeholder Committees Per Calendar Year

Committee	Contributor Sources	
	Any Source (Person, Small Contributor Committee or Political Party)	Aggregate From All Sources
Senate and Assembly	\$4,000	\$67,300
CalPERS/CalSTRS	\$4,000	\$67,300
Lt. Governor, Secretary of State, Attorney General, Treasurer, Controller, Supt. of Public Instruction, Insurance Commissioner, and Board of Equalization	\$6,700	\$134,600
Governor	\$26,900	\$269,300

California Fair Political Practices Commission

California State Contribution Limits

(Effective January 1, 2021 - December 31, 2022)

The contribution limits are effective for elections held between January 1, 2021 and December 31, 2022. (Regulation 18545.) These limits do not apply to contributions made to elections in previous years. Such contributions are subject to the limits in place for that year see previous charts.

Legal Defense Funds

Contributions raised for a legal defense fund are not subject to contribution limits or the voluntary expenditure ceiling. However, a candidate or officeholder may raise, in total, no more than is reasonably necessary to cover attorney's fees and other legal costs related to the proceeding for which the fund is created. (Section 85304; Regulation 18530.4.)

Recall Elections

A state officeholder and city or county officeholder subject to Section 85301 (d) who is the subject of a recall may set up a separate committee to oppose the qualification of the recall measure and, if the recall petition qualifies, the recall election. Neither contribution limits nor voluntary expenditure ceilings apply to the committee to oppose the recall that is controlled by the officeholder who is the target of the recall attempt. Candidates running to replace an officeholder who is the target of a recall are subject to the contribution limits and the expenditure limits applicable to the election for that office. (Section 85315; Regulation 18531.5.)

Ballot Measure Committees

Contributions to ballot measure committees controlled by a candidate for elective state office or a candidate for elective city or county office subject to Section 85301 (d) are not limited.

Contributions from State Candidates and Candidates subject to Section 85301 (d)

A state candidate or candidate for elective city or county office subject to Section 85301 (d) may not contribute more than \$4,900 to a committee controlled by another state candidate or candidate for elective city or county office subject to Section 85301 (d) (This limit applies on a per election basis and includes, in the aggregate, contributions made from the candidate's personal funds and from campaign funds. (Section 85305; Regulation 18535.) This limit does not apply to a committee controlled by a state candidate or a committee controlled by a candidate for elective city or county office subject to Section 85301 (d) to oppose his or her recall or their contributions made to a legal defense fund established by a candidate for elective state office or candidate for elective city or county office subject to Section 85301(d). It also does not apply to contributions made by a candidate for elective state office or a candidate for elective city or county office subject to Section 85301 (d) to a ballot measure committee controlled by another state candidate or candidate for elective city or county office subject to Section 85301 (d). Please note there are certain rules applicable to use of funds held by state officeholder committees (See Regulation 18531.62.)

Communications Identifying State Candidates

Any committee that makes a payment or a promise of payment totaling \$50,000 or more for a communication that:

1. Clearly identifies a state candidate; but
2. Does not expressly advocate the election or defeat of the candidate; and
3. Is disseminated, broadcast, or otherwise published within 45 days of an election, may not receive a contribution from any single source of more than \$40,500 in a calendar year if the communication is made at the behest of the candidate featured in the communication. (Section 85310.)

Officeholder Committees

Officeholder contributions must be cumulated (in full) with any other contributions from the same contributor(s) for any other future elective state office or elective city or county office subject to Section 85301 (d) for which the officeholder maintains a controlled committee during the term of office in which the contribution is received. Contributions to candidates for future elections and to their officeholder account are cumulated for purposes of contribution limits. (Regulation 18531.62.)

Contributions from State Lobbyists

A state lobbyist may not contribute to a state officeholder's or candidate's committee if the lobbyist is registered to lobby the agency of the elected officer or the agency to which the candidate is seeking election. The lobbyist also may not contribute to a local committee controlled by any such state candidate. (Section 85702; Regulation 18572.) In addition, effective January 1, 2015, lobbyists and lobbying firms may no longer take advantage of the \$500 or less home/office fundraiser exception that is available to other individuals and entities. (Section 82015(f).)

Local Elections

Many cities and counties have local contribution limits and other election rules. "Local Campaign Ordinances" are listed on the FPPC's website. Check with your city or county about contribution limits for local elections. A State campaign contribution limit will by default apply to city and county candidates when the city or county does not have laws addressing a contribution limit on such candidates.

