

Mayor
Tessa Rudnick
Mayor Pro Tem
Carolyn Wysinger



Councilmembers
Paul Fadelli
Lisa Motoyama
Gabriel Quinto

TUESDAY, APRIL 2, 2024

SPECIAL CITY COUNCIL MEETING (5:30 PM)
Hillside Conference Room - 10890 San Pablo Ave, El Cerrito

REGULAR CITY COUNCIL MEETING (6:00 PM)
Council Chambers - 10890 San Pablo Ave, El Cerrito

Closed Captions Available Via Zoom:

<https://us06web.zoom.us/j/88499409046?pwd=3Z7IVZPsczsO7vINaFzJMN4znT6OIY.1>

Meeting ID: 884 9940 9046 **Password:** 738017 **Dial in:** 1-408-638-0968

View (Regular Meeting Only):

1. Cable T.V. Broadcast on KCRT Channel 28
2. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials

Accommodations: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 510-215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable accommodations. Closed Captions available via zoom.

Conduct: This meeting shall be conducted pursuant to the El Cerrito [City Council Rules of Order and Procedure](#), including adjourning by 11:00 PM unless extended to a specific time determined by a majority of the Council.

Public Comments:

1. *In-person* by submitting a request to speak to the City Clerk.
2. *By Email* to cityclerk@ci.el-cerrito.ca.us identified in the subject line as **Public Comments – Agenda Item #.**

Written comments received by **2:00 p.m. the day of the meeting** 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 will be posted **after the meeting**.

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

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.

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2. CLOSED SESSION CONFERENCE WITH NEGOTIATORS

Pursuant to Government Code Section 54856.8

Property: A portion of City property adjacent to the east side of the El Cerrito Plaza BART Station between Central Avenue and Fairmount Avenue

Agency negotiators: Sean Moss, Planning Manager; Sky Woodruff, City Attorney

Negotiating parties: BART and The Related Companies of California, LLC

Under negotiation: Price and terms

Contact: Sky Woodruff, City Attorney, City Management

3. ADJOURN SPECIAL CITY COUNCIL MEETING

6:00 PM ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

1. CONSIDER AND TAKE ACTION ON ANY REQUEST FROM A COUNCILMEMBER TO PARTICIPATE IN THE MEETING REMOTELY DUE TO EMERGENCY CIRCUMSTANCES PURSUANT TO AB 2449

2. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF A MOMENT OF SILENCE

3. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

4. 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.

5. PRESENTATIONS

A. El Cerrito Library Update and National Library Week Proclamation

Action Proposed: Receive and file an update from the El Cerrito Library and pass a motion to approve a proclamation declaring April 7-13, 2024 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

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B. AT&T Modernization Plans Presentation

Action Proposed: Receive and file a presentation on AT&T modernization plans including intent, and impact to customers.

Contact: Brandon Baranco, Manager of External Affairs, AT&T

6. 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.

7. 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. Committee on Aging Reappointment Recommendations

Action Proposed: Approve the Committee on Aging recommendation to re-appoint Katherine Cesa and Steve Lipson, effective April 2, 2024.

Contact: Bridget Cooney, Recreation Supervisor, Recreation Department

B. Urban Forest Committee Reappointment Recommendations

Action Proposed: Approve the Urban Forest Committee recommendations to reappoint Robert J. Hrubes Ph.D., and Catherine (Cassie) Hughes to the Urban Forest Committee, effective April 2, 2024.

Contact: Stephen Prée, Environmental Programs Manager/City Arborist; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

C. Earth Day Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring Saturday, April 20, 2024 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: Christina Leard, Management Analyst III; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

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D. 2nd Reading and Adoption of an Ordinance to Revisions to City Board, Commission, and Committee Regulations

Action Proposed: Waive the second reading and adopt Ordinance 2024-01 amending section 2.04.220 of the El Cerrito Municipal Code related to meeting frequency and restrictions regarding concurrent appointments.

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

E. Authorize Annual Report for Landscaping and Lighting Assessment District for Fiscal Year 2024-25

Action Proposed: Adopt a resolution directing NBS Local Government Solutions (NBS), as the designated Engineer of Work, to prepare and file the annual Landscaping and Lighting Assessment District No. 1988-1 report for Fiscal Year (FY) 2024-25.

Contact: Crystal Reams, Finance Director/City Treasurer, Finance Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

F. Parking Time Limit Modification in front of 11224 San Pablo Avenue

Action Proposed: Approve resolution authorizing the Public Works Director/City Engineer to install forty (40) feet of green curb marking with a parking time restriction of 20 minutes in front of 11224 San Pablo Avenue.

Contact: Marielle Cuison, Associate Engineer; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

G. Annual Parcel Assessment for the National Pollutant Discharge Elimination System (NPDES) Program and Drainage Maintenance Activities for Fiscal Year 2024-25

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) 2024-25.

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Contact: Christina Leard, Management Analyst III; Yvetteh Ortiz, Public Works Director/City Engineer

H. Amendment to the Joint Exercise of Powers Agreement between the City of El Cerrito and the West Contra Costa Transportation Advisory Committee (WCCTAC)

Action Proposed: Adopt a resolution authorizing the City Manager to execute an Amendment to the Joint Exercise of Powers Agreement between the City and the West Contra Costa Transportation Advisory Committee (WCCTAC).

Contact: Jarrett Mullen, Sustainable Transportation Program Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

I. Contract for Utility Users Tax Administration Services

Action Proposed: Adopt a resolution authorizing the City Manager to execute a contract with Hinderliter De Llamas & Associates (HdL) for utility users tax administration services.

Contact: Claire Coleman, Budget/Financial Services Manager, Finance Department

J. Agreement for Swim Center Activity Pool Slide and Tower Replacement

Action Proposed: Adopt a resolution authorizing the City Manager to enter into an agreement with Splashtacular to provide a Swim Center Activity Pool Slide Tower Replacement for an amount not to exceed \$168,950.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department; Chris Jones, Recreation Director, Recreation Department

8. PUBLIC HEARINGS

9. POLICY MATTERS

A. Consideration of Distribution of FY 2022-23 General Fund Surplus in accordance with the Comprehensive Financial Policies

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Action Proposed: Adopt a Resolution authorizing the distribution of FY 2022-23 General Fund Surplus funds in the amount of \$5,928,706.

Contact: Crystal Reams, Finance Director/City Treasurer, Finance Department

10. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Mayor and City Council communications regarding local and regional liaison assignments, committee reports, and any required reporting under AB 1234 for meetings (as defined by the Brown Act) attended at the public's expense.

11. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, April 16, 2024 at 6:00 p.m.

The City of El Cerrito serves our diverse community by providing exceptional services that create a safe and resilient future for all.



April 7 – 13, 2024

National Library Week



Circulation

FY 2022-23

6,740,742

FY 2021-22

5,868,146

↑ 15%

eBook Checkouts

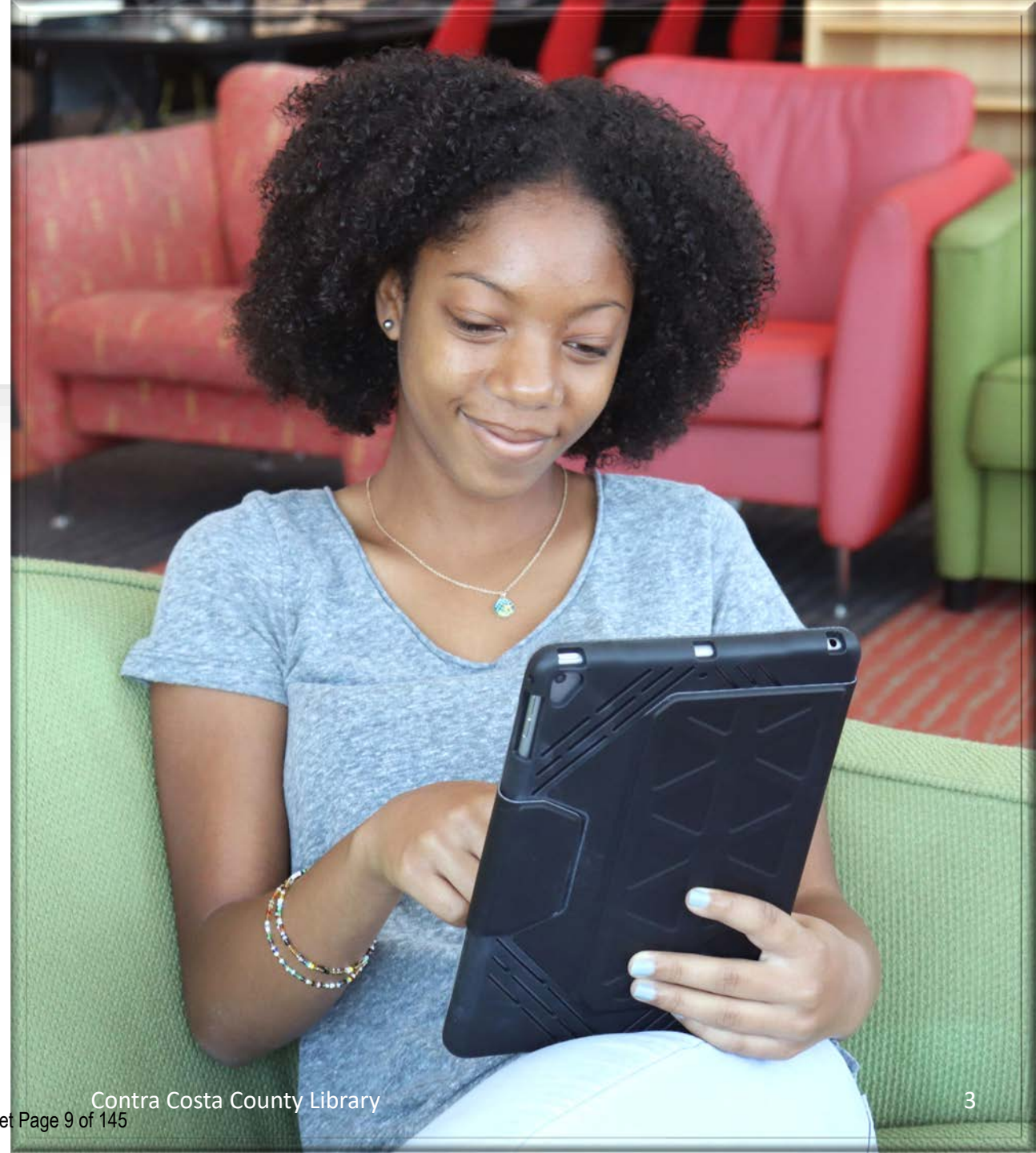
FY 2021-22

1,533,914

FY 2022-23

1,869,715

↑ 22%





Library Visits

In Person

↑38%

FY 2022-23

2,304,075

FY 2021-22

1,665,632

Virtual

↑21%

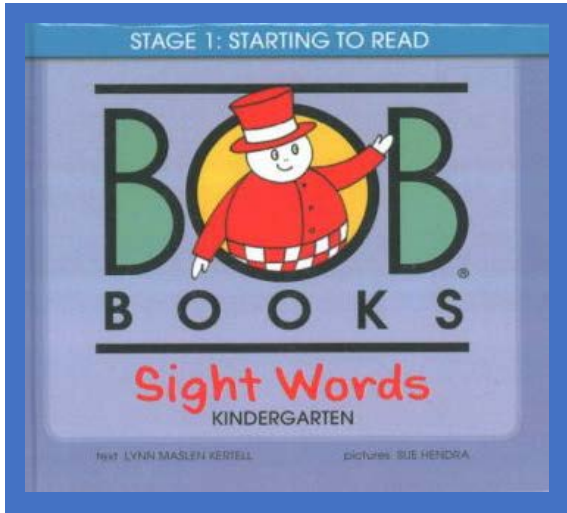
FY 2022-23

4,987,988

FY 2021-22

4,117,632

Most Popular Books of 2023



Early Reader

Bob Books Sight Words,
Kindergarten

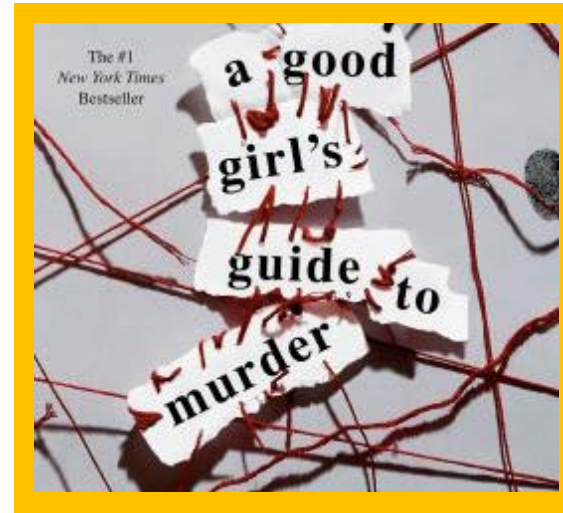
By Lynn Kertell



Middle Reader

Dog Man, Book 10

By Dav Pilkey



Teen Reader

A Good Girl's Guide to Murder

By Holly Jackson



Adult Reader

Spare

By Prince Harry



Rolling Reader

- All electric!
- Literacy services to children 0-5 years old in vulnerable communities
- Storytimes, free books, crafts, & more

Digital Resources



National Geographic Kids – Pictures, Magazines, and Videos about the World



NewsBank – Research Local, National, and International News Articles



NoveList Plus – Book Recommendations



LearningExpress – Learn Something New



PressReader – Connecting People Through News



Reference Solutions – Business and Person Data for Reference and Research



Rosetta Stone – Learn Languages Like Native Speakers



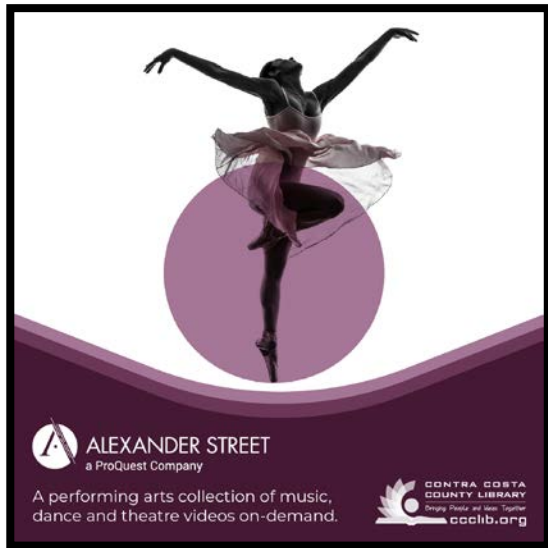
TeachingBooks – Extra Resources for Children's and Young Adult Books



TumbleBook Library – Picture Books and Kids Videos



Wi-Fi Hotspots



Lunch at the Library

- 13,571 meals
 - 6,793 summer meals
 - 6,778 after school snacks
- 9 locations
 - Antioch
 - Concord
 - Crockett
 - El Cerrito
 - El Sobrante
 - Pinole
 - Prewett
 - Rodeo
 - San Pablo





careeronline[™]
HIGH SCHOOL

LFCC
Library Foundation of Contra Costa



More From 2023

El Cerrito Library



Teaching gardening to
Lunch at the Library attendees



Monthly teen
Magic the Gathering meeting



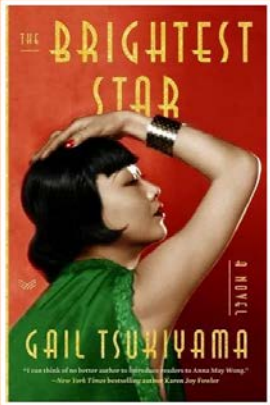
Satisfied El Cerrito Library
patron celebrating May the 4th

El Cerrito Library



With assistance (and show and tell) from local biologist, Yan Linhart and local naturalist Cassie Hughes, El Cerrito Library celebrated California Arbor Week.

El Cerrito Library

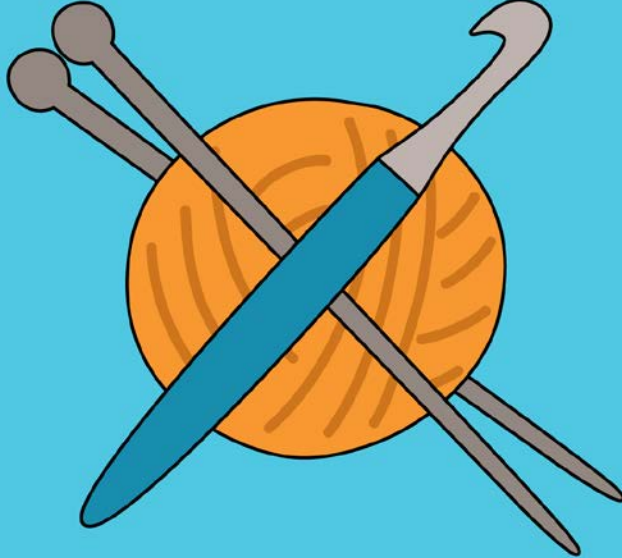


El Cerrito Library Author Series
Gail Tsukiyama
Saturday, May 11th | 10:30 a.m. – 12 p.m.

El Cerrito Library
6510 Stockton Avenue 94530
510.526.7512



CONTRA COSTA
COUNTY LIBRARY
Bringing People and Ideas Together
cclib.org



Hooks & Needles
Every First Tuesday | 6:15 - 7:30 p.m.

El Cerrito Library
6510 Stockton Avenue 94530
510.526.7512



FRIENDS
of EL CERRITO
LIBRARY

CONTRA COSTA
COUNTY LIBRARY
Bringing People and Ideas Together
cclib.org

Coming soon!



Thank you for using the library!

EL CERRITO CITY COUNCIL PROCLAMATION
Recognizing April 7-13, 2024 as National Library Week in the City of El Cerrito

WHEREAS, libraries offer the opportunity for everyone to connect with others, learn new skills, and pursue their passions, no matter where they are on life's journey; and

WHEREAS, libraries have long served as trusted institutions, striving to ensure equitable access to information and services for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and

WHEREAS, libraries adapt to the ever-changing needs of their communities, developing and expanding collections, programs, and services that are as diverse as the populations they serve; and

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals; and

WHEREAS, libraries play a pivotal role in economic development by providing resources and support for job seekers, entrepreneurs, and small businesses, thus contributing to local prosperity and growth; and

WHEREAS, libraries make choices that are good for the environment and make sense economically, creating thriving communities for a better tomorrow; and

WHEREAS, libraries are treasured institutions that preserve our collective heritage and knowledge, safeguarding both physical and digital resources for present and future generations; and

WHEREAS, libraries are an essential public good and fundamental institutions in democratic societies, working to improve society, protect the right to education and literacy, and promote the free exchange of information and ideas for all; and

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week.

NOW, THEREFORE, the City Council of the City of El Cerrito does hereby proclaim April 7 - 13, 2024 as National Library Week and encourages residents to visit their library and celebrate the adventures and opportunities they unlock for us every day.

Dated: April 2, 2024

Tessa Rudnick, Mayor



AGENDA BILL

Agenda Item No. 7.A.

Date: April 2, 2024
To: El Cerrito City Council
From: Bridget Cooney, Recreation Supervisor, Recreation Department
Subject: Committee on Aging Reappointment Recommendations

ACTION PROPOSED

Approve the Committee on Aging recommendation to re-appoint Katherine Cesa and Steve Lipson, effective April 2, 2024.

BACKGROUND AND ANALYSIS

In November 2023, the City received an application from Katherine Cesa and in February 2024, the City received an application from Steve Lipson to continue serving on the Committee on Aging (COA). Katherine Cesa has been serving on the COA since 2016 and Steve Lipson has been serving on the COA since 2015. At their March 20, 2024, meeting, the COA voted to recommend to the City Council the re-appointment of Katherine Cesa and Steve Lipson to the COA.

Katherine Cesa is a retired nurse and massage therapist and long-time resident living in El Cerrito for over 30 years. Katherine Cesa attends the West County Senior Coalition meetings and serves as a member of the COA. She is actively involved in working to improve communication of programs and services available to seniors in Contra Costa County. Katherine Cesa is dedicated to serving seniors in her community and hopes to continue serving on the COA.

Steve Lipson is a technologist, writer and editor. Steve Lipson services as an at-Large member of the Contra Costa County Advisory Council on Aging and serves as the Chair of the Technology Work Group; Steve Lipson is a Senior Senator for the California Senior Legislature, is the Founder and Executive Director of Elder Tech Academy helping older adults learn to use mobile and computer technologies; and serves as a member of the COA. Steve is actively involved in working to improve access to technology for seniors in Contra Costa County. Steve Lipson is dedicated to serving seniors in his community and hopes to continue serving on the COA.

If the City Council approves these recommendations, the number of Committee members will be eight out of a possible membership total of fifteen.

STRATEGIC PLAN CONSIDERATIONS

This action supports the [City's Strategic Plan Goal\(s\)](#) of:

- *High Performing Organization; and*

- *Livability and Belonging.*

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. 7.B.

Date: April 2, 2024
To: El Cerrito City Council
From: Stephen Prée, Environmental Programs Manager/City Arborist; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Urban Forest Committee Reappointment Recommendations

ACTION PROPOSED

Approve the Urban Forest Committee recommendations to reappoint Robert J. Hrubes Ph.D., and Catherine (Cassie) Hughes to the Urban Forest Committee, effective April 2, 2024.

BACKGROUND / ANALYSIS

Robert J. Hrubes Ph.D., a resident of El Cerrito for thirty-five years, has served on the UFC since December 2015, and has most recently served as Chair. He has demonstrated his commitment to serving the community through his UFC membership, leadership, and active participation in UFC meetings. He has staffed information tables during various city-wide events, led discussions, given presentations, researched neighboring municipal urban forest programs, and has been instrumental in the development of UFC work plans. This would be Dr. Hrubes third term on the UFC. Dr. Hrubes considers his work in the UFC to be ongoing and valuable; for this reason, he wishes to extend his service on the Committee.

Dr. Hrubes received his Ph.D. in Wildland Resources Management from the University of California, Berkeley; he holds a Master of Arts in Economics, a Master of Science in Resource Systems Management and he is a Registered Professional Forester. Dr. Hrubes was the Forest Stewardship Council's Lead Auditor and is Executive Vice President Emeritus of SCS Global Services.

Catherine (Cassie) Hughes, a resident of El Cerrito for seven years, has demonstrated her commitment to serving the El Cerrito community through her UFC membership since August 1, 2021. She has helped the UFC realize its education and outreach goals by serving on ad-hoc subcommittees and facilitating community outreach events, including El Cerrito Arbor Week, where she organized programs at the El Cerrito Library. Cassie has actively participated in UFC meetings and in community outreach efforts throughout her previous 32-month appointment. This would be Ms. Hughes' second UFC term.

Ms. Hughes has worked as an associate teacher for the Prospect Sierra and the Berkwood Hedge schools, and in environmental education management at the Yosemite Institute. Ms. Hughes has taught young people and adults as a park ranger with the National Park Service. She has worked internationally as an East African specialist, training technical field experts on international programs, regulations and

procedures. Ms. Hughes served as an editor of case studies on indigenous people and conservation and was a social science researcher in the Kgalagadi Transfrontier Park with the South African National Parks and World Conservation Union. Her education includes a Master of Arts in Education from University of the Pacific, and an M.A. in practical anthropology from Mount Holyoke College. Ms. Hughes also completed a year-long permaculture certificate program in Bolinas, California.

If the City Council approves the recommendation, the number of Committee members will be six out of a possible membership total of fifteen.

STRATEGIC PLAN CONSIDERATIONS

This action supports the [City's Strategic Plan Goal\(s\)](#) of:

- *Livability and Belonging; and*
- *Environmental Sustainability*

ENVIRONMENTAL CONSIDERATIONS

As stated in its enabling Resolution 2007-96, the Urban Forest Committee was established to assist the City in the "stewardship of its urban forest, including establishing a citywide commitment to a healthy, growing forest, and creating a coordinated, high quality forest management program." The Urban Forest Committee supports the City in developing programs and policies that help protect the local environment, while also engaging in activities that have a direct impact on trees and environmental quality.

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:

Applications on file with the City Clerk

EL CERRITO CITY COUNCIL PROCLAMATION
Designating Saturday, April 20, 2024, as El Cerrito Earth Day

WHEREAS, the first Earth Day was proclaimed over 50 years ago, in 1970, in order to foster public awareness around the need to protect the environment and conserve resources; and

WHEREAS, notably, around the same time, the City of El Cerrito's Recycling Center was founded by community volunteers; and

WHEREAS, the City of El Cerrito has celebrated Earth Day every year in keeping with the spirit of the initial Earth Day, even during the COVID-19 pandemic; and

WHEREAS, this year, the City is encouraging community members to participate in work parties to clean up and restore habitats in City parks, greenways, creeks, and schools, pick up litter along streets and in commercial areas, and take other steps to reduce their environmental impact; and

WHEREAS, the Environmental Quality Committee's Green Teams also invite the community to attend work parties on Saturday, April 20 at 9 a.m., to remove invasive French broom from the Hillside Natural Area, and a neighborhood litter cleanup of El Cerrito's Northern Gateways; and

WHEREAS, on Saturday, April 20 at 12 Noon a plant giveaway sponsored by the El Cerrito Community Garden Network with the El Cerrito Garden Club will take place at the City Corporation Yard located at 7550 Schmidt Ln, across from the Recycling + Environmental Resource Center; and

WHEREAS, the City is also encouraging residents and businesses to take actions on Earth Day, throughout the month of April, and throughout the year, to help the environment by incorporating environmental practices into their day-to-day activities by: planting drought-tolerant plants, giving up meat for a period of time, starting a garden that supports pollinators, adjusting thermostats to use less energy, opting up to [MCE's "Deep Green"](#) 100% renewable energy option, and/or learning more about the City's environmental programs at www.el-cerrito.org/Green; and

WHEREAS, the City of El Cerrito seeks to involve all community members in these activities with the goal of improving our local environment, becoming more aware of the global environment, and addressing adverse environmental impacts which historically have been spread disproportionately around the community and around the region.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim Saturday, April 20, 2024, as "Earth Day" in the City of El Cerrito and encourages all residents and businesses to help make El Cerrito a greener, healthier, more sustainable place for all.

Dated: April 2, 2024

Tessa Rudnick, Mayor

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING EL CERRITO MUNICIPAL CODE SECTION 2.04.220 MODIFYING MEETING REQUIREMENTS AND CONCURRENT SERVICE ON CITY BOARDS, COMMISSIONS, AND COMMITTEES

WHEREAS, on March 21, 2023 the City Council formed an Ad-Hoc Committee comprised of Mayor Motoyama and Councilmember Fadelli to discuss and review areas pertaining to Advisory Bodies; and

WHEREAS, the City Council Ad-Hoc committee met several times between April and December 2023 and discussed several areas including youth participation, general member requirements, and communications with City Council; and

WHEREAS, the City Council held a study session on September 19, 2023 to discuss recommendations made by the Ad-Hoc committee; and

WHEREAS, following the study session, Advisory Body member feedback was solicited and reviewed by the Ad-Hoc committee; and

WHEREAS, on December 5, 2023 the City Council held a second study session to review revised recommendations from the Ad-Hoc committee; and

WHEREAS at the conclusion of the second study session, the City Council passed a motion to approve the following ad-hoc recommendations and directing staff to return with legislation to implement the changes.

