



AGENDA

REGULAR CITY COUNCIL MEETING Tuesday, October 1, 2019 – 7:00 p.m. City Council Chambers

Meeting Location:
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Rochelle Pardue-Okimoto – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Paul Fadelli

Councilmember Janet Abelson
Councilmember Gabriel Quinto

7:00 PM ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – Councilmember Abelson

2. COUNCIL/STAFF COMMUNICATIONS

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

3. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. 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 are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. ADOPTION OF THE CONSENT CALENDAR

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

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes for the meeting of August 20 and September 17, 2019.

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

B. National Arts and Humanities Month Proclamation

Action Proposed: Pass a motion approving a proclamation recognizing and supporting October 2019 as National Arts and Humanities Month in El Cerrito.

Contact: Maya Williams, Assistant to the City Manager, City Management

C. Proclamation Honoring Joan Carpenter Upon Retirement

Action Proposed: Pass a motion to approve a proclamation honoring Joan Carpenter in her retirement after 21 years of service to Contra Costa County, District 1.

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

D. Ordinance to Amend the Development Agreement for 1715 Elm Street Project *Notice published 9/6/2019, 1st Reading 9/17/2019, MND previously adopted, this action does not require further CEQA review.*

Action Proposed: Pass a motion waive the second reading and adopt ordinance 2018-08 approving an amendment to the Development Agreement for the 1715 Elm Street project to extend the term of the Agreement for five years, subject the project to Chapter 19.30: Inclusionary Zoning of the El Cerrito Municipal Code, and authorize the City Manager to execute the amendment.

Contact: Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development Department

E. Storm Drain Easement Agreement with 10300 San Pablo Avenue *Exempt from CEQA review*

Action Proposed: Adopt a resolution authorizing the City Manager to execute an Easement Agreement with The Little Hill LLC, "Owner", for public storm drain facilities located at 10300 San Pablo Avenue.

Contact: Julian Bobilev, Consulting Planner; Anna Bernardes, Engineering Manager/Senior Engineer; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

F. Resolution of Support for the Countywide Imposition of One-Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa County and Adopting the Proposed Transportation Expenditure Plan Conditionally Amending the Growth Management Program *Exempt from CEQA review*

Action Proposed: Adopt a resolution of Support for the Countywide Imposition of One-Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa County and Adopting the Proposed 2020 Transportation Expenditure Plan (TEP) Conditionally Amending the Growth Management Program (GMP), including Attachment A: Principles of Agreement for Establishing the Urban Limit Line (ULL) in the Measure J TEP to Match that Found in the 2020 TEP.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

G. Approval of League of California Cities 2019 Annual Conference Resolutions Packet

Action Proposed: Pass a motion to authorize and provide direction to the annual conference voting delegate to vote in favor of the proposed resolutions packet for 2019.

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

H. Clean Air Day Proclamation

Action Proposed: Pass a motion approving a proclamation declaring October 2, 2019 as Clean Air Day in El Cerrito.

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

5. PRESENTATIONS

A. Contra Costa County Library Commission (CCCLC) Update

Action Proposed: Receive and file.

Contact: Michael Fisher, Commissioner, CCCLC

B. Citizens Street Oversight Committee Annual Report

Action Proposed: Receive and file.

Contact: Matthew Kelly, Chair of Citizens Street Oversight Committee

C. Arts & Culture Commission Update

Action Proposed: Receive and file.

Contact: Ruth Cazden, Chair of Arts and Culture Commission

6. PUBLIC HEARINGS

7. POLICY MATTERS

A. Adopt a Memorandum of Understanding between the City of El Cerrito and the United Professional Firefighters Association, Local 1230

Action Proposed: Adopt a resolution approving an agreement between the City of El Cerrito and the United Professional Firefighters Association, Local 1230 modifying salaries and creating a new Memorandum of Understanding.

Contact: Kristen Cunningham, Human Resources Manager, City Management

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, October 15, 2019 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito.

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

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/streamingmedia> and is streamed with closed caption. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, 510-215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 510-215-4305 email cityclerk@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING (*not televised*)
Tuesday, August 20, 2019 – 5:45 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, August 20, 2019 – 7:00 p.m.
City Council Chambers

Meeting Location:
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

5:45 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING
Mayor Pardue-Okimoto called the meeting to order at 5:50 p.m.
Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.

1. ORAL COMMUNICATIONS FROM THE PUBLIC
Cordell Hindler spoke regarding the process for filling commission vacancies.

Howdy Goudey spoke on the history of tenant protection conversations and communicated that process has been delayed.

Jeff Levin reminded council that tenants need protection and delay can cause risk and wants to ensure task force fully represents tenants.

Robin Mitchell commented that the public should be able to ask clarifying questions after interviews have started.

2. ARTS AND CULTURE COMMISSION STATUS AND APPOINTMENT

Action Proposed: Discuss and consider for appointment applicants previously interviewed for the Arts and Culture Commission.

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

Moved/Seconded: Councilmember Lyman/Quinto **Action:** Passed a motion to appoint Bill Nichols to the Arts and Culture Commission for a partial term of August 20, 2019 thru March 1, 2021. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

3. TENANT PROTECTIONS TASK FORCE INTERVIEWS AND APPOINTMENTS

Action Proposed: Conduct interviews of candidates for Tenant Protections Task Force. Interviews may result in an announcement of appointment(s).

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

Moved/Seconded: Councilmember Fadelli/Lyman **Action:** Passed a motion to appoint Buddy Akacic, Isis Bastet, and George Gager as tenant representatives. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Moved/Seconded: Councilmember Fadelli/Lyman **Action:** Passed a motion to appoint Richard Bell as a tenant representative. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman. **Noes:** Councilmember Quinto

Moved/Seconded: Councilmember Lyman/Quinto **Action:** Passed a motion to appoint Norman LaForce, Peter Pan, Elizabeth Thorsnes, and Tyra Wright as landlord representatives. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto. **Noes:** None

4. ADJOURN 5:45 SPECIAL CITY COUNCIL MEETING

The meeting adjourned at 6:58 p.m.

7:00 PM ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Pardue-Okimoto called the meeting to order at 7:23 p.m.

Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – Councilmember Lyman

2. COUNCIL/STAFF COMMUNICATIONS

Councilmember Abelson shared details on the emergency preparation display in lobby; reported attendance at a tour of Berryessa Transit Center; announced Senior Resource Fair on October 2nd; attendance at community workshop on library assessment; and shared interest in the book Uninhabitable Earth Life After Warming by David Wallace Wells.

Councilmember Quinto reported attendance at a meeting on international trade with the League of California Cities API Caucus, National Night Out, Hazardous Materials Commission meeting, Rotarian Meeting,

Councilmember Fadelli thanked staff for National Night Out efforts, and participation in Baxter Creek cleanup.

Councilmember Lyman as representative of Marin Clean Energy (MCE), shared that Time of Use costs for operating electrical items will cost more at different times of the day, with transition to be completed in April 2021. Reminded residents that the 2020 Census 2020 is coming and encouraged participation to assist in County receiving funding based on Census data.

Mayor Pardue-Okimoto reported appointment of Bill Nichols to Arts and Culture commission and eight appointments to the Tenant Protections Task Force made at the 6:00 pm special meeting.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler thanked PG&E for recent presentation, disappointed about businesses leaving El Cerrito.

Ronnie Polonsky spoke to neighbor about losing home and opposed to tenant protection being repealed.

Tracy Rosenberg spoke on behalf of Oakland Privacy, regarding possible surveillance regulation policies in El Cerrito.

Cathy Hanville spoke on the need for a surveillance ordinance in El Cerrito.

Buddy Akacic spoke regarding a permanent senior center site.

Terry Taplin, Berkeley resident, spoke in opposition of repeal of just cause ordinance.

Matthew, Berkeley resident and member of East Bay Democratic Socialists of America (EBDSA), spoke in opposition of repeal of just cause ordinance.

Allie Lahey, Oakland resident and member of EBDSA spoke in opposition of repeal of just cause ordinance.

Anne Oganowski shared details on upcoming Friends of 5 creek events.

Kelsey Waldron Oakland resident and member of EBDSA read a statement from Arlene Joyce, an El Cerrito resident in opposition of repeal of just cause ordinance.

David Hall Berkeley resident spoke in opposition of repeal of just cause ordinance.

Shallyn Wells Albany resident spoke in opposition of repeal of just cause ordinance.

Robin Mitchell spoke in support of climate change declaration and update from climate policies.

Will Shattuc member of EBDSA spoke in opposition of repeal of just cause ordinance.

Tim Kieschnick spoke in support of climate change declaration.

Kathy Dervin spoke in support of climate change declaration.

Mallory Cremin spoke in support of climate change declaration, as a member of Citizen's Climate Lobby advocated for a Carbon tax or other methods to reduce carbon use.

Bob MacDonald spoke in support of climate change declaration.

David McCoard spoke in support of climate change declaration.

Evan Starr spoke in support of climate change declaration and more action.

Miguel Espino spoke against greed and the California Apartment Association and support of tenant protections.

Howdy Goudey spoke in support of climate change declaration and opposition of repeal of just cause ordinance.

Denice Dennis spoke in support of climate change declaration.

Jovanka Beckles Richmond resident spoke in opposition of repeal of just cause ordinance.

Peter Pan spoke in support of repeal of just cause ordinance and support to the climate change declaration but not if it means committing city resources to social engineering.

Mary Marsella Richmond resident spoke in opposition of repeal of just cause ordinance.

Steve Barton spoke in opposition of repeal of just cause ordinance.

Sherry Drobner spoke in support of tenant protections and the climate change emergency.

Eleanor Sirafinejad spoke in support of repeal of just cause ordinance and support of landlord rights.

Meina Young spoke in support of repeal of just cause ordinance.

Eva Chou spoke in support of repeal of just cause ordinance.

Christian Roman spoke in support of just cause and deception of the California Apartment Association.

Franklin Leong spoke in support of repeal of just cause ordinance.

4. **ADOPTION OF THE CONSENT CALENDAR**

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to approve consent items A, D, and E as indicated below. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes for the meeting of July 16, and July 31, 2019.

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

Action: Approved minutes

B. Declaration of a Climate Emergency

Action Proposed: Adopt a resolution declaring a climate emergency and endorsing emergency mobilization efforts to reverse global warming.

Contact: Will Provost, Acting Operations + Environmental Services Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Pulled from consent by Mayor Pardue-Okimoto. Staff responded to questions and comments regarding expediting actions in the climate action plan, importance of focusing on the topic, and future agenda item to discuss a potential subcommittee.

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to adopt revised Resolution 2019-52, which included to support “and participate in” climate emergency mobilization and commitment to “further” reduce GHG emissions through “active” implementation. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

C. Ordinance to Repeal Ordinance 2019-04

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2019-07 Repealing Ordinance 2019-04 Which Adopted El Cerrito Municipal Code Chapter 10.300 – Just Cause for Eviction and Prohibition on Harassment of Tenants.

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

Pulled from consent by Mayor Pardue-Okimoto.

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Adopted Ordinance 2019-07. **Ayes:** Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** Mayor Pardue-Okimoto

D. Cash and Investments Report for the Quarter ending June 30, 2019

Action Proposed: Receive and file the City's Quarterly Investment Report for the Quarter ending June 30, 2019

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

Action: Received and filed

E. Amendment to Extend Exclusive Negotiating Right Agreement for 6111 Potrero Avenue and 11335-41 San Pablo Avenue *Exempt from CEQA*

Action Proposed: Adopt a resolution authorizing an amendment to extend the Exclusive Negotiating Rights Agreement with Potrero Street Partners for the disposition of 6111 Potrero Avenue and 11335-41 San Pablo Avenue (APNs 513-372-018 and -015).

Contact: Melanie Mintz, Community Development Director; Aissia Ashoori, Housing/Economic Development Analyst, Community Development Department

Action: Approved Resolution 2019-53

5. PRESENTATIONS

A. Contra Costa Transportation Authority (CCTA) Briefing on the Initial Draft of the Transportation Expenditure Plan

Action Proposed: Receive and File

Contact: Timothy Haile, Deputy Executive Director, CCTA

Presentation and Discussion: Timothy Haile, Deputy Executive Director, provided a presentation on the draft 2020 Transportation Expenditure Plan and responded to questions and comments raised by members of the council including neighborhood dial a ride services, safety of bicycles on San Pablo Ave., polling data, quality of life issues on BART, funding areas, on demand shuttle services, transit oriented development, getting riders to the transit system, and expenditures by mode particularly BART.

Public Comments:

Cordell Hindler shared experiences as a transit user.

Action: Received and filed

6. PUBLIC HEARINGS

A. Public Hearing for Fire Hazard Abatement Notice published 8/10/2019, Exempt from CEQA (CEQA Guidelines §15304, 15308)

Action Proposed: 1) Adopt a resolution declaring weeds, rubbish, litter, or other flammable material on certain real property identified in the resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

Contact: David R. Gibson, Fire Marshal; Michael Pigoni, Fire Chief, Fire Department

Presentation and Discussion: Dave Gibson, Fire Marshal, provided an overview of the item and reviewed steps taken up to this point in the process. Responded to questions and comments raised by members of the council including revisions to notification letter for next year, additional pre-notification letter, and updating standards to be more readable.

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to approve Resolution 2019-54 declaring certain real property constitutes a public nuisance with revised property list. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto
Noes: None

Public Hearing: Mayor Pardue-Okimoto opened the public hearing.

Public Comments:

Anna Ippolito spoke in support of the work of the Fire Department.

Paul Duncan spoke in support of the work of the Fire Department.

Susan Duncan spoke in support of the work of the Fire Department.

Kay Starkweather spoke in support of the work of the Fire Department.

Dennis Cody commented on the strong tone of the letters received and did not like to process used to identify his property.

Margaret Kavanaugh-Lynch thanked the council for fire management program and shared well wishes for Captain Gagne's recovery.

Howdy Goudy spoke in support of the work of the fire department and need for more resources to make El Cerrito safer.

Moved/Seconded: Councilmembers Lyman/Fadelli **Action:** Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to adopt Resolution 2019-55 overriding objections and authorizing abatement. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

7. **POLICY MATTERS - None**

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

Councilmember Lyman reported attendance at Financial Advisory Board meeting.

Councilmember Quinto reported attendance at the Urban Forest Committee meeting

9. **ADJOURN REGULAR CITY COUNCIL MEETING IN MEMORY OF MOLLIE HAZEN, LONGTIME CITY VOLUNTEER AND COMMISSION MEMBER**
The meeting adjourned at 10:02 p.m. in memory of Mollie Hazen.

Rochelle Pardue-Okimoto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the special and regular City Council meetings of August 20, 2019 as approved by the El Cerrito City Council.

Holly M. Charl  y, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING *(not televised)*
Tuesday, September 17, 2019 – 6:00 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, September 17, 2019 – 7:00 p.m.
City Council Chambers

Meeting Location:
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

- 6:00 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING**
Mayor Pardue-Okimoto called the meeting to order at 6:03 p.m.
Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.
- 1. ORAL COMMUNICATIONS FROM THE PUBLIC**
Cordell Hindler commented on the good work of Officer Perez.

Buddy Akacic expressed gratitude to the council for their work.
- 2. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** *Pursuant to Government Code Section 54956.9(d)(1)*

Name of Case: Perez v. City of El Cerrito (Contra Costa County Superior Court Case No. C19-01729)
Contact: Sky Woodruff, City Attorney, City Management
Action: No reportable action.
- 3. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** *Pursuant to Government Code Section 54956.9(d)(2)*

Significant Exposure to Litigation: Two Potential Cases
Contact: Sky Woodruff, City Attorney, City Management
Action: One potential case discussed. No reportable action.