Definitions

Person: An individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert. (Section 82047.)

Small Contributor Committee: Any committee that meets all of the following criteria:

- (a) The committee has been in existence for at least six months.
- (b) The committee receives contributions from 100 or more persons.
- (c) No one person has contributed to the committee more than \$200 per calendar year.
- (d) The committee makes contributions to five or more candidates. (Section 85203; Regulation 18503.)

Political Party Committee: The state central committee or county central committee of an organization that meets the requirements for recognition as a political party under Elections Code Section 5100. (Section 85205.)

Fair Political Practices Commission

Contribution Limits: City and County Candidates¹

Introduction

Pursuant to Assembly Bill 571 (Stats. 2019, Ch. 556, AB 571 Mullin), beginning January 1, 2021 a state campaign contribution limit will by default apply to city and county candidates when the city or county has not already enacted a contribution limit on such candidates. Along with the new campaign contribution limit, there are also other related provisions that formerly applied only to state level candidates that will now apply to city and county candidates. Please note that none of the provisions of AB 571 discussed in this fact sheet apply to candidates in cities or counties for which the city or county has enacted campaign contribution limits.

Current State Contribution Limit

The contribution limit that will now apply to city and county candidates pursuant to AB 571 is updated biennially for inflation. Contribution limits can be found in Regulation 18545(a)² and on the FPPC website [here](#). The default limit for contributions to city and county candidates subject to AB 571 for 2021-2022 is set at \$4,900 per election.

Other Amended Provisions Affecting City and County Candidates

Several other provisions will now apply to city and county candidates in jurisdictions that have not enacted campaign contribution limits, including the following:

- A candidate may not make a contribution over the AB 571 limit to another candidate in jurisdictions subject to the AB 571 limit.
- Candidates may transfer campaign funds from one candidate-controlled committee to another committee controlled by the same candidate if the committee receiving the transfer is for an elective state, county or city office. However, contributions transferred must be transferred using the “last in, first out” or “first in, first out” accounting method and shall not exceed the applicable contribution limit per contributor.

¹ This fact sheet is informational only and contains only highlights of selected provisions of the law. It does not carry the weight of the law. For further information, consult the Political Reform Act and its corresponding regulations, advice letters, and opinions.

² The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

- Candidates may not personally loan to a candidate's campaign an amount for which the outstanding balance exceeds \$100,000. A candidate may not charge interest on any such loan the candidate made to the candidate's campaign.
- Candidates may establish a committee to oppose the qualification of a recall measure and the recall election when the candidate receives a notice of intent to recall. Campaign funds raised to oppose the qualification of a recall measure and/or the recall election would not be subject to any campaign contribution limit under the Act.
- Contributions after the date of the election may be accepted to the extent contributions do not exceed net debts outstanding from the election, and contributions do not otherwise exceed applicable contribution limits for that election.
- Candidates may carry over contributions raised in connection with one election to pay for campaign expenditures incurred in connection with a subsequent election for the same office.
- Candidates are permitted to raise contributions for a general election before the primary election and may establish separate campaign contribution accounts for the primary and general so long as candidates set aside contributions and use them for the general or special general election as raised. If the candidate is defeated in the primary election or otherwise withdraws from the general election, the general election funds must be refunded to contributors on a pro rata basis less any expenses associated with the raising and administration of the general election contributions.
- Candidates that are currently in office that are running for reelection to the same seat in an election after January 1, 2021 may carry over campaign funds without attribution. Candidates running for a different office also do not need to do LIFO FIFO or attribution.

FAQs

A. If a city or county does not currently have contribution limits set within their ordinance would the state contribution limit be the default?

Yes. The state contribution limit stated above would be the default contribution limit if the city or county ordinance is silent on whether there are contribution limits within that jurisdiction or if there is no city or county ordinance in place.

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B. Is there a way for a city or county to adopt “no” contribution limits for city or county elective city and county offices?

Yes. A city or county may elect to have “no” contribution limits. To do so, it must explicitly state in the city or county ordinance that there are no limits on contributions. If it is explicit that the city or county has implemented “no” contribution limits, the state contribution limit will not apply as a default for that jurisdiction.

C. Can a city or county ordinance be less restrictive than the AB 571 limit (e.g., the city or county limit is set higher than the state limit)?

Yes. A city or county can set contribution limits higher than the default state limit.