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

Section 1: The following sections of the El Cerrito Municipal Code are hereby amended to read as follows (additions in underline, deletions in strikethrough):

Section 2.04.220(B)(2):

2. Appointments. The members shall be appointed by majority vote of the council. Members shall not be reappointed to the same board or commission for more than two consecutive full terms. No member shall be appointed to more than two boards or commissions concurrently.

Section 2.04.220(B)(10):

10. Meetings. Unless otherwise provided, the boards and commissions shall meet no less than quarterly, on a regularly scheduled basis, in a public meeting room and shall be subject to the Ralph M. Brown Act, Government Code Section 54950 et seq.

Section 2: 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 3: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 March 19, 2024 and passed by the following vote:

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

ADOPTED AND ORDERED published at a regular meeting of the City Council held on April 2, 2024 and passed by the following vote:

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

APPROVED:

Tessa Rudnick, Mayor

ATTEST:

Holly M. Charl  ty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charl  ty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2024-01 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 2nd day of April, 2024; 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,
on_____.

Holly M. Charl  ty, City Clerk



AGENDA BILL

Agenda Item No. 7.E.

Date: April 2, 2024
To: El Cerrito City Council
From: Crystal Reams, Finance Director/City Treasurer, Finance Department;
Yvetteh Ortiz, Public Works Director/City Engineer, Public Works
Department
Subject: Authorize Annual Report for Landscaping and Lighting Assessment
District for Fiscal Year 2024-25

ACTION PROPOSED

Adopt a resolution directing NBS Local Government Solutions (NBS), as the designated Engineer of Work, to prepare and file the annual Landscaping and Lighting Assessment District No. 1988-1 report for Fiscal Year (FY) 2024-25.

BACKGROUND

In 1988, the City Council established Assessment District No. 1988-1 pursuant to the Landscaping and Lighting Act of 1972. This act requires the preparation and filing of an annual report of the assessment district activities.

In November 1996, the voters of El Cerrito approved by a two-thirds majority the continuation of the Landscaping and Lighting Assessment. Since the voters approved the assessment prior to the passage of Proposition 218, this assessment is exempt from Proposition 218's additional voter requirements. Therefore, the City follows the same annual approval process as in previous years.

California Street and Highway Code §22622 requires the City Council to authorize by resolution the filing of the annual report of the Landscaping and Lighting Assessment District. The annual report includes the various components required to develop the tax roll related to the assessment district. The Council must adopt this report prior to the time that a decision is made about whether or not the assessment will continue in the next fiscal year.

It is expected that NBS, the designated Engineer of Work, will submit the annual report at the April 16, 2024 City Council meeting. At that meeting, the time and place of the public hearing regarding continuation of the assessment district will be set.

ANALYSIS

Without the adoption of the annual report and authorization of the assessment, the City would lose approximately \$789,726 in FY 2024-25 that would be used for landscaping and lighting purposes.

NBS was selected in February 2009 through a Request for Proposal process and the agreement was extended for NBS to continue to prepare and file the report this year.

The cost to prepare and file the report is \$11,500 and is included in the budget for the Landscape and Lighting Assessment District fund.

STRATEGIC PLAN CONSIDERATIONS

This action supports the [City's Strategic Plan Goal\(s\)](#) of:

- *High Performing Organization; and*
- *Livability and Belonging; and*
- *Infrastructure and Amenities; and*
- *Environmental Sustainability.*

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

The FY 2024-25 budget that will be adopted in June 2024 will recognize Landscaping and Lighting Assessment revenue of \$789,726 to pay for budgeted expenses in Fund 203. The assessment revenue will cover \$289,752 for personnel costs, \$339,116 for non-personnel costs, and \$160,858 for overhead in connection with administering the program.

LEGAL CONSIDERATIONS

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

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Budget Estimate FY 2024-25

RESOLUTION NO. 2024-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DESIGNATING NBS LOCAL GOVERNMENT SOLUTIONS AS THE ENGINEER OF WORK FOR THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1988-1 AND DIRECTING NBS TO PREPARE AND FILE THE ANNUAL REPORT FOR FISCAL YEAR 2024-25

WHEREAS, the City of El Cerrito, by Resolution No. 88-53, dated June 6, 1988 adopted Assessment District No. 1988-1 pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, said Landscaping and Lighting Act requires the preparation and filing of an annual report defining the charges to the assessment district for Fiscal Year 2024-25; and

WHEREAS, California Street and Highways Code §22622 requires that the filing of the annual report be authorized by resolution of the City Council; and

WHEREAS, the cost to prepare and file the report is included in the budget for the Landscaping and Lighting Assessment District fund.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby directs NBS Local Government Solutions, the firm designated by this Council as the Engineer of Work for Assessment District No. 1988-1, to file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972.

BE IT FURTHER RESOLVED that this Resolution is adopted pursuant to California Street and Highways Code §22622.

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

I CERTIFY that at the regular meeting on April 2, 2024, 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 _____.

Holly M. Charléty, City Clerk

APPROVED:

Tessa Rudnick, Mayor

City of El Cerrito
Landscape and Lighting Fund Budget
For the Fiscal Year ending June 30, 2025

REVENUE	FY 24-25
Special Assessments	789,726.00
Other Local Reimbursement	10,500.00
Program Fees	1,000.00
	\$801,226.00
 EXPENSE	
Regular Salaries & Wages	153,517.05
Overtime Pay	5,149.20
Straight OT	2,169.30
Special Pay	536.55
One-Time Payouts	.00
PARS Contribution	456.75
PERS Contributions	15,264.90
PERS UAL	46,942.35
FICA/Medicare	11,802.00
Medical Benefits	43,559.25
Life & LTD Insurance	1,556.10
Workers Compensation Premiums	13,017.90
Collect & Admin Services	4,305.00
Legal & Financial Svcs	11,970.00
Other Technical Services	2,299.50
Utilities-Energy	25,200.00
Utilities-Water & Sewer	135,630.15
Utilities-Street Light	5,000.00
Infrastructure Maint Svc	12,000.00
Landscape/Park Maint Svcs	118,450.00
Travel & Training	1,100.00
Dues & Subscriptions	1,200.00
Landscape & Park Supplies	26,900.00
Indirect Xfer-GEN	163,200.00
	\$801,226.00



AGENDA BILL

Agenda Item No. 7.F.

Date: April 2, 2024
To: El Cerrito City Council
From: Marielle Cuison, Associate Engineer; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Parking Time Limit Modification in front of 11224 San Pablo Avenue

ACTION PROPOSED

Approve resolution authorizing the Public Works Director/City Engineer to install forty (40) feet of green curb marking with a parking time restriction of 20 minutes in front of 11224 San Pablo Avenue.

BACKGROUND & ANALYSIS

In January 2024, the Public Works Department received a request from the business owner of Tashi Delek Cuisine located at 11224 San Pablo Avenue to create short-term parking options in front of their business. The City of El Cerrito Municipal Code allows for the establishment of time restrictions to serve the needs of businesses. The business is located on the east side of San Pablo Avenue between Potrero Avenue and Madison Avenue. This is a busy commercial area with a variety of businesses and St. John the Baptist Church and School. The time limit previously approved by the City Council (Resolution No. 1961-2537 and Resolution No. 1971-3467) for this portion of the block is two hours from 9:00 a.m. to 6:00 p.m. every day except Sundays and Holidays.

The business owner had indicated that customers picking up orders are having difficulty finding short-term parking adjacent to the business. Since 2021, under the City's Temporary Outdoor Dining and Retail Program established in 2020 to enhance business recovery during the COVID-19 pandemic, Tashi Delek obtained City approval to designate public parking spaces in front of their business for curbside pick-up/take out by installing temporary signs that are in effect from 11:00 a.m. to 3:00 p.m. and 5:00 p.m. to 9:00 p.m. every day except Mondays. However, these temporary signs have been found to no longer be effective. To meet the needs of this business and other businesses along the block for short-term parking, Public Works staff is proposing to add a short-term (20 minutes) parking restriction by installing 40 feet of green curb marking, which is two parking spaces, in front of Tashi Delek Cuisine. The short-term parking restriction would be in place between the hours of 11:00 a.m. to 9:00 p.m. of any day except Mondays. The green curb marking is intended to more clearly communicate the shorter parking duration at this location, thereby promoting turnover and making it more convenient for customers to visit the restaurant and adjacent businesses.

On February 15, 2024, notifications regarding the proposed parking changes were sent to property owners, current residents, and businesses within a 300-foot radius of this location. At this time, the property owner's representative responded to the notification to support the change. No other comments were received.

STRATEGIC PLAN CONSIDERATIONS

This action supports the [City's Strategic Plan Goal\(s\)](#) of:

- *Livability and Belonging* by deepening a sense of place and community identity, by working with Tashi Delek Cuisine and other small local businesses to improve access for a variety of businesses.

ENVIRONMENTAL CONSIDERATIONS

The project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 because the project is a minor alteration of an existing public facility involving negligible or no expansion of use beyond that presently existing. More specifically, the installation of curb markings and any needed signs will be done on existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, which is exempt from CEQA.

FINANCIAL CONSIDERATIONS

The cost for installing the 40 feet of curb markings is estimated to be under \$500 and is included in the Public Works, Maintenance operating budget.

LEGAL CONSIDERATIONS

El Cerrito Municipal Code Section 11.40.160 requires that any installation or modification of green curb markings be approved by City Council Resolution. Similarly, El Cerrito Municipal Code Section 11.40.210 requires that any installation or modification of time-limited parking restrictions be approved by City Council Resolution. In this case, the City is modifying the existing parking restriction of 2 hours and using green curb marking to do so. The City Attorney has reviewed the proposed action and found that legal considerations have been addressed.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION 2024-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO INSTALL FORTY (40) FEET OF GREEN CURB MARKINGS WITH A PARKING TIME LIMIT OF TWENTY (20) MINUTES IN FRONT OF 11224 SAN PABLO AVENUE

WHEREAS, the business owner and tenant of Tashi Delek Cuisine located at 11224 San Pablo Avenue requested changes to parking restrictions in front of their business; and

WHEREAS, on-street parking is currently limited to two hours between 9:00 a.m. and 6:00 p.m. except Sundays and Holidays as established by City Council Resolution 1961-2537 and Resolution No. 1971-3467; and

WHEREAS, a shorter time limit would promote turnover and make it more convenient for customers to visit the business, as well as serve other short-term parking needs on the block; and

WHEREAS, El Cerrito Municipal Code Section 11.40.160 and 11.40.210 require that any modification of green curb markings and time limited parking, respectively, be approved by the City Council; and

WHEREAS, this project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 because it is considered a minor alteration of an existing public facility involving negligible or no expansion of use beyond that presently existing. More specifically, the installation of curb markings and signs will be done on existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, which is exempt from CEQA.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the Public Works Director/City Engineer to install forty (40) feet of green curb markings with a parking time limit of twenty (20) minutes between the hours of 11:00 a.m. to 9:00 p.m. of any day except Mondays, in front of 11224 San Pablo Avenue.

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

I CERTIFY that at a regular meeting on April 2, 2024, 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 April 2, 2024.

Holly M. Charléty, City Clerk

APPROVED:

Tessa Rudnick, Mayor



AGENDA BILL

Agenda Item No. 7.G.

Date: April 2, 2024
To: El Cerrito City Council
From: Christina Leard, Management Analyst III; Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Annual Parcel Assessment for the National Pollutant Discharge Elimination System (NPDES) Program and Drainage Maintenance Activities for Fiscal Year 2024-25

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) 2024-25.

BACKGROUND/ANALYSIS

Clean Water Program Update

Under the 1987 amendments to the Federal Water Pollution Control Act (Clean Water Act), all jurisdictions in the United States are responsible for ensuring compliance with the NPDES program. The State Water Resources Control Board grants regulatory responsibilities for water quality to the Regional Water Quality Control Boards in nine regions throughout California. In the Bay Area, the San Francisco Bay Regional Water Quality Control Board (Water Board) regulates the discharge of stormwater runoff from the municipal separate storm sewer systems (MS4) draining into San Francisco Bay through a Municipal Regional Permit (MRP). The MRP covers Alameda, Contra Costa, Santa Clara and San Mateo counties, as well as the cities of Fairfield, Suisun, and Vallejo. In Contra Costa County, the Contra Costa Clean Water Program (CWP) coordinates compliance and collaborates on programmatic components of the MRP. The CWP is comprised of Contra Costa County, its 19 incorporated cities and towns, and the County Flood Control and Water Conservation District. Working with the member jurisdictions, the CWP provides services designed to protect water quality by keeping trash and other pollutants from entering drainage systems that ultimately make their way into local creeks, reservoirs, lakes, and the Bay.

Municipal Regional Permit

The City's Clean Water Program is currently governed by the Municipal Regional Permit Order No. R2-2022-0018 and Order No. R2-2023-0019, which became effective July 1, 2022, superseding the previous "MRP 2.0" (2015). The current permit ("MRP 3.0") expands upon previous permit requirements to conduct specific stormwater

management actions regarding trash load reduction and pollutant monitoring and has an increased focus on reducing other pollutants of concern (POCs).

MRP 3.0 includes costly new mandates relating to:

- Tracking encampments and addressing illegal dumping, illicit discharges, and other stormwater concerns stemming from unsheltered populations
- Developing and implementing the use of new expansive asset management programs and software for stormwater assets
- Constructing rain gardens and other green infrastructure at higher levels, including in roads and transportation projects
- Reducing trash reduction credits for existing source control policies (e.g., single-use bag ban) and creek cleanups, while maintaining the target to achieve a 100% trash load reduction, thereby making it more expensive and challenging to maintain compliance
- Including some new single-family homes as regulated development projects that require stormwater control plans and ongoing inspections
- Implementing new best management practices, standard operating procedures, and reporting for discharges of water and foam used in emergency firefighting applications
- Increased water quality monitoring region-wide
- Increased reporting requirements in almost all sections of the MRP.

Annual Report and Recent Highlights

At the end of September 2023, City Staff submitted the FY 2022-23 Annual Report for the City's Clean Water Program to the Regional Water Quality Control Board covering the first year of MRP 3.0. The report highlighted El Cerrito's continued efforts to meet and exceed the requirements of the MRP. Notable highlights included: Continuation of the City's moratorium on the use of glyphosate in all City landscapes; City Staff's successful review and monitoring of a growing number of stormwater projects built alongside new development; a calculated 95% trash load reduction thought FY 2022-23 under the MRP 3.0 approved formula; and, a robust public outreach and education campaign. Every year, this report highlights the significant efforts undertaken by the City to meet the requirements of our permit. The City's entire FY 2022-23 Annual Report, along with the Contra Costa County CWP Annual Report is available for viewing at www.el-cerrito.org/206/Clean-Water.

The City actively complies with all existing MRP requirements, including those related to Municipal Operations and Integrated Pest Management, Illicit Discharge Detection and Elimination, New Development and Redevelopment, Green Infrastructure, Public Outreach and Education, Construction Site Controls, Industrial and Commercial Site Controls, and managing pollutants of concern (e.g., polychlorinated biphenyls). Specific Clean Water Program activities are coordinated and carried out primarily by the Public Works Department, with assistance from the Community Development Department. Additionally, new requirements to monitor emergency discharges from firefighting water will require coordination with the Fire Department.

Current Compliance and Anticipated Changes

El Cerrito has reached the compliance targets under the previous permit, MRP 2.0, and is progressively working to meet the requirements of MRP 3.0. The MRP 3.0 requirements will be costly and challenging to meet in a variety of areas. Additional funding and staffing resources will be needed to deliver the newly required programs and reports. For example, while the City has been able to maintain strong compliance in meeting the trash load reduction requirements in recent years, the new permit eliminates the credit municipalities receive for source control policies (e.g., single-use plastic bag bans) and volunteer cleanups; which will cause the City to fall below the required trash load reduction goal in the current fiscal year (losing approximately 10% of credit through offsets). This one change will require the City to install a variety of expensive new infrastructure or implement other cleanup programs with diminishing returns. Moreover, to maintain compliance, the City will need to pursue new ordinances, which will likely include a requirement for large privately-owned parking lots to install and maintain trash capture devices. There are many changes in MRP 3.0 that require similar or greater levels of effort from the City, above and beyond what was required in the previous permit term.

Stormwater Utility Area Assessment

Currently, El Cerrito's NPDES compliance activities are funded by a combination of countywide Stormwater Utility Area (SUA) assessment funds, the City's Measure J Storm Drain funds, and the General Fund. The SUA is levied by the County in most CWP jurisdictions and provides funds for clean water activities in the member jurisdictions, as well as activities at the countywide level. The total annual amount generated countywide by the SUA is approximately \$15.9 million (Attachment 2).

Each year the per parcel rate for the SUA must be re-established by the County Board of Supervisors, which acts as the governing body for the Flood Control and Water Conservation District and, thus, the CWP. Each local jurisdiction must first adopt a resolution determining the appropriate assessment for its jurisdiction and then forward that instructing resolution to the Contra Costa County Flood Control and Water Conservation District. The Flood Control and Water Conservation District has requested the resolution be adopted by the City and sent no later than April 3, 2023, so that the County has sufficient time to place the assessment on the property tax rolls for the upcoming fiscal year.

Specific SUA assessments are calculated through determining Equivalent Runoff Units (ERUs). An ERU is a value that reflects the amount of impervious (paved) surface of a given parcel. Impervious surfaces result in stormwater runoff to the storm drain system, which potentially carries pollutants to the Bay and into the groundwater. Parcels that contain large areas of paved surfaces are assigned a greater number of ERUs. Residential lots in El Cerrito between 5,000 to 20,000 square feet in size are assigned one (1) ERU. Industrial or commercial parcels with paved parking or other impervious surfaces are assigned two (2) or more ERUs depending on their size.

In 1993, when the County SUA was established, El Cerrito's assessment was \$14 per ERU (Attachment 4). The City's current rate of \$38 per ERU was approved by the El Cerrito City Council in Fiscal Year (FY) 2004-05. Per the County Ordinance which adopted the SUA, \$38 is the maximum rate that can be assessed in El Cerrito. All municipalities in Contra Costa County have reached their maximum rates allowed.

In FY 2024-25, the County estimates that El Cerrito's rate of \$38 will generate \$415,801 for NPDES compliance (Attachment 2), based on data from the current fiscal year, FY 2023-24. Of these revenues, an estimated \$88,821 (21.4%) is allocated for CWP regional compliance activities and \$326,980 (78.6%) is allocated to El Cerrito to fund local compliance activities. This year's allocation for regional efforts through the CWP is higher than in previous years; last year the allocation was 18.7%. The City's share of the CWP's total program costs is 2.22% (Attachment 3).

The CWP uses its portion of the SUA funds to assist local jurisdictions with MRP compliance by performing work that is more cost-effective when done at the countywide level. Examples from prior years include regional public outreach campaigns, regional water quality and creeks monitoring, development of Geographical Information System tracking tools for reporting pollutant load reductions, development of the C.3 Guidebook for developers and City Staff, coordinating municipal staff training, support in development and submittal of the Annual Report. Due to MRP 3.0, these activities have increased and include applying for and administering regional grants, development of a Regional Alternative Compliance system to meet countywide green infrastructure goals, participation in regional workgroups to develop Best Management Practices (BMPs) for monitoring emergency discharges from firefighting water as well as BMPs for monitoring and reducing discharges from unsheltered populations, developing a framework for asset management, and other activities that assist member agencies in complying with the MRP. The CWP also pays dues, on behalf of the local jurisdictions, to the San Francisco Bay Regional Monitoring Program for Trace Substances and to the California Stormwater Quality Association. These groups provide training, monitoring, and research activities that are mandated under the MRP.

The City's allocation for the CWP has remained level over the last four years but is expected to increase over the course of the current permit term. As noted above, costs of compliance are rising in the current permit term as the CWP has undertaken activities to meet the requirements that took effect July 1, 2022. Due to the need for additional countywide efforts to meet permit requirements, including efforts that are more cost-effective on a regional scale, the CWP has focused on using the CWP's currently healthy reserve fund in order to maintain the amounts returned to cities as close to the past levels as possible. Moving forward, the CWP will likely have to either continue using reserves as long as possible or it may be in the best interest of the City and all Permittees to support decreasing the amount returned to local jurisdictions in future years.

STRATEGIC PLAN CONSIDERATIONS

This action supports the [City's Strategic Plan Goal\(s\)](#) of:

- *Infrastructure and Amenities; and*
- *Environmental Sustainability.*

ENVIRONMENTAL CONSIDERATIONS

Establishing the annual amount and authorizing the Contra Costa County Flood Control & Water Conservation District to adopt SUA levies does not constitute a “project” as defined in the California Environmental Quality Act (CEQA) and its Guidelines, under the general rule that CEQA applies only to actions that have the potential to cause a significant effect on the environment. In this case, the City of El Cerrito City Council is only authorizing the amount of the annual parcel assessment for the NPDES program. Additionally, pursuant to Section 15273 of the CEQA Guidelines, the establishment of charges for the purpose of meeting operating expenses is categorically exempt. Any potential project funded by the annual assessment will be reviewed under CEQA prior to approval.

FINANCIAL CONSIDERATIONS

Staff is requesting adoption of the maximum rate of \$38.00 per ERU for FY 2024-25, which would generate an estimated \$415,801, of which \$326,980 will be returned to the City and included in the FY 2024-25 budget under the NPDES Fund (202). If adopted by the City Council, the Contra Costa County Board of Supervisors will adopt the annual property assessments for the FY 2024-25 tax rolls. The City Council appropriates expenditures of these funds as part of its annual budget process. The funds are used to perform clean water activities as described above, which include Engineering and Maintenance personnel, professional and technical services for monitoring, testing and assessments, State permitting fees, specialized maintenance services, and City administration.

City Funding Efforts

Currently, the City's Clean Water Program activities are funded by a combination of countywide SUA levies, the City's Measure J Storm Drain funds, and the General Fund. Given the escalation of MRP requirements, increasing costs to directly implement mandated programs as a City, the relatively flat SUA funding generated by the fixed ERU rate established in FY 2004-05, and potentially a reduced amount of SUA funds returned to the City, additional funding sources will need to be identified regionally or internally if the City is to stay in compliance during the current permit term. Various efforts have been made by the City, CWP, and others to increase funding for clean water activities of local governments.

Following a City Council closed session in November 2022 regarding the City of Long Beach v. Monsanto lawsuit, a federal class action lawsuit related to damages caused by

polychlorinated biphenyls (PCBs), in which the City of El Cerrito is one of more than 2,500 plaintiff class members, the City opted-in to a settlement agreement accepting \$310,316 from the settlement's "Total Maximum Daily Load" Fund. The case alleged claims against Monsanto for the costs that government entities have incurred or will incur for testing and monitoring water quality, removing PCBs from sediment areas, reducing PCB levels in stormwater, and complying with other applicable regulation. The City received the settlement payment in March 2024.

Staff is proposing that these funds be used for activities associated with the case and thereby support compliance with MRP 3.0; the revenues are proposed to be appropriated to the NPDES Fund (202) as part of the upcoming biennial budget process to support funding compliance activities over the next two years.

Additionally, the settlement agreement also allows the City to apply for a portion of a \$50 million dollar "Special Needs Fund" if the City is able to show that it is affected by special circumstances and deserves a larger award. Staff will be submitting an application for an additional award from that fund in late April.

Regional Funding Efforts

The CWP has recently completed research on all available funding options to help lead and guide the cities in the region in identifying and pursuing additional funding streams. CWP Staff and Contra Costa County City Managers are currently exploring viable options for additional stormwater funding, and a workshop for municipal staff is scheduled for April 2024. City Staff will update the City Council as part of the upcoming biennial budget process as resource needs and longer-term funding options become clearer.

While City Staff continue to actively monitor and, in coordination with the CWP, contest increasing State mandates that require local government compliance without a dedicated funding source, the potential cost and fines associated with non-compliance are significant. For this reason, City Staff has kept program costs at the lowest possible level while still meeting MRP requirements to date.

LEGAL CONSIDERATIONS

The proposed actions are consistent with established processes for City adoption of the annual ERU rate. The City Attorney has reviewed and approved the proposed action.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Contra Costa Clean Water Program Return to Source Percentages
3. Contra Costa Clean Water Program Group Costs Methodology and Allocation
4. Stormwater Utility Area Formation County Engineer Report

RESOLUTION 2024-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO 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 AND AUTHORIZING THE CONTRA COSTA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT TO ADOPT STORMWATER UTILITY AREA LEVIES BASED ON SAID AMOUNT IN FISCAL YEAR 2024-25.

WHEREAS, under the Federal Water Pollution Control Act, prescribed discharges of stormwater require a permit from the appropriate California Regional Water Quality Board under the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, Order No. R2-2022-0018 and Order No. R2-2023-0019, NPDES Permit No. CAS612008, issuing waste discharge requirements under the San Francisco Bay Municipal Regional Stormwater Permit (MRP) to the Cities, Flood Control Districts and County agencies located in Alameda, Contra Costa, Santa Clara, and San Mateo Counties, as well as the cities of Fairfield, Suisun and Vallejo, includes the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering storm waters; and

WHEREAS, at the request of the City of El Cerrito, the Contra Costa County Flood Control and Water Conservation District (District) has completed the process for formation of a Stormwater Utility Area (SUA), including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, it is the intent of the City of El Cerrito to utilize funds received from its SUA for implementation of the NPDES program and drainage maintenance activities; and

WHEREAS, the SUA and Program Group Costs Payment Agreement between the City of El Cerrito and the District requires that the City of El Cerrito annually determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year and the District has requested the approved resolutions by April 3, 2024.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito does determine that the rate to be assigned to a single ERU for Fiscal Year 2024-25 shall be set at \$38.00.

BE IT FURTHER RESOLVED, the City Council of the City of El Cerrito does hereby request the District to adopt SUA levies based on said amount.

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

I CERTIFY that at a regular meeting on April 2, 2024 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 _____.