Council re-convened closed session at 10:01 p.m., following the regular meeting, to discuss the second case. No reportable action.
- 4. ADJOURN 6:00 PM SPECIAL CITY COUNCIL MEETING**
The meeting adjourned at 7:04 p.m.
- 7:00 PM ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING**
Mayor Pardue-Okimoto called the meeting to order at 7:12 p.m.
Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** – *Mayor Pardue-Okimoto*

2. **PRESENTATIONS**

A. **2019 E.C.S.T.A.R.S Internship Program Presentation**

Action Proposed: Receive and file a presentation regarding the 2019 El Cerrito Students Training and Ready for Success (“EC STARS”) Internship Program.

Contact: Kristen Cunningham, Human Resources Manager, City Management

Presentation and Discussion: Kristen Cunningham, Human Resources Manager, provided an overview of the program, Cory Mason, Teacher at El Cerrito High School spoke on objectives and history of program, and presented 2019 participants to overview highlights of their participation. Participants included Michelle Li, Vonne Ng Bader, Aaradhya Poudyal, Jullisa Rodriguez, Jessenia Ponce, and Anna Madrid.

Public Comments:

Cordell Hindler commented on how well the student presentations were.

Action: Received and filed

3. **COUNCIL/STAFF COMMUNICATIONS**

Councilmember Quinto reported participation on a panel for youth to join politics, and attendance at mayors conference.

Councilmember Abelson invited attendees to see the display in the lobby about emergency preparedness, announced Bart and other transit systems transitioning to clipper only; reported attendance at Arts and Culture Commission meeting, webinar on strategies on addressing homelessness, swearing in ceremony for the police department, mayors conference, ADA update conference; and shared resources for preparing for emergency shutoffs.

Councilmember Fadelli reported attendance at BART Del Norte status meeting, webinar on strategies on addressing homelessness, swearing in ceremony for the police department, and tour at Mare Island for Mayfair module construction.

Councilmember Lyman announced recent vacancies on boards and commissions. Recognized neighboring agencies that responded to structure fire over the weekend, and overviewed contents of Wildfire Preparedness & Evacuation booklet. Announced recognition of Officer Perales for his service to the city’s Student Resource officer (SRO) program at the October 2nd meeting of the Juvenile Justice Commission.

Mayor Pardue-Okimoto reported on Alta Bates task force workplan, participation in Hana Gardens forum, and planning for a November 16th forum on keeping the hospital open.

4. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler shared details of pasta dinner at Salesian High School and spoke about commercial rents.

Buddy Akacic inquired if the San Pablo specific plan is gentrification friendly.

Gary Prost spoke on the Wildfire Preparedness & Evacuation booklet and need for additional prevention measures to be included.

Richard Bell thanked council for appointment to task force and spoke to clarify an incident of defacing property mentioned at a prior public meeting.

Lauri Schrey spoke of threat of wildfire in El Cerrito, requested additional clearing in hillside natural area, and strengthening vegetation requirements.

Sue Duncan thanked staff for Wildfire Preparedness & Evacuation booklet, and shared details about Fire wise program.

Diane Strauss expressed concern about fire insurance and costs, shared recent publications on the topic, requested city to ask citizen to self-report increases in rates.

Paul Dorran spoke regarding the request for proposals for police services in Kensington, and the lack of information regarding the ordinance requiring the contract to go to a vote.

Catherine de Neergaard spoke on the ordinance in effect in Kensington regarding contracts requiring approval by the electorate.

Nick Zamorano thanked Officer Carrion for his work on the abatement process, department efforts on the program, encouraged those out of compliance to bring their properties into compliance.

Christian Teale expressed desire to hear council comment on the lawsuit regarding Officer Perez and would like to see a firm stance against harassment and discrimination in the City.

5. ADOPTION OF THE CONSENT CALENDAR

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to approve consent items A, B, D E, F, & G as indicated below. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

A. Hispanic Heritage Month Proclamation

Action Proposed: Pass a motion to approve a proclamation designating September 15 through October 15, 2019 as Hispanic Heritage Month.

Contact: Kristen Cunningham, Human Resources Manager, City Management

Action: Approved proclamation

B. National Suicide Prevention Month Proclamation

Action Proposed: Pass a motion declaring September as Suicide Prevention Awareness Month in El Cerrito.

Contact: Maya Williams, Assistant to the City Manager, City Management

Action: Approved proclamation

C. Fifth Amended and Restated Joint Exercise of Powers Agreement for the West Contra Costa Integrated Waste Management Authority

Action Proposed: Adopt a resolution approving the Fifth Amended and Restated Joint Exercise of Powers Agreement for the West Contra Costa Integrated Waste Management Authority, to which the City of El Cerrito is a party, and authorizing the Mayor to execute the Agreement.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer

Moved/Seconded: Councilmembers Fadelli/Lyman **Action:** Pulled from consent by Councilmember Fadelli. Staff responded to comments and questions regarding voting structure, unanimous voting, and conditions for withdrawal from the agreement. Passed a motion to adopt Resolution 2019- 56 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

D. Agreement with the West Contra Costa Unified School District Regarding Funding of School Resource Officers

Action Proposed: Adopt a resolution authorizing the City Manager to enter into an agreement with the West Contra Costa Unified School District (WCCUSD) to partially fund two School Resource Officer Positions.

Contact: Paul Keith, Chief of Police, Police Department

Action: Adopted Resolution 2019-57

E. Authorization of Predevelopment Loan with Mayfair Affordable, LLC, for Development of the Mayfair Block CEQA review covered by EIR prepared for the San Pablo Specific Plan

Action Proposed: Adopt a resolution authorizing the City of El Cerrito to enter into a Predevelopment Loan Agreement with the non-profit developer, Mayfair Affordable, LLC (Developer) an affiliate of BRIDGE Housing Corporation, for that certain property located at 11690 San Pablo Avenue and 1925 Kearney Street - APN 502-062-031 - (Project) for predevelopment activities related to the development of 67 affordable housing units.

Contact: Aissia Ashoori, Housing Analyst; Melanie Mintz, Community Development Director, Community Development

Action: Adopted Resolution 2019-58

F. Urban Forest Committee Appointment

Action Proposed: Pass a motion to approve an Urban Forest Committee recommendation to appoint Robin Mitchell to the Committee, effective September 17, 2019.

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

Action: Approved appointment

G. Formation of a Climate Action Subcommittee

Action Proposed: Pass a motion to form a City Council ad hoc subcommittee on climate action goals, consisting of Councilmember Abelson and Mayor Pro Tem Lyman.

Contact: Karen Pinkos, City Manager, City Management

Action: Approved formation of ad hoc subcommittee.

6. PUBLIC HEARINGS

A. Amendment to the Development Agreement for the 1715 Elm Street Project *Notice published 9/6/2019, MND previously adopted, this action does not require further CEQA review.*

Action Proposed: Pass a motion to introduce by title and waive the first reading of an ordinance to approve an amendment to the Development Agreement for the 1715 Elm Street project to extend the term of the Agreement for five years, subject the project to Chapter 19.30: Inclusionary Zoning of the El Cerrito Municipal Code, and authorize the City Manager to execute the amendment.

Contact: Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development Department.

Presentation and Discussion: Sean Moss, Planning Manager, provided and overview of the item and answered questions raised by members of the council including clarification on agreement modifications requiring council actions, responsiveness of applicant to date, annual review requirements, and maintenance of the property.

Public Hearing: Mayor Pardue-Okimoto opened the public hearing.

Public Comments:

Cordell Hindler spoke in support of extension of the agreement.

Howdy Goudey commented on dissatisfaction with the developer in the five years the agreement has been in place and opposed to the extension of the agreement.

Ed Shaffer, legal counsel for the developer, spoke of the work with multiple agencies to date for approvals to complete the permit processing, and of funds invested in the project in good faith.

Moved/Seconded: Councilmembers Quinto/Abelson **Action:** Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Moved/Seconded: Councilmembers Abelson/Quinto **Action:** Passed a motion to introduce by title and waive the first reading of an ordinance to approve an amendment to the Development Agreement for the 1715 Elm Street project to extend the term of the Agreement for five years. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, and Quinto **Noes:** Councilmember Lyman **Abstentions:** Councilmember Fadelli

7. POLICY MATTERS

A. Approval of the City of El Cerrito Green Infrastructure Plan *Exempt from CEQA (CEQA Guidelines §15307, Class 7)*

Action Proposed: Adopt a resolution approving the City of El Cerrito's Green Infrastructure Plan as required by the City's National Pollution Discharge Elimination System Municipal Regional Stormwater Permit.

Contact: Will Provost, Acting Operations + Environmental Services Division Manager Yvetteh Ortiz, Public Works Director/City Engineer

Presentation and Discussion: Will Provost, Acting Operations + Environmental Services Division Manager, provided an overview of the proposed plan, and answered questions raised by members of the council regarding locations and drivers in the county with higher Polychlorinated Biphenyls (PCBs), outreach on what individuals can do, accessibility concerns, reduction of pollutants, trash capture devices, and progress checks.

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to adopt Resolution 2019-59 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Councilmember Abelson reported that the Contra Costa Transportation Authority (CCTA) will be asking for support of expenditure plan next month.

Councilmember Fadelli reported that the Bates Fields JPA asked representatives to return for additional cost contributions requested for the new restrooms.

Councilmember Lyman reported that RecycleMore passed their budget and received a presentation on SB1383 regarding food waste reductions.

The City Council re-convened to closed session at 10:01 p.m. to discuss the remaining item from the 6:00 p.m. special meeting. There was no reportable action.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The meeting adjourned at 11:03 p.m.

Rochelle Pardue-Okimoto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the special and regular City Council meetings of September 17, 2019 as approved by the El Cerrito City Council.

Holly M. Charl  ty, MMC, City Clerk

EL CERRITO CITY COUNCIL PROCLAMATION
Recognizing and Supporting October 2019 as National Arts and Humanities
Month in El Cerrito

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

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

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

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

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

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

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

WHEREAS the Arts and Culture Commission works to encourage and promote arts programs and events and has created a poster and webpage of arts related events happening in El Cerrito in October.

NOW THEREFORE, the City Council of the City of El Cerrito hereby declares October 2019 as Arts and Humanities Month in the City of El Cerrito and encourages all members of the community to celebrate and promote the arts and culture in our nation and to encourage community members to participate, patronize and support the arts and humanities in El Cerrito.

Dated: October 1, 2019

Rochelle Pardue-Okimoto, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Honoring Joan Carpenter in her retirement after 21 years of service to Contra Costa
County, District 1

WHEREAS, Joan Carpenter grew up in West Contra Costa, and is a graduate of El Cerrito High School, Contra Costa College and UC-Berkeley, where she earned a B.A in economics; and

WHEREAS, Joan Carpenter was one of the first staff members hired by Contra Costa Supervisor John Gioia when he was elected in 1998 and continues working for him focusing primarily on issues pertaining to seniors, the faith community, homelessness, health disparities, HIV/AIDS, infants, civic engagement and the cities of Richmond and El Cerrito; and

WHEREAS, Joan Carpenter is a devoted West County community activist who has served on numerous boards including the Contra Costa Home Health Agency Advisory Board, the West Contra Costa School District School Attendance Review Board, the Rehabilitation Services of Northern California Executive Board, Mt. Diablo Rehabilitation Center, and the Soroptimist Club of El Cerrito. She currently serves on the Executive Board of the West Contra Costa League of Women Voters, California Alliance for Retired Americans, founding member of the Juneteenth Celebration, Founding Member of the West County Democratic Club, the Contra Costa County Democratic Central Committee, and the National Women's Political Caucus of California; and

WHEREAS, before working for Supervisor Gioia, Joan Carpenter worked in conflict resolution and mediation, including administering a Contra Costa mediation program that offered a range of services for residents, businesses, and government agencies. She has certificates in mediation and arbitration; and

WHEREAS, Joan Carpenter is a strong, passionate advocate for her community and neighbors, especially for the underserved and those who face challenges advocating for themselves; and

WHEREAS, Joan Carpenter helped establish viable community services, powerful coalitions and community partnerships in the West County as Senior District Coordinator for Supervisor John Gioia, she has been instrumental in building constituent relations and linkages for support services in West Contra Costa County, organized townhalls, coordinated legislative visits for senior groups, threw community baby showers for low income mothers, served on committees for elections outreach and assisted constituents in resolving their cases on various issues; and

WHEREAS, Joan Carpenter credits her mother, Joyce Anderson, as her inspiration for public service. Joyce, who was active in Richmond civic affairs, was a nurse and family nurse practitioner for 35 years who ran the first clinic in West Contra Costa County; and

Whereas, Joan Carpenter, a resident of El Cerrito, is the loving mother of Charles Adam Keeton, mother-in-law of LaVern Keeton, and grandmother of Brandi, Lance, and Chuckie Keeton.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby honor and thank Joan Carpenter for her 21 years of devoted service to the citizens of West Contra Costa County.

Dated: October 1, 2019

Rochelle Pardue-Okimoto, Mayor

ORDINANCE NO. 2019-08

AN ORDINANCE OF THE CITY OF EL CERRITO APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF EL CERRITO AND THE EDWARD AND LORETTA BIGGS REVOCABLE TRUST FOR THE 1715 ELM STREET PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT

WHEREAS, on October 2, 2014, the El Cerrito City Council adopted Ordinance 2014-04, approving a Development Agreement between the City of El Cerrito and the Edward and Loretta Biggs Revocable Trust for the 1715 Elm Street project; and

WHEREAS, the term of the Development Agreement is five years, commencing upon the effective date of Ordinance 2014-04; and

WHEREAS, the Development Agreement will expire on November 6, 2019 without further action; and

WHEREAS, an extension of the term of the agreement is required to allow for the completion of the project; and

WHEREAS, the applicant, Edward Biggs, has agreed that the project will be subject to Chapter 19.30: Inclusionary Zoning of the El Cerrito Municipal Code; and

WHEREAS, an Initial Study and Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) have been prepared for the Project. All potential impacts identified are reduced to a less than significant level pursuant to the California Environmental Quality Act with the implementation of mitigation measures; and

WHEREAS, the City Council used their independent judgment and considered the staff report, the Initial Study and Mitigated Negative Declaration, and all reports, recommendations and testimony referenced above and adopted Resolution No. 2014-44 adopting the Initial Study and Mitigated Negative Declaration prior to approving this amendment; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN as follows:

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

Section 2: Findings. On the basis of: (a) the foregoing Recitals which are incorporated herein, (b) the City of El Cerrito General Plan; (c) Initial Study and Mitigated Negative Declaration, (e) the staff report; (f) information in the entire record of proceedings for the Project, and on the basis of the specific conclusions set forth below, the City Council finds and determines that:

Agenda Item No. 4(D)

1. This amendment is consistent with the objectives, policies, general land uses and programs specified and contained in the City's General Plan in that: (a) the General Plan land use designations, policies, programs and objectives are incorporated into the Development Agreement and not altered by the Development Agreement or amendment; and (b) the Project is consistent with the fiscal policies of the General Plan with respect to the provision of infrastructure and public services.
2. This amendment is compatible with the uses authorized in, and the regulations prescribed for, the land use districts in which the real property is located.
3. The amendment is in conformity with public convenience, general welfare, and good land use policies in that the Project will implement land use guidelines set forth in the General Plan.
4. The amendment will not be detrimental to the health, safety, and general welfare in that the Developer's proposed Project will proceed in accordance with all the programs and policies of the General Plan and Project Approvals.
5. The amendment will not adversely affect the orderly development of property or the preservation of property values in that the Project will be consistent with the General Plan and Project Approvals.
6. The Development Agreement and amendment comply with the requirements of §§ 65864 et seq. of the California Government Code and El Cerrito Municipal Code Chapter 19.14 and specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation of open space. The Development Agreement contains an indemnity and insurance clause requiring the developer to indemnify and hold the City harmless against claims arising out of the development process, including all legal fees and costs.