D. If a city or county imposes contribution limits, is the Commission responsible for enforcing those limits?

No. The Commission will not regulate the administration or enforcement of the penalties. Cities or counties with existing limits or that adopt their own limits are not subject to the state limit and may impose their own penalties for violations.

E. If a city or county has voluntary contribution limits, but no mandatory contribution limits will the state limit be applicable?

Yes. A city or county must enact mandatory contribution limits to avoid the state limit applying to elective city and county offices.

F. Does the default contribution limit also include judicial candidates?

No. Elective city and county offices do not include judicial offices.

G. If a city or county has imposed contribution limits for particular city or county offices (e.g., Board of Supervisors), do those limits also apply to other positions such as the District Attorney or would the default state limit apply if a particular position is not specifically addressed by the city or county?

The default state limit would apply to other positions for which the city or county has not set contribution limits. A city or county ordinance must explicitly state the city or county contribution limits and for which elective offices those limits will apply. A city or county may adopt a general provision implementing a contribution limit for all elective city and county offices in that jurisdiction. As noted above, a city or county may also adopt an ordinance that states the city or county is adopting no contribution limits for any offices to avoid the default state limit applying.

H. Does AB 571 apply to special district or school district elections?

No. AB 571 applies only to city and county elections for offices that a city or county has not implemented its own contribution limit.

I. Can candidates that are subject to the AB 571 contribution limit open an officeholder committee?

No. Officeholder committees are not permitted for candidates subject to the AB 571 contribution limit. However, a candidate may use a committee for the officeholder's future election for officeholder expenses. A candidate may also use existing funds in the election committee for current office for officeholder expenses.

J. Does the AB 571 contribution limit apply to debt retirement for the 2020 election?

No. For purposes of retiring debt, the contribution limit is the one that was applicable to that election. The Act did not impose a contribution limit on city and county candidates in 2020.

K. If a contribution was received for an election occurring after January 1, 2021, PRIOR to January 1, 2021, does this contribution count towards the new AB 571 contribution limit after January 1, 2021?

No. The Commission adopted a formal opinion on April 15, 2021 that states contributions made prior to the effective date of AB 571 are not aggregated with contributions made on or after the effective date of AB 571 for purposes of the new contribution limit. Therefore, if someone contributed up to or above the current limit to an AB 571 committee prior to January 1, 2021 the same person can give additional contributions to the same committee up to the AB 571 contribution limit on or after January 1, 2021.

L. If a contributor gave \$10,000 in 2020 (prior to the AB 571 limit going into effect) to a committee for a 2022 primary election, what happens?

The AB 571 contribution limit does not apply to contributions made prior to January 1, 2021 so a contribution of this amount is permissible.

M. Does the AB 571 contribution limit apply to political party committees and small contributor committees making contributions to candidates subject to the AB 571 limit?

Yes. Political parties and small contributor committees are only permitted to give contributions to candidates subject to the AB 571 in amounts up to the applicable AB 571 contribution limit for that candidate.

N. Does the AB 571 limit apply to county central committee candidates?

No. AB 571 imposes a contribution limit on city and county elective offices when a local jurisdiction has not already done so. Local jurisdictions are prohibited from placing contribution limits on county central committee candidates; therefore, AB 571 is not applicable to those offices.

O. If an election was held in November 2020, but resulted in the need for a run-off election to be held in February 2021, how would the contributions be treated under AB 571?

The run-off election is considered a new election. If a contributor gave any amount to an AB 571 candidate for the November 2020 election, the same contributor would still be permitted to contribute up to \$4,900 (the AB 571 limit) to the same candidate for the February 2021 run-off election.



SUPPLEMENTAL AGENDA MATERIALS PUBLIC COMMENT INDEX

REGULAR CITY COUNCIL MEETING October 5, 2021

The following Public Comments were **received by 4:00 p.m. 10/5/2021**, 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

From: [Cordell Hindler](#)
To: [City Clerk](#)
Subject: Public Comments- Not on the Agenda
Date: Thursday, September 30, 2021 3:00:35 PM

good evening, Mayor Fadelli, council members and city staff, I have a couple of comments for the record

1. you are cordially invited to a performance of Our Town at Contra Costa Civic Theater this coming Friday

15:00 dollars for youth, proof of vaccination is required

2. I am requesting that the council direct the city manager on hiring a consultant to do the Class & Comp Study.

Sincerely
Cordell