Holly M. Charléty, City Clerk

APPROVED:

Tessa Rudnick, Mayor

Contra Costa Clean Water Program																					
Stormwater Utility Assessment (SUA) Revenue, Cost Allocations, and SUA Revenue Return-to-Source (RTS) Percentages																					
(Reviewed 01/16/2024)																					
Stormwater Utility Assessment (SUA) Revenue ¹ (FY 2022/23)																Adopted					
		FY 16/17 Net Budget \$2,625,516		FY 17/18 Net Budget \$3,053,432		FY 18/19 Net Budget \$3,085,545		FY 19/20 Net Budget \$3,499,213		FY 20/21 Net Budget \$3,473,097		FY 21/22 Budget Cap \$3,500,000		FY 22/23 Budget Cap \$3,500,000		FY 23/24 Budget Cap \$3,500,000		FY 24/25 Budget Cap \$4,000,000		FY 25/26 Budget Cap \$4,000,000	
		Allocation ²	% RTS ¹¹	Allocation ³	% RTS ¹¹	Allocation ⁴	% RTS ¹¹	Allocation ⁵	% RTS ¹¹	Allocation ⁶	% RTS ¹¹	Allocation ⁷	% RTS ¹¹	Allocation ⁸	% RTS ¹¹	Allocation ⁹	% RTS ¹¹	Allocation ¹⁰	% RTS ¹¹	Allocation ¹⁰	% RTS ¹¹
Antioch	\$ 1,274,159	\$ 257,816	78.1	\$ 307,042	73.9	\$306,747	73.9	\$344,212	72.2	\$342,241	73.1	\$341,395	73.2	\$342,303	73.1	\$348,240	72.7	\$402,359	68.4	\$406,382	68.1
Brentwood		\$ 134,488		\$ 159,772		\$163,938		\$191,930		\$191,287		\$197,573		\$200,493		\$194,714		\$224,852		\$227,100	
Clayton	\$ 128,227	\$ 26,872	78.7	\$ 30,466	75.9	\$30,299	76.0	\$34,801	72.4	\$35,014	72.7	\$34,397	73.2	\$34,179	73.3	\$32,874	74.4	\$37,175	71.0	\$37,547	70.7
Concord	\$ 2,110,396	\$ 300,122	85.3	\$ 352,538	82.8	\$344,685	83.2	\$393,222	80.9	\$390,281	81.5	\$394,865	81.3	\$392,125	81.4	\$374,145	82.3	\$425,474	79.8	\$429,728	79.6
Danville	\$ 572,148	\$ 104,012	81.6	\$ 116,505	79.4	\$116,412	79.4	\$135,163	76.0	\$136,024	76.2	\$133,123	76.7	\$133,181	76.7	\$131,193	77.1	\$149,254	73.9	\$150,747	73.7
El Cerrito	\$ 415,801	\$ 57,820	85.6	\$ 66,258	83.5	\$66,053	83.6	\$75,926	81.3	\$76,497	81.6	\$75,709	81.8	\$75,366	81.9	\$77,623	81.3	\$88,821	78.6	\$89,709	78.4
Hercules	\$ 322,301	\$ 58,980	81.8	\$ 67,381	79.5	\$68,940	79.1	\$80,122	75.7	\$78,796	75.6	\$77,460	76.0	\$78,454	75.7	\$78,957	75.5	\$91,655	71.6	\$92,571	71.3
Lafayette	\$ 476,624	\$ 59,882	86.9	\$ 67,742	85.3	\$67,662	85.3	\$78,106	83.0	\$79,105	83.4	\$77,685	83.7	\$76,919	83.9	\$75,849	84.1	\$87,148	81.7	\$88,020	81.5
Martinez	\$ 705,739	\$ 88,997	85.8	\$ 100,719	83.9	\$101,115	83.9	\$115,986	82.3	\$115,652	83.6	\$112,583	84.0	\$111,708	84.2	\$111,692	84.2	\$127,366	82.0	\$128,640	81.8
Moraga	\$ 293,117	\$ 39,199	86.4	\$ 44,882	87.4	\$44,777	87.4	\$51,729	82.2	\$50,897	82.6	\$51,416	82.5	\$51,020	82.6	\$51,764	82.3	\$58,878	79.9	\$59,467	79.7
Oakley	\$ 562,763	\$ 92,342	81.4	\$ 109,102	78.4	\$110,623	78.1	\$127,083	75.8	\$125,474	77.7	\$128,830	77.1	\$130,114	76.9	\$134,767	76.1	\$156,824	72.1	\$158,393	71.9
Orinda	\$ 389,938	\$ 44,308	88.4	\$ 50,959	86.7	\$50,842	86.7	\$58,451	84.6	\$58,517	85.0	\$57,675	85.2	\$57,870	85.2	\$58,945	84.9	\$67,006	82.8	\$67,676	82.6
Pinole	\$ 321,909	\$ 45,103	85.7	\$ 50,932	84.0	\$50,950	84.0	\$58,564	81.7	\$58,586	81.8	\$59,180	81.6	\$58,752	81.7	\$56,373	82.5	\$63,587	80.2	\$64,223	80.0
Pittsburg	\$ 1,236,516	\$ 160,997	85.5	\$ 184,324	83.5	\$187,468	83.2	\$221,172	81.5	\$217,966	82.4	\$225,496	81.8	\$225,976	81.7	\$227,439	81.6	\$260,737	78.9	\$263,345	78.7
Pleasant Hill	\$ 490,921	\$ 81,327	83.5	\$ 92,620	81.2	\$93,057	81.1	\$106,764	78.3	\$105,331	78.5	\$103,969	78.8	\$103,536	78.9	\$102,970	79.0	\$116,401	76.3	\$117,565	76.1
Richmond		\$ 255,550		\$ 300,003		\$300,153		\$337,837		\$331,830		\$337,442		\$334,059		\$346,470		\$395,653		\$399,609	
San Pablo	\$ 436,156	\$ 70,776	83.2	\$ 83,792	80.1	\$83,380	80.2	\$96,184	77.4	\$95,601	78.1	\$95,310	78.1	\$94,157	78.4	\$95,356	78.1	\$109,096	75.0	\$110,187	74.7
San Ramon	\$ 1,231,049	\$ 187,024	84.2	\$ 212,987	82.3	\$216,284	82.0	\$251,605	78.4	\$252,268	79.5	\$252,187	79.5	\$254,383	79.3	\$253,658	79.4	\$288,833	76.5	\$291,721	76.3
Walnut Creek	\$ 1,301,412	\$ 159,187	86.6	\$ 190,306	84.0	\$190,571	84.0	\$215,144	82.0	\$210,694	83.8	\$214,995	83.5	\$216,327	83.4	\$211,506	83.7	\$241,345	81.5	\$243,758	81.3
CC County	\$ 3,653,028	\$ 400,713	88.3	\$ 465,102	87.0	\$465,739	87.0	\$525,212	84.9	\$521,037	85.7	\$528,710	85.5	\$529,080	85.5	\$535,464	85.3	\$607,536	83.4	\$613,611	83.2
Total	\$ 15,922,203																				
¹ Total Stormwater Utility Assessment (SUA) revenue based on FY 2022/23. SUA revenue may increase annually due to new development activity.																					
² Allocation of costs based on CA Department of Finance Population Figures - January 1, 2015.																					
³ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2016.																					
⁴ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2017.																					
⁵ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2018.																					
⁶ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2019.																					
⁷ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2020.																					
⁸ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2021.																					
⁹ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2022.																					
¹⁰ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2023.																					
¹¹ Percentage of Stormwater Utility Assessment (SUA) revenue Returned-to-Source (RTS).																					
= No SUA. Stormwater funding from other sources.																					

**CONTRA COSTA CLEAN WATER PROGRAM
GROUP COSTS METHODOLOGY & ALLOCATION
FOR FISCAL YEAR 2024/25**

City/County/State	January 1, 2022	January 1, 2023⁽¹⁾	Percent Change	Prorata % of Program ⁽²⁾	SUA Budget ⁽³⁾ Allocation
CONTRA COSTA COUNTY	1,151,798	1,147,653	-0.36%		\$ 4,000,000
ANTIOCH	114,362	115,442	0.94%	10.06%	\$ 402,359
BRENTWOOD	64,219	64,513	0.46%	5.62%	\$ 224,852
CLAYTON	10,782	10,666	-1.08%	0.93%	\$ 37,175
CONCORD	123,102	122,074	-0.84%	10.64%	\$ 425,474
DANVILLE	43,166	42,823	-0.79%	3.73%	\$ 149,254
EL CERRITO	25,710	25,484	-0.88%	2.22%	\$ 88,821
HERCULES	25,944	26,297	1.36%	2.29%	\$ 91,655
LAFAYETTE	25,119	25,004	-0.46%	2.18%	\$ 87,148
MARTINEZ	36,790	36,543	-0.67%	3.18%	\$ 127,366
MORAGA	17,055	16,893	-0.95%	1.47%	\$ 58,878
OAKLEY	44,257	44,995	1.67%	3.92%	\$ 156,824
ORINDA	19,326	19,225	-0.52%	1.68%	\$ 67,006
PINOLE	18,442	18,244	-1.07%	1.59%	\$ 63,587
PITTSBURG	74,688	74,809	0.16%	6.52%	\$ 260,737
PLEASANT HILL	33,697	33,397	-0.89%	2.91%	\$ 116,401
RICHMOND	114,521	113,518	-0.88%	9.89%	\$ 395,653
SAN PABLO	31,625	31,301	-1.02%	2.73%	\$ 109,096
SAN RAMON	83,587	82,870	-0.86%	7.22%	\$ 288,833
WALNUT CREEK	69,603	69,245	-0.51%	6.03%	\$ 241,345
UNINCORP. COUNTY	175,803	174,310	-0.85%	15.19%	\$ 607,536
				<u>100.00%</u>	<u>\$ 4,000,000</u>

1. Population estimate based on State of California Department of Finance (E-1) City/County projections- January 1, 2024.

Figures are updated in May of each year.

2. Percentages based on prorata of population.

3. SUA funds allocated for budget purposes, which by policy is set at \$4M.

H. 1
(2)

TO: BOARD OF SUPERVISORS, AS THE GOVERNING BODY OF CONTRA COSTA
COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

FROM: J. MICHAEL WALFORD, CHIEF ENGINEER

DATE: June 22, 1993

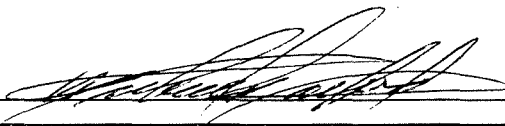
SUBJECT: CHIEF ENGINEER'S REPORT ON FORMATION OF STORMWATER UTILITY AREAS AND
ADOPTION OF ANNUAL ASSESSMENTS

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

I. **Recommended Action:**

1. ACCEPT Chief Engineer's report on the tabulation of the protests against the proposed Stormwater Utility Assessments;
2. FIND that the number of protests received for each Stormwater Utility Area represent less than fifty (50) percent of the area;
3. DETERMINE the formation of the Stormwater Utility Areas is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) Article 5, CEQA Guidelines. DIRECT the Community Development Director to file a notice of Exemption.
4. APPROVE the resolutions establishing the seventeen (17) Stormwater Utility Areas; and
5. ADOPT the Ordinance establishing Stormwater Utility Assessments in the seventeen (17) Stormwater Utility Areas with the stipulation that the Equivalent Runoff Unit (ERU) rate for the unincorporated County area shall be \$16.20 for Fiscal Year 1993-94 (a ten percent reduction from the proposed rate of \$18/ERU.)

Continued on Attachment: X

SIGNATURE: 

 RECOMMENDATION OF COUNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE
 APPROVE OTHER

SIGNATURE(S):

ACTION OF BOARD ON JUN 22 1993 APPROVED AS RECOMMENDED X OTHER

VOTE OF SUPERVISORS

X UNANIMOUS (ABSENT)
AYES: NOES:
ABSENT: ABSTAIN:

MFK:lv:fp:sj
c:NPDES\22.16

Orig. Div: Public Works (FC)
Contact: Milton Kubicek, 313-2203
cc: County Administrator
County Auditor
County Counsel
PW - Flood Control

I hereby certify that this is a true and correct copy of
an action taken and entered on the minutes of the
Board of Supervisors on the date shown.

ATTESTED: JUN 22 1993
PHIL BATCHELOR, Clerk of the Board
of Supervisors and County Administrator

By Barbara Sidari, Deputy

II. Financial Impact:

The proposed Stormwater Utility Assessments will raise approximately \$8,052,900 to fund the National Pollutant Discharge Elimination System (NPDES) permit activities including drainage system maintenance for the following cities and unincorporated Contra Costa County areas:

Antioch	El Cerrito	Moraga	Pleasant Hill
Clayton	Hercules	Orinda	San Pablo
Concord	Lafayette	Pinole	San Ramon
Danville	Martinez	Pittsburg	Walnut Creek

III. Reasons for Recommendations and Background:

Contra Costa County, its incorporated cities and the Contra Costa County Flood Control and Water Conservation District decided approximately two years ago to collectively apply for a Joint Municipal National Pollutant Discharge Elimination System (NPDES) Permit. This is federally mandated through the Clean Water Act which was amended in 1987 to specifically address stormwater pollution. There are three parts to the Permit. The Part I Application representing reconnaissance level activities by each municipality was submitted to the San Francisco Bay and Central Valley Regional Water Quality Control Boards on May 18, 1992. The Part II Application represented the development of each municipality's Stormwater Management Plan which was submitted to the Regional Boards on May 17, 1993. The Stormwater Management Plan seeks to reduce or radically eliminate pollutants from entering or reaching the storm sewer system. The third phase of the process is the actual promulgation of the Permit.

The Permit is for five years (1993 to 1998) requiring each municipality to implement their approved Stormwater Management Plan. The Regional Boards have indicated the need for a "restricted" funding source to finance implementation costs. Therefore, Contra Costa County proposed legislation providing a financing option for municipalities to use through the Contra Costa County Flood Control and Water Conservation District. The bill, AB 2768 (Campbell), was passed by the legislature and signed by Governor Pete Wilson on August 30, 1992. The legislation specifically allows a municipality to request formation of a Stormwater Utility Area within their incorporated boundaries and establish an assessment to pay for implementation costs.

The Board of Supervisors, acting as the Contra Costa County Flood Control and Water Conservation District, provided public notice to all affected property owners before considering the establishment of the Stormwater Utility Areas and assessments. The Board of Supervisors acting on behalf of Contra Costa County has also taken specific actions establishing the Stormwater Utility Area and assessment for the unincorporated portion of the County. Should there be a fifty percent (50%) protest against the Stormwater Utility Areas formations and assessments, the Board of Supervisors would have to abandon this form of financing. Due to the inability to create any new assessments for the 1993-94 Fiscal Year, the likely alternative funding source would be the General Fund.

Public notices were sent to approximately 238,234 parcel owners. State legislation (SB1977 - Bergeson) requires at least 45 day notice to parcel owners before the governing board considers any new or increased assessments. This requirement was met and informed parcel owners of two public hearings which were held on June 10 and 15, 1993. Approximately 28,170 recorded protests have been received. This represents approximately 11.8% of the total number of parcel owners who received public notices. The recorded protest includes those legally acceptable and those that appear acceptable but presently are questionable. The reason this figure is used is to provide a "worse case" scenario to the Board of Supervisors regarding the amount of protests per stormwater utility area. A copy of all written protests are retained in the office of the Contra Costa County Clerk of the Board located at 651 Pine Street, Martinez, California. A majority protest by the owners of more than 50% in area of the territories to be included in the stormwater utility area would cause the assessment to be abandoned for that particular area. This has not occurred. The following two charts highlight the total "assessable" and "total" area per stormwater utility area:

Tax Rate Area	Area Protested	Total Assessable Area	Percentage*
01 City of Antioch	806	5,542	14.5
02 City of Concord	1,278	8,235	15.5
03 City of El Cerrito	150	1,801	8.3
04 City of Hercules	165	1,380	12.0
05 City of Martinez	703	3,392	20.7
06 City of Pinole	191	1,570	12.2
07 City of Pittsburg	775	3,964	19.5
09 City of Walnut Creek	785	5,979	13.1
11 City of San Pablo	194	1,408	13.8
12 City of Pleasant Hill	419	2,830	14.8
13 City of Clayton	138	1,307	10.5
14 City of Lafayette	587	4,833	12.1
15 Town of Moraga	599	2,386	25.1
16 Town of Danville	501	4,548	11.0
17 City of San Ramon	577	3,677	15.7
18 City of Orinda	361	3,440	10.5
50 Unincorporated County	5,358	31,050	17.2

Tax Rate Area	Area Protested	Total Area	Percentage*
01 City of Antioch	806	18,000	4.4
02 City of Concord	1,278	14,954	8.5
03 City of El Cerrito	150	2,706	5.5
04 City of Hercules	165	4,115	4.0
05 City of Martinez	703	7,196	9.7
06 City of Pinole	191	3,105	6.1
07 City of Pittsburg	775	10,221	7.5
09 City of Walnut Creek	785	14,511	5.4
11 City of San Pablo	194	1,711	11.3
12 City of Pleasant Hill	419	3,708	11.3
13 City of Clayton	138	3,185	4.3
14 City of Lafayette	587	9,583	6.1
15 Town of Moraga	599	9,579	6.2
16 Town of Danville	501	11,037	4.5
17 City of San Ramon	577	9,351	6.1
18 City of Orinda	361	10,521	3.4
50 Unincorporated County	5,358	417,315	1.2

The "total assessable area" provides the worse case scenario for determining if a majority protest exists. Based on these amounts, a majority protest does not exist for any stormwater utility area.

The process used to record protests included a specific database based on the 1992 equalized tax roll indicating parcel ownership, address, notification address, acreage, land use, proposed assessment, etc. Two "hotlines" were established so the general public could have immediate access to information. During the ten weeks between mailing of the public notices and the June 15th public hearing, approximately 500 telephone call were received. Two trained operators were able to handle the majority of the problems. Questions that were encountered were based primarily on the accuracy of the Land Information and the Public Works Automated Mapping Systems. These included problems dealing with parcel ownership, acreage of the parcel and the appropriate land use. Should the Board of Supervisors approve the Stormwater Utility Areas and Assessments than field inspection activities would immediately commence. All known problems will be reviewed and corrections made prior to the promulgation of the assessments for the 1993-94 Fiscal Year. Specific problems pertaining to reclamation districts, the Oakley-Knightsen area and St. Mary's College will be resolved prior to this promulgation.

IV. Consequences of Negative Action:

The Environmental Protection Agency promulgated the National Pollutant Discharge Elimination Discharge System (NPDES) Permit Application Regulations for stormwater discharges on November 16, 1990 (40 CFR Parts 122, 123 and 124). Contra Costa County and the City of Concord were specifically identified in the Federal Register as needing a Municipal NPDES Permit. The legislation also permitted the State of California to make a finding if stormwater discharge was a "... significant contributor of pollutants to the waters of the United States" then these municipalities would also need to obtain a Municipal NPDES Permit. Such a finding was made requiring all municipalities within the San Francisco Bay Regional Water Quality Control Board's jurisdiction in Contra Costa County to obtain Municipal NPDES Permits.

All affected municipalities excluding the City of Richmond have opted to utilize the financing method contained in Assembly Bill 2768 (Campbell). This means each municipality is specifically requesting the formation of a Stormwater Utility Area within their incorporated boundaries, have established an assessment for Fiscal Year 1993-94 and set a maximum rate of assessment. Should the Board of Supervisors acting as the Contra Costa County Flood Control and Water Conservation District fail to proceed with this assessment, then it would create immediate financial chaos. All participating municipalities are expecting the Board of Supervisors to approve the formation of Stormwater Utility Areas and assessments if a majority protest does not materialize. If the AB 2768 financing mechanism is not implemented, then municipalities would need to resort to general revenue financing. This would further exasperate the financial dilemma all municipalities are facing with cut-backs from the State to local governments.

ORDINANCE NO. 93-47

AN ORDINANCE OF THE CONTRA COSTA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
IMPOSING STORM WATER UTILITY ASSESSMENTS FOR
STORMWATER UTILITY AREAS:

1-(Antioch), 2-(Clayton), 3-(Concord), 4-(Danville), 5-(El Cerrito),
6-(Hercules), 7-(Lafayette), 8-(Martinez), 9-(Moraga), 10-(Orinda),
11-(Pinole), 12-(Pittsburg), 13-(Pleasant Hill), 14-(San Pablo),
15-(San Ramon), 16-(Walnut Creek), and 17-(Unincorporated County)

The Board of Supervisors of Contra Costa County, acting as the governing board of the Contra Costa County Flood Control and Water Conservation District, ordains as follows:

ARTICLE I

Section 1. Title.

This Ordinance shall be known as the "Stormwater Utility Assessment Ordinance" of the Contra Costa County Flood Control and Water Conservation District.

Section 2. Purpose.

The United States Environmental Protection Agency (the "EPA") has, consistent with Section 402 of the Federal Clean Water Act, as amended, promulgated the National Pollutant Discharge Elimination System Regulations (the "NPDES Regulations") pursuant to which the EPA, through the appropriate California Regional Water Quality Control Board (the "CRWQCB"), has required the Contra Costa County Flood Control and Water Conservation District (the "District") and other affected public entities to secure a National Pollutant Discharge Elimination System Stormwater Permit (the "NPDES Permit") and to develop, implement and manage identified programs dealing with stormwater runoff. The parcels of land within the respective watersheds within the District's jurisdiction for which a NPDES Permit is required will benefit from these programs. Further, the local drainage facilities falling under the NPDES program requires routine maintenance if they are to continue to serve the developed areas for which they were installed. Collectively, these two activities, NPDES and general drainage maintenance, represent the city's and County's stormwater management Programs. The Board of Supervisors of the District has determined, pursuant to the Contra Costa County Flood Control and Water Conservation Act (the "District Act"), which is Chapter 63, Section 12.8, as amended, of the California Water Code Appendix, to form certain Stormwater Utility Areas in which the

District will annually levy assessments to pay the cost of these programs required by the NPDES Permit. The Board of Supervisors of the District, consistent with Sections 11 and 12.8 of the District Act and Section 54954.6 of the Government Code, held noticed public hearings at which time all testimony, oral and written, was considered. At the conclusion of the public hearings, the Board of Supervisors of the District adopted resolutions forming the Stormwater Utility Areas. The provisions of this Ordinance confirming the formation of the Stormwater Utility Areas and providing for the annual levy of a Utility Assessment are consistent with the District Act and the reports prepared by the Chief Engineer of the District and accepted by the Board of Supervisors of the District.

The Board of Supervisors of the District finds that the Utility Assessment to be annually levied shall be based on the proportional amount of impervious surface on each lot or Parcel within the Stormwater Utility Area. Revenues derived from the Utility Assessments shall be applied exclusively to pay the District's administrative costs in collecting the assessments and the respective city or County stormwater management Program costs for the Stormwater Utility Area in which they are collected.

ARTICLE II

DEFINITIONS

Unless otherwise specifically provided or required by the context, certain terms or expressions used herein have the meanings set forth below:

- a. "Board of Supervisors" means the Board of Supervisors of the Contra Costa County Flood Control and Water Conservation District.
- b. "Chief Engineer" means the Chief Engineer of the Contra Costa County Flood Control and Water Conservation District.
- c. "County" means the County of Contra Costa, State of California.
- d. "CRWQCB" means the California Regional Water Quality Control Board for the region in which the Stormwater Utility Area has been formed.
- e. "District" means the Contra Costa County Flood Control and Water Conservation District.
- f. "District Act" means the Contra Costa County Flood Control and Water Conservation District Act, which is codified in West's California Water Code Appendix, Chapter 63, as amended from time to time.

- g. "EPA" means the United States Environmental Protection Agency, which pursuant to the Clean Water Act of 1972, as amended by the Water Quality Act of 1987, has jurisdiction to establish the National Pollutant Discharge Elimination System (NPDES) and promulgate regulations pursuant thereto.
- h. "NPDES Permit" means the permit, issued by the CRWQCB, dealing with stormwater runoff in association with the National Pollutant Discharge Elimination System (NPDES) and the regulations promulgated by the EPA.
- i. "NPDES Regulations" means the final regulations dated November 16, 1990, and any subsequent amendments thereto promulgated by the EPA governing the National Pollutant Discharge Elimination System (NPDES).
- j. "Ordinance" means this Ordinance No. 93-47 of the Contra Costa County Flood Control and Water Conservation District.
- k. "Parcel" means a parcel of property identified by Assessor parcel number as shown on the equalized tax rolls of the County of Contra Costa, State of California.
- l. "Program" means all the activities required under or in connection with the NPDES Permit, including without limitation drainage system maintenance and Program administration.
- m. "Stormwater Utility Area" means a benefit assessment area formed pursuant to Section 12.8 of the District Act by the Board of Supervisors and identified in Article III of this Ordinance.
- n. "Utility Assessment" means the annual assessment to be levied on each Parcel within a Stormwater Utility Area pursuant to Article V of this Ordinance.

ARTICLE III

FORMATION OF STORMWATER UTILITY AREAS

Section 1. Formation of Stormwater Utility Areas.

Pursuant to Sections 11 and 12.8 of the District Act and Section 54954.6 of the Government Code, the Board of Supervisors noticed public hearings to consider the establishment of individual Stormwater Utility Areas for each of the 16 cities and the unincorporated County area to fund Program costs. At the conclusion of the hearings, the Board of Supervisors adopted Resolutions Nos. 93/352, 93/353, 93/354, 93/355, 93/356, 93/357, 93/358, 93/359, 93/360, 93/361, 93/362, 93/363, 93/364, 93/365, 93/366, 93/367, and 93/368, which formed, respectively, Stormwater Utility Areas 1-(Antioch), 2-

(Clayton), 3-(Concord), 4-(Danville), 5-(El Cerrito), 6-(Hercules), 7-(Lafayette), 8-(Martinez), 9-(Moraga), 10-(Orinda), 11-(Pinole), 12-(Pittsburg), 13-(Pleasant Hill), 14-(San Pablo), 15-(San Ramon), 16-(Walnut Creek), and 17-(Unincorporated County). The legal boundary of each Stormwater Utility Area shall be congruent with the legal boundary of the associated city or County entity as of July 1st of each year in which a Utility Assessment is levied.

Section 2. Additional Stormwater Utility Areas.

The District may form additional Stormwater Utility Areas, if requested by resolution of the governing board of the area to be formed. To form an additional Stormwater Utility Area, the District shall comply with provisions of the District Act then governing the formation of a Stormwater Utility Area.

ARTICLE IV

**REPORT OF CHIEF ENGINEER; HEARING THEREON;
CONFIRMATION OF UTILITY ASSESSMENT BY THE
BOARD OF SUPERVISORS**

Section 1. Report.

The Chief Engineer shall cause to be prepared annually a written report indicating, for each Stormwater Utility Area, the Utility Assessment to be levied, as requested by the city or County governing board having jurisdiction over the area defined by the Stormwater Utility Area and shall file the report with the Clerk of the Board of Supervisors.

Section 2. Content of the Report.

The report shall contain the District's estimate of its administrative costs and the Program costs for the respective city or County agency for each of the Stormwater Utility Areas for the ensuing fiscal year. Said estimate of costs shall be apportioned to each Parcel on the basis of proportionate impervious surface assignable to each Parcel to be assessed. Only Parcels not otherwise exempted by this Ordinance or the NPDES Regulations shall have a Utility Assessment levied on them. The report shall identify all Parcels by Assessor parcel number on which a Utility Assessment is to be levied and the amount of the assessment.

Section 3. Resolution Accepting Report and Noticing Public Hearing.

Upon the report being filed with the Clerk of the Board of Supervisors, the Board of Supervisors is, by resolution, to accept, if appropriate, the report and to set a date, time

and place for a hearing on said report. Notice of the hearing date shall be given as required by applicable law.

Section 4. Hearing.

The Board of Supervisors shall hear the matter on the date and at the time specified in the notice, or as continued for good cause. At the hearing, the Board of Supervisors shall hear and consider all testimony, oral and written, presented, including all written protests. At the conclusion of the hearing, the Board of Supervisors may revise, change, reduce or modify any Utility Assessment and shall determine an appropriate rate for each Stormwater Utility Area identified in the report. Thereafter, by resolution, it shall confirm the assessments. Such confirming resolutions shall be adopted no later than August 10 of each fiscal year in which the Utility Assessment is to be levied and collected.