Section 3: Approval. The City Council hereby approves the amendment to the Development Agreement (Attachment A to the Ordinance) and authorizes the City Manager to execute it.

Section 4: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance 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 Ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

Section 5: 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.

Agenda Item No. 4(D)

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on September 17, 2019 and passed by the following vote:

AYES: Mayor Pardue-Okimoto; Councilmembers Abelson, and Quinto
NOES: Councilmember Lyman
ABSENT: None
ABSTAIN: Councilmember Fadelli

ADOPTED AND ORDERED published at a regular meeting of the City Council held on October 1, 2019 and passed by the following vote:

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

APPROVED:

Rochelle Pardue-Okimoto, 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. 2019–08 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 1 day of October, 2019; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this XX day of October, 2019.

Holly M. Charl  ty, City Clerk

RECORDING REQUESTED BY:

CITY OF EL CERRITO

When Recorded Mail To:

City Clerk
City of El Cerrito
10890 San Pablo Ave.
El Cerrito, CA 94530

*Exempt from Recorder's Fees
Pursuant to Government Code §§ 27383, 6103*

Space above this line for Recorder's use

**FIRST AMENDMENT TO
DEVELOPMENT AGREEMENT
BETWEEN THE
CITY OF EL CERRITO
AND
THE EDWARD AND LORETTA BIGGS REVOCABLE TRUST
DATED MARCH 22, 2011
FOR 1715 ELM STREET**

THIS FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT (“**First Amendment**”) is made and entered into on [DATE], by and between the City of El Cerrito, a municipal corporation (“**City**”) and The Edward and Loretta Biggs Revocable Trust dated March 22, 2011 (“**Developer**”). City and Developer are, from time-to-time, individually referred to in this First Amendment as a “party,” and collectively as “parties.”

RECITALS

A. Developer owns the real property located at 1715 El Street in the City (APN 502-112-038) (the “**Property**”).

B. Developer proposed development of the Property, including the relocation and conversion of an existing historical single-family detached house on the Property into a museum, art studio, office, or other community center type use; the construction of 14 new one- and two-bedroom dwelling unit; and the preservation of an existing open space channel on the 0.42 acre site (the “**Project**”).

C. Developer applied for and City approved various land use approvals in connection with the Project, including, without limitation, a General Plan Amendment; Planned Development District zoning; a Planned Development Use Permit; and Design Review. Additionally, City and Developer entered into that certain Development Agreement, recorded [DATE] as Document No. XXXXXXXX in the Official Records of Contra Costa County (the “**Original Development Agreement**”). The Original Development Agreement, as modified by this First Amendment, is hereinafter the “**Development Agreement**.” All such approvals, collectively, together with any approvals or permits now or hereafter issued with respect to the Project, are referred to as the “**Project Approvals**.”

D. The term of the Original Development Agreement will expire on November 6, 2019, unless extended. Developer as applied for an amendment to the Original Development Agreement for an additional five-year term.

E. The City Council has found that, among other things, the First Amendment and the Development Agreement are consistent with its General Plan, as amended, and has been reviewed and evaluated both in accordance with Government Code sections 65864 *et seq.* and Chapters 19.14 and 19.41 of the El Cerrito Municipal Code.

F. On October 1, 2019, the City Council adopted Ordinance No. 2019-XX, approving this First Amendment (the “**Amending Ordinance**”). The Amending Ordinance states that it will take effect on November 1, 2019 (the “**Amending Ordinance Effective Date**”).

NOW, THEREFORE, with reference to the foregoing recitals and in consideration of the mutual promises, obligations and covenants herein contained, City and Developer agree as follows:

AGREEMENT

1. Effective Date.

The effective date of this First Amendment shall be the Amending Ordinance Effective Date ("**First Amendment Effective Date**").

2. Term of Agreement.

Section 4.1 of the Original Agreement is hereby amended to read as follows:

The term of this Agreement shall commence on the Effective Date and extend five (5) years after the First Amendment Effective Date, unless the term is otherwise terminated or modified pursuant to the provisions of this Agreement. As authorized by California Government Code Sections 65863.9 and 66452.6(a)(1), the terms of the Project Approvals shall be the longer of: (a) the term of this Agreement; or (b) the term normally given each approval under controlling law.

3. Compliance with City's Inclusionary Zoning Requirements.

Section 6.3 is hereby added to the Original Agreement to read as follows:

6.3 Compliance with Inclusionary Zoning Requirements.
Developer shall comply with the requirements of Chapter 19.30 – Inclusionary Zoning of the El Cerrito Municipal Code.

4. Relationship with Original Development Agreement.

(a) Capitalized terms used in this First Amendment shall have the meanings provided for in this First Amendment and shall be incorporated into the Development Agreement. Capitalized terms used in the Original Development Agreement shall retain the meanings provided for therein, unless modified by this First Amendment.

(b) Except as expressly modified by this First Amendment, the Original Development Agreement remains in full force and effect. To the extent of any inconsistency between this First Amendment and the Original Development Agreement, this First Amendment shall control.

5. Counterparts.

This First Amendment may be executed in multiple duplicate originals, each of which is deemed to be an original.

6. Recordation.

The City shall record a copy of this Agreement within ten (10) days following the First Amendment Effective Date.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed as of the date and year first above written.

CITY OF EL CERRITO

DEVELOPER

The Edward and Loretta Biggs Revocable
Trust dated March 22, 2011

Karen Pinkos, City Manager

By: _____

Its: Trustee

Attest:

Holly M. Charléty, City Clerk

Approved as to Form:

Sky Woodruff, City Attorney

(NOTARIZATION ATTACHED)



AGENDA BILL

Agenda Item No. 4(E)

Date: October 1, 2019
To: El Cerrito City Council
From: Julian Bobilev, Consulting Planner
Ana Bernardes, Engineering Manager / Senior Engineer
Yvetteh Ortiz, Public Works Director / City Engineer
Subject: Storm Drain Easement Agreement with 10300 San Pablo Avenue

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute an Easement Agreement with The Little Hill LLC, "Owner", for public storm drain facilities located at 10300 San Pablo Avenue.

BACKGROUND AND ANALYSIS

In September 2017, the final entitlements were granted to allow for construction of 32 condominium units (including two live-work units) at 10300 San Pablo Avenue. In May 2018, the property owner submitted a building permit application to the City of El Cerrito to demolish the existing building on the site, which was formerly occupied by Guitar Center. The property owner submitted a second building permit application in July 2018 to construct the new 32-unit condominium building. During the design development of the project, the owner discovered that an existing 12-inch reinforced concrete public storm drain pipe ran diagonally from the northeast to the southwest across the northwest portion of the property. These public storm drain facilities were constructed on this private parcel without a recorded easement. Therefore, the facilities had not been discovered as part of the surveys and utility plans prepared for the project. The location of the existing drain pipe is within the footprint of the proposed building foundation and therefore requires relocation.

A hydrologic and hydraulic analysis was performed by Carlson, Barbee & Gibson and was submitted as a part of the building permit application. The analysis found that the existing storm drain system had no issues nor was it in disrepair, and also specified design parameters for the proposed relocation to continue to provide a properly functioning system, such as the type, size, and required slope of the pipe. The property owner worked directly with the Public Works Department to submit construction plans for a new 24-inch storm drain pipe with associated manholes, which would connect to the main line on San Pablo Avenue. The Public Works Department approved all required permits for the storm drain work, the owner has relocated the storm drain pipe, and the Public Works Department has performed all necessary inspections for this work. The new pipe is perpendicular to San Pablo Avenue and parallel to the interior property line, rather than diagonal as previously constructed. Construction of the condominium building is still on-going.

An Easement Agreement is required to improve City access and facilitate operation, inspection, maintenance, repair, replacement, and removal of public storm drain facilities on this private property as needed in the future. The proposed easement is five feet wide and 35 feet long at the northwestern corner of the parcel, with direct access from San Pablo Avenue via a proposed gate.

The Easement Agreement (Attachment 2) has been prepared by the Owner and reviewed by City staff, consulting City surveyor and City Attorney. Accompanying the Easement Agreement is the Legal Description and Plat Map identifying the easement (Attachment 3).

STRATEGIC PLAN CONSIDERATIONS

Execution of the Easement Agreement is consistent with El Cerrito Strategic Plan Goal A – *Deliver exemplary government services*. Specifically, approval of this action will make municipal operations more efficient by improving City access and facilitating various operations and maintenance functions for our storm drain infrastructure.

ENVIRONMENTAL CONSIDERATIONS

Pursuant to CEQA Guidelines Section 15061(b)(3), an activity is exempt from CEQA review where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed activity here is the acceptance of an easement for a relocated storm drain pipe. Such an activity has no physical impact on the environment, and it is exempt under CEQA Guidelines Section 15061(b)(3). Furthermore, the entitled 32-unit project located at 10300 San Pablo Avenue was determined to be consistent with the Program Environmental Impact Report certified for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Sections 15168(c) and 15182.

FINANCIAL CONSIDERATIONS

Execution of the Easement Agreement will have no fiscal impact on the City. No funds are being exchanged for execution of the Easement Agreement. The property owner will provide an easement on its property according to the Agreement, granting the City access rights in perpetuity. The costs for relocating the storm drain facilities within the easement have been paid for by the property owner. The City will continue to provide the same level of maintenance for these storm drain facilities therefore costs are not expected to increase beyond current levels on an annual basis.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action and Easement Agreement and found that legal considerations have been addressed. City staff will record the Easement Agreement with the Contra Costa County Recorder if approved by City Council.

Reviewed by:



Alexandra Orologas
Assistant City Manager

Attachments:

1. Resolution
2. Easement Agreement
3. Plat Map

RESOLUTION 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT AGREEMENT WITH THE LITTLE HILL LLC FOR PUBLIC STORM DRAIN FACILITIES LOCATED AT 10300 SAN PABLO AVENUE

WHEREAS, in September 2017, the final entitlements were granted to allow for construction of 32 condominium units (including two live-work units) at 10300 San Pablo Avenue; and

WHEREAS, the property owner of 10300 San Pablo Avenue submitted a building permit application to the City of El Cerrito to demolish the existing building on the site in May 2018 and submitted a second building permit application to construct a new 32-unit condominium building in July 2018; and

WHEREAS, the footprint of the condominium building is directly above an existing public storm drain pipe, and the property owner requested to re-align the storm sewer pipe on the property; and

WHEREAS, it was also discovered that the existing storm drain facilities were constructed on private property without a recorded easement; and

WHEREAS, the owner obtained all required City permits for the storm drain work and the City performed all necessary inspections during the construction; and

WHEREAS, the acceptance of an easement is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), because this action has no physical effect on the environment and therefore it can be seen with certainty that there is no possibility it may have a significant effect on the environment; and the entitled 32-unit project located was determined to be consistent with the Program Environmental Impact Report certified for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines Sections 15168(c) and 15182; and

WHEREAS, an Easement Agreement is required to improve City access and facilitate operation, inspection, maintenance, repair, replacement, and removal of public storm drain facilities on this private property as needed in the future.

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 Easement Agreement with The Little Hill LLC, for public storm drain facilities located at 10300 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 October 1, 2019 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on October XX, 2019.

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

Recording Requested by
and when recorded, return to:

City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Attention: City Manager

FOR RECORDER'S USE ONLY

Free Recording Pursuant to
Government Code §27383

EASEMENT AGREEMENT
(Storm Drain Improvements)

For and in consideration of the acceptance by the Grantee of the hereinafter described easement for public use and to enable relocation of storm drain facilities by The Little Hill LLC, a California Limited Liability Company("Owner"), Owner hereby grants to CITY OF EL CERRITO ("Grantee"), an easement (the "Easement") for the operation, inspection, maintenance, repair, replacement and removal of a storm drain pipe and associated storm drain structures under and through the real property described in Exhibit A and depicted on Exhibit B (the "Easement Area"), subject to the conditions stated in this Agreement.

1. Terms of Easement. The Easement shall burden the Easement Area, shall be non-exclusive, perpetual in duration (unless terminated by the written agreement of the Owner and the Grantee), and shall run with the land.

2. Non-Exclusive Use. The Owner may use the Easement Area, including the surface of the Easement Area, for any purpose which is not inconsistent with the Grantee's permitted use of the Easement Area. However, neither party shall place or permit any temporary or permanent improvement of any nature on the Easement Area which might impair the parties' respective rights to use the Easement Area. Moreover, Owner shall not erect any structure beyond that which is currently located or approved to be located within the Easement Area without obtaining the prior written approval of the Grantee

3. Grantee's Obligations. In exercising its rights hereunder, the Grantee shall comply with the following conditions:

(a) The Grantee shall notify the Owner at least two (2) business days prior to accessing the Easement Area for any purpose, except in the event of an emergency, in which case the Grantee shall give notice to the Owner as reasonable under the circumstances.

(b) In performing activities under this Agreement, the Grantee shall not unreasonably impair the Owner's use of the Easement Area. In the event Grantee anticipates activities that could materially affect access to the Owner's property or improvements thereon, the Grantee shall provide at least five (5) business days' prior notice to the Owner to allow the Owner to inform its tenants and/or provide alternative means of access.

(c) The Grantee shall take all reasonable steps necessary to secure that portion of the Easement Area in which the Grantee is performing any activities.

(d) The Grantee shall be solely responsible for the cost of any activities permitted under this Agreement.

(e) Following the completion of any activities, the Grantee shall restore the Easement Area, including any surface improvements, to the condition existing prior to the commencement of such activities, reasonable wear and tear excepted, except for any improvements beyond those approved under Section 2 or otherwise approved in writing by the Grantee or that impair the Grantee's rights to use the Easement Area.

(f) The Grantee shall defend, indemnify and hold the Owner harmless from and against losses, actions, demands, damages, claims, costs and expenses (including, but not limited to, experts fees and attorneys' fees and costs) and liabilities of whatever kind or nature that arise out of or are in any way connected with the activities of the Grantee or any entity or individual acting under the Grantee's direction or control under this Agreement, except and to the extent resulting from any gross negligence or willful misconduct of the Owner.

(g) The provisions of this Section 3 shall survive expiration or termination of this Agreement.

4. Default. The failure by a party to perform any covenant or obligation of such party hereunder and to cure such non-performance within twenty (20) business days after written notice by the other party shall constitute a default hereunder. Upon a default the aggrieved party shall be entitled to all remedies, legal and equitable, allowed by law, except termination of the Easement herein granted.

5. Amendments. This Agreement may be amended or otherwise modified only by a writing signed and recorded by the parties hereto.

6. No Third Party Beneficiaries. The provisions of this Agreement are for the exclusive benefit of the parties and their successors and assigns, subject to the provisions hereof. This Agreement shall not be deemed to confer any rights upon any person except the parties and their successors and assigns.

7. Attorneys' Fees. If either party brings an action or proceeding against the other by reason of a default, or otherwise arising out of this Agreement, the prevailing party in such action or proceeding shall be entitled to its costs and expenses of suit, including but not limited to reasonable attorneys' fees, which shall be payable whether or not such action is prosecuted to judgment.

8. Notices. All notices required shall be in writing and shall be deemed to have been given (1) when hand delivered to the other party; or (2) three business days after the same have been deposited in a United States post office with first-class or certified mail, return receipt requested, postage prepaid; or (3) the next business day after same have been deposited with an overnight delivery service, provided that the sending party receives a confirmation of delivery from delivery service provider.. All notices shall be addressed as follows:

To the Owner: The Little Hill LLC
 3800 Mt. Diablo Blvd. Suite 200
 Lafayette, CA 94549

To the City: The City of El Cerrito
 10890 San Pablo Avenue
 El Cerrito, CA 94530
 Attn: Public Works Director/City Engineer

9. Recording: Easements to Run with the Land. This Agreement shall be recorded by the parties, and it is hereby agreed that the terms and conditions set forth in this Agreement shall be considered covenants running with the land.

10. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of California.

11. Miscellaneous Provisions.

(a) If any provision hereof shall be held invalid or unenforceable, the remainder hereof shall not be affected thereby, and each provision hereof shall be valid and enforceable to the fullest extent permitted by law.

(b) Time is of the essence with respect to the performance of every provision of this Agreement in which time of performance is a factor.

(c) This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one document.

Signatures on Following Pages

The parties have executed this Agreement as of the latest date indicated below.

CITY:

The City of El Cerrito

By: _____

Title: City Manager

Date: _____

OWNER:

The Little Hill LLC

By: Mike Baur

Title: manager

Date: 8/5/19

SIGNATURES MUST BE NOTARIZED

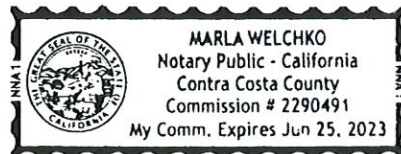
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF)
Contra Costa

On 8/5/19, before me, Marla Welchko, a Notary Public, personally appeared Mike Branagh, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Marla Welchko
Notary Public

(SEAL)

MARCH 13, 2019
JOB NO: 2642-000

EXHIBIT A
LEGAL DESCRIPTION
STORM DRAIN EASEMENT
LANDS OF THE LITTLE HILL LLC (PORTION) - DOCUMENT NO. 2018-078493
LOT B, SUBDIVISION 5826 (261 M 30)
EL CERRITO, CALIFORNIA

REAL PROPERTY IN THE CITY OF EL CERRITO, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE GRANT DEED TO THE LITTLE HILL LLC, RECORDED MAY 18, 2018, AS DOCUMENT NO. 2018-078493, ALSO A PORTION OF LOT B, AS SAID LOT B IS SHOWN AND SO DESIGNATED ON THE MAP OF SUBDIVISION 5826, FILED FOR RECORD DECEMBER 15, 1981, IN BOOK 261 OF MAPS AT PAGE 30, BOTH IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PARCEL (DN 2018-078493);

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE NORTHWESTERLY LINE OF SAID LOT B, NORTH 69°33'00" EAST 35.00 FEET;

THENCE, LEAVING SAID NORTHWESTERLY LINE, SOUTH 20°27'00" EAST, 5.00 FEET;

THENCE, ALONG A LINE PARALLEL TO AND 5.00 FEET SOUTHEASTERLY OF, MEASURED AT RIGHT ANGLES TO, SAID NORTHWESTERLY LINE, SOUTH 69°33'00" WEST 35.00 FEET, TO THE SOUTHWESTERLY LINE OF SAID PARCEL B;

THENCE, ALONG SAID SOUTHWESTERLY LINE, NORTH 20°28'30" WEST 5.00 FEET TO SAID POINT OF BEGINNING.

CONTAINING 175 SQUARE FEET OF LAND, MORE OR LESS.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, EXHIBIT B, AND BY THIS REFERENCE MADE A PART HEREOF.

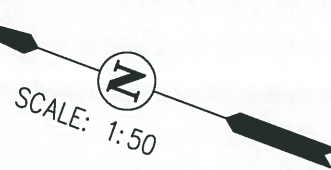


END OF DESCRIPTION


JOEL GARCIA, P.L.S.
L.S. NO. 5285

03-13-2013

KEARNEY STREET
(60' WIDE R/W)



LINE TABLE		
NO	BEARING	LENGTH
L1	N69°33'00"E	35.00'
L2	S20°27'00"E	5.00'
L3	S69°33'00"W	35.00'
L4	S20°28'30"E	5.00'

DOC NO. 2011-172694
(LOT A 261 M 30)

N20°28'30"W 100.00'

LOT B
261 M 30

THE LITTLE HILL LLC
APN 503-392-028
DOC NO. 2018-078493

HACKER
DOC. NO. 2017-042394

N69°33'00"E

100.00'

L2

5' SDE

STORM DRAIN

EASEMENT AREA=175 SF

L3

L4

POB

N20°28'30"W 150.00'

SAN PABLO AVENUE
(120' WIDE R/W)

N69°33'00"E 200.00'

EUREKA AVENUE
(60' WIDE R/W)

30'

30'



03-13-2019

LEGEND

POB = POINT OF BEGINNING
SF = SQUARE FEET

EXHIBIT B

PLAT TO ACCOMPANY LEGAL DESCRIPTION

STORM DRAIN EASEMENT

LANDS OF THE LITTLE HILL, LLC, DN 2018-078493 (PORTION)
CITY OF EL CERRITO, CONTRA COSTA COUNTY, CALIFORNIA

MARCH 13, 2019

SHEET 1 OF 1



CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON • (925) 866-0322
SACRAMENTO • (916) 375-1877
WWW.CBANDG.COM

Parcel Map Check Report

Date: 3/13/2019 2:38:06 PM

Parcel Name: SDE - BNDRY : 1

Description:

Process segment order counterclockwise: False

Enable mapcheck across chord: False

North: 333,576.8745'

East: 602,432.3574'

Segment# 1: Line

Course: N20° 28' 30"W

Length: 5.00'

North: 333,581.5586'

East: 602,430.6084'

Segment# 2: Line

Course: N69° 33' 00"E

Length: 35.00'

North: 333,593.7873'

East: 602,463.4026'

Segment# 3: Line

Course: S20° 27' 00"E

Length: 5.00'

North: 333,589.1024'

East: 602,465.1496'

Segment# 4: Line

Course: S69° 33' 00"W

Length: 35.00'

North: 333,576.8737'

East: 602,432.3554'

Perimeter: 80.00'

Area: 174.99Sq.Ft.

Error Closure: 0.0022

Course: S69° 32' 15"W

Error North : -0.00076

East: -0.00204

Precision 1: 36,363.64



AGENDA BILL

Agenda Item No. 4(F)

Date: October 1, 2019
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Resolution of Support for the Countywide Imposition of One-Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa County and Adopting the Proposed Transportation Expenditure Plan Conditionally Amending the Growth Management Program

ACTION REQUESTED

Consider and adopt a Resolution of Support for the Countywide Imposition of One-Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa County and Adopting the Proposed 2020 Transportation Expenditure Plan (TEP) Conditionally Amending the Growth Management Program (GMP), including Attachment A: Principles of Agreement for Establishing the Urban Limit Line (ULL) in the Measure J TEP to Match that Found in the 2020 TEP.

BACKGROUND

The Contra Costa Transportation Authority (Authority) is responsible for maintaining and improving Contra Costa County's transportation system by planning, funding, and delivering critical transportation infrastructure projects and programs that connect communities, foster a strong economy, increase sustainability, and safely and efficiently get people where they need to go. Contra Costa County passed its first transportation sales tax measure in 1988 known as Measure C. Measure C created the Authority and provided critical transportation funding for projects throughout Contra Costa County. Recognizing the pending expiration of Measure C, voters overwhelmingly approved Measure J extending funding to 2034. Measures C and J provided stable funding to cities/towns and Contra Costa County to maintain local streets and roads and established the GMP and ULL Compliance Requirements to preserve and enhance our quality of life and promote a strong economy. Funding was allocated to public transportation and bus operators, to service providers that assisted students to go to school and seniors and people with disabilities to go where they needed to go. Marquee projects included the Bay Area Rapid Transit (BART) extensions to Pittsburg/Bay Point and Antioch, the Caldecott Tunnel Fourth Bore, Highway 4 widening, train stations and intermodal transit centers, and improvements to bicycle and pedestrian trails. Equally important, local funding from Measures C and J were able to attract \$4.1 billion in outside funding from state, federal and regional sources. These leveraged funds combined with sound financial management have enabled the Authority to complete the major projects in Measure J significantly ahead of schedule.

Despite this success, the demand for transportation services and new funding continue to grow. New transportation technology is offering unprecedented opportunities to streamline travel, smooth traffic flow and reduce emissions. People are increasingly valuing alternative ways to get around, such as transit, walking and biking. As Contra Costa County's population grows, more people are using our highways, roads and transit.

Contra Costa County's population is also aging. Currently, about 14% of the population is age 65 or older. By 2035, this population is expected to double to about 30%. As the agency responsible to maintain and improve Contra Costa County's transportation system, the Authority envisions a future where all of our transportation systems work together for more streamlined, safe, efficient, and convenient travel.

Guiding Principles

The Authority used a set of Guiding Principles to develop the TEP (Attachment 2). The Guiding Principles are collectively a statement of values to ensure a new TEP provides transportation solutions that meet the transportation needs of Contra Costa County's residents, businesses and travelers. The Guiding Principles consist of:

- Relieve Traffic Congestion;
- Transit First;
- Performance Orientation;
- Economic Opportunity to partially fund transportation infrastructure that is likely to result in significant job growth;
- Public Participation that collects input from Stakeholders;
- Accountability and Transparency;
- A Balanced and Equitable Approach to benefit all residents and regions;
- Maximize Available Funding;
- Commitment to Technology and Innovation to improve transportation;
- Protecting the Environment; and
- Commitment to Growth Management.

Transportation Investments

A one-half percent transportation sales tax for a 35-year period from July 1, 2020 to June 30, 2055 is expected to generate approximately \$3.6 billion. To ensure an equitable distribution of benefits, the TEP allocates a proportionate share of the expected revenue to each of Contra Costa County's four subregions based on the projected population of each subregion. The Authority used input from the Regional Transportation Planning Committee (RTPC) for each subregion, as well as input from other stakeholders, public opinion surveys and public comments to further allocate funding to priority projects and programs in each subregion.

The proposed TEP is organized to focus on congestion relief along three signature corridors and on countywide programs intended to improve transportation in local communities. A brief overview of the major focus of the TEP is provided below.

A. Relieving Congestion on Highways, Interchanges and Major Roads (\$1.484 billion)

- Improve State Route 242 (SR242), Highway 4, Transit and the Bay Area Rapid Transit Corridor in East County – (eBART) (\$705 million);
- Modernize Interstate 680 (I-680), Highway 24, Transit and BART Corridor (\$536 million); and

- Upgrade I-80 and I-580 (Richmond-San Rafael Bridge), Transit and BART Corridor (\$243 million)

Easing traffic congestion is one of Contra Costa County residents' highest priorities. Accordingly, the proposed TEP invests nearly half of the new transportation sales tax revenue toward new, modern tools and strategies to improve traffic flow and reduce traffic congestion on Contra Costa County's major corridors and roads. These strategies include highway and road improvements thoughtfully integrated with transit improvements and alternative modes. Each of Contra Costa County's corridors contains a major interstate or highway, a major transit line, local roads and streets, paths, bus lines, and transit stations. Everyone is impacted by the performance of each component of the corridor as each impacts the corridor as a whole. For example, improving transit and transit connections will lessen traffic congestion on Contra Costa County highways. As transit service is improved and more people take transit, fewer cars on the road translates to less traffic.

B. Improving Transportation Countywide in all of our Communities (\$1.98 billion)

The proposed TEP includes many projects throughout Contra Costa County to improve our local communities and protect Contra Costa County's environment and quality of life. This funding spreads into every community, through local projects and programs that improve Contra Costa County's vast transportation network. Funding will be allocated towards improving local roads and streets to make them safer for all travelers, and smaller projects, such as removing bottlenecks, improving traffic signal operations, installing traffic calming measures, and making streetscape improvements, which can make big improvements in a community's quality of life.

Funding will be allocated toward substantial investments in a robust transit system that provides affordable, efficient, convenient, and accessible transit to travelers throughout Contra Costa County. These projects will result in cleaner, safer, and more reliable trips on BART, buses, and ferries. The transit systems will extend into parts of Contra Costa County that are currently lacking frequent transit service. When more people take transit, traffic congestion on Contra Costa County roads and highways will decrease, traffic will flow more smoothly, and air emissions will decrease, thereby improving air quality in Contra Costa County. The TEP continues to allocate funding towards a wide array of programs for students, seniors, veterans, and people with disabilities, aimed at offering safe transportation options and improving mobility.

The following countywide programs are included in the "Improving Transportation Countywide in all of our Communities":

- Modernize Local Roads and Improve Access to Jobs and Housing (17.4%) – The TEP provides funding directly to every city, town and Contra Costa County so that they may make improvements to their own local roads and streets. This is equivalent to 18% of the sales tax revenues for the Central, East, and

Southwest subregions and 15.2% of sales tax revenues for the West subregion of Contra Costa County.

- Provide Convenient and Reliable Transit Service in Central, East and Southwest Contra Costa County (10.9% of total funding) – Funding will be provided to public transit operators in the central, east, and southwest subregions to provide cleaner, safer, and more reliable trips on buses or shuttles. This funding will enable transit operators to improve the frequency of service on existing routes, especially high-demand routes, increase ridership, and incentivize transit use by offsetting fares.
- Increase Bus Services and Reliability in West Contra Costa County (6.9%) – Similar to above, but with a larger share of the West County allocation to focus on expanding transit services to unserved or underserved areas, along with more frequent and reliable bus service to all.
- Improve Walking and Biking on Streets and Trails (6.0%) – The TEP contains unprecedented levels of funding to improve safety for bicyclists and pedestrians in every part of Contra Costa County.
- Accessible Transportation for Seniors, Veterans, and People with Disabilities (5.0%) – Funding in this category will be used for affordable and safe countywide transportation for seniors, disabled veterans, and other people with disabilities who cannot drive or take other transit options.
- Cleaner and Safer BART (3.3%) – Funding for a suite of modernization projects at select stations to increase safety, security, and cleanliness, and to improve the customer experience.
- Safe Transportation for Youth and Students (2.9%) – The TEP allocates funding towards a wide array of transportation projects and programs for students and youth, aimed at offering safe transportation options, such as walking, and cycling, and improving mobility.
- Reduce and Reverse Commutes (1.5%) – Funding to provide transportation infrastructure to incentivize employers to create jobs in housing-rich areas, and promote transit, shared trips, telecommuting and shifting work schedules, all with the intent of reducing commuter traffic at peak commute times and better utilizing available reverse commute capacity in the existing transportation infrastructure.
- Reduce Emissions and Improve Air Quality (1.0%) – Funding for technology solutions to help solve the challenges of the lack of connectivity between transportation options, resulting in reduced emissions, and improved air quality.

Taxpayer Safeguards and Accountability

The Authority has approved various administrative, financial and accountability policies beginning with the passage of Measure C in 1988 and the approval of Measure J in 2004. Certain policies relate to administrative and accounting practices, committee structures, local hiring preference, allocation of funds, and maintenance-of-effort are common in local transportation sales tax measures.

The major change proposed in the proposed TEP relates to the Authority's commitment that the TEP be a performance-based, outcome-oriented plan. Several sections were added to the Taxpayer Safeguards for performance standards to be considered before certain projects can be funded from sales tax revenue. The Authority envisions a process that consists of project nomination, project performance review, and full funding commitment for the highest performing projects. The intent is to prioritize the highest performing projects and work with project sponsors to fully fund them from one or more TEP funding categories combined with other state, federal or regional funding sources available to the Authority.

The proposed TEP also establishes a Public Oversight Committee (POC) (replacing the current Citizens Advisory Committee (CAC)) with prescribed additional responsibilities, including oversight of fiscal and performance audits.

Other Pertinent Policies

The proposed TEP includes a mix of policies included in the existing Measure J, as well as four proposed new policies as follows:

- GMP/ULL Compliance Requirements;
- Complete Streets Policy;
- Advance Mitigation Program;
- Transit Policy; and
- Road Traffic Safety aka "Vision Zero" Policy.