Section 5. Enrollment.

The District shall provide certified copies of the confirming resolutions and the roll of confirmed Utility Assessments, in an acceptable format, to the Auditor-Controller of the County on or before August 10 of each fiscal year.

ARTICLE V

LEVY OF UTILITY ASSESSMENT

Section 1. Determination of the Amount to Be Assessed.

The District shall estimate, for the fiscal year in which the Utility Assessment is to be levied, the total number of Equivalent Runoff Units and the administrative costs for each Stormwater Utility Area. The administrative costs shall be combined with the costs of implementing the city or County Program for the various Stormwater Utility Areas. This total cost is to be apportioned among the Parcels within each respective Stormwater Utility Area in direct proportion to the number of Equivalent Runoff Units assigned to each Parcel. The Utility Assessment levied and collected within each Stormwater Utility Area may only be applied toward the costs incurred for Program costs for the Stormwater Utility Area. If, at the conclusion of any fiscal year, there remains in the account for a Stormwater Utility Area unexpended funds, the remaining balance shall be applied toward the estimated costs for the next fiscal year. Utility Assessments levied and collected pursuant to this Ordinance may not be applied toward any other costs or expenses of the District or the city or County receiving funds from the Stormwater Utility Area nor may they be applied to the costs of a Stormwater Utility Area other than the Stormwater Utility Area for which they were levied and collected.

Section 2. Determination of Equivalent Runoff Unit and Amount of Utility Assessment to Be Levied.

- a. Equivalent Runoff Unit. The Chief Engineer has submitted a report entitled "Report on Stormwater Utility Assessment" and dated March 1993. The report establishes standard impervious surface amounts for various land uses and Parcel sizes and establishes Equivalent Runoff Units (ERUs) for each type of land use. The report and the standard amounts specified therein are adopted by the Board and are incorporated herein by reference. The standard against which all property is to be measured shall be a single-family residential Parcel of 8,900 square feet in size to which a standard of 3,300 square feet of impervious surface is ascribed and shall be called a Equivalent Runoff Unit (ERU). All other land uses shall be compared to this standard and the number of Equivalent Runoff Units assigned to the Parcel shall be in direct proportion to 3,300 square feet of impervious surface (SFIS). The number of Equivalent Runoff Units per Parcel for each of the classes listed in subsection (b) below are as follows:

Group A	1.0 ERU/unit	Group G	7 ERU/acre
Group B	.7 ERU/unit	Group H	9 ERU/acre
Group C	1.7 ERU/unit	Group I	10 ERU/acre
Group D	.2 ERU/acre	Group J	12 ERU/acre
Group E	1.5 ERU/acre	Group K	1 ERU/3,300 SFIS
Group F	4.5 ERU/acre	Group L	Exempt

- b. Classification of Parcels. All Parcels shall be assigned to one of the following classifications based on land use:

- Group A: Single family residential on a Parcel having an area between 5,000 square feet and 20,000 square feet.
- Group B: Single family residential on a Parcel having an area less than 5,000 square feet and all multiple family residential Parcels.
- Group C: Single family residential on a Parcel having an area greater than 20,000 square feet.
- Group D: Golf courses and cemeteries.
- Group E: Miscellaneous improvements creating less than 25 percent impervious surfaces by Parcel area.
- Group F: Miscellaneous improvements creating between 25 percent and 50 percent impervious surfaces by Parcel area.

Group G: Community centers, churches, schools and cultural facilities.

Group H: Office buildings, medical-dental offices, financial buildings, research and development offices, miscellaneous industrial improvements, convalescent hospitals and rest homes, mortuaries, fraternal and service organization buildings, retirement housing complex.

Group I: Hotels, motels, and mobile home parks.

Group J: Mini warehouses, industrial parks, light industrial parks, heavy industry, utility properties (corporation yards), bowling alleys, theaters, restaurants, car lots, hospitals, convenience markets, supermarkets, shopping centers, drive-in restaurants, parking facilities, service stations and car washes.

Group K: Boat marinas, partially developed properties.

Group L: Vacant land, agricultural land, and government-owned properties used for public purposes.

c. Exempted Land Uses. All land uses expressly exempted by the NPDES Regulations will be exempted from the levy of a Utility Assessment pursuant to this Ordinance. Those land uses exempted are:

- (1) Agricultural uses, including dairies, poultry, livestock, groves, orchards, row crops, field crops, vines or dry farming.
- (2) Vacant, undeveloped Parcels.
- (3) Publicly-owned Parcels which are Parcels owned by a federal, state or local public entity or agency and used for public purposes.

d. Determination of Equivalent Runoff Units Per Parcel. Once a Parcel is classified and its acreage or number of units is determined, the appropriate standard Equivalent Runoff Unit amount for the classification will be multiplied by the acreage or the number of units to determine the total Equivalent Runoff Units for the Parcel.

e. Determination of Utility Assessment to Be Levied Per Equivalent Runoff Unit. The aggregate number of Equivalent Runoff Units within a Stormwater Utility Area will be divided into the estimated Program costs for the Stormwater Utility Area to determine the amount of Utility Assessment to be levied per Equivalent Runoff Unit. The Utility Assessment to be levied on a Parcel is determined by the number of Equivalent Runoff Units ascribed to the Parcel and the assessment value of each unit.

- f. Maximum Utility Assessment to Be Levied Per Equivalent Runoff Unit. The Board hereby adopts the following maximum amounts of annual Utility Assessment per Equivalent Runoff Unit that can be levied without further individual Parcel owner notification for each of the following Stormwater Utility Areas:

1-(Antioch)	\$25.00	10-(Orinda)	\$35.00
2-(Clayton)	\$29.00	11-(Pinole)	\$35.00
3-(Concord)	\$35.00	12-(Pittsburg)	\$30.00
4-(Danville)	\$30.00	13-(Pleasant Hill)	\$30.00
5-(El Cerrito)	\$38.00	14-(San Pablo)	\$45.00
6-(Hercules)	\$35.00	15-(San Ramon)	\$35.00
7-(Lafayette)	\$35.00	16-(Walnut Creek)	\$35.00
8-(Martinez)	\$30.00	17-(Unincorporated County)	\$30.00
9-(Moraga)	\$35.00		

- g. Utility Assessment to Be Levied for Fiscal Year 1993-94. The Utility Assessment to be levied per Parcel in Fiscal Year 1993-94 in the various Stormwater Utility Areas shall be based on the assigned dollar amount for a single Equivalent Runoff Unit as indicated below:

1-(Antioch)	\$20.00	10-(Orinda)	\$23.00
2-(Clayton)	\$23.00	11-(Pinole)	\$29.40
3-(Concord)	\$26.00	12-(Pittsburg)	\$24.00
4-(Danville)	\$22.00	13-(Pleasant Hill)	\$25.00
5-(El Cerrito)	\$14.00	14-(San Pablo)	\$33.00
6-(Hercules)	\$26.00	15-(San Ramon)	\$23.00
7-(Lafayette)	\$15.00	16-(Walnut Creek)	\$27.50
8-(Martinez)	\$20.00	17-(Unincorporated County)	\$16.20
9-(Moraga)	\$25.00		

ARTICLE VI

COLLECTION OF UTILITY ASSESSMENT

Section 1. Collection by Treasurer/Tax Collector.

The confirmed Utility Assessment for each Parcel shall appear as a separate item on the tax bill issued by the Treasurer/Tax Collector of the County. The Utility Assessment shall be levied and collected at the same time and in the same manner as the general ad valorem property taxes and shall be subject to the same penalties and the same procedures for sale in case of delinquency. If, for the first year the Utility Assessment is levied, the property on which the Utility Assessment is levied has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for

value has been created and attached thereon, prior to the date on which the first installment of ad valorem property taxes would become delinquent, the Utility Assessment shall not result in a lien against the real property but shall be transferred to the unsecured roll.

Section 2. Applicable Law.

All laws applicable to the levy, collection and enforcement of ad valorem property taxes shall be applicable to Utility Assessments, except as otherwise provided herein.

Section 3. Validity of Utility Assessment Not Affected by Time Limits.

Failure to meet the time limits set forth in this Ordinance for whatever reason shall not invalidate any Utility Assessment levied hereunder.

ARTICLE VII

CORRECTION OR CHANGE TO THE TAX ROLL

Section 1. Initiation of the Correction or Change.

A correction or change to the tax roll with respect to a Utility Assessment may be made by the Chief Engineer, either on his/her own initiative, or on application by a property owner (the "Assessee").

Section 2. Initiation by Flood Control Engineer.

The Chief Engineer may initiate a correction or change to the tax roll at any time within two (2) years of the date of the resolution or ordinance of the Board of Supervisors confirming Utility Assessments placed upon the tax roll.

Section 3. Initiation by the Assessee.

The Assessee may initiate a correction or change to the tax roll by filing a written application with the Chief Engineer within sixty (60) days following his/her receipt of the tax bill reflecting the Utility Assessment. The application shall contain or include the following information, together with such additional information deemed relevant by the Assessee or requested by the Chief Engineer:

- a. Assessor parcel number.
 - b. Gross acreage.
 - c. Use of property as of the preceding March 1.
 - d. Copy of the tax bill containing the benefit assessment.
- 1610 date*

- e. Basis for requested correction or change.

Section 4. Categories of Corrections or Changes.

Upon approval of the Chief Engineer, corrections or changes shall be made with respect to:

- a. Ownership of a Parcel;
- b. Address of an owner of a Parcel;
- c. Subdivision of an existing Parcel;
- d. Land use category of all or part of a Parcel;
- e. Computation of the area of a Parcel;
- f. Erroneous computation of the Utility Assessment.

Corrections to the tax roll shall not be valid unless and until approved by the Board of Supervisors. All corrections or changes must be reported by the Chief Engineer to the Auditor-Controller of the County, who shall (1) refund the amount of the assessment overcharge by check without amendment of the bill if the amount of overcharge is less than one hundred dollars, or (2) prepare an amended billing to correct the overcharge, as the case may be. The Chief Engineer shall give written notice to the Assessee of the action taken on the application.

If the Assessee disagrees with the Chief Engineer's determination, he/she may file an appeal with the Stormwater Utility Assessment Appeal Board within thirty (30) days after receipt of the written notice. The appeal shall be initiated by a written letter submitted to the Stormwater Utility Assessment Appeal Board, c/o the Chief Engineer for refund of all or part of the Stormwater Utility Assessment. The Stormwater Utility Assessment Appeal Board shall contain at least three members and shall be appointed by the Board of Supervisors.

If the Assessee disagrees with the Stormwater Utility Assessment Appeal Board's determination, he/she may file an appeal with the Board of Supervisors within thirty (30) days after receipt of the written notice. The appeal shall be initiated by a written application filed with the Clerk of the Board of Supervisors for refund of all or part of the Utility Assessment. The application shall include payment of a one hundred dollar appeal fee which shall be returned if the Assessee's appeal is upheld by the Board. The decision of the Board of Supervisors shall be final and shall complete the administrative process. Any further action by the Assessee for recovery of any part of the Utility Assessment shall be by complaint for refund filed in the Superior Court.

ARTICLE VIII

EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective thirty (30) days after passage, and within fifteen (15) days of passage, shall be published once with the names of the Supervisors voting for and against it in the Contra Costa Times, a newspaper of general circulation published in this County.

PASSED and ADOPTED on June 22, 1993 by the following vote:

AYES:	Supervisors Powers, Smith, Bishop, McPeak and Torlakson
NOES:	None
ABSENT:	None
ABSTAIN:	None

Attest: Phil Batchelor, Clerk of the Board
of Supervisors and County Administrator

By: Barbara Sidasi
Deputy

Tom Torlakson
Board Chair

MFK:lv:drg
a:npdes\ordinance
(June 22, 1993)

ORDINANCE NO. 93-47



AGENDA BILL

Agenda Item No. 7.H.

Date: April 2, 2024
To: El Cerrito City Council
From: Jarrett Mullen, Sustainable Transportation Program Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Amendment to the Joint Exercise of Powers Agreement between the City of El Cerrito and the West Contra Costa Transportation Advisory Committee (WCCTAC)

ACTION PROPOSED

Adopt a resolution authorizing the City Manager to execute an Amendment to the Joint Exercise of Powers Agreement between the City and the West Contra Costa Transportation Advisory Committee (WCCTAC).

BACKGROUND

About WCCTAC

The West Contra Costa Transportation Advisory Committee (WCCTAC) is one of four Regional Transportation Planning Committees (RTPC) in Contra Costa County. The RTPC's were created to manage the 1988 Measure C 1/2 cent sales tax for transportation projects and programs, and its extension, Measure J, approved by Contra Costa County voters in 2004. In addition to managing revenues from Measures C and J, WCCTAC administers the sub-regional transportation mitigation fee program (STMP), and participates in developing and implementing policies, programs and projects to improve local and regional transportation and air quality.

WCCTAC's major activities are grouped into the following areas: Planning & Programming, Special Projects, Transportation Demand Management (TDM), and the Subregional Transportation Mitigation Fee Program (STMP). Additional information is provided in WCCTAC's Fiscal Year 2023-2024 Work Program, Budget, and Member Dues, which is attached to this item.

WCCTAC is governed by a Joint Exercise of Powers Agreement (JPA) between WCCTAC and its member agencies. The nine member agencies are: the cities of El Cerrito, Hercules, Pinole, Richmond, San Pablo; Contra Costa County; and transit providers AC Transit, BART, and WestCAT. Except for the City of Richmond, each member agency appoints one primary and one alternate representative to the WCCTAC Board. The City of Richmond appoints three representatives and the Richmond alternate serves as alternate for all three Richmond representatives. Two WCCTAC Board members also serve on the [Contra Costa Transportation Authority \(CCTA\)](#) Board of Directors.

Councilmembers Paul Fadelli and Gabe Quinto currently represent the City of El Cerrito on the WCCTAC Board in the primary and alternate roles, respectively.

WCCTAC JPA Amendment

Since early 2023, WCCTAC has undergone a process to update its JPA, which was last updated in 2003. The WCCTAC Board first discussed the possibility of updating the JPA alongside a Board member compensation item at its January 2023 Board meeting where WCCTAC staff presented three key points.

First, WCCTAC's current JPA prohibits Board member compensation. The JPA states that "Each member and alternate shall serve without compensation." The JPA can be amended to allow for compensation, but amendments require approval by "no less than two-thirds of all member agencies," which translates to six of the nine member agencies.

Second, many transportation authorities, transit agencies, and special districts in the Bay Area provide meeting stipends to Board members. For example, the Contra Costa Transportation Authority provides its Board members with \$100 per meeting. While none of the Regional Transportation Planning Committees (RTPC), like WCCTAC, currently provide stipends, the RTPC's are unique to Contra Costa County, and represent the county's less centralized form of transportation decision-making.

Third, since the JPA was last updated twenty years ago, there is a need for general updates to agency names, technical terms, projects, and programs. WCCTAC staff indicated that an update to the JPA was warranted, regardless of the compensation consideration.

The Board directed WCCTAC staff to return with additional information, including potential changes to the JPA to allow Board member compensation. Below is a summary of the key steps and decisions made by the WCCTAC Board and staff and staff of member agencies over the roughly twelve months since the January 2023 Board meeting.

February 24, 2023 WCCTAC Board Meeting

- WCCTAC staff recommended that the JPA be amended, partly to allow for potential stipends, and for minor updates to technical terms and agency names.
- The Board had no comments on the Draft JPA Amendment and directed WCCTAC staff to share the draft with the WCCTAC Technical Advisory Committee (TAC) for feedback.

March 13, 2023 WCCTAC TAC Meeting

- The WCCTAC TAC discussed the JPA amendment process and did not suggest any changes to the Draft JPA Amendment.

March 24, 2023 WCCTAC Board Meeting

- The WCCTAC Board received and voted unanimously to transmit the Draft JPA amendment to member agencies for their review and feedback.

May 2023 – February 2024: Member Agency Review

- The Draft JPA amendment was circulated to all member agencies for review and comment.
- The City of El Cerrito City Attorney's office and City staff completed two rounds of review on the Draft JPA Amendment and noted that the City may incur an extra expense if WCCTAC decides to provide Board member compensation.

ANALYSIS

The proposed WCCTAC JPA Amendment includes two key changes: removal of the bar on Board member compensation and minor text updates to technical terms and agency names. Since Board member compensation is the issue of greatest focus, the following is a summary of the steps needed to enact compensation and the common tradeoffs with compensation.

At least two decisions are required to provide compensation for WCCTAC Board members.

1. **JPA Amendment:** The JPA currently prohibits Board member compensation. The Draft JPA Amendment removes this prohibition but does not institute compensation. City Council is acting on the JPA Amendment as part of this agenda item. *Decision-Making Body: At least six of the nine WCCTAC member agencies*
2. **WCCTAC Annual Budget:** If the JPA Amendment is approved, the WCCTAC Board could then consider Board member compensation as part of its annual budget. As part of this process, WCCTAC solicits member agency feedback, but the WCCTAC Board is the ultimate decision-making body. *Decision-making Body: Majority of WCCTAC Board*

If adopted, the JPA Amendment would empower the WCCTAC Board to consider Board member compensation at a future date. Should this issue arise, the City of El Cerrito's interests would be represented through the City's WCCTAC Board member. The City Council could only relay its feedback to the WCCTAC Board but would not have authority over this decision.

As noted by WCCTAC staff, many transportation agencies in the Bay Area provide meeting stipends to Board members, which are generally a reflection of the responsibilities, time commitment, and travel expenses required of Board members to make informed decisions. Transportation policy and funding are complicated topics and board member decisions substantially affect the trajectory of the region's land use,

environment, and economy. However, if enacted, compensation would represent an additional cost that the City would likely incur through increased WCCTAC membership dues. Councilmembers also participate without compensation in other regional bodies, such as Marin Clean Energy (MCE).

City staff recommend that the City Council authorize the City Manager to execute the proposed JPA Amendment between the City and WCCTAC. WCCTAC fills an essential and unique transportation planning and funding role. Except for the City of Richmond, WCCTAC cities have small populations but major mobility needs. I-80 is one of the most congested corridors in the country, San Pablo Avenue has potential as a strong multimodal corridor that enables sustainable development patterns, and BART is a transit backbone that's facing funding uncertainty in the wake of the pandemic. However, the planning, policy, and funding decisions concerning these regional assets require regional leadership to ensure local needs are heard. This is a role that WCCTAC has filled through work such as the *San Pablo Avenue Multimodal Corridor Study*, the Travel Training program for older adults and disabled residents, and the Subregional Transportation Mitigation Fee program, among others. The JPA was last updated 20 years ago and the JPA Amendment will allow the WCCTAC Board to decide whether Board member compensation is in the best interest of WCCTAC member agencies, the public, and the future of the region.

STRATEGIC PLAN CONSIDERATIONS

This action supports the [City's Strategic Plan Goal\(s\)](#) of:

- *High Performing Organization; and*
- *Livability and Belonging; and*
- *Infrastructure and Amenities.*

ENVIRONMENTAL CONSIDERATIONS

The proposed action is not defined as a "project" under CEQA because the proposed action will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and involves continuing administrative or maintenance activities.

FINANCIAL CONSIDERATIONS

By eliminating the bar on Board member compensation, the City may incur additional costs should the WCCTAC Board add Board member compensation to future annual budgets. In the May 2023 WCCTAC Board agenda packet, the *Draft FY2023-2024 Work Program, Budget, and Dues* included an estimate of member agency dues. In the event the JPA Amendment was adopted and the WCCTAC Board enacted a stipend policy. A stipend of \$50 per meeting per Board member will require a dues increase of 6% in comparison to the 5% approved for FY2023-24, and a stipend of \$100 per meeting per Board member would require a dues increase of 7%. The City of El Cerrito's FY2023-24 WCCTAC Dues were \$54,494, which the City pays using Measure

J Return to Source funds. The City's annual dues would have increased by an additional \$519 or \$1,038 for the 6% and 7% increases, instead of the 5% approved increase, respectively.

LEGAL CONSIDERATIONS

The JPA Amendment and resolution have been reviewed by the City Attorney.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos", is written over a faint, light blue rectangular background.

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Proposed Amendments to JPA (Redline)
3. WCCTAC FY 24 Work Program, Budget, and Dues

RESOLUTION 2024-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITY OF EL CERRITO AND THE WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE (WCCTAC).

WHEREAS, WCCTAC fulfills an essential role in administering transportation projects, plans, programs, and funding in the West Contra Costa County sub-region; and

WHEREAS, WCCTAC is governed by a Joint Exercise of Powers Agreement (JPA) between WCCTAC and its member agencies; and

WHEREAS, since early 2023, WCCTAC has undergone a process to update its JPA, which was last updated in 2003. The WCCTAC Board first discussed the possibility of updating the JPA alongside a discussion about the possibility of Board member compensation; and

WHEREAS, the current WCCTAC JPA prohibits Board member compensation. The JPA can be amended to allow for compensation, but amendments require approval by no less than two-thirds of all WCCTAC member agencies, which translates to at least six of the nine member agencies; and

WHEREAS, the WCCTAC Board directed WCCTAC staff to prepare and circulate to the member agencies a draft JPA Amendment, partly to allow for potential Board member compensation, and for minor updates to technical terms and agency names; and

WHEREAS, if the JPA Amendment is adopted by at least six of the nine WCCTAC member agencies, bar on Board member compensation would be removed, and the WCCTAC Board could, at a future date, consider adding Board member compensation to future annual budgets.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby Authorizes the City Manager to execute an Amendment to the Joint Exercise of Powers Agreement (JPA) between the City of El Cerrito and the West Contra Costa Transportation Advisory Committee (WCCTAC).

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

I CERTIFY that at a regular meeting on April 2, 2024 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 _____.

Holly M. Charléty, City Clerk

APPROVED:

Tessa Rudnick, Mayor

WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE

JOINT EXERCISE OF POWERS AGREEMENT

This restatement and amendment of the West Contra Costa Transportation Advisory Committee (WCCTAC) Joint Exercise of Powers Agreement (Agreement) is entered into on this X 28th day of X January, 2023 2003, by and between the City of El Cerrito, a municipal corporation; the City of Hercules, a municipal corporation; the City of Pinole, a municipal corporation; the City of Richmond, a municipal corporation and charter city; the City of San Pablo, a municipal corporation; the County of Contra Costa, a political subdivision of the State of California; the Alameda-Contra Costa Transit District (AC Transit), a transit district organized and existing pursuant to the provisions of the California Public Utilities Code; the San Francisco Bay Area Rapid Transit District (BART), a transit district organized and existing pursuant to the provisions of California Public Utilities Code; and the Western Contra Costa County Transit Authority (WestCAT), a joint exercise of powers authority operating pursuant to Government Code Section 6500, et. seq.; and restates in full those provisions of the original Agreement, except as amended herein.

WITNESSETH:

WHEREAS, in November 1988, the voters of Contra Costa County approved Measure "C" which established and funded a transportation agenda for Contra Costa County; and

WHEREAS, in response to the adoption of Measure "C", the Parties to this Agreement decided to formalize the previously existing West Contra Costa Transportation Advisory Committee as a legal entity created to address transportation issues; and

WHEREAS, on January 28, 2003, the WCCTAC Board restated and amended its Joint Exercise of Power Agreement; and

WHEREAS, on November 2, 2004, the voters of Contra Costa County approved Measure "J" which is the successor to Measure C; and

WHEREAS, each of the public Agencies which are a party to this Agreement, hereafter referred to collectively as the "Parties", or individually as an "Agency", has the power to address transportation issues; and

WHEREAS, each of the Parties to this Agreement believes that a combination of their separate powers and abilities may enable

them to more effectively respond to Measure "JE", the successor to Measure "C", and to address transportation issues; and

WHEREAS, each of the Parties to this Agreement propose by this Agreement to exercise their respective common powers jointly for the purpose of responding to the passage of Measure "JE" and addressing existing and future transportation issues; and

WHEREAS, California Government Code Section 6500, et seq. provides that two or more public Agencies by Agreement may jointly exercise any power that any one of the Agencies could exercise separately; and

WHEREAS, the Parties to this Agreement are desirous of conferring upon a separate legal entity the necessary powers with regard to responding to Measure "JE" and for addressing transportation issues for the benefit of each and all of the Parties.

NOW, THEREFORE, THE PARTIES TO THIS AGREEMENT DO AGREE AS FOLLOWS:

1. OBJECTIVE AND COMMISSION

The objective of this Joint Exercise of Powers Agreement is to create a city, county, and transit district transportation agency advisory committee which shall protect and advance the interests of West Contra Costa County communities with regard to transportation issues in general and the utilization of Measure "JE" funds in particular. More specifically, the committee created by this Agreement is commissioned to:

- (A) Assist member Agencies with a coordinated and cooperative implementation of the West Contra Costa Action Plan Updates s-2000;
- (B) Participate in the development and implementation of the Countywide Comprehensive Transportation Plan;
- (C) Initiate "area specific" and/or "project specific" transportation studies/plans where appropriate;
- (D) Assist member Agencies with Congestion Management Program compliance requirements;
- (E) Develop regional strategies and meet regional requirements established by Measure "JE";

- (F) Cooperatively address transportation issues, beyond Measure "~~JE~~" requirements, when said issues affect West Contra Costa County interests;
- (G) Assess the transportation needs of the West Contra Costa County area;
- (H) ~~Consider the development of expanded~~ Develop, expand, or improve West Contra Costa County transit services and Transportation ~~Demand Systems~~ Management (TDSM) programs;
- (I) Advise the Parties on transportation issues;
- (J) Coordinate the actions and responses of the Parties with regard to transportation issues;
- (K) Formulate transportation policy statements;
- (L) Sponsor educational forums, workshops, ~~TSM Coordinator~~ trainings, and discussions on transportation matters;
- (M) Develop and administer a West Contra Costa Regional TDSM program to encourage use of alternatives to single occupant commute travel;
- (N) Gather information necessary to carry out the foregoing purposes;
- (O) Oversee the Subregional Transportation Migration Program (STMP) ~~., and~~
- (P) ~~Manage the Richmond Intermodal Station project.~~

2. DEFINITIONS

Certain words as used in this Agreement shall be defined as follows:

- (A) "Agency" shall mean each city, transit district, county or joint exercise of powers authority which is a signatory to this Agreement.
- (B) "Board" or "WCCTAC Board" shall mean the board constituted herein pursuant to this Agreement to administer and execute this Agreement.
- (C) "Congestion Management Program" shall mean the State mandated program which establishes performance

standards and requirements for the transportation system, creates a process to analyze the impact of land use changes on regional transportation, and creates a capital improvement program to maintain the regional transportation system.

- (D) "Countywide ~~Comprehensive~~ Transportation Plan (C~~E~~TP)" shall mean a countywide plan required under Measure "C". The C~~E~~TP is created from the five regional transportation planning committee action plans and is updated every two years.
- (E) "Subregional Transportation Mitigation Program" or "STMP" shall refer to the program under which developer fees are imposed on properties located in the West Contra Costa County area for use in funding transportation mitigation projects.
- (F) "Transportation ~~Demand Systems~~ Management" or "T~~D~~SM" shall mean any combination of measures that are designed to provide information, assistance, and incentives to employees and residents to encourage use of alternatives to single occupant commute travel.
- (G) "T~~D~~SM Ordinance" shall mean the Transportation ~~Demand Systems~~ Management ordinance(s) adopted by West Contra Costa cities and Contra Costa County setting forth the purpose, goal, objectives, requirements, and responsibilities of the West Contra Costa Regional T~~D~~SM Program.
- (H) "West Contra Costa Action Plan Update ~~2000~~" shall mean the regional transportation plan update for West County adopted in any given year~~July 2000~~, required by Measure ~~JE~~, and intended to create a framework for member agencies to jointly and cooperatively address regional transportation issues.
- (I) "West Contra Costa Regional T~~D~~SM Program" shall mean a Transportation ~~Demand Systems~~ Management Program managed by the WCCTAC staff on behalf of the member cities with the purpose of reducing vehicle trips and increasing ridesharing and transit usage.

"West Contra Costa Transportation Advisory Committee" also referred to as "WCCTAC" shall mean the public and separate entity created by this Agreement.

(K) "West Contra Costa Transportation Advisory Committee-Technical Advisory Committee" also referred to as "WCCTAC-TAC" shall mean the technical advisory committee to the West Contra Costa Transportation Advisory Committee.

3. HEADINGS

All headings contained herein are for convenience or reference only and are not intended to define or limit the scope of any provision of this Agreement.

4. EFFECTIVE DATE

This restatement and amendment of the WCCTAC Joint Exercise of Powers Agreement shall become effective upon the receipt by the WCCTAC ~~Managing Executive~~ Director of properly executed copies of the Agreement from not less than two-thirds of all member Agencies of WCCTAC.

5. CREATION OF WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE

WCCTAC was formally created as a "Joint Powers Agency" in 1990 pursuant to California Government Code Section 6500, et seq. Through this Agreement it is hereby confirmed that the West Contra Costa Transportation Advisory Committee (hereinafter referred to as "WCCTAC") shall exercise in the manner hereinafter set forth the powers common to each of the member Agencies until this Agreement is amended or terminated. WCCTAC shall be a public entity separate from the member Agencies. No debt, liability, or obligation of the WCCTAC shall constitute a debt, liability, or obligation of any member Agency. Each Agency's obligation hereunder is expressly limited only to the appropriation and contribution of such funds as the parties hereto may agree to and direct in accordance with this Agreement.

6. POWERS

The powers of the WCCTAC shall include and be limited to the following:

- (A) to annually adopt a work program along with a budget setting forth all operational expenses for WCCTAC, together with an apportionment of expenses allocated to each Agency. The draft work program and budget of ~~the~~ WCCTAC shall ~~be prepared by April 1 and shall~~ be submitted for review to each member Agency prior to its final adoption by the WCCTAC Board. on or about July 1. ~~Each member Agency shall provide comments to WCCTAC staff concerning the WCCTAC work program and budget by June 1.~~
- (B) to make and enter into contracts;
- (C) to apply for and accept grants, advances, and contributions;
- (D) to employ or contract for the services of agents, consultants, engineers, attorneys, and such other persons or firms as it deems necessary to carry out the objectives of this Agreement;
- (E) to conduct studies and develop plans;
- (F) to develop and administer the West Contra Costa Sub-Regional TDSM program;
- (G) to periodically review transportation plans and TDSM programs and ordinances, and recommend changes thereto; and
- (H) to incur debts, liabilities, or obligations, subject to limitations herein set forth.
- ~~(I)~~ to oversee the West County Subregional Transportation Mitigation Program (STMP).

7. BOUNDARIES

The boundaries of WCCTAC shall be the boundaries as shown in Appendix A which is attached hereto and incorporated herein by this reference.

8. OVERALL ORGANIZATION

The WCCTAC Board shall provide overall policy direction for the coordinated implementation of ~~the~~ West Contra Costa Action Plan Updates s 2000 and decision making for general WCCTAC operations, including implementation of the West Contra Costa Regional TDSM Program.

The WCCTAC Board shall also be the final arbiter in matters related to the implementation of the STMP.
The WCCTAC-TAC shall provide administrative guidance and technical review to the Board. Staff or consultants hired by WCCTAC shall report directly to the WCCTAC Executive Managing Director, or their designee with consultation from the WCCTAC-TAC.

9. WCCTAC ORGANIZATION

(A) WCCTAC Board

WCCTAC shall be governed by the WCCTAC Board which shall exercise all powers and authority on behalf of WCCTAC. The Board is empowered to establish its own procedures. The Board may do any and all things necessary to carry out the purposes of this Agreement.

(1) Members

(a) The Board shall consist of eleven members which shall be allocated in the following manner:

- (i) Three members shall be appointed by the governing body of the City of Richmond;
- (ii) The governing bodies of the cities of El Cerrito, Hercules, Pinole, and San Pablo shall each appoint one member;
- (iii) The governing body of the County of Contra Costa shall appoint one member;
- (iv) The governing bodies of AC Transit and BART shall each appoint one member; and
- (v) The governing body of WestCAT shall appoint one member provided that the WestCAT member (and said member's alternate) shall not be a representative (either elected or non-elected) from either the City of Hercules or the City of Pinole.

(b) Upon execution of this Agreement, the governing body of each Agency shall appoint the appropriate number of its members to serve as members of the Board and an appropriate number of its members to serve as alternate member(s) of the Board to serve in the absence of its regular appointees. Each member and alternate shall hold office from the first meeting of the Board after appointment until a successor is selected. Each member and alternate shall serve at the pleasure of the governing body or bodies of the appointing Agency or Agencies. In the case of members or alternates who are elected officials, if a member or alternate ceases to be an elected official of the member Agency, he or she shall then be ineligible to serve on the WCCTAC Board, and the appointing Agency shall appoint a successor prior to the next Board meeting. Likewise, if a non- elected member or alternate is replaced, said member or alternate shall be ineligible to serve on the WCCTAC Board, and the appointing Agency shall appoint a successor prior to the next Board meeting. ~~Each member and alternate shall serve without compensation.~~

(2) Officers

The WCCTAC Board members shall select from the WCCTAC Board a Chair and Vice Chair who shall hold office for a period of one year, commencing February 1; provided however, that in the event that a member Agency removes from the Board a member serving as an officer, the Board shall appoint a member from the newly constituted Board to fill the vacant office for the remainder of that year.

- (a) Chair. The Chair shall preside at the meetings of the Board; call meetings to order; adjourn meetings; announce the business and the order it is to be acted upon; recognize persons entitled to the floor; put to vote all questions, moved and seconded; announce result of votes; maintain the rules of order; execute documents and official actions on behalf of the Board when duly approved; and carry out other duties set forth in the by-laws.

- (b) Vice Chair. The Vice Chair shall serve as Chair in the absence of the regularly elected Chair.
- (c) Secretary. The WCCTAC Executive Managing Director, or their designee, shall serve as the Secretary and shall prepare, distribute, and maintain minutes of meetings of the WCCTAC Board, the WCCTAC-TAC and any committees of the WCCTAC (or shall contract for such services). The Secretary shall also maintain the official records of the WCCTAC and shall file notices as required by Paragraph 20 of this Agreement.
- (d) Treasurer. WCCTAC shall employ, or contract for, the services of a Treasurer who shall:
 - (i) Report to the WCCTAC Executive Managing Director;
 - (ii) Receive and provide for the receipt of all funds of the WCCTAC and place them in the treasury to the credit and for the account of the WCCTAC;
 - (iii) Be responsible, upon an official bond, for the safekeeping and disbursement of all funds of the WCCTAC;
 - (iv) Pay, when due, out of funds of the WCCTAC, all sums payable on outstanding Revenue Bonds and other indebtedness of the WCCTAC;
 - (v) Pay any other sum duly authorized for payment from funds of the WCCTAC;
 - (vi) Verify and report, in writing, on the first day of July, October, January, and April of each year to the Board and each member, at each meeting s of the end of the preceding month, the amount of funds held for the WCCTAC, the amount of receipts since the last report and the

amount paid out since the last report; and

- (vii) Invest WCCTAC's funds in the manner provided by law and collect interest thereon for the account of the WCCTAC.

(3) Vote

(a) Authorized Voting Members

Each member or designated alternate shall be authorized to vote.

(b) WCCTAC Business

For purposes of decisions related to the regular business of the WCCTAC, including policy decisions, preparation of budgets and expenditures of funds, the City of Richmond shall have three votes; the cities of El Cerrito, Hercules, Pinole, and San Pablo shall have one vote apiece; the County of Contra Costa shall have one vote; AC Transit and BART shall have one vote apiece; and WestCAT shall have one vote. ~~A majority vote of six affirmative votes~~ shall be required for the adoption of any course of action related to the regular business of the WCCTAC.

(c) Appointment of Representatives to the Contra Costa Transportation Authority

Decisions related to determining WCCTAC appointments to the Contra Costa Transportation Authority shall be made only by the participating City and County jurisdictions. In these cases, participating cities and the County shall each have one vote. Under this section, Richmond shall have one vote accordingly. Board members from Richmond shall reach a consensus on any affirmative vote under this section. Four affirmative votes shall be required for any WCCTAC decision related to appointment of representatives to the Contra Costa Transportation Authority. Appointees must be members, or alternates, of the WCCTAC Board.

(4) Meetings of the Board

(a) Regular Meetings

The Board shall meet at least ten times per year unless the necessary business of the Board can be completed with less meetings. The date, hour, and place at which each such regular meeting is held shall be determined by a majority vote by the Board.

(b) Special Meetings

Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the California Government Code.

(b) Notice of Meetings

All meetings of the Board shall be held subject to the provisions of the Ralph M. Brown Act, being California Government Code Sections 54950, et seq., and other applicable laws of the State of California requiring notice of meetings of public bodies to be given.

(c) Minutes

The Board shall cause minutes of all meetings to be kept and shall include the minutes in the next agenda packet, or as soon thereafter as they may be prepared and provided, for approval.

(d) Quorum

A majority of the members of the Board shall constitute a quorum for the transaction of business.

(5) Bylaws

The Board shall adopt from time to time such bylaws, rules, or regulations for the conduct of its affairs as may be required.

(B) WCCTAC STAFF

(1) Composition

The WCCTAC shall have a staff consisting of an ~~Managing-Executive~~ Director who shall serve as

the primary staff person. ~~Other staff may include those with expertise in transportation planning, funding, projects, and programs, or administrative and finance support, a Transportation Project Specialist and clerical support.~~ In addition, independent consultants and/or interns may be engaged on a continuing or short-term basis, as needed. The ~~Managing~~ Executive Director shall report to the WCCTAC Chair.

(2) Additional Staff

Additional staff may be added with Board approval within ~~budget the constraints. of the then current fiscal year budget.~~

(C) WCCTAC-TAC ORGANIZATION

(1) Composition

The WCCTAC shall have a technical advisory committee which shall be known as the WCCTAC-TAC and which shall be composed of the City Managers of the participating cities or said City Managers' designees; the District Managers of the participating transit authorities or said District Manager's designees; and the County Administrator for Contra Costa County or said County Administrator's designee.

(2) Duties

The WCCTAC-TAC shall study and discuss issues pertaining to WCCTAC and shall make recommendations to the WCCTAC concerning those issues. However, the role of the WCCTAC-TAC in making recommendations to the WCCTAC shall not be deemed to preclude the WCCTAC from considering recommendations from other bodies and concerned individuals.

(3) Officers

The WCCTAC-TAC shall be chaired by the WCCTAC ~~Executive~~ Managing Director.

10. SUPPORT SERVICES

Each of the Agencies shall strive to provide the necessary support to the Board and TAC as may be necessary for the Board and TAC to fulfill ~~its~~ their duties.

11. RESTRICTIONS UPON EXERCISE OF POWER OF BOARD

This Agreement is entered into under the provisions of Title 1, Division 7, Chapter 5, Article I, Section 6500, et seq., of the California Government Code, concerning joint powers Agreements. The powers to be exercised hereunder shall be subject to the restrictions upon the manner of exercising the power of the City of San Pablo.

12. FUNDS, AUDIT AND ACCOUNTING SERVICES

Pursuant to the requirements of Section 6505.5 of the Government Code, the ~~Director of Finance Finance Division Manager~~ of the City of San Pablo is designated to be the depository and to have custody of all WCCTAC funds from whatever source, and to perform the following functions, unless the WCCTAC Board determines otherwise. Fiscal responsibilities shall include the following:

- (A) Receive and receipt for all money for WCCTAC for the credit of the Board;
- (B) Be responsible upon official bond for the safekeeping and disbursement of all Board money so held;
- (C) Pay any sums due from the Board from Board money, or any portion thereof, only upon warrants of the WCCTAC Executive Managing Director. There shall be a limit of ~~\$25,000~~ \$10,000 on the amount of warrants which can be issued without Board approval.
- (D) The Finance Division Manager of the City of San Pablo shall be considered the Treasurer of WCCTAC funds unless otherwise determined by the WCCTAC Board. The Treasurer of WCCTAC funds shall have custody of all WCCTAC funds and shall verify and report in writing on the first day of October, January, and April of each year; and within ninety (90) days after the close of the fiscal year ended June 30th, to the Board and to the participating Agencies to this Agreement, the amount of money the Treasurer holds for the Board, the amount of receipts, and the amount paid out since the last report to the Board.

The audit of funds shall be conducted annually in compliance with Section 6505 of the Government Code by an independent certified public accountant qualified to perform on behalf of joint power authorities. There shall be strict accountability of all funds and reporting to the Board of all receipts and disbursements. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for municipalities or counties and the audit shall conform to generally accepted auditing standards.

- (E) The ~~Executive Managing~~ Director and the Treasurer are hereby designated as the persons who have charge of and access to the property of WCCTAC. Each such person shall file with the Board an official bond in an amount to be fixed by the Board. The costs of the bonds shall be paid by WCCTAC.

13. OBLIGATIONS OF THE AGENCIES

Each Agency shall:

- (A) Be liable to the WCCTAC for, upon demand, its proportionate share of expenses based upon the budget adopted by the WCCTAC and member Agencies. Invoices shall be prepared by the WCCTAC ~~Executive Managing~~ Director. The proportionate share of each Agency shall be determined according to the following formula:

City of Richmond	27.2%
City of El Cerrito	9.1%
City of Hercules	9.1%
City of Pinole	9.1%
City of San Pablo	9.1%
County of Contra Costa	9.1%
San Francisco Bay Area	
Rapid Transit	9.1%
District Alameda-Contra	
Costa	9.1%
Transit District	
WestCAT Western	9.1%
Contra Costa Transit	
District	

(B) The WCCTAC Board will recommend a budget to member Agencies each Fiscal Year and, based upon the formula set forth in Paragraph (A) above, WCCTAC shall annually determine the amount of each member Agency's annual proportionate share.

(C) Commencing on July 1, 1994, and continuing with each July 1 thereafter, the WCCTAC Board shall approve a budget which reflects the annual costs and the proportionate share of required funding to be provided by each member Agency. WCCTAC members shall be invoiced annually on or about July 1 for the next fiscal year and their share shall be payable immediately.

14. NON-DISCRIMINATION STATEMENT

WCCTAC promotes equal opportunities in the workplace. WCCTAC is an equal opportunity employer and does not discriminate based on an applicant's, employee's, intern's, or contractor's race, color, religion, sex, sexual orientation, national origin, citizenship, age, physical or mental disabilities, or any other characteristic protected by state or federal law.

15. DISPOSITION OF WCCTAC FUNDS UPON TERMINATION

WCCTAC funds, including any interest earned on deposits, remaining upon termination of this Agreement after payment of all obligations, shall be returned in proportion to the contribution made by each Agency during the term of this Agreement. Decisions of the Board shall be final in this regard.

16. WITHDRAWAL

Any Agency upon sixty (60) days' written notice given to the Chair of WCCTAC may withdraw from this Agreement; provided, however, that the withdrawing Agency shall be liable for its proportionate share of any expenses incurred, up to the date that the termination becomes effective, which exceeds the withdrawing Agency's contribution under Paragraph 13; and provided further, that in no event shall a withdrawing Agency be entitled to a refund of all or any part of its contribution made under Paragraph 13.

17. TERMINATION

(A) This Agreement shall remain in effect indefinitely unless amended or terminated as provided hereunder.

- (B) This Agreement may be terminated by the affirmative vote of the governing bodies of not less than two-thirds of all member Agencies.

18. AMENDMENTS

This Agreement may be amended by the following process:

- (A) The WCCTAC Board shall first consider any and all amendments to this Agreement. A majority vote of the WCCTAC Board shall be required before any recommended amendment to this Agreement is forwarded to the member Agencies for consideration and adoption.
- (B) This Agreement may be amended by an affirmative vote of the governing bodies of not less than two-thirds of all member Agencies.
- (C) Any amendment that is approved shall not become effective until the WCCTAC ~~Executive Managing~~ Director receives properly executed copies of the Agreement from not less than two-thirds of all member Agencies of WCCTAC.

19. NOTICES

All notices to Agencies shall be deemed to have been given when mailed to the governing body of each Agency. Notices to WCCTAC shall be sent to the WCCTAC Board at:

WCCTAC
6333 Potrero Ave. Suite 100
El Cerrito, CA 94609
~~13831 San Pablo Avenue~~
~~San Pablo, CA 94806~~

Should WCCTAC's address of record change, the Executive Director shall provide notices to the Agencies of the change of address. Notices from others to WCCTAC shall be sent to the updated address.

20. FILINGS WITH THE SECRETARY OF STATE

Within 30 days of the effective date of this Agreement, the Chair of WCCTAC shall file with the Office of the California Secretary of State a Notice of a Joint Powers Agreement for WCCTAC pursuant to California Government Code Sections 6505.3 and 6505.7, and a Statement of Facts - Roster of Public Agencies Filing pursuant to California Government Code Section 53051.

IN WITNESS WHEREOF, these signatures attest the parties' Agreement to the provisions of this Joint Exercise of Powers Agreement.

[illegible]

WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE

RESOLUTION 23-05

**ADOPTION OF FISCAL YEAR 2023-2024 WORK PROGRAM, BUDGET, AND
MEMBER DUES**

WHEREAS, the West Contra Costa Transportation Advisory Committee ("WCCTAC") is a joint exercise of powers authority formed pursuant to Government Code Section 6500, et. seq. by and between the City of El Cerrito, the City of Hercules, the City of Pinole, the City of Richmond, the City of San Pablo, Contra Costa County, Alameda-Contra Costa Transit District ("AC Transit"), San Francisco Bay Area Rapid Transit ("BART"), and West Contra Costa Transit Authority ("WestCAT"), and

WHEREAS, the WCCTAC Joint Exercise of Powers Agreement ("Agreement") authorizes WCCTAC to: annually adopt a work program along with a budget setting forth all operational expenses, together with an apportionment of expenses allocated to each member agency; make and enter into contracts; apply for and accept grants, develop and administer the Transportation Demand Management ("TDM") Program; and act as fiscal agent for the Subregional Transportation Mitigation Fee Program ("STMP"); and

WHEREAS, the Fiscal Year 2023-2024 proposed work program, budget, and member agency dues were circulated for review by the member agencies, and all comments received were duly noted and addressed.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Board of Directors of WCCTAC adopts the Fiscal Year 2023-2024 work program, budget, and member agency dues, and as shown in the attachments to this Resolution, which are incorporated herein by reference.

The foregoing Resolution was adopted by the WCCTAC Board at a regular meeting on June 23, 2023 by the following vote:

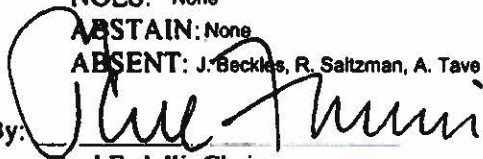
AYES: P. Fadelli, R. Xavier, C. Sasi, C. Peebles, J. Giola, C. Zepeda, E. Martinez, T. Hansen, S. Bana, D. Bailey

NOES: None

ABSTAIN: None

ABSENT: J. Beckles, R. Saltzman, A. Tave

By:


Paul Fadelli, Chair

Attest:


John Nemeth, Executive Director

Approved as to Form:


Kristopher J. Kokotaylo, General Counsel

**WCCTAC
FISCAL YEAR 2023-24
WORK PROGRAM**

WCCTAC's activities may be grouped into the following five major areas: Planning and Programming (General Operations), Special Projects, Transportation Demand Management (TDM), Sub-regional Transportation Mitigation Fee Program (STMP), and Office Administration.

Planning and Programming (General Operations)

This program area relates to WCCTAC's function as the Regional Transportation Planning Committee (RTPC) for West Contra Costa County under Measure J. It also includes transportation planning efforts resulting from the agency's Joint Powers Agency function. Activities in this program area are mainly funded with annual member agency contributions and, to a smaller extent, Measure J dollars.

MEASURE J PROGRAMMING

1. Program and administer West County's Measure J projects and programs, including:
 - a. Low Income Student Bus Pass Program (Measure J 21b)
 - b. Additional Bus Transit Enhancements (Measure J 19b)
 - c. Transportation for Seniors and People with Disabilities (Measure J 15b, 20b)
 - d. Sub-regional needs (Measure J 28b)

COUNTY-WIDE AND REGIONAL PLANNING AND FUNDING

2. Work with CCTA on the development of the Countywide Transportation Plan Update.
3. Monitor Action Plan compliance by reviewing certain proposed projects, General Plans or Amendments, and work to advance goals, objectives and actions contained in the West County Action Plan.
4. Partner with CCTA on the development of training sessions to assist local jurisdictional staff with Growth Management Program (GMP) checklist compliance.
5. Participate in follow-up activities related to the countywide Accessible Transportation Strategic Plan.
6. Participate in regional, countywide, sub-regional, and local efforts related to planning, funding, and delivery of priority capital projects in West County.
7. Participate in CCTA's Integrated Transit Plan effort.
8. Monitor the Link21 effort to improve the regional rail network in Northern California and provide input as needed.

9. Monitor local and regional efforts that support transit financial stabilization and keep the WCCTAC Board informed.
10. Monitor the AC Transit Realign effort and keep the WCCTAC Board informed about potential service changes

I-80, I-580 and S.R. 4 CORRIDORS

11. Monitor and participate, if possible, in MTC's Bus on Shoulder Study and advocate for its implementation on I-80, consistent with the recommendations in WCCTAC's West County Express Bus Implementation Plan.
12. Monitor the progress of recommendations in MTC's I-80 Design Alternatives Assessment and keep the WCCTAC TAC and Board informed.
13. Work with MTC, Caltrans, and other agencies to promote capital improvements that may benefit transit in West County.
14. Work with Hercules, CCTA, and CCJPA on securing funding for the Hercules Hub, formerly known as the Regional Intermodal Transportation Center, in Hercules.
15. Work with CCTA to identify funding or address other project development needs for key projects such as the San Pablo Dam Rd interchange or Central Ave. phase 2.
16. Provide updates to the WCCTAC Board on I-80 corridor issues as needed.
17. Continue participating in the I-580 Open Road Tolling and HOV project led by MTC.
18. Participate in CCTA's State Route 4 Corridor Vision effort.

SUB-REGIONAL ACTIVITIES

19. Seek funding to advance and implement the projects recommended in Phase 2 of the San Pablo Avenue Multimodal Corridor Study with CCTA and ACTC and local jurisdictions.
20. Continue advancement of recommendations of: the West County High-Capacity Transit Study, the West Contra Costa County Express Bus Implementation Plan and the San Pablo Avenue Multimodal Corridor Study, Phase 2.
21. Based on the 2015 Cooperative Agreement, participate with WETA, CCTA and Richmond on annual review of the Richmond ferry's ridership, marketing, fare policy, access issues, and capital needs.

22. Monitor plans for transit-oriented development and supporting access improvements at both El Cerrito BART Stations and work with BART and El Cerrito.
23. Assist local jurisdictions in the implementation of a low stress bike network in West County through the identification of funding opportunities.

GRANTS

24. Monitor grant opportunities, inform member agencies, pursue grants if appropriate, provide letters of support to member agencies, and facilitate prioritization of West County candidate projects for grants. Some examples of grant opportunities include State Transportation Improvement Program (STIP) for complete street projects, Active Transportation Program (ATP) grants for pedestrian and bicycle improvements, Program for Arterial System Synchronization (PASS) for adjusting signal timing, as well as federal 5310 grants for senior and disabled transportation.
25. Consider the potential for an on-call consultant that could assist WCCTAC staff in the development of complex grant applications.
26. Take the lead in applying for grants for planning and implementation of multi-jurisdictional improvements, in partnership with member agencies.

FORMAL BODIES

27. Manage or participate in meetings of the: WCCTAC Board, WCCTAC TAC, CCTA Board, CCTA Countywide Bicycle and Pedestrian Advisory Committee (CBPAC), CCTA Administration and Projects Committee (APC), CCTA Paratransit Coordinating Committee (PCC), the Active Transportation Specific Plan (ATSP) Task Force, the West County Mobility Management Group, the West County Senior Coalition, CCTA Technical Coordinating Committee (TCC), CCTA Growth Management Task Force, and the Caltrans District 4 Pedestrian Advisory Committee.

Special Projects

As a Joint Powers Agency, WCCTAC may apply for and receive various grants that advance the transportation goals of West Contra Costa. WCCTAC can also serve as a lead for certain studies or projects using other agency contributions. In the upcoming fiscal year, WCCTAC will:

1. Manage the on-going development of the draft Richmond Parkway Transportation Plan, formerly known as the Richmond Parkway Environmental Justice and Regional Mobility Plan.
2. Manage the Travel Training Program funded by Measure J 28b. This will involve teaching groups and individuals to use fixed route transit (BART, buses, ferry), ADA and non-ADA paratransit, and other mobility services.

3. In partnership with CCTA, the County, and other stakeholders, develop and implement a pilot program aimed at providing medical trips outside of the subregion to senior and disabled residents.

Transportation Demand Management (TDM)

This program promotes transportation alternatives to the single occupant vehicle by encouraging walking, bicycling, transit, carpooling, and vanpooling, and is coordinated with the larger countywide 511 Contra Costa Program. It is funded on a reimbursement basis by Measure J and grants from the Air District. In the upcoming fiscal year, the TDM program will:

1. Manage the Employer-Based Trip Reduction Program, which includes: employer outreach and programs, tabling at community events, transit incentives, funding for bike racks and lockers, funding for EV charging stations.
2. Manage the West County "Pass2Class" program that provides free transit passes to students at the beginning of the school year.
3. Manage the Commuter Benefit program, which includes the countywide programs Guaranteed Ride Home, Try Transit, Take 10, and Secure Your Cycle Programs.
4. Co-lead Bike to Wherever Days 2024 with other regional partners.
5. Participate in TDM plan for the areas around the El Cerrito and Richmond BART stations.
6. Support Local Agency Climate Action plans and efforts that aim to improve access to bicycling, pedestrian facilities, transit, and emerging mobility technology such as shared bicycles and cars, electric bicycles, scooters, and autonomous vehicles.
7. Continue to implement strategy to encourage telework/work from home policies and flexible work hour policies with Contra Costa Employers.
8. Continue to coordinate micro-mobility (scooters, bike rental) planning and implementations around the West County Region, in close partnership with the cities and county.
9. Assist in the promotion of the new City of Richmond Moves shuttle service.
10. Implement the Summer Youth Pass program, which provides discounted bus passes for youth during summer months.
11. Implement and promote annual community walking and biking programs, Winter Walk Challenge and Summer Bike Challenge.