The GMP/ULL Compliance Requirements continue these policies with minor changes. Any jurisdiction with a developable hillside, ridgeline, wildlife corridor or creek is required to approve a corresponding development and protection policy. The process to approve minor amendments to the ULL has also been revised. The other listed policies are new to the proposed TEP. The Complete Streets Policy, Transit Policy and Road Traffic Safety Policy are intended to provide an overall framework for a transportation system that is safe, sustainable, equitable, and provides for the needs of all users.

ANALYSIS

The Authority is proposing the imposition of a countywide one-half of one percent sales tax for transportation purposes for a period of 35 years starting July 1, 2020 through June 30, 2055. Over the past year, the Authority conducted extensive consultations with local governments and outreach to a wide variety of interest groups and the public in order to develop a mix of projects and programs to be funded by the proposed sales tax. On August 28, 2019, the Authority released a proposed TEP to guide the use of the proposed sales tax revenues. The proposed TEP also includes a revised GMP, a new Complete Streets Policy, a new Road Traffic Safety Policy, a new Transit Policy, and a new Advance Mitigation Program to help the Authority achieve its goals to reduce future congestion, manage the impacts of growth, and expand alternatives to the single-occupant vehicle.

The Authority also adopted Ordinance 19-01 (Attachment 3) on August 28, 2019 to conditionally amend the GMP, which includes Attachment A: Principles of Agreement for Establishing the ULL in the Measure J TEP (Measure J TEP) to match that found in the 2020 TEP. This amendment would only apply if the one-half of one percent local transportation sales tax is placed on the ballot and successfully approved by the electors on the March 3, 2020 ballot.

Currently, transportation needs significantly exceed projected revenues. Over the next 35 years, Contra Costa County population will continue to grow, resulting in new demands on the transportation infrastructure and additional mobility needs. The new sales tax measure is needed to keep Contra Costa County moving and to create livable and sustainable communities.

The proposed sales tax measure is expected to generate \$3.6 billion (current dollars). The TEP consists of a set of transportation investments (funding categories), taxpayer safeguards and accountability measures, and pertinent policies. The transportation investments are split roughly equal between funding categories targeted at congestion relief on major commute corridors throughout Contra Costa County and funding categories intended to improve transportation in all our communities. Overall, approximately 54.6% of transportation investments are to be used for transit and alternative modes; 26.7% for local streets and roads; and 18.7% for Highways and Freeways.

The TEP includes stable and reliable funding (17.4% of overall funding) to each city and town and Contra Costa County for maintenance and improvement of local roads. This is equivalent to 18% of the sales tax revenues for the Central, East, and Southwest subregions and 15.2% of sales tax revenues for the West subregion of Contra Costa County. Other community-based funding included bus and public transit, pedestrian and bicycle improvements on trails and streets, safe transportation for students, seniors and people with disabilities, and technology solutions to reduce emission and improve air quality.

The TEP also sets forward clear policies that ensure that while communities grow, the growth is kept within clear ULL. This will allow Contra Costa County to continue growing in a smart way, while protecting vital open space for parks and farmland. Furthermore, increased investments in bicycle and pedestrian facilities bring access to the outdoors to every community.

The TEP, if enacted, will provide the following benefits:

- Smooth-flowing traffic along highways and roads;
- Quicker trips and less time sitting in traffic;
- Smoother pavement and fewer potholes;
- Transit, where and when it's needed;
- Easier ways to get from home or work to transit stops and back home again;
- Cleaner air due to reduced vehicle emissions;
- More bicycle lanes and walking paths to support an active lifestyle; and
- Free or reduced transit fares for students.

The Authority has provided an overview of the projects and programs that will benefit the City of El Cerrito and West Contra Costa County (Attachment 4). Key transportation benefits include improved transit reliability and reduced congestion along I-80, modernizing local roads to improve access to jobs and housing, improved traffic flow on major roads such as San Pablo Avenue; and increased affordable transportation for seniors, veterans, and people with disabilities.

Pursuant to Public Utilities Code § 180206(b), a TEP may not be finally adopted and placed before the voters until it has received the approval of the County Board of Supervisors and city/town councils, which in aggregate represent both a majority of the cities/towns in Contra Costa County and a majority of the population residing in the incorporated areas of Contra Costa County. All jurisdictions will be asked to adopt the proposed TEP as presented. The Authority is seeking approval of the proposed TEP from all cities/towns and County Board of Supervisors by October 22, 2019. The Authority will consider approving the TEP and accompanying ordinance to impose the sales tax at a special meeting of the Authority Board on October 30, 2019. The conditional amendment to the GMP, which includes Attachment A: Principles of Agreement for Establishing the ULL in the Measure J TEP to Match that Found in the 2020 TEP would only apply if the one-half of one percent local transportation sales tax is placed on the ballot and successfully approved by the electors on the March 3, 2020 ballot. For the limited purpose identified in Public Utilities Code § 180206(b), the Authority seeks the City of El Cerrito's support of the new Measure, by adopting the attached Resolution of Support for the Countywide Imposition of One-Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa County and approval of the TEP and Adopting the Proposed Transportation Expenditure Plan (TEP) Conditionally Amending the Growth Management Program (GMP), which includes Attachment A: Principles of Agreement for Establishing the Urban Limit Line (ULL) in the Measure J TEP to Match that Found in the 2020 TEP.

STRATEGIC PLAN CONSIDERATIONS

Support for the TEP and funding measure is consistent with the following El Cerrito Strategic Plan Goals:

- Goal B - *Achieve long-term financial sustainability* by continuing to pursue and support opportunities for new funding, including outside grants and ballot measures; and
- Goal D – *Develop and rehabilitate public facilities as community focal points* by helping to develop a plan to address ongoing and deferred maintenance of facilities and infrastructure; and
- Goal F – *Foster environmental sustainability citywide* by encouraging alternative modes of transportation to the single occupancy vehicle.

ENVIRONMENTAL CONSIDERATIONS

Adopting the attached Resolution of Support is not subject to the California Environmental Quality Act of 1970 (CEQA) because the TEP is not a project within the meaning of CEQA. (See 14 California Code of Regulations (CCR), § 15378, 15352). Specifically, the Council's adoption of the Resolution of Support does not constitute the approval of a CEQA project for reasons that include, but are not limited to: (1) the TEP does not

authorize the construction of any projects that may result in any direct or indirect physical change in the environment; (2) the TEP is a mechanism for funding potential future transportation projects, the timing, approval, and construction of which may be modified or not implemented depending on a number of factors, including future site-specific CEQA environmental review; and (3) the TEP is subject to further discretionary approvals insofar as it may not be adopted until and unless the pre-conditions set forth in the Public Utilities Code are satisfied (See 14 CCR., § 15378, 15352; Public Utilities Code § 180206(b)).

FINANCIAL CONSIDERATIONS

While there is no direct financial impact associated with the requested action, if adopted and approved by the voters, the new sales tax measure can be expected to have a positive fiscal benefit to the City, by providing an additional and extended source of revenue for transportation projects and programs. The City would receive approximately \$386,000 per year in return to source funds from the measure. Additional funds will be available through grants for future transportation projects.

Reviewed by:



Alexandra Orologas
Assistant City Manager

Attachments:

1. Resolution
2. Draft TEP dated September 4, 2019
3. Authority Ordinance 19-01 Conditionally Amending the GMP
4. El Cerrito and West Contra Costa County Benefits

RESOLUTION 2019-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO SUPPORTING THE COUNTYWIDE IMPOSITION OF ONE-HALF OF ONE PERCENT SALES TAX TO FUND TRANSPORTATION IMPROVEMENTS IN CONTRA COSTA COUNTY AND ADOPTING THE PROPOSED TRANSPORTATION EXPENDITURE PLAN (TEP) CONDITIONALLY AMENDING THE GROWTH MANAGEMENT PROGRAM (GMP), WHICH INCLUDES ATTACHMENT A: PRINCIPLES OF AGREEMENT FOR ESTABLISHING THE URBAN LIMIT LINE (ULL) IN THE MEASURE J TEP TO MATCH THAT FOUND IN THE 2020 TEP

WHEREAS, the Contra Costa Transportation Authority (hereinafter "Authority") proposes the countywide imposition of a one-half of one percent sales tax for transportation purposes for a period of 35 years effective July 1, 2020 through June 30, 2055; and

WHEREAS, the Authority has administered a one-half of one percent sales tax for transportation purposes since its inception on April 1, 1989; and

WHEREAS, the Authority conducted extensive consultations with local governments and conducted outreach to a wide variety of interest groups and the public in order to develop a TEP proposing a potential mix of projects and programs to be funded by the proposed sales tax; and

WHEREAS, on August 28, 2019, the Authority authorized the release of a proposed TEP reflecting the results of that consultation and outreach, and seeking concurrence on the proposed TEP from Contra Costa County and the cities/towns within Contra Costa County; and

WHEREAS, on August 28, 2019, the Authority adopted Ordinance 19-01 to conditionally amend the GMP, which includes Attachment A: Principles of Agreement for Establishing the ULL in the Measure J Transportation Expenditure Plan ("Measure J TEP") to match that found in the 2020 TEP. This amendment would only apply if the one-half of one percent local transportation sales tax is placed on the ballot and successfully approved by the electors on the March 2020 ballot; and

WHEREAS, the proposed TEP includes measures that help reduce future congestion, manage the impacts of growth, and expand alternatives to the single-occupant vehicle; and

WHEREAS, if the proposed TEP is ultimately adopted by the Authority and approved by the voters, the TEP would guide the use of the proposed sales tax revenues; and

WHEREAS, pursuant to Public Utilities Code § 180206(b), a TEP may not be adopted by the Authority until and unless the proposed TEP has received the approval of the County Board of Supervisors and city/town councils representing both a majority of the cities/towns in Contra Costa County and a majority of the population residing in the incorporated areas of Contra Costa County.

Agenda Item No. 4(F)
Attachment 1

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby finds that the proposed TEP is not subject to the California Environmental Quality Act of 1970 ("CEQA") because the proposed TEP is not a project within the meaning of CEQA, and the Council's adoption of this resolution does not commit the Council to a definite course of action with regard to any specific transportation improvements set forth in the proposed TEP (See 14 California Code of Regulations (CCR), § 15378, 15352). Specifically, the Council's adoption of this resolution does not constitute the approval of a CEQA project for reasons that include, but are not limited to: (1) the proposed TEP does not authorize the construction of any projects that may result in any direct or indirect physical change in the environment; (2) the proposed TEP is a mechanism for funding potential future transportation projects, the timing, approval, and construction of which may be modified or not implemented depending on a number of factors, including future site-specific CEQA environmental review; and (3) the proposed TEP is subject to further discretionary approvals insofar as it may not be adopted until and unless the pre-conditions set forth in the Public Utilities Code are satisfied. (See 14 CCR, § 15378, 15352; Public Utilities Code § 180206(b)).

BE IT FURTHER RESOLVED, that the City Council of the City of El Cerrito hereby approves, for the limited purpose identified in Public Utilities Code, § 180206(b), the proposed TEP released by the Authority on August 28, 2019.

BE IT FURTHER RESOLVED, that the City Council of the City of El Cerrito urges the Authority, consistent with the provisions of Public Utilities Code § 180206, to adopt the proposed TEP.

BE IT FURTHER RESOLVED, that the City Council of the City of El Cerrito urges the County Board of Supervisors, consistent with Public Utilities Code, § 180203, to place the one-half of one percent local transportation sales tax on the March 3, 2020 ballot.

BE IT FURTHER RESOLVED, that the City Council of the City of El Cerrito approves of the conditional amendment to the GMP, which includes Attachment A: Principles of Agreement for Establishing the ULL in the Measure J TEP to Match that Found in the proposed TEP, acknowledging that this amendment would only apply if the one-half of one percent local transportation sales tax is placed on the ballot and successfully approved by the electors on the March 3, 2020 ballot.

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

I CERTIFY that at a regular meeting on October 1, 2019 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

Agenda Item No. 4(F)
Attachment 1

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on October XX, 2019.

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

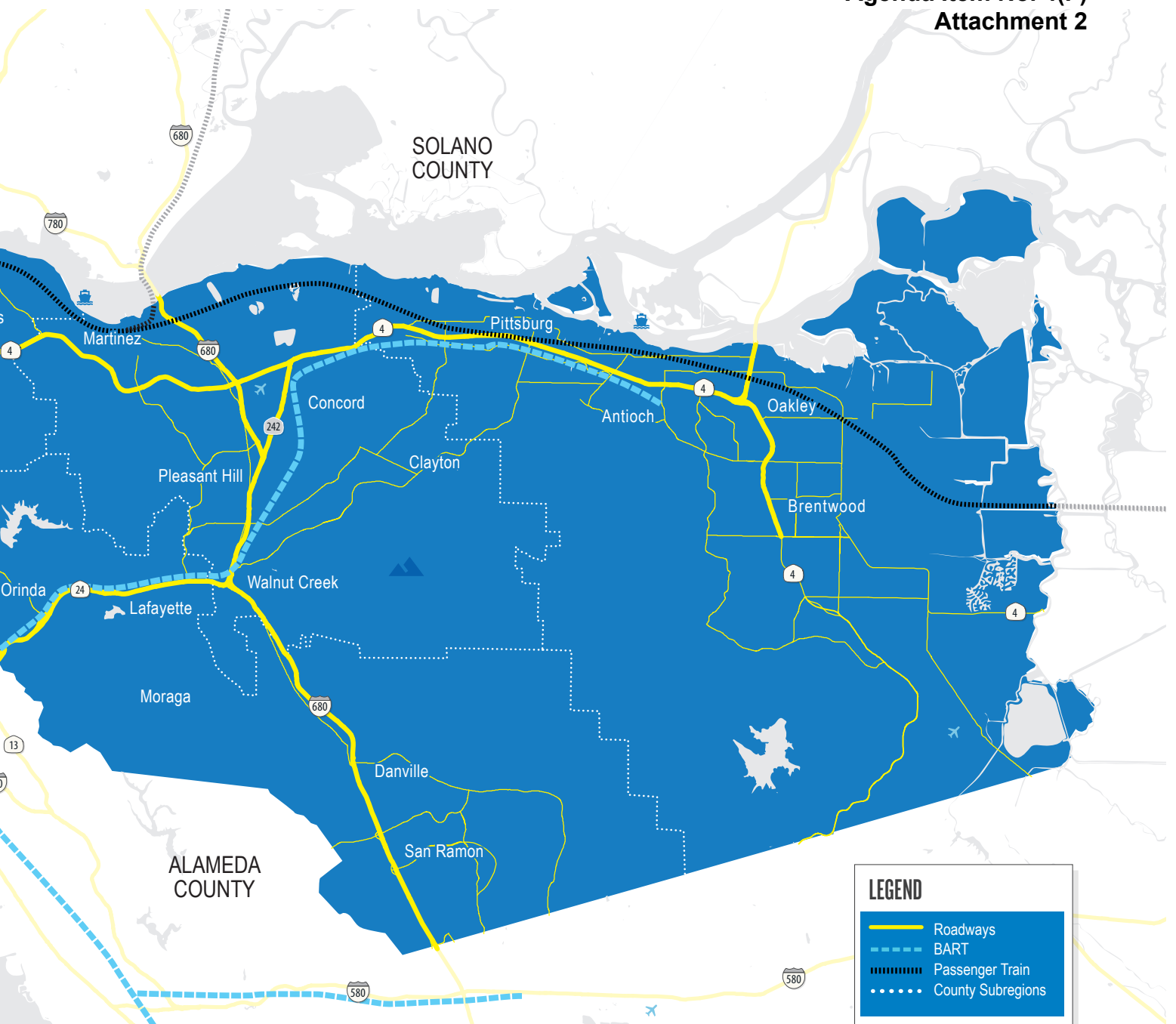
A TRANSFORMATIVE PLAN FOR CONTRA COSTA'S FUTURE

2020 Transportation Expenditure Plan



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07	Decades of Transportation Improvements and Managed Growth Who We Are and What We Do Fulfilling Our Promise to Contra Costa County Voters Transportation for the Next Three-and-a-Half Decades Local Funding for Local Projects
11	A Roadmap for the Future What This Transportation Expenditure Plan Will Accomplish Commitment to Performance Achieving Intended Outcomes Taxpayer Safeguards Pertinent Policies
15	Proposed Transit and Transportation Investments Planning for the Future Relieving Congestion on Highways, Interchanges, and Major Roads Improve SR-242, Highway 4, Transit, and eBART Corridor Modernize I-680, Highway 24, Transit, and BART Corridor Enhance I-80, I-580, Transit, and BART Corridor Improving Transit and Transportation Countywide in All Our Communities
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» Contra Costa is a county as unique and diverse as its residents. Our communities stretch from the Richmond coastline to Discovery Bay, from Port Chicago to the San Ramon Valley, and from Mount Diablo to Crockett Hills.