Sub-regional Transportation Mitigation Fee Program (STMP)

WCCTAC acts as the trustee for the development impact fees collected by the West County cities and the unincorporated areas of the County. An updated program went into effect on July 1, 2019. Under the updated program, STMP funds are to be used for twenty pre-identified, regionally-benefitting capital projects. In the upcoming fiscal year, WCCTAC will:

1. Collect, administer, and track funds and reporting forms.
2. Provide monitoring reports on revenue collected and status of local reporting.
3. Develop funding agreements with project sponsors for any Board-approved funding allocations.
4. Manager a call for projects based on Board direction, and allocate funds to eligible, Board-approved projects.
5. Respond to inquiries from local agencies and members of the public.
6. Review and process appeal and exemption requests.
7. Monitor and update, as needed, the expiration dates of existing STMP funding agreements.
8. Begin the required five-year review and update of the 2019 STMP and its nexus study. Modify spreadsheet system to ease program administration and improve monitoring.

Administration

In the upcoming fiscal year, staff will:

1. Maintain, update, and expand content on the WCCTAC website including Zoom videos of board meetings.
2. Continually evaluate work and meeting practices, post Covid.
3. Continue digitizing WCCTAC records including funding agreements, resolutions, and Board and TAC meeting packets.
4. Develop a remote work policy.
5. Explore office options and/or prepare for lease renewal.
6. Update the Joint Powers Agreement

**SUMMARY OF ALL ACCOUNTS FY
2023-2024 Final Budget**

Activity	Actual FY 2021-22	Original FY 2022-23	Estimated FY 2022-23	Proposed FY 2023-24	Note
REVENUES					
33403 Grants (TDM)	624,036	525,095	525,095	596,860	
33403 TDM Grant Reallocation	-	252,561	252,561	-	
34111 Member Contributions	531,744	556,329	556,329	584,874	
343xx STMP Fees	975,875	3,770,000	3,905,861	2,130,000	
36102 Interest (LAIF)	13,590	18,000	19,827	15,000	
39906 Other Grants	312,524	151,109	208,212	444,994	
39906 Measure J for Student Bus Pass Program	120,000	98,000	106,416	110,000	
39906 Measure J 20b, 21b, 28b for Admin	73,102	100,150	62,233	86,687	
TOTAL REVENUES	2,650,871	5,471,244	5,636,534	3,968,415	
EXPENSES					
Salary, Benefits & Insurance					
41000s Salary & Benefits	888,125	972,121	932,299	995,946	
41911 Liability Insurance	10,350	9,278	9,278	9,278	
Total Salaries, Benefits & Insurance	898,475	981,399	941,577	1,005,224	
Professional Services					
43600 Professional Services					
<i>Financial and IT Services</i>	45,766	43,500	47,778	49,000	
<i>Audit</i>	16,106	13,250	12,512	13,250	
<i>Attorney Services</i>	13,222	12,000	16,043	16,000	
<i>Accounting Services</i>	12,316	12,000	12,579	13,100	
<i>Program Related Services (TDM)</i>	55,560	35,000	9,165	11,000	
<i>Other</i>	2,182	1,000	350	1,000	
Total Professional Services	145,152	116,750	98,427	103,350	
Special Expenses (Project / Program Funding)					
44000 Special Dept. Expense					
<i>Incentives / Marketing (TDM)</i>	176,558	89,169	182,701	164,060	
<i>TFCA Special Project</i>	-	252,561	252,561	-	
<i>Misc. STMP Project Funding</i>	101,296	6,780,536	406,540	6,391,144	
<i>Student Bus Pass Program - WCCUSD</i>	60,000	50,000	57,454	60,000	
<i>Student Bus Pass Program - J Swett</i>	60,000	48,000	48,962	50,000	
<i>San Pablo Ave Corridor Study</i>	312,255	24,000	53,197	9,829	
<i>Richmond Prkwy Corridor Study</i>	-	127,109	132,388	397,165	
<i>Contingency (WCCTAC Operations)</i>	1,522	10,000	3,762	10,000	
Total Special Expenses	711,631	7,381,375	1,137,565	7,082,198	
Travel & Training					
44320 Travel/Training/Mileage/Mbrshp	774	11,750	4,141	7,750	
Total Travel/Training	774	11,750	4,141	7,750	
Office Expenses & Supplies					
43500 Office Supplies	4,812	5,900	6,347	6,400	
43501 Postage	1,355	1,500	1,576	1,600	
43502 TDM Postage	634	1,500	3,275	3,000	
43520 Printing, Copier Lease	5,671	6,400	6,187	6,400	
43900 Rent/Building	43,328	44,750	43,687	44,500	
Total Office Exp & Supplies	55,800	60,050	61,072	61,900	
TOTAL EXPENSES	1,811,832	8,551,324	2,242,782	8,260,422	
REVENUES - EXPENSES	839,039	(3,080,080)	3,393,752	(4,292,007)	
Beginning Fund Balance				5,929,395	
Ending Fund Balance				1,637,388	

Notes:

See notes in the attached detail sheets by account.

**DETAIL: WCCTAC Operations
FY 2023-24 Final Budget**

Activity	Actual FY 2021-2022	Original FY 2022-2023	Estimated 2022-2023	Proposed 2023-2024	Notes
REVENUES					
34111 Member Contributions	531,744	556,329	556,329	584,874	(a)
36102 Interest - LAIF	192	-	277	-	
39906 Other - Measure J (20b & 21b)	29,000	29,000	31,000	32,737	(b)
Other - Measure J 28b	44,102	71,150	31,233	53,950	(c)
Caltrans Planning Grant			20,000	35,000	(d)
TOTAL REVENUES	605,038	656,479	638,839	706,561	
EXPENSES					
Salary, Benefits & Insurance					
41000s Salary & Benefits	517,874	564,484	524,733	569,435	(e)
41911 Liability Insurance	5,175	4,639	4,639	4,639	
Total Salaries, Benefits & Insurance	523,049	569,123	529,372	574,074	
Professional Services					
43600 Professional Services					
Financial - City of San Pablo	19,395	19,500	20,556	21,000	
IT / VOIP phone	11,738	12,500	12,135	13,160	
Audit	16,106	13,250	12,512	13,250	
Attorney Services	13,222	12,000	16,043	15,000	
Accounting Services	5,518	6,000	5,838	6,100	
Other	1,832	1,000	350	1,000	
Total Professional Services	67,811	64,250	67,434	69,510	
Special Department Expenses					
44000 Special Dept. Expense					
Contingency	1,522	10,000	3,762	10,000	(f)
Total Special Department Expenses	1,522	10,000	3,762	10,000	
Training & Mileage					
44320 Training/Mileage	50	4,000	1,599	2,500	
Total Training/Mileage	50	4,000	1,599	2,500	
Office Expenses & Supplies					
43500 Office Supplies	4,216	4,500	4,556	4,600	
43501 Postage	1,355	1,500	1,576	1,600	
43520 Printing, Copier Lease	2,591	3,200	3,260	3,300	
43900 Rent/Building	21,594	22,750	21,897	22,500	
Total Office Expense & Supplies	29,756	31,950	31,289	32,000	
TOTAL EXPENSES	622,188	679,323	633,456	688,084	
REVENUES - EXPENSES	(17,150)	(22,844)	5,383	18,477	

Beginning Fund Balance \$122,039

Ending Fund Balance \$140,516

Reserve - Undesignated \$120,000

Reserve - Accumulated Vacation \$20,000

Available Balance above Reserve \$516

Notes:

- (a) FY 23 dues are proposed to be increased by 5.25%.
- (b) A portion of Measure J program funds can be used to cover administrative expenses.
- (c) Funds programmed by the Board for Travel Training work.
- (d) Revenue for Caltrans grant (Richmond Parkway) that can cover some staff time
- (e) Higher expenses mainly reflect resumption of the travel training program, also 3.5% COLA
- (f) Contingency per Board Reserve Policy.

DETAIL: Other Reimbursable (Special Projects)
FY 2023-24 Final Budget

Activity	Actual FY 2021-22	Original FY 2022-23	Estimated FY 2022-2023	Proposed FY 2023-24	Note
REVENUES					
33403 Grants					
36102 Interest - LAIF					
39906 Other Grants					
<i>Student Bus Pass Admin, WCCUSD</i>	60,000	50,000	57,454	60,000	
<i>Student Bus Pass Program - J Swett</i>	60,000	48,000	48,962	50,000	
<i>Misc Travel Training (non salary)</i>	269	-	2,627	3,000	
<i>San Pablo Ave. Corridor Study</i>	312,255	24,000	53,197	9,829	(a)
<i>Richmond Prkwy Corridor Study</i>	-	127,109	132,388	397,165	(b)
TOTAL REVENUES	432,524	249,109	294,628	519,994	
EXPENSES					
Special Project Expenses					
43600 Professional Services					
Total Professional Services					
44000 Projects					
<i>Student Bus Pass Admin, WCCUSD</i>	60,000	50,000	57,454	60,000	
<i>Student Bus Pass Program - J Swett</i>	60,000	48,000	48,962	50,000	
<i>Misc Travel Training (non salary)</i>	269	-	2,627	3,000	
<i>San Pablo Ave. Corridor Study</i>	312,255	24,000	53,197	9,829	(a)
<i>Richmond Prkwy Corridor Study</i>	-	127,109	132,388	397,165	(b)
Total Special Project Expenses	432,524	249,109	294,628	519,994	
TOTAL EXPENSES	432,524	249,109	294,628	519,994	
REVENUES - EXPENSES	-	-	-	-	
Beginning Fund Balance				-	
Ending Fund Balance				-	

Notes:

- (a) Phase 2 of the San Pablo Ave. Corridor Study has largely concluded
- (b) Study is expected to spend the bulk of available funds in the upcoming fiscal year.

DETAIL: STMP
FY 2023-24 Final Budget

Activity	Actual FY 2021-2022	Original FY 2022-2023	Estimated 2022-2023	Proposed FY2023-24	Note
REVENUES					
34310 County STMP Fees	-	50,000	2,103,357	750,000	
34315 El Cerrito STMP Fees	104,625	800,000	220,769	250,000	
34320 Hercules STMP Fees	-	-	-	40,000	
34325 Pinole STMP Fees	290,133	20,000	20,067	40,000	
34330 Richmond STMP Fees	444,711	1,600,000	1,281,778	750,000	
34335 San Pablo STMP Fees	136,406	1,300,000	279,890	300,000	
36102 Interest - LAIF	13,398	18,000	19,550	15,000	
TOTAL REVENUES	989,273	3,788,000	3,925,411	2,145,000	(a)
EXPENSES					
Salary & Benefits					
41000s Salary & Benefits (STMP Admin)	65,000	75,000	75,000	80,000	
Total Salaries and Benefits	65,000	75,000	75,000	80,000	(b)
Funding of STMP Projects					
43600 Prof. Services					
Total Prof. Services	-	-	-	-	
44000 Project Funding					
2006 STMP Program:					
Hercules Hub - Ph.3 Design		750,000	137,560	612,440	
San Pablo Ave. Bridge (Pinole)	62,852	1,520,000	18,980	1,518,168	
Pinole Bay Trail at Tennent Ave.	38,444	61,556		61,556	
Richmond I-80/Central Ave. Ph.2		700,000		700,000	
Cycle 1 2019 STMP Projects:					
Appian Wy Complete St- PE		100,000		100,000	
Bay Trail: Pinole Pt. to Pt. Wilson		500,000		500,000	
Richmond Ferry to Bridge		241,000		241,000	
Hercules RITC: Utility/Track/Signal		300,000		300,000	
EC Plaza: Fare gates / Elevator		750,000	250,000	500,000	
Del Norte TOD: Complete Sts.		1,189,980		1,189,980	
SPA Bridge (City of San Pablo)		668,000		668,000	
Total Project Funding	101,296	6,780,536	406,540	6,391,144	
TOTAL EXPENSES	166,296	6,855,536	481,540	6,471,144	
REVENUES - EXPENSES	8,645,296	(3,067,536)	12,089,167	(4,326,144)	
Beginning Fund Balance				12,089,167	
Ending Fund Balance				7,763,023	

Notes:

- (a) STMP receipts are forecasted based on local jurisdictions' estimates and past submittals.
- (b) 4% of cumulative STMP revenues can be used for admin, but a max. of \$80K will be used in FY23.

WCCTAC
FY2024 DUES STRUCTURE

WCCTAC Member Agency	Percent Share	Proposed FY 24 Dues
City of El Cerrito	9.1%	\$54,494
City of Hercules	9.1%	\$54,494
City of Pinole	9.1%	\$54,494
City of Richmond	27.2%	\$163,482
City of San Pablo	9.1%	\$54,494
Contra Costa County	9.1%	\$54,494
AC Transit	9.1%	\$54,494
BART	9.1%	\$54,494
WestCAT	9.1%	\$54,494
<i>discount</i>		<i>(\$14,560)</i>
WestCAT Subtotal		\$39,934
Total	100.0%	\$584,874



AGENDA BILL

Agenda Item No. 7.I.

Date: April 2, 2024
To: El Cerrito City Council
From: Claire Coleman, Budget/Financial Services Manager, Finance Department
Subject: Contract for Utility Users Tax Administration Services

ACTION PROPOSED

Adopt a resolution authorizing the City Manager to execute a contract with Hinderliter De Llamas & Associates (HdL) for utility users tax administration services.

BACKGROUND AND ANALYSIS

In November 2004, the El Cerrito voters approved the City's Utility Users Tax (UUT) at 8%. The rate remains the same, and applies to electricity, gas, water, video, and telephone, including wireless. Taxes are collected by utility service providers and then remitted to the City.

The Finance Department processes over a thousand UUT filings each year, not including many \$0 filings. The current administration and tracking process is manual and time consuming. Due to department staffing constraints, the Finance Department is unable to provide a high level of customer service to filers, ensure full compliance with the tax measure, or pursue penalties and fines for late payments.

Staff reached out to other public agencies that currently utilize HdL's UUT and identified several key benefits of a professional administration program:

- Increased revenue from increased compliance
- Decreased burden on staff time
- Additional access to statistics, analysis, and reporting tools
- Legislative updates and support on legal changes affecting UUT revenues

The City currently contracts with HdL for sales tax analysis and auditing services. The City also has a contract for property tax analysis services with HdL Coren and Cone, an independent company that separated from HdL. The City's sales taxes are collected and administered by the California Department of Tax and Fee administration, while the City's property taxes are administered by Contra Costa County.

When El Cerrito voters approved Measure V in November 2018 and established a real property transfer tax, the City initially managed the administration and compliance for property transfer taxes internally. Due to a lack of staff time and a limited ability to enforce and audit tax receipts, the City established a contract for services with Contra Costa County effective July 1, 2020. City staff at the time noted that improved compliance and collections was expected to offset much of the administration fee.

Table 1 shows the City's current costs for administering and reporting on sales, property, and property transfer taxes. The proposed annual costs for service for UUT administration services are included as well.

	Administration	Est. Annual Admin Cost	Analysis	Est. Annual Analysis Cost
Property Tax	County	\$ 65,000	HdL Coren & Cone	\$ 9,600
Property Transfer Tax	County	\$ 20,000	None	N/A
Sales and Use Tax/ Transactions and Use Tax	CDTFA	\$ 60,000	HdL	\$ 10,000
Utility Users Tax	HdL	\$ 28,000	HdL	Included

STRATEGIC PLAN CONSIDERATIONS

By ensuring that the City collects all possible revenues to ensure long-term fiscal sustainability, this action supports the [City's Strategic Plan Goals](#) of:

- *High Performing Organization; and*
- *Community Safety; and*
- *Livability and Belonging; and*
- *Infrastructure and Amenities; and*
- *Environmental Sustainability.*

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

The total annual cost of the contract for services is \$28,000, plus a one-time implementation fee of \$5,000. Total contract costs will increase annually by CPI on January 1st of each year. While the annual costs of the contract fall within the City Manager's signing authority, the proposed contract covers a five-year duration to ensure continuity of administration and operations, with a total contract cost not to exceed \$155,000. There is sufficient capacity in the FY 2023-24 Finance Department budget for the initial contract costs, and staff will include contract costs in future annual budgets brought to Council for adoption.

Based on the experiences of other cities who have hired HdL to provide UUT administration services, staff also expect to see an increase in UUT revenues, particularly during the initial years of the contract as the consultant conducts compliance audits and enforces the City's municipal code. Other public agencies surveyed by staff indicated that up to 50% of the contract costs were covered by revenue collected due to improved compliance.

LEGAL CONSIDERATIONS

Staff are not proposing any changes to the rate or structure of the City's UUT, only a contract for administration services. Any changes to the UUT structure or rate would require voter approval.

The City Attorney has reviewed the proposed action, and the consulting services agreement conforms to the City's standard agreement as approved by the City Attorney.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos", is written over a faint rectangular grid background.

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Proposal

RESOLUTION 2024-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF EL CERRITO AND HINDERLITER DE LLAMAS & ASSOCIATES FOR AN AMOUNT NOT TO EXCEED \$155,000 OVER FIVE YEARS

WHEREAS, El Cerrito voters approved a Utility Users Tax of 8% in 2004 on water, electricity, gas, video, and telecom; and

WHEREAS, City staff and the City Manager have identified the need for additional support for utility users tax administration, compliance, and collections; and

WHEREAS, Hinderliter de Llamas & Associates (HdL) is a well-known and highly regarded expert in the field of municipal revenue and taxation; and

WHEREAS, the annual costs of the contract fall within the City Manager's signing authority and the proposed contract covers a five-year duration to ensure continuity of administration and operations, with a total contract cost not to exceed \$155,000; and

WHEREAS, there is sufficient funding in FY 2023-24 for the initial contract costs and future contract costs will be included in the annual budget process.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the City Manager to execute a consulting services contract with Hinderliter de Llamas & Associates for an amount not to exceed \$155,000 over five years.

I CERTIFY that at a regular meeting on April 2, 2024 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 _____.

Holly M. Charléty, City Clerk

APPROVED:

Tessa Rudnick, Mayor

City of El Cerrito, CA

Tax & Fee Administration Services

March 1, 2024

HdL  Companies

SUBMITTED BY
HdL Companies
120 S. State College Blvd., Suite 200
Brea, CA 92821
hdlcompanies.com

CONTACT
Connor Duckworth
T: 714-879-5000
E: cduckworth@hdlcompanies.com

Thank you for the opportunity to present this proposal for HdL's Services:

- Utility Users Tax Administration Service
- Franchise Fee Audit Service

Please be advised that we maintain a busy implementation schedule throughout the year. Your position in the implementation schedule will be determined when a signed agreement is received.

This proposal is valid until: **May 31, 2024**. Should you have any questions, please contact me at 888.861.0220 or by email at cduckworth@hdlcompanies.com.

Tax and Fee Services

Service	Compensation
Utility Users Tax Administration	\$2,350.00/month or \$28,200.00/year + CPI
Franchise Fee Audits	See scope and cost in this document
One-Time Implementation Fee	\$5,000.00

Utility Users Tax Fee Administration Services

General Scope of Service

HdL's utility users tax (UUT) administration is a turnkey service that encompasses all aspects of the City's program, including the filing process, educating utility providers, return monitoring and compliance audits, industry and legislative monitoring and updates, and City management support. HdL's tax administration professionals are available as needed to support both the City's team and utility providers. The City is kept up to date, with 24x7 online access to HdL's client portal containing real time access to registration and filing data, and management reporting.

Support & Industry Monitoring

- Annual Reporting – In addition to standard monthly reports, HdL will provide the City with analysis reports designed to provide key insights on the utility provider community and the reporting details of each provider, including utility trends, provider trends, revenue trends, and a revenue forecast.
- Industry and Legislative Updates – HdL will actively monitor federal and state industry and legislative events which may impact UUT revenues, keeping the City and its utility providers informed as appropriate, and making recommendations regarding advocacy or other response as appropriate.
- Compliance Monitoring – HdL will consistently monitor returns to ensure accurate and timely UUT filings.
 - HdL reviews and responds to e-mails from utilities, third party administrators, and City and acts as a liaison between the utilities and City.
 - Within 15 days after the due date accounts are reviewed for payment timeliness. Balances due for penalties and interest as the result of late payments are invoiced to the appropriate parties and monitored for receipt of payment.

- Deficiency determinations made from incorrect application of the tax will be pursued with the utility to ensure timely recovery.
- HdL manages your payment data and will actively monitor trends to keep you informed about significant changes on an ongoing basis.
- Ordinance and Filing Procedure Review – HdL will analyze the City's UUT and franchise fee ordinances (if applicable) and City procedures to identify possible deficiencies, areas subject to legal challenge, or missing best practice provisions.

Tax Administration

- Tax Registration Database Management – HdL will transfer the City's existing databases as they relate to UUT into HdL's internal administration tools. HdL will maintain the data and provide reports to the City.
- Return Processing – HdL will process UUT filings within 5 days of receipt. Accounts will receive all applicable forms necessary to complete the filing process.
- New Account Processing – HdL will process registrations for all new utility providers and coordinate the registration process for new filers providing necessary support to ensure compliance with agency requirements.
- Payment Posting / Processing – HdL will process all payments made for new and existing utility providers. Accounts will be updated with payment information and revenues will be remitted to the City net HdL's fees on no less than a monthly basis.
- Customer Support Center – HdL will offer utility providers multiple support options for registering, filing returns, making payments and for general inquiries. A toll-free number will provide access to one of our tax specialists Monday-Friday 8:00am to 5:00pm Pacific. Providers will also have access to support via, e-mail, fax, and via the Support Center On-Line.
- On-Line Filing & Payment Processing – With input from the City, HdL creates a custom web site and domain for taxpayers to submit online forms, returns, and payments along with other customer support related items.
- Reporting – HdL offers a variety of hardcopy, electronic, and online reports which provide information regarding operations, returns, and revenue trends. HdL's reporting contains a wealth of knowledge compiled from interactions with taxpayers, City information, and HdL proprietary databases. HdL will work with the City during implementation to identify the standard and custom reports required by the City as well as establish the frequency of the delivery.

Franchise Fee & Utility User Tax Audit Services

General Scope of Service

HdL can also provide reviews of franchise fees, PEG fees and utility users' taxes (UUT) paid by the cable, electric, gas, and telecommunications providers as mutually agreed to by the City and HdL, which includes the following:

- Audit Notification & Scheduling – Utility providers selected by HdL and approved by the City are sent a letter and scheduled for a Compliance Analysis Audit. Every effort is made to promote a positive utility provider experience. Utility providers are afforded the opportunity to schedule flexible appointment times by contacting the Business Support Center or visiting our online support center.

- Compliance Analysis & Audit – The HdL audit team coordinates with the utility provider regarding data and information required for the audit process. Key components of this process include:
 - UUT audit
 - Audit gross revenue calculations to ensure proper taxes from local users are calculated and remitted accurately; and
 - Calculate tax, penalty and interest as appropriate on any reporting deficiencies.
 - Franchise Fee audit
 - Verify that the accounting methodologies and procedures used by the franchisee accurately identified utility service delivered within the City during the review period;
 - Audit franchise fee and PEG fee (if applicable) calculations to ensure proper calculation and remittance to the City; and
 - Calculate fees, penalty and interest as appropriate on any reporting deficiencies.
- Audit & Compliance Report – Upon completion of the audit and analysis, and prior to additional actions, a compliance report is generated and reviewed with the City. The report indicates specific results of the reviews and recommended actions. Documentation will be included with the report to assist the City and HdL in determining next steps.
- Deficiency and Commendation Notification – Upon final review with the City, utility providers which are found to have deficiencies are notified of the findings as well as payment and appeal processes. Appointments are also scheduled to review the findings and educate utility providers on proper filing procedures designed to prevent future errors and deficiencies. Utility providers found to be compliant are sent a commendation letter thanking them for their cooperation and compliance.
- Invoicing & Collections – Utility providers found to be underreporting are invoiced through the standard City approved collections process. Utility providers will have access to all of the services provided including the Business Support Center and online support systems. Balances are collected and remitted along with supporting documentation to the City through approved remittance processes.

Franchise Fee & Utility User Tax Audit Services

Franchise Fee Service	Proposed not-to-exceed budget price
Review of Utility Users' Taxes – electric, wireline, cellular, gas [B]	Up to \$25,000.00

Review of Cable Franchise and PEG Fees	Up to \$25,000.00
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- A separate report shall be drafted outlining our findings after each review of each company to include any applicable interest and penalties due to the City.
- Actual costs may be less than the proposed budgets. Any savings shall be passed to the City.
- Proposed budgets were based upon anticipated cooperation from City staff as well as company staff with the assumption that we will not encounter any unexpected circumstances during the project. If significant additional time is necessary, we will discuss it with the City and arrive at a new fee estimate before we incur any additional costs.

Personnel Hourly Billing Rates

- Discounted hourly billing rate applies - \$250.00 per hour

Payment Processing

Taxpayer Funded Model	
Credit and Debit Cards processing	2.9%, minimum of \$2.00/transaction
ACH/eCheck processing	\$1.25 per transaction
ACH/eCheck Returns	\$0
Chargebacks	\$0

Payment Processing Services – Consultant will configure payment processing services to utilize either a taxpayer funded model (convenience fee), or Client funded interchange pass-through model. Client may switch between these models upon written request to Consultant.

Fees do not include expenses, late fees or charges, or taxes, all of which shall be the responsibility of Client. In addition to the charges specified, Client shall be responsible for (a) all interchange and network provider fees, (b) all dues, fees, fines and assessments established and owed by Client to Visa and/or Mastercard, (c) for all costs and fees associated with changes to ATM protocol caused by Client's conversion to the Services, and (d) any increase in postage charges, provided that any increase in charges resulting from (a) through (d) shall not exceed the actual increase incurred by Consultant.

Consultant reserves the right to review and adjust all Client and convenience fee pricing on an annual basis in June. This adjustment may be consistent with the then most recent PCI adjustment or three percent (3%) whichever is greater. Items that will be considered in the review of fees may include, but are not limited to regulatory changes, card association rate

adjustments, card association category changes, bank/processor dues and assessments, average consumer payment amounts, and card type utilization.



AGENDA BILL

Agenda Item No. 7.J.

Date: April 2, 2024
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department; Chris Jones, Recreation Director, Recreation Department
Subject: Agreement for Swim Center Activity Pool Slide and Tower Replacement

ACTION PROPOSED

Adopt a resolution authorizing the City Manager to enter into an agreement with Splashtacular to provide a Swim Center Activity Pool Slide Tower Replacement for an amount not to exceed \$168,950.

BACKGROUND

The slide tower at the Swim Center Activity Pool was installed in 2003 when the Swim Center was reconstructed. The slide is a very popular amenity among younger children and their families and is a unique feature compared to other swimming pools in the area. The slide tower has experienced significant deterioration, particularly corrosion, over the past 20 years. Recent structural assessments have found that the slide tower must be replaced to meet safety standards.

City staff evaluated whether the slide could be refurbished instead of replaced and determined that replacement was the most cost-effective option. The slide replacement was originally included as part of the pool replastering project in 2022 but was removed from the scope due to the high bid prices at the time. City staff subsequently engaged a consultant with extensive experience with public and commercial aquatics facilities to assist with the evaluation of procurement options for the slide tower.

The consultant found that there are a limited number of companies worldwide that can provide all required services, including design, fabrication, installation, and related services, to replace the slide tower, given the specialized nature of waterslide equipment and location within an existing facility. Two companies were identified that could do so and were requested to submit proposals. Their cost proposals are summarized below.

Company	Proposed Cost
Whitewater	\$211,944
Splashtacular	\$160,905

ANALYSIS

Splashtacular submitted the lowest cost proposal to design, fabricate, and install the slide tower including safety signage and canopy. The services include special considerations for configuring the slide stairs and slide for slope and plunging distance into the pool. On-site training, ride testing, and safety certification once the slide is installed are also included.

The purchasing of specialized equipment and related installation and training are not subject to state competitive bidding requirements. Additionally, the City's Administrative Policy III.1 Procurement, Section D.4 allows the City to dispense with the formal procurement process in several circumstances, including when "necessary to serve the best interests of the City." Because of the small number of qualified companies available to provide a full package of services for waterslide equipment, including customized design and fabrication process, installation, and training services, City staff considers that forgoing a formal procurement process and moving forward with an agreement with Splashtacular is appropriate in this case.

City staff recommends that the City Council authorize the City Manager to enter into an agreement with Splashtacular to provide a Swim Center Activity Pool Slide and Tower Replacement for an amount not to exceed \$168,950. This amount reflects Splashtacular's cost proposal of \$160,905 plus a 5% contingency of \$8,045.

Because of the demand for this type of work and the relatively few vendors globally to perform it, the lead time for fabrication and installation of the water slide tower is between seven and nine months from the time the agreement is signed. While expenses for this project are not expected to occur until Fiscal Year 2024-25, City Council approval is required now to finalize the agreement.

STRATEGIC PLAN CONSIDERATIONS

This action supports the [City's Strategic Plan Goal\(s\)](#) of:

- *Livability and Belonging; and*
- *Infrastructure and Amenities.*

ENVIRONMENTAL CONSIDERATIONS

The project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because it is a repair to existing facilities 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 in the amount of \$168,950 is available in the Measure H Fund Balance (Fund 207). As determined in the Annual Comprehensive Financial Report (ACFR) for Fiscal Year 2022-23, the fund balance in Fund 207 was \$451,191. No Measure H Fund Balance was appropriated in the Adopted Fiscal Year 2023-24 Budget, meaning sufficient funds remain for this project and future projects. City staff will request that the City Council appropriate the funds for this project in Fiscal Year 2024-25 as part of the upcoming biennial budget process.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action and found that legal considerations have been addressed. Additionally, the agreement will conform to the City's standard agreement as approved to form by the City Attorney.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos", is positioned above the printed name.

Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION 2024 - XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SPLASHTACULAR TO PROVIDE A SWIM CENTER ACTIVITY POOL SLIDE TOWER REPLACEMENT FOR AN AMOUNT NOT TO EXCEED \$168,950

WHEREAS, the slide tower at the Swim Center Activity Pool was installed in 2003 when the Swim Center was reconstructed and is a unique feature that is a very popular amongst younger children and their families; and

WHEREAS, the slide tower has experienced significant deterioration, particularly corrosion, over the past 20 years and recent structural assessments have found that the slide tower must be replaced to meet safety standards; and

WHEREAS, there are a small number of qualified companies available worldwide to provide a full package of services for waterslide equipment, including customized design and fabrication process, installation, and training services; and

WHEREAS, the purchasing of specialized equipment and related installation and training are not subject to state competitive bidding requirements; and

WHEREAS, City Administrative Policy III.1 Procurement, Section D.4, allows the City to forgo a formal procurement process in several circumstances, including when "necessary to serve the best interests of the City," which City staff considers is appropriate in this case; 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 involves a repair to an existing facility involving negligible or no expansion of use beyond that presently existing; and

WHEREAS, the lead time for fabrication and installation of the slide tower is between seven and nine months from the time an agreement is executed, and while expenses for this project are not expected to occur until Fiscal Year 2024-25, City Council approval is required now to finalize the agreement; and

WHEREAS, funding in the amount of \$168,950 is available in the Measure H Fund Balance (Fund 207) as determined in the Annual Comprehensive Financial Report (ACFR) for Fiscal Year 2022-23 and City staff will request that the City Council appropriate the funds for this project in Fiscal Year 2024-25 as part of the upcoming biennial budget process.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito authorizes the City Manager to enter into an agreement with Splashtacular to provide a Swim Center Activity Pool Slide Tower Replacement for an amount not to exceed \$168,950.

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

I CERTIFY that at a regular meeting on April 2, 2024, 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 _____.

Holly M. Charléty, City Clerk

APPROVED:

Tessa Rudnick, Mayor



AGENDA BILL

Agenda Item No. 9.A.

Date: April 2, 2024
To: El Cerrito City Council
From: Crystal Reams, Finance Director/City Treasurer, Finance Department
Subject: Consideration of Distribution of FY 2022-23 General Fund Surplus in accordance with the Comprehensive Financial Policies

ACTION PROPOSED

Adopt a Resolution authorizing the distribution of FY 2022-23 General Fund Surplus funds in the amount of \$5,928,706.

BACKGROUND/ANALYSIS

On August 15, 2023, the City Council approved the amended [Comprehensive Financial Policies](#), including a provision to allocate any General Fund year-end operating surplus into specific categories in priority order. Section 2.7 of the Policies reads as follows:

Section 2.7. Any General Fund year-end operating surplus (the excess of actual General Fund revenue less actual General Fund expenditures) shall be allocated for the following, subject to City Council approval, using the following priority order until any such annual General Fund surplus is fully allocated:

1. General Fund Reserve, until the General Fund has reached 100% of its targeted reserve ratio as specified in the General Fund Reserve Policy.¹
2. Emergency Disaster Relief Fund (EDRF), until the balance in that fund reaches 100% of the target balance as specified in Emergency and Disaster Recovery Fund.²
3. A minimum of 33% of the remaining surplus to additional discretionary payments towards the City's unfunded liabilities and/or contributions towards a pension or other post-employment benefit trust.
4. The City Manager will make recommendations to the City Council to use any remaining surplus to fund non-recurring expenditures such as capital improvements, equipment purchases, or other, one-time expenditures which will not require additional future expense outlay for maintenance, additional staffing, or other recurring expenditures.

¹**Section 3.2.** It is a goal of the City to achieve a General Fund annual operating reserve of 10% of projected General Fund operating expenditures in each fiscal year.

²**Section 4.2.** The City shall fund three months of payroll costs in the EDRF.

According to the Annual Comprehensive Financial Report (ACFR), at the close of Fiscal Year (FY) 2022-23 the City had a year-end surplus of \$6,928,706. At the midyear budget review on March 5, 2024, the City Council approved a budget carry-forward of \$1,000,000 for purchase orders that were not fully expended and not budgeted for in FY

2023-24, leaving \$5,928,706 for allocation. Based on the distribution schedule according to the policy, the allocations in priority order are:

- General Fund Reserve - \$4,843,559

This represents the full 10% amount of General Fund operating reserve based on the FY 2023-24 operating expenditures.

- Emergency Disaster Relief Fund (EDRF) - \$0

The EDRF is currently funded at \$9,000,000 per City Council action on August 15, 2023. For FY 2023-24, three months of payroll costs equate to \$8,764,350. Therefore, no additional allocation is required.

- Unfunded Liabilities (Section 115) - \$358,099

This represents the minimum of 33% of the remaining surplus, and will be deposited into the City's Section 115 Trust account.

- Remainder for one-time expenditures - \$727,048

This amount is included in the one-time expenditures of \$5,402,322 that has already been allocated by the City Council during this fiscal year and at the midyear budget review.

With these allocations, the total General Fund balance allocations and Reserve to date for FY 2023-24 are as follows:

Beginning Fund Balance	\$ 16,214,375
FY 2022-23 Surplus	6,928,706
PO Roll-Forward	(1,000,000)
Adjusted FY 2022-23 Surplus	5,928,706
Unassigned Fund Balance	22,143,081
Allocation to General Fund Reserve (10% per Policy)	(4,843,559)
Allocation to EDRF	(9,000,000)
Initial Allocation to Section 115 Trust	(1,000,000)
33% of Surplus for Section 115 Trust	(358,099)
Remaining Unassigned Fund Balance	6,941,423
Approved adjustments during FY 2023-24	(3,109,778)
Midyear adjustments for FY 2023-24	(2,292,554)
Remaining Unassigned Fund Balance	\$ 1,539,091

STRATEGIC PLAN CONSIDERATIONS

This action supports the [City's Strategic Plan Goal\(s\)](#) of:

- *High Performing Organization; and*
- *Community Safety; and*
- *Livability and Belonging; and*
- *Infrastructure and Amenities; and*
- *Environmental Sustainability.*

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

The City's FY 2022-23 Annual Comprehensive Financial Report (ACFR) identified a surplus of \$6,928,706. Following the budget carry-forward of \$1,000,000 approved by the City Council at the midyear budget review on March 5, 2024, \$5,928,706 is available for allocation in accordance with the Comprehensive Financial Policies. All allocations will be reflected in the FY 2023-24 ACFR within the General Fund balance, and will result in a total of \$1,358,099 of contributions to the Section 115 Trust to date. No additional funding or budget allocations are requested at this time.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved the proposed resolution.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION NO. 2024-X

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING
THE ALLOCATION OF THE FY 2022-23 GENERAL FUND SURPLUS FUNDS PER THE
COMPREHENSIVE FINANCIAL POLICIES

WHEREAS, the purpose of the Comprehensive Financial Policies are to provide guidelines for operational and strategic decision making related to financial matters; and

WHEREAS, the Comprehensive Financial Policies have been reviewed by the Financial Advisory Board; and

WHEREAS, the Comprehensive Financial Policies were amended in August 2023 as a part of the annual review; and

WHEREAS, the amended Comprehensive Financial Policy directs the allocation of General Fund surplus to specified reserve funds and purposes; and

WHEREAS, the City's FY 2022-23 Annual Comprehensive Financial Report identifies a General Fund surplus of \$6,928,706. The City Council previously approved a budget carry forward from the surplus of \$1,000,000 for purchase orders that were not fully expended and not budgeted for in FY 2023-24, leaving \$5,928,706 of General Fund surplus for allocation in accordance with the Comprehensive Financial Policy.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito, that it hereby approves the allocation of the City of El Cerrito's Fiscal Year 2022-23 General Fund surplus in the amount of \$5,928,706 per the City's Comprehensive Financial Policies as follows:

1. General Fund Reserve - \$4,843,559
2. Emergency Disaster Relief Fund (EDRF) - \$0
3. Unfunded Liabilities (to be deposited in Section 115 Trust) - \$358,099

I CERTIFY that at a regular meeting on April 2, 2024 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

Holly M. Charléty, City Clerk

APPROVED:

Tessa Rudnick, Mayor



SUPPLEMENTAL AGENDA MATERIALS
CITY COUNCIL MEETING
April 2, 2024
(revised April 3, 2024)

1. Public Comments (Not on the Agenda and Consent Calendar)
 - a. Public Comments
2. Agenda Item 9.A. - Consideration of Distribution of FY 2022-23 General Fund Surplus in accordance with the Comprehensive Financial Policies
 - a. Public Comments

From: [Walla Oriqat](#)
To: [City Clerk](#); [Paul Fadelli](#); [Lisa Motoyama](#); [Gabe Quinto](#); [Tessa Rudnick](#); [Carolyn Wysinger](#)
Subject: Item not on the agenda - Ceasefire Resolution
Date: Wednesday, March 27, 2024 12:22:23 PM
Attachments: [Albany Ceasefire Resolution.pdf](#)

Caution! This message was sent from outside your organization.

Dear Members of the El Cerrito City Council,

I hope all is well. Over 32,000 innocent people have been killed by Israel in Gaza. 24 children have starved to death due to lack of food and water because Israel is refusing to let aid in. I am writing to you today to express my deep concern that this doesn't concern you?

As you may be aware, our neighboring city of Albany recently took a significant step forward this week in addressing this issue by unanimously passing a resolution in support of a ceasefire in Gaza. We commend their willingness to listen to their constituents and engage in open dialogue on such a critical matter.

However, it is disheartening to note that despite overwhelming support from the community, the El Cerrito City Council has refused to uphold the democratic process by declining to put a similar resolution on the agenda. This decision does not reflect the values of peace, solidarity, and proactive leadership that our community deserves.

We urge you to reconsider your stance and prioritize peace and humanitarian efforts by taking immediate action to put a ceasefire resolution on the agenda. It is essential that our City Council demonstrates a commitment to addressing global conflicts through proactive measures and community engagement.

We believe that by working together and listening to the voices of the community, we can contribute to efforts for peace and humanitarian relief in Gaza.

Thank you for your attention to this urgent matter. We look forward to your prompt action and continued commitment to serving the best interests of our community and beyond.

Sincerely,
Walla Oriqat

From: [Michelle Ayazi](#)
To: [City Clerk](#); [Paul Fadelli](#); [Lisa Motoyama](#); [Gabe Quinto](#); [Tessa Rudnick](#); [Carolyn Wysinger](#)
Subject: Item not on the agenda - Ceasefire Resolution
Date: Wednesday, March 27, 2024 1:07:51 PM

Caution! This message was sent from outside your organization.

Dear Members of the El Cerrito City Council,

I hope all is well. Over 32,000 innocent people have been killed by Israel in Gaza. 24 children have starved to death due to lack of food and water because Israel is refusing to let aid in. I am writing to you today to express my deep concern that this doesn't concern you?

As you may be aware, our neighboring city of Albany recently took a significant step forward this week in addressing this issue by unanimously passing a resolution in support of a ceasefire in Gaza. We commend their willingness to listen to their constituents and engage in open dialogue on such a critical matter.

However, it is disheartening to note that despite overwhelming support from the community, the El Cerrito City Council has refused to uphold the democratic process by declining to put a similar resolution on the agenda. This decision does not reflect the values of peace, solidarity, and proactive leadership that our community deserves.

We urge you to reconsider your stance and prioritize peace and humanitarian efforts by taking immediate action to put a ceasefire resolution on the agenda. It is essential that our City Council demonstrates a commitment to addressing global conflicts through proactive measures and community engagement.

We believe that by working together and listening to the voices of the community, we can contribute to efforts for peace and humanitarian relief in Gaza.

Thank you for your attention to this urgent matter. We look forward to your prompt action and continued commitment to serving the best interests of our community and beyond.

Sincerely,

El Cerrito Resident

Sent from my iPhone

From: [Rayah Jaymes](#)
To: [City Clerk](#); [Paul Fadelli](#); [Lisa Motoyama](#); [Gabe Quinto](#); [Tessa Rudnick](#); [Carolyn Wysinger](#)
Subject: Item not on the agenda - Ceasefire Resolution
Date: Wednesday, March 27, 2024 1:09:31 PM

Caution! This message was sent from outside your organization.

Dear Members of the El Cerrito City Council,
El Cerrito almost made it into the Albany Ceasefire Resolution, but at the last minute was removed. It would have been an interesting call out considering how you're refusing to engage with the public and democratic process.
Over 32,000 innocent people have been killed by Israel in Gaza. 24 children have starved to death due to lack of food and water because Israel is refusing to let aid in. I am writing to you today to express my deep concern that this doesn't concern you?

As you may be aware, our neighboring city of Albany recently took a significant step forward this week in addressing this issue by unanimously passing a resolution in support of a ceasefire in Gaza. We commend their willingness to listen to their constituents and engage in open dialogue on such a critical matter.

However, it is disheartening to note that despite overwhelming support from the community, the El Cerrito City Council has refused to uphold the democratic process by declining to put a similar resolution on the agenda. This decision does not reflect the values of peace, solidarity, and proactive leadership that our community deserves.

We urge you to reconsider your stance and prioritize peace and humanitarian efforts by taking immediate action to put a ceasefire resolution on the agenda. It is essential that our City Council demonstrates a commitment to addressing global conflicts through proactive measures and community engagement.

We believe that by working together and listening to the voices of the community, we can contribute to efforts for peace and humanitarian relief in Gaza.

Thank you for your attention to this urgent matter. We look forward to your prompt action and continued commitment to serving the best interests of our community and beyond.

Sincerely,

El Cerrito Resident

From: [Ameena Jandali](#)
To: [City Clerk](#); [Paul Fadelli](#); [Lisa Motoyama](#); [Gabe Quinto](#); [Tessa Rudnick](#); [Carolyn Wysinger](#)
Subject: Item not on the agenda - Ceasefire Resolution of
Date: Wednesday, March 27, 2024 1:10:44 PM

Caution! This message was sent from outside your organization.

Dear Members of the El Cerrito City Council,

I hope all is well. Over 32,000 innocent people have been killed by Israel in Gaza. 24 children have starved to death due to lack of food and water because Israel is refusing to let aid in. I am writing to you today to express my deep concern that this doesn't concern you?

As you may be aware, our neighboring city of Albany recently took a significant step forward this week in addressing this issue by unanimously passing a resolution in support of a ceasefire in Gaza. We commend their willingness to listen to their constituents and engage in open dialogue on such a critical matter.

However, it is disheartening to note that despite overwhelming support from the community, the El Cerrito City Council has refused to uphold the democratic process by declining to put a similar resolution on the agenda. This decision does not reflect the values of peace, solidarity, and proactive leadership that our community deserves.

We urge you to reconsider your stance and prioritize peace and humanitarian efforts by taking immediate action to put a ceasefire resolution on the agenda. It is essential that our City Council demonstrates a commitment to addressing global conflicts through proactive measures and community engagement.

We believe that by working together and listening to the voices of the community, we can contribute to efforts for peace and humanitarian relief in Gaza.

Thank you for your attention to this urgent matter. We look forward to your prompt action and continued commitment to serving the best interests of our community and beyond.

Sincerely,

El Cerrito Resident

Sent from my iPhone

From: [Zeid Arnaout](#)
To: [City Clerk](#); [Paul Fadelli](#); [Lisa Motoyama](#); [Gabe Quinto](#); [Tessa Rudnick](#); [Carolyn Wysinger](#)
Subject: Item not on the agenda - Ceasefire Resolution
Date: Wednesday, March 27, 2024 2:20:59 PM

Caution! This message was sent from outside your organization.

Dear Members of the El Cerrito City Council,

I hope all is well. Over 32,000 innocent people have been killed by Israel in Gaza. 24 children have starved to death due to lack of food and water because Israel is refusing to let aid in. I am writing to you today to express my deep concern that this doesn't concern you?

As you may be aware, our neighboring city of Albany recently took a significant step forward this week in addressing this issue by unanimously passing a resolution in support of a ceasefire in Gaza. We commend their willingness to listen to their constituents and engage in open dialogue on such a critical matter.

However, it is disheartening to note that despite overwhelming support from the community, the El Cerrito City Council has refused to uphold the democratic process by declining to put a similar resolution on the agenda. This decision does not reflect the values of peace, solidarity, and proactive leadership that our community deserves.

We urge you to reconsider your stance and prioritize peace and humanitarian efforts by taking immediate action to put a ceasefire resolution on the agenda. It is essential that our City Council demonstrates a commitment to addressing global conflicts through proactive measures and community engagement.

We believe that by working together and listening to the voices of the community, we can contribute to efforts for peace and humanitarian relief in Gaza.

Thank you for your attention to this urgent matter. We look forward to your prompt action and continued commitment to serving the best interests of our community and beyond.

Sincerely,

El Cerrito Resident

From: [REDACTED]
To: [City Clerk](#); [Paul Fadelli](#); [Lisa Motoyama](#); [Gabe Quinto](#); [Tessa Rudnick](#); [Carolyn Wysinger](#)
Subject: Item not on the agenda - Ceasefire Resolution
Date: Wednesday, March 27, 2024 8:52:39 PM

Caution! This message was sent from outside your organization.

Dear Members of the El Cerrito City Council,

I recently read the City Manager newsletter which discusses the state of discourse and behavior in our community. Although not specific, what came to mind is the status that El Cerrito has not contributed to a ceasefire resolution.

Over 32,000 innocent people have been killed by Israel in Gaza. 27 children have starved to death due to lack of food and water. I am writing to you today to express my deep concern that the city that I live in has not called for a ceasefire.

As you may be aware, our neighboring city of Albany recently took a significant step forward this week in addressing this issue by unanimously passing a resolution in support of a ceasefire in Gaza. We commend their willingness to listen to their constituents and engage in open dialogue on such a critical matter.

However, it is disheartening to note that despite overwhelming support from the community, the El Cerrito City Council has refused to uphold the democratic process by declining to put a similar resolution on the agenda. This decision does not reflect the values of peace, solidarity, and proactive leadership that our community deserves.

We urge you to reconsider your stance and prioritize peace and humanitarian efforts by taking immediate action to put a ceasefire resolution on the agenda. It is essential that our City Council demonstrates a commitment to addressing global conflicts through proactive measures and community engagement.

We believe that by working together and listening to the voices of the community, we can contribute to efforts for peace and humanitarian relief in Gaza.

Thank you for your attention to this urgent matter. We look forward to your prompt action and continued commitment to serving the best interests of our community and beyond.

Sincerely,
Nina Joe
El Cerrito Resident

From: Anne Okahara
To: [City Clerk](#); [Paul Fadelli](#); [Lisa Motoyama](#); [Gabe Quinto](#); [Tessa Rudnick](#); [Carolyn Wysinger](#)
Subject: Item not on the agenda - Ceasefire Resolution
Date: Wednesday, March 27, 2024 6:01:04 PM

Dear Members of the El Cerrito City Council, I hope all is well. Over 32,000 innocent people have been killed by Israel in Gaza. 24 children have starved to death due to lack of food and water b

Caution! This message was sent from outside your organization.

sophosmartbannerend

Dear Members of the El Cerrito City Council,

I hope all is well. Over 32,000 innocent people have been killed by Israel in Gaza. 24 children have starved to death due to lack of food and water because Israel is refusing to let aid in. I am writing to you today to express my deep concern that this doesn't concern you? As you may be aware, our neighboring city of Albany recently took a significant step forward this week in addressing this issue by unanimously passing a resolution in support of a ceasefire in Gaza. We commend their willingness to listen to their constituents and engage in open dialogue on such a critical matter.

It is disappointing and frustrating that despite overwhelming support from the community, the El Cerrito City Council has refused to uphold the democratic process by declining to put a similar resolution on the agenda. This decision does not reflect the values of peace, solidarity, and proactive leadership that our community deserves. We urge you to reconsider your tacit support of genocide, and instead stand for peace and humanitarian efforts by taking immediate action to put a ceasefire resolution on the agenda. It is essential that our City Council demonstrates a commitment to addressing global conflicts through proactive measures and community engagement.

We believe that by working together and listening to the voices of the community, we can contribute to efforts for peace and humanitarian relief in Gaza. Thank you for your attention to this urgent matter. We look forward to your prompt action and continued commitment to serving the best interests of our community and beyond.

Sincerely,

Anne Okahara

38 year Resident of El Cerrito

From: Carolyn Muth
To: [City Clerk](#); [Paul Fadelli](#); [Lisa Motoyama](#); [Gabe Quinto](#); [Tessa Rudnick](#); [Carolyn Wysinger](#)
Subject: Item not on the agenda - Ceasefire Resolution
Date: Thursday, March 28, 2024 12:58:51 PM

Dear Members of the El Cerrito City Council, I am glad that life is peaceful in El Cerrito. We must do what we can to help our neighbors resolve a crisis in their homes. Over 32,000 innocent people have been killed by Israel in Gaza. 24 children have starved to death due to lack of food and water because Israel is refusing to let aid in. I am writing to you today to express my deep concern that this doesn't concern you. Let's help end this genocidal action by Netanyahu, by following our neighbor's action. The city of Albany recently took a significant step forward this week in addressing this issue by unanimously passing a resolution in support of a ceasefire in Gaza. We commend their willingness to listen to their constituents and engage in open dialogue on such a critical matter.

Caution! This message was sent from outside your organization.
sophossmartbannerend

Dear Members of the El Cerrito City Council,

I am glad that life is peaceful in El Cerrito. We must do what we can to help our neighbors resolve a crisis in their homes. Over 32,000 innocent people have been killed by Israel in Gaza. 24 children have starved to death due to lack of food and water because Israel is refusing to let aid in. I am writing to you today to express my deep concern that this doesn't concern you. Let's help end this genocidal action by Netanyahu, by following our neighbor's action. The city of Albany recently took a significant step forward this week in addressing this issue by unanimously passing a resolution in support of a ceasefire in Gaza. We commend their willingness to listen to their constituents and engage in open dialogue on such a critical matter.

However, it is disheartening to note that despite overwhelming support from the community, the El Cerrito City Council has refused to uphold the democratic process by declining to put a similar resolution on the agenda. This decision does not reflect the values of peace, solidarity, and proactive leadership that our community deserves.

We urge you to reconsider your stance and prioritize peace and humanitarian efforts by taking immediate action to put a ceasefire resolution on the agenda. It is essential that our City Council demonstrates a commitment to addressing global conflicts through proactive measures and community engagement.

We believe that by working together and listening to the voices of the community, we can contribute to efforts for peace and humanitarian relief in Gaza.

Thank you for your attention to this urgent matter. We look forward to your prompt action and continued commitment to serving the best interests of our community and beyond.

Sincerely,
Carolyn Muth



From: Lisa Fine
To: [City Clerk](#)
Subject: public comments – not on the agenda
Date: Thursday, March 28, 2024 3:20:14 PM

Dear Mayor Rudnick and members of the El Cerrito City Council, In these divisive times, I want to extend my profound gratitude to all of you for making sure El Cerrito lives up to its ideals of being
Caution! This message was sent from outside your organization.
sophospsmartbannerend

Dear Mayor Rudnick and members of the El Cerrito City Council,

In these divisive times, I want to extend my profound gratitude to all of you for making sure El Cerrito lives up to its ideals of being an inclusive city that does not condone hate.

I have watched in dismay as city councils around the Bay Area caved to pressure to introduce "ceasefire resolutions" about a war far outside the scope of their control or expertise. As we have seen, these resolutions do nothing to bring peace to the Middle East but do stoke divisions locally.

Unfortunately, debates on these meaningless resolutions have invited comments that are 1930s-Germany-level antisemitic hate speech, and Q-Anon-style conspiracy theories and have no place in our city's public discourse.

The El Cerrito City Council has protected the whole community from this trauma by sticking to conducting appropriate city business, which is what the residents elected you to do.

With my deep appreciation, Lisa Fine

From: [Ira Sharenow](#)
To: [City Clerk](#); [Holly Charléty](#)
Cc: [Tessa Rudnick](#); [Paul Fadelli](#); [Lisa Motoyama](#)
Subject: Item 5A April 2, 2024
Date: Friday, March 29, 2024 7:08:04 AM

Caution! This message was sent from outside your organization.