» ALL FUNDING AMOUNTS presented in this Transportation Expenditure Plan are rounded.

GUIDING PRINCIPLES USED TO DEVELOP THE TEP

CCTA is committed to funding an outcomes-based program that includes thoughtful projects that will relieve congestion countywide, reduce greenhouse gasses, enhance transit operations, and improve accessibility to jobs and housing. The 2020 Transportation Expenditure Plan is a carefully curated set of solutions designed to bring Contra Costa's transportation system into the future by moving more people efficiently, encouraging mode shift, and promoting shared mobility options for all. The following set of principles will guide and inspire the planning, funding, and delivering of the 2020 TEP.



RELIEVE TRAFFIC CONGESTION

Funding will focus on making traveling through Contra Costa faster, more reliable, and more predictable by, for example, reducing travel times and moving more people with fewer cars.



ACCOUNTABILITY AND TRANSPARENCY

CCTA will ensure funding flows to opportunities that maximize and directly benefit your commute. CCTA strives for excellence in protecting the public's investments. We will routinely engage with partner organizations, advisory committees, and the County's residents and businesses to ensure full transparency. Our plans and results shall be easily available to the public, and we shall remain accessible to the public for questions and comments.



BALANCED AND EQUITABLE APPROACH

CCTA will balance the needs and benefits for all people and all areas of Contra Costa County to provide an equitable and sustainable transportation system that promotes transit options for all, social equity, and community stabilization.



ECONOMIC OPPORTUNITY

CCTA supports creating an economic environment that promotes job growth close to residents' homes or high-frequency public transit, thereby stabilizing communities, improving access for low-income populations and Communities of Concern, shortening commute times, reducing vehicle-miles traveled (VMTs), and improving air quality. CCTA will promote local contracting and good jobs in Contra Costa through funding of local infrastructure projects.



MAXIMIZE AVAILABLE FUNDING

CCTA will proactively seek regional, state, and federal funding, as well as private investments to supplement the County's local transportation sales tax revenue, thereby maximizing the total amount of funding for transportation projects in Contra Costa County.



PUBLIC PARTICIPATION

CCTA will meaningfully engage with county residents and respond to public priorities through a comprehensive public outreach program.



TRANSIT FIRST

CCTA commits to increasing transit use by funding solutions that reduce transit travel times, increase transit frequencies, and give transit vehicles priority in high-traffic periods. CCTA will enhance transit connectivity between modes to help promote car-free travel and the importance of providing adequate transit service to areas slated for significant employment and housing growth.



PERFORMANCE ORIENTATION

CCTA is committed to a performance-oriented approach with rigorous evaluation of transportation solutions that meet the goals of the TEP and state greenhouse gas (GHG) mandates. CCTA will use transportation sales tax funds to achieve defined outcomes and benefits most sought by residents and businesses. Funding will flow to the best opportunities consistent with other guiding principles and policies.



PROTECT THE ENVIRONMENT

CCTA commits to improving the air quality in our communities by funding projects and programs that relieve congestion, reduce vehicle-miles traveled (VMT) per capita, and reduce GHG.



COMMITMENT TO GROWTH MANAGEMENT

CCTA administers countywide policies that support thoughtful growth management to sustain Contra Costa's economy, preserve its environment, and support its communities. The advanced mitigation programs for environmental impacts and vehicle-miles traveled (VMTs) are some of the tools used to support the county's growth management policies.



COMMITMENT TO TECHNOLOGY AND INNOVATION

CCTA is committed to keeping Contra Costa County on the cutting edge of transportation technology by continuing to incorporate advanced technologies and emerging innovations pursuant to the goals of the TEP.

A NEW TRANSPORTATION FUTURE FOR CONTRA COSTA COUNTY

TRANSPORTATION EXPENDITURE PLAN FUNDING SUMMARY

The Contra Costa Transportation Authority (CCTA) envisions a future where all transportation systems work together for more streamlined, safe, efficient, and convenient travel. We've created a focused plan that ensures funds directly benefit your commute. CCTA is committed to outcomes-based delivery, where all projects meet performance targets for reduced traffic, shortened commute times, reduced greenhouse gas emissions (GHG), and other mandates and goals.

This 2020 Transportation Expenditure Plan (TEP) focuses on innovative strategies and new technologies that will relieve congestion, promote a strong economy, protect the environment, promote social equity, and enhance the quality of life for all of Contra Costa County's diverse communities. This plan outlines projects that will achieve a broad range of goals:

- **Relieve Traffic Congestion on Highways and Interchanges.** CCTA's goal is to smooth traffic flow and reduce congestion for people and goods through major corridors, to address bottlenecks and hot spots, and to make commutes smoother and more predictable.
- **Make Bus, Ferry, Passenger Train, and BART Rides Safer, Cleaner, and More Reliable.** Contra Costa County's residents and travelers value safe, clean, convenient, and affordable transit options. CCTA's goal is to support transit operators in providing more frequent and reliable transit services and to plan and build the infrastructure that improves connectivity countywide.
- **Provide Accessible and Safe Transportation for Children, Seniors, Veterans, and People with Disabilities.** CCTA will prioritize social equity and provide better mobility options for all, especially for those with the greatest transportation barriers such as youth, seniors, people of lower incomes, and people with disabilities.
- **Improve Transportation in Our Communities.** CCTA supports livable communities by providing local cities and towns with funding to fix and modernize local streets, offer safer places to walk and cycle, and improve air quality. We're committed to funding infrastructure that provides access to affordable housing and jobs. CCTA also helps manage urban sprawl through its advanced mitigation programs and the county's growth management program.

The TEP is intentionally designed to be equitable across the entire county, based on population. CCTA commits to delivering proportionally greater benefits to Communities of Concern (as defined by the Metropolitan Transportation Commission) and low-income residents. CCTA understands that access to quality transportation, jobs, housing, education, health care, and public safety contribute to residents' well-being.

All locally generated transportation revenue—plus any additional grant funding CCTA receives—will be spent on local projects in Contra Costa County.

TRANSPORTATION EXPENDITURE PLAN FUNDING SUMMARY

FUNDING CATEGORIES	SUBTOTALS	
	\$ (millions)*	%
RELIEVING CONGESTION ON HIGHWAYS, INTERCHANGES, AND MAJOR ROADS	\$1,484	41.1
Improve State Route 242 (SR-242), Highway 4, Transit, and eBART Corridor	705	19.5
Relieve Congestion and Improve Access to Jobs Along Highway 4 and SR-242	200	5.5
Improve Local Access to Highway 4 and Byron Airport	150	4.2
East County Transit Extension to Brentwood and Connectivity to Transit, Rail, and Parking	100	2.8
Improve Traffic Flow on Major Roads in East County	107	3.0
Enhance Ferry Service and Commuter Rail in East and Central County	50	1.4
Improve Transit Reliability Along SR-242, Highway 4, and Vasco Road	50	1.4
Additional eBART Trains Cars	28	0.8
Seamless Connected Transportation Options	20	0.6
Modernize I-680, Highway 24, Transit, and BART Corridor	536	14.9
Relieve Congestion, Ease Bottlenecks, and Improve Local Access Along the I-680 Corridor	200	5.5
Improve Traffic Flow on Major Roads in the Central County and Lamorinda	145	4.0
Improve Transit Reliability along the I-680 and Highway 24 Corridors	50	1.4
Provide Greater Access to BART Stations Along I-680 and Highway 24	49	1.4
Improve Traffic Flow on Highway 24 and Modernize the Old Bores of Caldecott Tunnel	35	1.0
Improve Traffic Flow on Major Roads in San Ramon Valley	32	0.9
Seamless Connected Transportation Options	25	0.7
Enhance I-80, I-580 (Richmond-San Rafael Bridge), Transit, and BART Corridor	243	6.7
Improve Transit Reliability Along the I-80 Corridor	90	2.5
Relieve Congestion and Improve Local Access Along the I-80 Corridor	57	1.6
Improve Traffic Flow on Major Roads in West County	38	1.1
Enhance Ferry Service and Commuter Rail in West County	34	0.9
Improve Traffic Flow and Local Access to Richmond-San Rafael Bridge Along I-580 and Richmond Parkway	19	0.5
Seamless Connected Transportation Options	5	0.1
IMPROVING TRANSIT AND TRANSPORTATION COUNTYWIDE IN ALL OUR COMMUNITIES	\$1,980	54.9
Modernize Local Roads and Improve Access to Job Centers and Housing	628	17.4
Provide Convenient and Reliable Transit Services in Central, East, and Southwest Contra Costa	392	10.9
Increase Bus Services and Reliability in West Contra Costa	250	6.9
Improve Walking and Biking on Streets and Trails	215	6.0
Accessible Transportation for Seniors, Veterans, and People with Disabilities	180	5.0
Cleaner, Safer BART	120	3.3
Safe Transportation for Youth and Students	104	2.9
Reduce and Reverse Commutes	54	1.5
Reduce Emissions and Improve Air Quality	37	1.0
SUBTOTAL	\$3,464	96%
Transportation Planning, Facilities & Services	\$108	3.0
Administration	\$36	1.0
TOTAL	\$3,608	100%

*Funding amounts are rounded

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55%
TRANSIT AND
ALTERNATIVE MODES



Region	Percentage	Value	Total Population
CENTRAL	30%	\$1,075	390,000 people
EAST	28%	\$1,018	369,300 people
SOUTHWEST	19%	\$675	244,950 people
WEST	23%	\$841	305,100 people

** Population based on Association of Bay Area Governments (ABAG)
Projections 2013 for year 2037
\$ in millions*

OUR NEW TRANSPORTATION FUTURE

Carefully crafted to offer a broad array of tangible benefits to all, this Plan will bring:

- » Smooth-flowing traffic along highways and roads
- » Quicker trips and less time sitting in traffic
- » Smoother pavement and fewer potholes
- » Transit, where and when it's needed
- » Easier ways to get from home or work to transit stops and back home again
- » Cleaner air due to reduced vehicle emissions
- » More bicycle lanes and walking paths to support an active lifestyle
- » Free or reduced transit fares for students

DECADES OF TRANSPORTATION IMPROVEMENTS AND MANAGED GROWTH

WHO WE ARE AND WHAT WE DO

The Contra Costa Transportation Authority (CCTA) is responsible for **maintaining and improving the county's transportation system by planning, funding, and delivering critical transportation projects that connect our communities**, foster a strong economy, increase sustainability, and safely and efficiently get people where they need to go. CCTA is also responsible for putting solutions in place to help manage traffic by providing and connecting a wide range of transportation options.

We are proud of our accomplishments and we recognize the immense transportation challenges still faced by county residents and businesses—particularly considering population growth, continued development, and threats to the environment. CCTA works to advance transportation solutions, ease congestion, and prepare Contra Costa County for safe, future mobility.

CCTA is leading the way and presenting innovative solutions while protecting the qualities that make Contra Costa a wonderful place to call home. We present this Transportation Expenditure Plan (TEP), which reflects where we are now and, more importantly, our commitment to pursuing transportation policies, planning, and investments that will get us to where we want to be in the future.

FULFILLING OUR PROMISE TO CONTRA COSTA COUNTY VOTERS

Contra Costa County voters passed **Measure C** in 1988, sending a clear message that recognized the immense need to improve the way people travel around Contra Costa County. Voters authorized a 20-year (1989-2009) half-cent transportation sales tax to finance improvements to the county's overburdened transportation infrastructure. In 1989, CCTA was born.

Measure C expired in 2009 but much was accomplished, including widening Highway 4 from Hercules to Martinez, the BART extension to Pittsburg/Bay Point, Richmond Parkway construction, and new transit programs for seniors and people with disabilities.

In 2004, Contra Costa County voters approved **Measure J**. The measure provided for the continuation of the county's half-cent transportation sales tax for twenty-five more years (2009-2034) beyond the Measure C expiration date. Without Measures C and J funding, CCTA would not have qualified to receive additional federal, state, or regional funds. With a total of \$1.4 billion in Measure C and J project funds, a total of more than \$5.5 billion will be invested in vital transportation projects in Contra Costa County through 2034, leveraging Measure C and J funding at about a three-to-one ratio.

CCTA has delivered most of the major infrastructure improvement projects in Measure J—such as the fourth bore of the Caldecott Tunnels, Highway 4 East widening, eBART extension from the Pittsburg/Bay Point BART station to Antioch, and I-680 and I-80 corridor improvements—on an accelerated timeline to deliver its promises to voters. CCTA periodically issues bonds to provide advance funding to design and build major infrastructure projects. Then, the revenue generated from the transportation sales tax is used to pay back the bonds. By turning future Measure J revenue into capital dollars and accelerating design and construction, transportation projects are put into place sooner to alleviate transportation challenges. Designing and building the projects earlier costs less money, because the added cost of future inflation is avoided.

As of 2018, about 80 percent of the Measure J project funds have been expended. Remaining revenues are now going toward repayment of bonds, fixing local streets, continuing programs, and supporting public transportation. **Without a new TEP, the CCTA will be unable to fund any new major projects to address pressing mobility needs.**

TRANSPORTATION FOR THE NEXT THREE-AND-A-HALF DECADES

While the existing Measure J will remain intact through 2034, this new TEP has been developed for several reasons:

- All of the planned major capital improvement projects funded by Measure J are either complete or in construction, ahead of schedule.
- New transportation technology is offering unprecedented opportunities to streamline travel and traffic and to reduce emissions.
- The gap between transportation needs and available funding is large and requires a bold solution. The new TEP will allow local funding to keep needed services in place and alleviate congestion by attracting other funding sources.



- The demand on Contra Costa County's roads, highways, BART stations, and buses is increasing. The county's population is growing and more people are using roads and transit. Investments are needed to maintain and improve the current transportation system to ensure it can effectively accommodate growth and prepare the system for the future.
- People are increasingly valuing alternative ways to get around, such as transit, walking, and biking. Our roads need to safely accommodate all users.
- Contra Costa County's population is aging. Currently, about 14 percent of the population is age 65 or older.* By 2035, this population is expected to double to about 30 percent. Additionally, poverty has risen faster in suburban areas, particularly in Solano, Contra Costa, and Marin counties. Low-income populations increasingly have less access to public transit and services.** New and different transportation solutions are needed to keep our older residents mobile, living independently, and to maintain quality of life for all, including low-income residents.