It is time for management to end its expensive PR campaign in support of an extravagant library project. El Cerrito residents cannot afford to spend \$300 per year forever when El Cerrito has so many unmet priorities.

1. Pension liability increased from \$57.8 million to \$85 million
2. Roads are in decline. PCI dropped from 84 to 69
3. The Ohlone Greenway is in disrepair
4. El Cerrito needs a senior center

The city missed out on opportunities that have increased costs to the El Cerrito taxpayer by millions of dollars.

1. Never completed the application for a \$10 million state library grant
2. Missed out on the low interest rate environment thus adding costly millions in payments to any bond issuances

There is too much uncertainty working as a tenant for a BART project.

In 2016 council directed management to sign a memorandum of understanding with BART, but apparently more than 7 years later the two sides are still working on the memorandum.

From the city clerk, recent email.

“There are no responsive records to your request, negotiations for a term sheet related to the project are still ongoing.”

The campaign is shrouded in secrecy. Taxpayers paid tens of thousands of dollars for two surveys, yet the city clerk has refused to release the associated reports or the raw data.

Ira Sharenow
El Cerrito, CA

From: Ngan
To: [City Clerk](#); [Paul Fadelli](#); [Lisa Motoyama](#); [Gabe Quinto](#); [Tessa Rudnick](#); [Carolyn Wysinger](#)
Subject: Item not on the agenda - Ceasefire Resolution
Date: Friday, March 29, 2024 11:58:43 PM

Dear Members of the El Cerrito City Council, Over 32,000 innocent people have been killed by Israel in Gaza. 24 children have starved to death due to lack of food and water because Israel is refusing
Caution! This message was sent from outside your organization.
sophosmartbannerend

Dear Members of the El Cerrito City Council,

Over 32,000 innocent people have been killed by Israel in Gaza. 24 children have starved to death due to lack of food and water because Israel is refusing to let aid in. I am writing to you today to express my deep concern that this doesn't concern you?

As you may be aware, our neighboring city of Albany recently took a significant step forward this week in addressing this issue by unanimously passing a resolution in support of a ceasefire in Gaza. We commend their willingness to listen to their constituents and engage in open dialogue on such a critical matter.

However, it is disheartening to note that despite overwhelming support from the community, the El Cerrito City Council has refused to uphold the democratic process by declining to put a similar resolution on the agenda. This decision does not reflect the values of peace, solidarity, and proactive leadership that our community deserves.

We urge you to reconsider your stance and prioritize peace and humanitarian efforts by taking immediate action to put a ceasefire resolution on the agenda. It is essential that our City Council demonstrates a commitment to addressing global conflicts through proactive measures and community engagement.

We believe that by working together and listening to the voices of the community, we can contribute to efforts for peace and humanitarian relief in Gaza.

Thank you for your attention to this urgent matter. We look forward to your prompt action and continued commitment to serving the best interests of our community and beyond.

Sincerely,

El Cerrito Resident

From: carl nelson
To: [City Clerk](#)
Subject: Public comments -- not on the agenda -- opposition to putting a ceasefire resolution on the agenda
Date: Monday, April 1, 2024 7:04:43 PM

My wife and I were El Cerrito residents for over 32 years until October 2020, when we moved to Berkeley to be nearer to our grandchildren. I write first to thank the City Council for its courage

Caution! This message was sent from outside your organization.

sophosmartbannerend

My wife and I were El Cerrito residents for over 32 years until October 2020, when we moved to Berkeley to be nearer to our grandchildren.

I write first to thank the City Council for its courage and steadfastness in rejecting persistent vitriolic calls to take up a resolution calling for a ceasefire in Gaza and Israel. It is to your credit that you have resisted doing so far, joining the City of Berkeley among others. As you well know, foreign policy issues are beyond the scope of your mandate as City officials. There are plenty of issues here in El Cerrito that demand your legitimate attention.

I therefore write to encourage the City Council to continue resisting these persistent attempts, which inject unnecessary bitterness and hate into your Chambers.

As we have seen from surrounding communities, formally taking up a ceasefire resolution on the agenda will invite a barrage of hate into the City Council chambers and encourage verbal attacks on Jews, especially but not limited to those Jews who support Israel's right to exist, and verbal attacks on Council Members. As you know, Jews have already been physically attacked here in El Cerrito. Taking up such a resolution will serve to further divide the community and exacerbate strife.

This is not to deny the suffering being experienced in both Israel and Palestine. Such suffering is unimaginable to those of us who live here in the East Bay. Here, we are not being bombed or subject to rocket attacks. Hundreds of our residents are not being held as hostages by terrorists hiding in multi-billion-dollar labyrinths beneath neighboring communities, terrorists who have sworn in their charter to kill all of us. We are not at war. War is horrible.

But, taking up this resolution will do nothing to stop the war, although it could easily increase divisiveness and spew hatred within the City, as we have seen in many neighboring communities who have chosen to weigh in on international affairs.

Please continue to stay the course.

--

Carl P A Nelson



From: Jean Henderson
To: [City Clerk](#)
Subject: Public comments not on the agenda - opposition to putting a ceasefire resolution on the city council agenda.
Date: Monday, April 1, 2024 7:11:36 PM

Hello City Council members, I'm writing today to express my firm opposition to the El Cerrito City Council having a Gaza ceasefire resolution agendized for action. Such an item can have no impact exce

Caution! This message was sent from outside your organization.

sophospsmartbannerend

Hello City Council members,

I'm writing today to express my firm opposition to the El Cerrito City Council having a Gaza ceasefire resolution agendized for action. Such an item can have no impact except to make the Jews in and around El Cerrito more vulnerable, unsafe, and fearful of being in public. Is that really how we should live in the East Bay?

There is no question that too many civilians have died in Gaza, and in Israel too. If there was an easy solution to dealing with hateful Hamas hiding underground, it would have been discovered by now. No community in any part of the world should have to live with rockets raining down their heads from immediate neighbors who vow to be sure they will all die. That said, no one in the East Bay is responsible for what's going on in the Middle East. Why must you stir up hatred here?

Please be the civic model we know you can be by helping bring peace, not hatred to the people for which you are responsible.

Thank you for listening,
Jean Henderson

From: Beth Chas
To: [City Clerk](#)
Subject: Public comments - Not on agenda - Please forward to members, not for a public meeting
Date: Monday, April 1, 2024 7:45:16 PM

To The City Council of El Cerrito Please do not close the Exchange Zone at El Cerrito Recycling Center: 1.
Regarding the cost for East Bay Sanitary to haul away the remaining items left in the E
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To The City Council of El Cerrito

Please do not close the Exchange Zone at El Cerrito Recycling Center:

1. Regarding the cost for East Bay Sanitary to haul away the remaining items left in the Exchange Zone: If they no longer pick up these items at the Recycling Center then they will still have to pick up these items at residents' homes, plus the items that now will not be donated and will be put into landfills. Based on this logic, I would ask East Bay Sanitary (a local company who has had the contract continuously since 1940) to please continue to pick up these items at the Recycling Center at no charge.

2. I am delivering a copy of this to Congressman Mark DeSaulnier to ask for his assistance in obtaining a grant, etc., for this cost.

"The Infrastructure Investment and Jobs Act, also referred to as the Bipartisan Infrastructure Law, provides \$275 million for Solid Waste Infrastructure for Recycling grants to support Building a Better America . This is allocated as \$55 million per year from Fiscal Years 2022 to 2026 to remain available until expended."

3. I would be more than happy to contact Republic Services (who services adjacent Richmond) or Waste Management (who services adjacent Albany) to ask for their help picking up this trash on a periodic basis at no charge.

From: [leslie dibenedetto](#)
To: [Tessa Rudnick](#); [Lisa Motoyama](#); [Paul Fadelli](#); [Gabe Quinto](#); [Carolyn Wysinger](#); [City Clerk](#)
Subject: Item not on there agenda
Date: Monday, April 1, 2024 8:21:25 PM

Caution! This message was sent from outside your organization.

Dear Council,

The city of Albany recently placed on their agenda after engaging with the community and educating themselves over time, a discussion on a city resolution for an immediate ceasefire in Gaza.

With input from city residents a resolution was passed!

Residents of El Cerrito have been calling for the same thing for just as long.

Please follow suit so that we too feel represented.

Thank you,

Leslie D Adams
El Cerrito, CA

From: [D.Dorenz](#)
To: [City Clerk](#)
Cc: [Dean Kertesz](#)
Subject: No ceasefire resolution;more officers plz
Date: Monday, April 1, 2024 11:13:46 PM

Caution! This message was sent from outside your organization.

Dear El Cerrito City Council members, I urge you not to cave to those who want to pressure you to take on foreign affairs in regard to the war between Israel and Hamas. You have held strong, and I hope you will continue to hold strong against this manipulation that will not bring any positive effect on this war. As I've mentioned in the past, if you pass a resolution in this particular case, you will also have to pass one in regard to Russia and Ukraine, and in regard to the many other wars that are raging now in the world. I hope that you will make sure that all members of our community feel welcome and safe by not passing a resolution that increases antisemitism in our community. We have already experienced the growth of more violent attacks on Jews not just in el Cerrito, which did occur, but at UC Berkeley, and just last Tuesday at The Berkeley City Council. I attended that meeting and was shocked at the level of antisemitic verbal attacks that were made on the mayor and on the city Council. Cheryl Davila shouted at Mayor Arreguin that he was a Zionist fascist. And all of her followers echoed her by calling the city Council Zionist pigs. Things got very heated when one of their pro-Palestinian women grab the phone of a Jewish man, and threw it on the dias. The police were there fortunately, so I urge you to make sure that tomorrow night, there are a lot of police present to discourage this kind of hateful , violent behavior. They had a win in Albany and they really want another one, so there will be many more of them most likely tomorrow evening. I'm wishing you the best. I wish I could be there but I'm still recovering from last Tuesday. Thanks for all your hard work and for your perseverance. We have to do everything we can to keep our pluralistic democracy safe for all groups. We have to show that chaos and violence, hatred disruption of our city governance is not the way to go.

Sincerely,
Dorothea Dorenz

From: [Somaia Nassef](#)
To: [Paul Fadelli](#); [Lisa Motoyama](#); [Gabe Quinto](#); [Tessa Rudnick](#); [Carolyn Wysinger](#); [City Clerk](#)
Subject: Public Comment - item not on agenda
Date: Tuesday, April 2, 2024 1:04:30 AM
Attachments: [Screenshot 2024-04-02 at 12.59.20 AM.png](#)

Caution! This message was sent from outside your organization.

I write again to urge you to put a ceasefire resolution on the city council agenda.

Last week the UN passed a temporary 2 week ceasefire resolution to which our country not only abstained but called it "non-binding", giving further cover for Israel to continue its relentless assault on the entirety of the Gazan population - which it continues to do with complete disregard to the UN and to international law. Famine is imminent for 1 million people, half of whom are children, due to Israel's blockade. Already dozens have been starved to death. And within the past couple of days the Biden administration sent yet another military aid package worth billions of dollars to the Israeli military.

All this to express how important and urgent these city ceasefire resolutions are! Our government is the only entity that has the power to stop Israel's atrocities against the Palestinian people. We as communities must send them a message saying enough!

On March 26th UN Special Rapporteur reported her findings saying:

"Following nearly six months of unrelenting Israeli assault on occupied Gaza, it is my solemn duty to report on the worst of what humanity is capable of, and to present my findings. There are reasonable grounds to believe that the threshold indicating the commission of the crime of genocide has been met."

Both the UN council and the special rapporteur were called "anti-semitic", along with the ICJ.

Every passing day proves what we have been saying for months, this is genocide! Not a war or a conflict. How can you be silent bystanders to all these heinous crimes being funded with our own money? How can you claim to be a moral citizen without calling out the insanity of our government's policies?

Your continued stance to remain silent has not only been undemocratic but unmistakably racist. What sort of moral compass creates martyrs of Ukrainians suffering at the hands of the despotic Russian regime but so easily justifies the mass murder and starvation of Palestinians by a fascist Israeli one.

Do not forget Palestinians Christians are too indiscriminately slaughtered in case your internal calculus values Christian lives over Muslims ones.

Last week Albany unanimously passed a ceasefire resolution. A Jewish member voted FOR the resolution and another who 4 months ago was against a resolution but could no longer consciously justify the continued complicity with Israel's war crimes and voted for it.

Below is a photo of Al Shifa hospital. Hundreds of bodies were found outside murdered, tied up, and run over by bulldozers. Doctors, nurses, patients all killed including children. Remember back in October when they denied bombing a hospital and people said Israel

wouldn't do such a thing? That was 30+ bombed hospitals ago.

Israel has committed every defined crime against humanity against Palestinians, except for enslavement. (So for your enjoyment, below is a video of Israeli children being taught to want to kill and enslave all Arabs - and that was from 2018!)

<https://twitter.com/DailySabah/status/1011503961331916800>

Somaia Nassef



From: [Somaia Nassef](#)
To: [Paul Fadelli](#); [Lisa Motoyama](#); [Gabe Quinto](#); [Tessa Rudnick](#); [Carolyn Wysinger](#); [City Clerk](#)
Subject: Public Comment - Item not on Agenda
Date: Tuesday, April 2, 2024 1:21:11 AM

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Foreign nationals were among seven aid workers killed in an Israeli military strike as they were delivering food to starving civilians in Gaza, according to non-profit group World Central Kitchen and authorities in the besieged enclave.

World Central Kitchen said its aid workers were traveling in a “deconflicted zone” in two armored cars branded with the charity’s logo as well as “a soft skin vehicle.”

CNN — “Despite coordinating movements with the IDF, the convoy was hit as it was leaving the Deir al-Balah warehouse, where the team had unloaded more than 100 tons of humanitarian food aid brought to Gaza on the maritime route,” the group said in a statement.

Those killed include a dual US-Canada national, as well as people from Australia, Poland, the United Kingdom, and a Palestinian, the group said.

From: [Miguel Gravelle Izaguirre](#)
To: [City Clerk](#); [Carolyn Wysinger](#); [Gabe Quinto](#); [Lisa Motoyama](#); [Paul Fadelli](#); [Tessa Rudnick](#)
Subject: Letter for City Council Meeting April, 2, 2024
Date: Tuesday, April 2, 2024 7:49:25 AM

Caution! This message was sent from outside your organization.

Dear City Council of El Cerrito,

I hope that you are all well. Next month, May, is Jewish American Heritage Month and also Asian American & Pacific Islander Heritage Month. Since all Semitic peoples: Arabs and Jews descend from common West Asian ancestry in the Middle East, I think it would be lovely to honor the legacy of the Jewish American leaders and Arab American leaders, including Israeli and Palestinian Americans that have been peacefully protesting alongside one another toward a ceasefire in Gaza and an end to the genocide in Gaza, Israeli occupation of the Palestinian territories, and the Apartheid policy of the state of Israel.

Together, Semitic leaders, Arabs and Jews, have been working to combat both forms of anti-semitism: hatred, discrimination, and/or oppression against any semitic people, both Jewish and Arab because of their ethnicity. Israel's Jewish supremacist government has hatred for, discrimination towards, and oppression against the Arab peoples of Palestine.

Most recently, the genocide in Gaza has featured massive death of over 32, 000, destruction of schools, universities, mosques, churches, cultural centers, etc. This has been very similar to the 1947 and 1948 Nakba, recounted in the well-researched book *The Ethnic Cleansing of Palestine*, in which it details how the Zionist founding fathers of Israel targeted Palestinian leadership, those Palestinians who fought back against Zionist Jews when attacked, Palestinian places of meeting, etc. to attack first when the Nakba began, so as to take 70% of what the British named their colony of Mandatory Palestine.

Fortunately, this is something that Semitic-American leaders organizing peaceful marches, protests, and vigils have been working against, so that the land known as Palestine in 1946, including the modern Palestinian territories and modern state of Israel can find a way to live in peace, share the land, and have a government that is neither Jewish supremacist, Arab supremacist, Muslim supremacist, Christian supremacist, Palestinian supremacist, nor Israeli supremacist. This hard work should be honored and it is the work that I have been working alongside. In such a world, there would be no need for the unhealthy ideologies and policies that come with the Israeli occupation and Palestinian resistance. There would be no Hamas without an occupation and its apartheid policies. There would have been no attack on October 6, 2023 either leading to 240 hostages being taken from Israel and 1, 200 Israelis killed. We all are working toward a world where we see an end to the never-ending cycle of Israeli colonial violence and Palestinian resistance that stems from Palestine's original colonization leading to the founding of Israel up to the current

occupation and apartheid system.

Succinctly stated, perhaps, as part of honoring the Semitic peoples working together for equality, equity, justice, and peace in Palestine-Israel framed within the specific Jewish American Heritage Month and Asian American and Pacific Islander Heritage Month, perhaps we could honor the names of specific Jewish American and Arab American leaders who have worked toward the goals mentioned above in May.

Lastly, to kick off this process, I believe that before May, the EC City Council should follow the good work of the Albany City Council and pass a ceasefire resolution regarding Gaza. As in El Cerrito, the people of Albany have come together in this peace-building work, especially the Semitic peoples, Arab and Jewish. It is this spirit of human togetherness that has made Albany and El Cerrito both more loving places, where all Semitic peoples can feel seen and respected with equal human dignity.

Obviously this excludes any of the people who harbor hatred toward Jews for who they are, instead of being able to separate criticism for the government of Israel from the Jewish people in diaspora around the world. I condemn this cancerous hatred toward Jews and even hatred toward Israel because it is a Jewish state. However, I believe that righteous indignation at the unjust past/current actions and policies of the state of Israel turned into peaceful and non-violent action for peace to stop the completion of Israel's colonization of Palestine, stop the current occupation of Palestinian territories, stop the current apartheid policies of the Israeli government, stop the current genocide in Gaza, and stop the settler land grabs in the West Bank, etc.

This also excludes the vocal Jewish supremacists in the community. They look at the truly horrific actions of the Gazan government of Hamas without contextualizing them against the even more horrific actions taken by the Israeli government. I encourage anyone reading this to look into sources that detail the crimes against humanity committed by the Israeli government against the Palestinian people to better contextualize why Palestinian resistance sometimes looks like terrorism, after non-violent resistance fails. You may find that it is because Israeli government policy toward the Palestinian people has also been wrought with terrorism against them.

Towards a world where no one uses terrorism and we see the equality, equity, and justice necessary for peace to prevail and endure,

Miguel Gravelle Izaguirre

From: [Sherry Drobner](#)
To: [City Clerk](#); [Paul Fadelli](#); [Lisa Motoyama](#); [Gabe Quinto](#); [Tessa Rudnick](#); [Carolyn Wysinger](#)
Subject: Item not on the agenda -
Date: Tuesday, April 2, 2024 7:49:53 AM

Caution! This message was sent from outside your organization.

Dear Mayor and members of the City Council,

In the City of Albany, the Mayor proposed a sub-committee to discuss the development of a Ceasefire resolution and involve the community in crafting the language and content.. After three weeks, at a special meeting of the Albany City Council, the Ceasefire Resolution passed unanimously (with one member absent). During the 2 hour meeting, city council members listened to meeting attendees in person and on zoom (they haven't banned zoom call-ins) and then deliberated among themselves. They made some changes based on community comments and listening to each other. I witnessed no shouting or physical violence, no jeering or applause throughout the 2 hour meeting.

The Mayor encourages Civic engagement, democratic processes and the public interest is prioritized.

In the City of El Cerrito, without a formal vote, the Mayor has decided that there will be no discussion on adopting a Ceasefire Resolution in Gaza. This decision was made without consideration of the hundreds of letters, public comments and petitions asking for this item to be placed on the agenda. The decision to block discussion continues even after the County Supervisor gave public comment suggesting that the Mayor seek public engagement on this issue to model how to build consensus,

Civic engagement is discouraged, democratic processes are threatened and the Mayor shows condescension not consideration to the community. The City Council Chamber no longer belongs to the people, but to the Mayor.

And as I write this letter to you today, the Knesset in Israel voted that concluded 70-10, the newly passed law granting the prime minister and the communications minister the power to shut down foreign networks functioning within Israel and seize their equipment, should they be considered to pose "harm to the state's security".

I think one might consider this to be autocratic, non-democratic and not representative of the type of government we suggest we model.

Our Mayor continues to insult its residents by suggesting that we are incapable of having an intelligent discussion or civil discourse when it comes to the issue of a Ceasefire resolution. We see that our neighbors in Albany are quite able to conduct business, run the city and actually listen to one another. Sadly, our Mayor does not hold the residence in such high esteem.

Sincerely,
Sherry Drobner

From: [Dean Kertesz](#)
To: [City Clerk](#)
Subject: Public comments not on the agenda -- opposition to putting a ceasefire resolution on the City Council Agenda
Date: Tuesday, April 2, 2024 1:04:08 PM

Caution! This message was sent from outside your organization.

I implore you once more to continue to refuse to put a ceasefire resolution on the city council agenda.

1. A resolution will do nothing to bring about a ceasefire or ease the suffering of Palestinians living in Gaza
2. Putting it on the agenda will invite extremists to bring hate speech into the city council chambers as we have seen in Richmond, Oakland, and San Francisco. It will scare, isolate, and alienate Jewish residents of El Cerrito.
3. We have already witnessed the extremism of ceasefire advocates, including physical violence, verbal intimidation, and distortions of facts.
4. It will divide city residents, not promote dialogue. There are many legitimate sides to the Israeli/Palestinian conflict. The forum for dialogue between people, not a city council meeting.
5. Everyone wants peace, but any genuine desire for peace must recognize the responsibility of both sides, the legitimate claims of both sides, and the atrocities of both sides.

Thank you for your patience and forbearance in the face of continuing personal attacks.

Sincerely, Dean Kertesz

From: [Fred Bialy](#)
To: [City Clerk](#)
Subject: Public Comments - Agenda Item 6 for Regular City Council Meeting, April 2, 2024
Date: Tuesday, April 2, 2024 1:39:35 PM

Caution! This message was sent from outside your organization.

Dear Mayor Rudnick, Mayor Pro Tem Wysinger, and Councilmembers Fadelli, Motoyama and Quinto,

News Flash: Albany City Council Passes Ceasefire Resolution!

When will El Cerrito be next?!

The need for increased pressure on the Biden Administration to support a ceasefire becomes greater day by day. In spite of having abstained from the recent UN Security Council Ceasefire resolution, allowing it to be passed, that resolution has proved to be an ineffective measure. Israel has ignored it and according to the Washington Post, the U.S. is sending another massive military shipment to support Israel's ongoing assault on Gaza: 1800 2,000-pound bombs, 500 500-pound bombs and 25 F-35 fighter jets. Shipments of military equipment and weapons have been ongoing weekly since the war began last October and only enable Israel in its ongoing assault on Gaza.

The Biden Administration needs to still hear from the public, including the El Cerrito City Council, so that it will finally come to its senses and effect a permanent ceasefire to stop the ongoing carnage in Gaza.

Be democratic and put a Ceasefire Resolution on the City Council Agenda!

Fred Bialy

El Cerrito resident

From: Susanna Spiro
To: [City Clerk](#)
Subject: Public comments not on the agenda - opposition to putting a ceasefire resolution on the city council agenda
Date: Tuesday, April 2, 2024 12:59:21 PM

To the members of the El Cerrito City Council: I have been a tax-paying resident of El Cerrito for 24 years. The El Cerrito City Council does not have the authority, the expertise, or any mandate to t
Caution! This message was sent from outside your organization.
sophossmartbannerend

To the members of the El Cerrito City Council:

I have been a tax-paying resident of El Cerrito for 24 years.

The El Cerrito City Council does not have the authority, the expertise, or any mandate to take positions on international affairs or foreign conflicts. If you move forward with a resolution on the situation in the Middle East, you are allowing yourselves to become tools, spokespeople for anti-Israel and anti-Jewish propaganda. You are spreading antisemitism, hate, and division in your own community. This is a disgraceful way to represent the citizens who have voted for you. You are in office to solve local problems. If you can't do that, you will be voted out. Local city councils that are wasting time and precious resources on posturing over foreign affairs are losing credibility, while important local work is being neglected. Don't fall for it. Show respect for the diverse residents of your city, and focus on your real work.

Susanna Spiro

From: [Yuko Matsumoto](#)
To: [City Clerk](#)
Subject: Public Comment - Not on the Agenda, Ceasefire in Gaza
Date: Tuesday, April 2, 2024 7:21:42 PM

Caution! This message was sent from outside your organization.

Dear Mayor and Council Members:

I am a resident of El Cerrito, and we've met before at recent city council meetings. I continue to urge you to add a ceasefire resolution to the agenda and bring it to a vote. Please continue to educate yourself on the matter and open the matter up for democratic discussion. Up to now, you have blocked all discussion by refusing to add this to the city's agenda. It was very heartening to see our Albany neighbors unanimously pass a ceasefire resolution last week. The Albany mayor put together a subcommittee and sought a wide range of public opinion. They listened to the lived experiences of their diverse residents.

This is very much a local issue. Officially, almost 33,000 people have been murdered in Gaza since October. Our Palestinian friends and community members are actively losing family and loved ones right now. My friend's journalist cousin was murdered in October when an Israeli strike hit his home. His death was covered by Democracy Now. He and his friend had co-founded a media company -- his friend was murdered by the IDF in 2018 while covering peaceful Great March of Return. I also know of a community member who's family friend and Canadian-born peace activist Vivian Silver was killed by Hamas in October -- her sons have been demanding a ceasefire asking for no more murders in her name. She worked closely with her Palestinian comrades in Gaza. None of this is theoretical.

Albany's Immediate Bilateral Ceasefire in Gaza acknowledges that "the loss of life and displacement of people in Israel and Palestine" directly affects our community here. It also recognizes that we, "our nation and our leaders are uniquely situated to help bring about a peaceful end to the current violence." My tax dollars directly fund the bombs and shells Israel use to kill Gazans.

Please don't become numb to your humanity. We must not normalize any of these war crimes the IDF is carrying out in Gaza. Israel continues to massacre Gazan civilians in complete disregard of the U.N. Security Council's ceasefire resolution. Just yesterday, Israel deliberately targeted 3 separate, clearly marked convoy of aid trucks, killing 6 internationals and 1 Palestinian interpreter/driver from World Central Kitchen. Israel is starving Gazans to death -- it is too late once a famine is actually declared in the coming days or weeks.

Ceasefire Now!

Yuko Matsumoto
she/her/hers

From: [Ira Sharenow](#)
To: [City Clerk](#); [Holly Charléty](#)
Cc: [Tessa Rudnick](#); [Paul Fadelli](#); [Lisa Motoyama](#)
Subject: Item 9A April 2, 2024
Date: Friday, March 29, 2024 7:02:39 AM

Caution! This message was sent from outside your organization.

The city is in serious financial trouble.

The Remaining Unassigned Fund Balance is just \$1,539,091.

Pension liability is around \$85 million. The infrastructure has been neglected. There is no senior center. There is a budget deficit.

The city reports it is annually spending \$35,057,400 on employee payroll. I assume the costs for hiring expensive consultants is extra. Management travel to networking conventions may be an added cost.

In contrast, I added up two Albany payrolls as published in their council agendas and then multiplied by 12. That came to only \$20,592,848.88.

Ira Sharenow
El Cerrito, CA