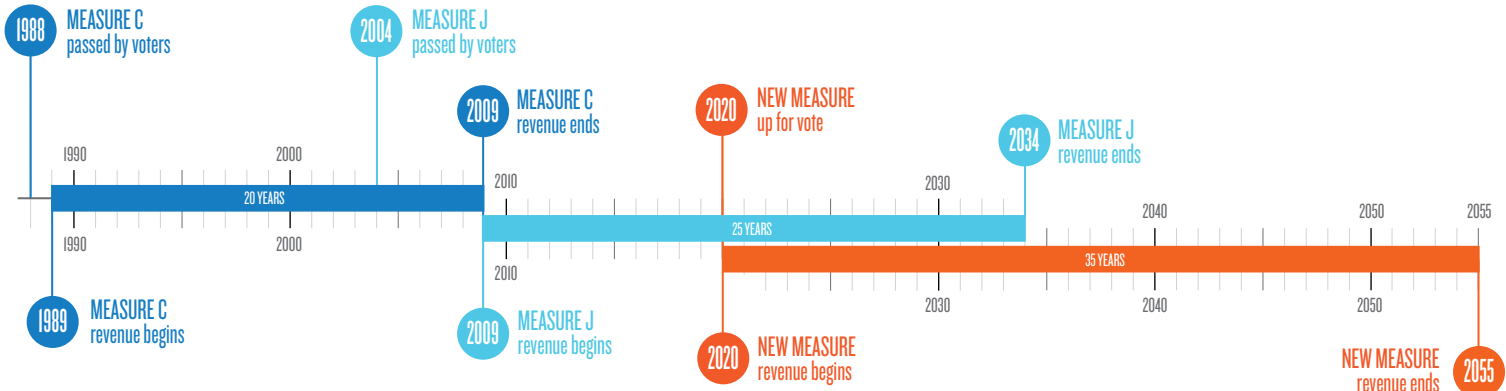
LOCAL FUNDING FOR LOCAL PROJECTS

Measures C and J local transportation sales taxes have provided a substantial and steady share of the total funding available for transportation projects in Contra Costa County. State and federal sources have targeted some major projects, but local funding is needed to attract and supplement those sources. Our local transportation sales tax has been indispensable in helping to meet the county's growing needs in an era of unpredictable resources.

* Population based on Association of Bay Area Governments (ABAG) Projections 2013

** Coordinated Public Transit – Human Services Transportation Plan (Metropolitan Transportation Commission, 2018)

Timeline of Local Funding Contra Costa County Transportation Improvements



The funding for this TEP will augment the existing Contra Costa County Measure J half-cent transportation sales tax by a half-cent until Measure J expires in 2034, then continue the half-cent transportation sales tax until 2055. A sales tax will generate approximately \$3.6 billion for essential transportation improvements that touch every city, town, and community in Contra Costa County.

These local funds have allowed CCTA to compete effectively for outside funds by providing a local matching fund source, as required by most grants. Measures C and J, for example, will attract \$4.1 billion of additional funds for Contra Costa County transportation projects through 2034, providing a total investment of \$5.5 billion in vital transportation improvements.

CCTA will continue to use local transportation sales tax revenue to attract outside funds for projects already identified in regional and state funding measures. In fiscal year 2017-2018 alone, more than \$77 million of California's Senate Bill 1 (SB-1), the Road Repair and Accountability Act of 2017, transportation funding was earmarked for projects sponsored by CCTA. The required local match for the grant was \$35 million. In other words, for every dollar Contra Costa County taxpayers paid for these projects, the state paid two more dollars.

Similarly, voters approved Regional Measure 3 (RM3), which was authorized and signed into law in 2018 to fund major roadway and public transit improvements via an increase in tolls on the Bay Area's seven state-owned toll bridges. Contra Costa County projects that may benefit from RM3 include:

- Interstate 80 Transit Improvements: expand bus service along the Interstate 80 corridor
- Interstate 680 Transit Improvements: enhance transit service along the Interstate 680 corridor, including bus operations, transit centers, and real-time travel information
- East Contra Costa County Transit Intermodal Station: construct a transit intermodal center to enhance access to eBART and the Mokelumne Bike Trail/Pedestrian Overcrossing at Highway 4
- Contra Costa Interstate 680/Highway 4 Interchange Improvements: reduce congestion and improve safety by widening Highway 4 and adding new direct connectors between I-680 and Highway 4
- Richmond-San Rafael Bridge Access (Contra Costa approach): make improvements to reduce delays on bridge approaches and at the toll plaza, including improvements to the Richmond Parkway
- Byron Highway-Vasco Road Connector: improve access, safety, airport connectivity, and economic development with a new connector between Byron Highway and Vasco Road

RM3 provides only partial funding for these projects. Additional funding is needed to make them a reality.



A ROADMAP FOR THE FUTURE

WHAT THIS TRANSPORTATION EXPENDITURE PLAN WILL ACCOMPLISH

Contra Costa Transportation Authority's (CCTA's) 2020 Transportation Expenditure Plan (TEP) serves as both a roadmap and an itinerary that will guide transportation investments for the coming 35 years. Throughout the 35-year duration of this Plan, Contra Costa County's population is expected to grow and change, infrastructure will continue to age and wear out, new forms of travel will emerge, and the environment will need continued protection. Such changes will place even more strain on the County's transportation systems. **Without new investments in transportation, Contra Costa will face a future with distressed and outdated infrastructure, increased traffic on already-congested roadways, and a decrease in critical transportation services to those with the greatest need.**

CCTA strives to preserve and enhance an excellent quality of life for Contra Costa County's residents, businesses, and communities with convenient, reliable, and accessible transportation. We do this through optimizing the existing transportation system, leveraging emerging technologies, offering meaningful programs and services, and providing seamless connections between various forms of transportation (for example, cars, transit, cycling, and walking).

The projects in this Plan will benefit all who live and travel within Contra Costa County. The projects will help improve the transportation network over the coming decades to meet growing needs, while supporting economic vitality and an environmentally sustainable future.

CCTA is an internationally recognized leader in implementing transportation-related technological solutions to help ease traffic congestion, offer alternative mobility options for travel, provide valuable information to travelers, make it easier and more efficient to maintain our transportation infrastructure, and many other applications that may be currently under development. This TEP reflects CCTA's commitment to fully integrate applicable transportation technologies with traditional infrastructure for the benefit of residents and travelers.

When implemented, the projects in this TEP will accomplish an array of major transportation improvements throughout the county. These projects serve to enhance people's transportation options and reduce congestion on every major transportation corridor in the county. The funding will also reach deep into the local communities to improve residents' quality of life and protect the County's natural environment.

COMMITMENT TO PERFORMANCE

The 2020 Transportation Expenditure Plan (TEP) will be governed by strong performance criteria against which funding, projects, and programming will be evaluated and scored to ensure maximum contribution to the guiding principles and goals of the Plan. Guidelines will be developed through meaningful community engagement and engagement with cities and towns, Contra Costa County, Regional Transportation Planning Committees, and the Public Oversight Committee to establish the performance criteria for evaluation of programs identified in the Policy Statements. In addition, the Plan will meet the Governor's Executive Order B-16-2012 to reduce transportation-related GHG emissions to 80% below 1990 levels by 2050. To achieve this, CCTA commits to a goal of accelerating zero emission vehicle (ZEV) penetration and a 15% reduction in vehicle-miles traveled (VMTs) per capita.

ACHIEVING INTENDED OUTCOMES

The 2020 TEP was created for Contra Costa County residents, businesses, and travelers by the communities and people it serves. Key stakeholder groups were convened and community outreach conducted to understand what guiding principles, priorities, outcomes, and results are most important to the residents and businesses of Contra Costa County.

CCTA is fully committed to an outcomes-based approach that includes measurable performance targets for all principles and criteria. The TEP presents a suite of transportation solutions that align with guiding principles and will offer a transportation system that supports a vibrant, modern, equitable, and livable Contra Costa County.

CCTA will ensure funding in the TEP will achieve the outcomes identified in the 2017 Countywide Transportation Plan (CTP). The TEP offers equitable transportation opportunities for all residents of Contra Costa. In evaluating detailed funding proposals, CCTA will ensure that expenditures benefit those living in Communities of Concern and for minority and low-income residents.

Every project with total costs of more than \$10 million will undergo a performance analysis and review prior to funding being allocated. Implemented projects and programs will also undergo a thorough analysis of their performance to initiate program modification where needed and/or changes in evaluation methods.

A Public Oversight Committee will provide input for developing specific performance criteria by which projects can be evaluated and measured. In this way, county taxpayers can be assured that the funding is spent responsibly to meet the county's transportation goals.

TAXPAYER SAFEGUARDS

Over the past thirty years, CCTA has operated under a system of rigorous taxpayer safeguards to protect the county's investments and to ensure that transportation sales tax revenue is invested wisely, equitably, and transparently. CCTA consistently achieves the highest standards in its governmental accounting and financial reporting and ensures full accountability in its programs and projects.

With the 2020 TEP, CCTA is fully committed to continuing our strong accountability to Contra Costa taxpayers through many safeguards:

- CCTA will continue to publish an annual budget and strategic delivery plan that estimates expected transportation sales tax receipts, other anticipated revenue, and planned expenditures for the year.
- CCTA's Public Oversight Committee will continue to provide diligent oversight of all CCTA expenditures and report its oversight activities and findings to the public through annual audits that focus on the allocation of funding, project performance, tracking of TEP goals, local jurisdiction compliance, and growth management performance.
- CCTA will routinely inform, communicate with, and engage its partner organizations, advisory committees, and the County's residents and businesses to ensure that its programs and projects are fully transparent and best meet the needs of its residents.
- CCTA will strive to balance the needs of all people and areas of Contra Costa County to support an equitable and sustainable transportation system for all, while ensuring proportionally greater benefits to Communities of Concern and low-income residents.
- CCTA's regional transportation planning committees will continue to ensure cohesion with local and subregion planning and implementation efforts and adherence to adopted policies.

In July 2019, CCTA was the proud recipient of Contra Costa Taxpayers Association Silver Medal Award for Good Governance.



PERTINENT POLICIES

CCTA implements and follows several key policies to ensure that Contra Costa's transportation systems are in alignment with the County's established future vision. Full text of these policies is included in the Policy Statements section at the end of this document. In summary, these key policies are as follows:



Growth Management Program

establishes principles that preserve and enhance the county's quality of life and promotes a healthy and strong economy through a cooperative, multijurisdictional process for managing growth while maintaining local authority over land use decisions.

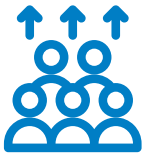


Urban Limit Line Compliance Policy

requires each jurisdiction to adopt and comply with a voter-approved Urban Limit Line, which defines the physical limits of a jurisdiction's future urban development.

Both the Growth Management Program and Urban Line Limit Compliance policies, which have been in place since Measure J began in 2009, have been enhanced in this TEP.

CCTA, with input from many stakeholders, has developed the following **additional four policies** to ensure that projects align with the vision, guidelines, and requirements for fund expenditures.



Transit Policy

sets out goals for improving, coordinating, and modernizing transit service—along with first- and last-mile connections to transit—thereby increasing the percentage of residents and commuters that may travel conveniently by public transit.



Advanced Mitigation Program

provides innovative ways to advance needed infrastructure projects more efficiently and provides more effective conservation of natural resources such as watersheds, wetlands, and agricultural lands. CCTA will also begin development of a countywide vehicle-miles traveled (VMT) mitigation program.



Complete Streets Policy

encourages making local streets more efficient and safe for all users—including drivers, pedestrians, bicyclists, and transit riders—and giving travelers convenient options while minimizing the need to widen roadways.



Road Traffic Safety

requires all funding recipients to systemically apply planning and design practices that quantifiably reduce the risk of traffic-related deaths and severe injuries.

These policies, along with the guiding principles, will govern the funding and implementation of the 2020 TEP.





PROPOSED TRANSIT AND TRANSPORTATION INVESTMENTS

PLANNING FOR THE FUTURE

This Transportation Expenditure Plan (TEP) includes transportation-related projects and programs to be planned, designed, funded, constructed, and/or delivered in Contra Costa County over the next thirty-five years. This plan anticipates an investment of approximately \$3.6 billion of revenue generated from the half-cent transportation sales tax. Contra Costa County's local sales tax revenue will help Contra Costa Transportation Authority (CCTA) attract additional local, regional, state, and federal funding to augment the sales tax revenue.

The project descriptions that follow are purposefully brief and offer general overviews of the purpose and nature of the projects. Several projects (such as affordable transit for students, seniors, and people with disabilities) are continuations or enhancements to ongoing work performed under Measure J. Many other projects included in this Plan are still in the concept or planning stages. Stakeholders and the public will have plenty of future opportunities to help shape these projects so that they are most useful and beneficial to residents, commuters, and visitors.

In its role as the administrator of Contra Costa County's transportation sales tax revenue, CCTA has instituted requirements so that taxpayer's revenue is invested per established policies, as presented in the Policy Statements section of this TEP. The policy statements generally require that recipients of funding perform advance performance assessments and comply with applicable laws and other CCTA policies. The Taxpayer Safeguards and Accountability Policy in the Policy Statements section includes the full statement of funding requirements and restrictions, as applicable.

CCTA sets aside funding to implement the countywide Growth Management Program, prepare the countywide transportation plan, and support the programming and monitoring of federal and state funds, as well as CCTA's Congestion Management Agency functions. A very small percentage of the funding also covers basic administrative functions (such as salaries) and basic expenses (such as rent).

► \$1.48 BILLION

IN 2017, FOUR
MAJOR FREEWAYS IN
CONTRA COSTA COUNTY
RANKED IN THE TOP 10
WORST COMMUTES:
I-680, I-80, HIGHWAY 24
AND HIGHWAY 4.*

RELIEVING CONGESTION ON HIGHWAYS, INTERCHANGES, AND MAJOR ROADS

More than 79 percent of Contra Costa County's residents drive to work; several of Contra Costa County's highways have been identified as the "most congested in the San Francisco Bay Area."**

Easing traffic congestion is one of Contra Costa County residents' highest priorities. Accordingly, CCTA will invest nearly half of the new transportation sales tax revenue toward new, modern tools and strategies to improve traffic flow and reduce traffic congestion on the county's major corridors and roads. These strategies include highway and road improvements thoughtfully integrated with transit improvements and alternative modes.

Improving transit and transit connections will lessen traffic congestion on the County's highways; as transit service is improved and more people take transit, fewer cars on the road translates to less traffic.

CCTA is committed to improving access to jobs throughout Contra Costa and supporting economic development through programs and projects in this Transportation Expenditure Plan such as the Northern Waterfront Initiative. Programs and projects will support housing within planned or established job centers that are served by transit, or that aid economic development and job creation.

Projects will be subject to applicable policies as presented in the Policy Statements section at the end of this document.

*SOURCE: Metropolitan Transportation Commission, Vital Signs - https://mtc.ca.gov/sites/default/files/top_10_congestion_locations-2017.pdf

**SOURCE: Metropolitan Transportation Commission, Vital Signs, 2016-2017 data

WHAT'S A CORRIDOR?

A corridor is a swath or belt of land that contains one or more types of transportation infrastructure, such as a road or railway. Each of Contra Costa County's corridors contains a major interstate or highway as well as a major transit line; roads, streets, paths, bus lines, and transit stations.

Everyone is impacted by the performance of corridors. This impact is felt each and every day, whether you're doing your daily commute, heading to a medical appointment, or traveling to a youth soccer game. CCTA is focused on optimizing all transportation within a corridor so that traffic is smooth, transit is convenient, and all systems work together to support travel across communities and throughout the region. For purposes of this Transportation Expenditure Plan, CCTA is focused on three major transportation corridor improvement categories:

- » Improve State Route 242, Highway 4, Transit, and eBART Corridor
- » Modernize I-680, Highway 4, Transit, and BART Corridor
- » Enhance I-80, I-580 (Richmond-San Rafael Bridge), Transit, and BART Corridor

Improve SR-242, Highway 4, Transit, and eBART Corridor

4 242

RELIEVE CONGESTION AND IMPROVE ACCESS TO JOBS ALONG HIGHWAY 4 AND SR-242

CCTA is continuing its work in **easing traffic congestion**, smoothing traffic flow, and reducing travel time along Highway 4 and SR-242 with a blend of projects that may be considered:

- Improving access to jobs and support economic development along the northern waterfront
- Improving access to local key destinations, including business districts and BART stations
- Reconfiguring interchanges along SR-242
- Managing traffic flow on Highway 4 by connecting and **synchronizing traffic on freeways**, local roads, and freeway ramps
- Completing operational improvements at the I-680/Highway 4 interchange
- Addressing bottlenecks and cooling hot spots caused by high-volume weaving areas and **adding auxiliary lanes** and improving ramps between SR-242 and Bailey Road
- Providing incentives to encourage the use of transit and alternative transportation options

**5th most
CONGESTED
HIGHWAY
in the Bay Area**
*Eastbound Martinez to Pittsburg**



IMPROVE LOCAL ACCESS TO HIGHWAY 4 AND BYRON AIRPORT

CCTA has developed a multipronged approach to **reducing traffic congestion and improving safety and travel time reliability** on the roads through and around Byron. These projects will also facilitate economic development and goods movement in East Contra Costa County. Key projects may consider:

- A new limited-access connector between Byron Highway and Vasco Road south of Camino Diablo to **improve access to Byron Airport**, making it a more useful transportation hub
- Improvements to Vasco Road and Byron Highway, and other safety improvements
- Interchange improvements along Highway 4 at Balfour Road, Marsh Creek Road, Walnut Boulevard, and Camino Diablo
- Enhancements to the Byron Airport
- Improve access to jobs and support economic development along the Northern Waterfront

These projects will include measures to prevent growth outside predefined urban limit lines, for example, prohibitions on roadway access from adjacent properties, permanent protection and/or acquisition of agricultural lands or critical habitat, and habitat conservation measures.



ADDITIONAL eBART TRAIN CARS

Trains are full with standing room only during commute hours. Funding will be considered for allocation toward **purchasing additional eBART train cars** so that trains can carry more passengers on this popular route.

*Source: Metropolitan Transportation Commission, "Vital Signs: Bay Area Freeway Locations with most Weekday Traffic Congestion, 2017" - https://mtc.ca.gov/sites/default/files/top_10_congestion_locations-2017.pdf



SEAMLESS CONNECTED TRANSPORTATION OPTIONS

Contra Costa County's transportation system is a mix of freeways to bike paths, trains to shuttles, and many other modes in between. Providing **seamless connectivity among these many travel options** will ensure that our system can meet the future needs of our growing and aging population.

CCTA will develop guidelines and implement systems to promote connectivity between all users of the transportation network (vehicles, pedestrians, bicycles, buses, trucks, etc.) using automation technology and taking advantage of future transportation technology trends.

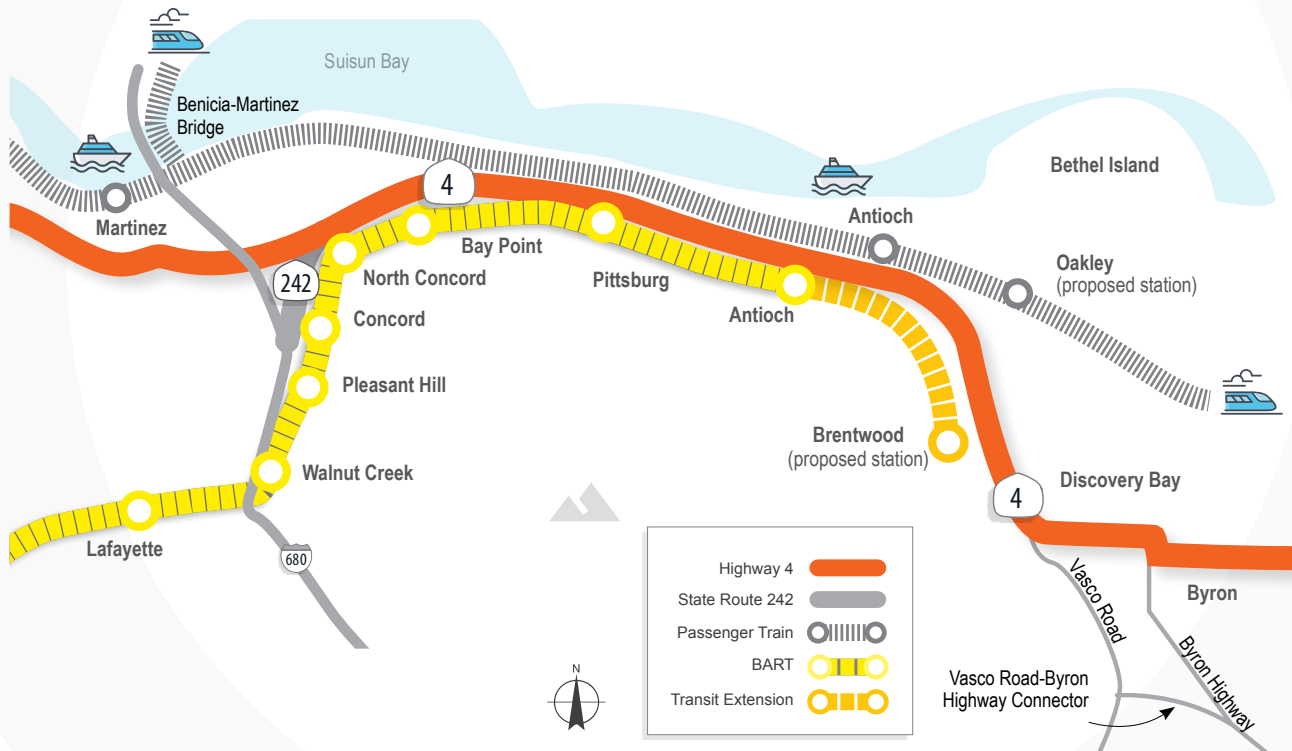


ENHANCE FERRY SERVICE AND COMMUTER RAIL IN EAST AND CENTRAL COUNTY

To help travelers make convenient connections between the Capitol Corridor and San Joaquin train system and the BART system, CCTA proposes to **fund new stations and improvements to existing stations** and rail facilities. Some example projects may include a new train station for the San Joaquin line and a park-and-ride lot in Oakley, new connections between the new Oakley station and Antioch eBART, and a transit connection from the Martinez Amtrak station to the North Concord BART station.

CCTA is also considering expanding ferry service between Martinez and Antioch. As more people use ferries and the passenger train, traffic congestion on Contra Costa County's roads and highways will decrease, **traffic will flow more smoothly, and air emissions will decrease**, thereby improving the County's air quality.

» TOTAL INVESTMENTS: \$705 million



IMPROVE TRAFFIC FLOW ON MAJOR ROADS IN EAST COUNTY

CCTA is committed to relieving congestion on major roads and **implementing modern systems** that provide safe, efficient, and reliable movement of buses, vehicles, bicyclists, and pedestrians. Projects will range in size and type, and may consider the following:

- New and/or wider lanes or shoulders
- **New bicycle and pedestrian facilities**
- Installation of “smart” parking management programs
- **Traffic signal synchronization** and other innovative technologies
- Traffic calming measures and roundabouts
- Shoulders, sidewalks, curbs and gutters, and streetscapes
- Bus transit facility enhancements, such as bus turnouts and passenger amenities
- Close gaps and extend major roads to relieve congestion and improve safety



EAST COUNTY TRANSIT EXTENSION TO BRENTWOOD AND CONNECTIVITY TO TRANSIT, RAIL, AND PARKING

Expanding transit service throughout East Contra Costa County will enable more people to travel conveniently to the Antioch eBART station and other destinations served by transit. The TEP may consider funding a direct link between a new intermodal center in Brentwood to the Antioch eBART station.

Funding will also be considered to **improve transit service throughout Brentwood, Oakley, and nearby communities** via new shuttle service, bus service, and transit hubs such as a new Tri Delta park-and-ride lot to service eBART and a new Amtrak San Joaquin station in Oakley. Funding will help integrate existing transit services using new technologies, so that people have smooth and convenient connections with less wait time.



IMPROVE TRANSIT RELIABILITY ALONG SR-242, HIGHWAY 4, AND VASCO ROAD

One of CCTA's strategies to smoothing traffic along SR-242, Highway 4, and Vasco Road is to **improve and enhance transit service** to give travelers viable and convenient options to driving. When more people take transit, there will be fewer cars on the road and traffic congestion will be reduced. Possible projects that CCTA may consider:

- Increased express bus service
- Improved interchanges and local access for buses so they can utilize the highways more efficiently
- **Dedicated part-time transit lanes** to bypass congestion
- Improved transit connections between transit stations (including BART stations and ferry terminals), schools, housing, and employment centers, thereby addressing transit users' first-mile/last-mile challenges

Modernize I-680, Highway 24, Transit, and BART Corridor

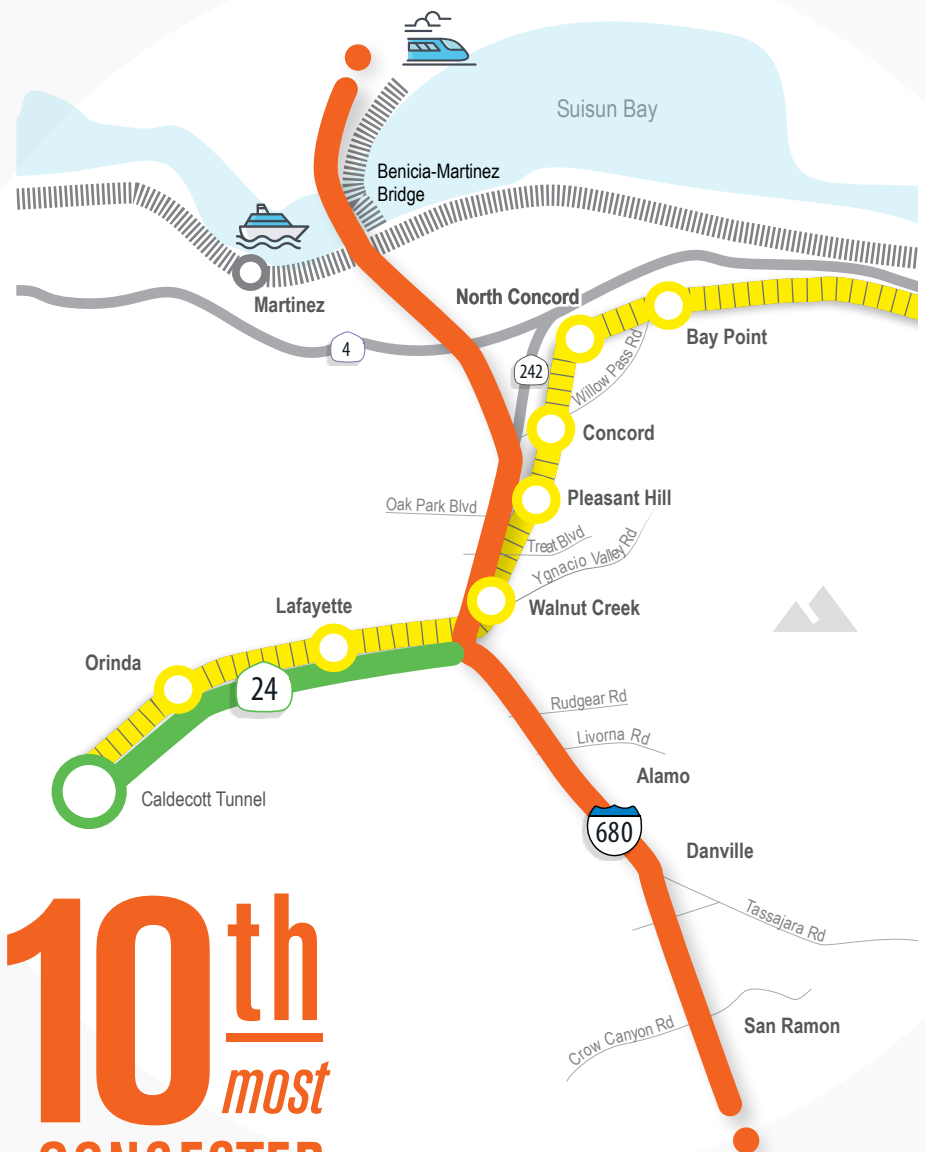


RELIEVE CONGESTION, EASE BOTTLENECKS, AND IMPROVE LOCAL ACCESS ALONG THE I-680 CORRIDOR

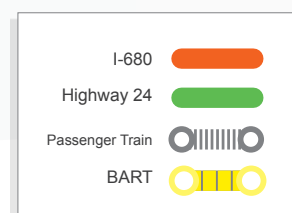
Improvements to the I-680 corridor will work together to address bottlenecks, **relieve traffic congestion**, smooth traffic flow, reduce travel times, **improve air quality**, and offer efficient transportation choices to all travelers. Key strategies to be considered include:

- **Complete express lanes** in both directions from Rudgear Road in Walnut Creek to the Benicia-Martinez Bridge, to provide twenty-five miles of continuous southbound express lanes and nearly continuous northbound express lanes
- Address congestion hot spots caused by high-volume weaving areas such as between Livorna Road and Treat Blvd. Additional merge lanes and ramp improvements at these locations **will provide safe merging for motorists and ease bottlenecks** that currently create chronic delays
- Implement innovative technology solutions to manage traffic flow by connecting and synchronizing traffic on local arterials, freeway ramps, and freeways
- Transform park-and-ride facilities into **shared mobility hubs** that provide multimodal transportation options and amenities to encourage transit use
- Implement transportation demand management programs to reduce single-occupancy vehicle travel
- Provide incentives for using alternative transportation options

*Source: Metropolitan Transportation Commission, "Vital Signs: Bay Area Freeway Locations with most Weekday Traffic Congestion, 2017" - https://mtc.ca.gov/sites/default/files/top_10_congestion_locations-2017.pdf



**10th most
CONGESTED
HIGHWAY
in the Bay Area**
*Northbound Danville
to Walnut Creek**



» TOTAL INVESTMENTS: \$536 million



IMPROVE TRAFFIC FLOW ON MAJOR ROADS IN CENTRAL COUNTY AND LAMORINDA

CCTA is committed to relieving congestion on major roads and implementing modern systems that provide **safe, efficient, and reliable movement of buses, vehicles, bicyclists, and pedestrians**. Projects will range in size and type, and may consider the following:

- New and/or wider lanes or shoulders
- New bicycle and pedestrian facilities
- Installation of “smart” parking management programs
- Traffic signal synchronization and other innovative technologies
- Traffic calming measures and roundabouts
- Shoulders, sidewalks, curbs, gutters, and streetscapes
- Bus transit facility enhancements, such as bus turnouts and passenger amenities



24

IMPROVE TRAFFIC FLOW ON HIGHWAY 24 AND MODERNIZE THE OLD BORES OF CALDECOTT TUNNEL

CCTA has plans to improve traffic flow and access along Highway 24 in Orinda, Lafayette, and Moraga through a suite of projects that could include improving interchanges, modifying major roads to reduce highway access delays, and other congestion-reducing improvements. CCTA will also **develop transit and shared trip incentives** for drivers in lieu of single-occupant vehicle travel.

The original two-bore Caldecott Tunnel opened in 1937. CCTA will implement improvements that may include increased lighting and visibility, improved traffic alerts for crashes or stalled vehicles, and other physical or technological solutions to improve safety and help improve traffic flow in the tunnels.



IMPROVE TRANSIT RELIABILITY ALONG THE I-680 AND HIGHWAY 24 CORRIDORS

One of CCTA's strategies to smoothing traffic along the I-680 and Highway 24 corridors is to improve and **enhance transit service** to give travelers viable and convenient alternatives to driving in their vehicles. When more people take transit, there will be fewer cars on the road and traffic will be reduced. Funding may consider the following:

- Implement and increase express bus service along the I-680 and Highway 24 corridors
- Improve interchanges and local access so buses can utilize the highways more efficiently
- Provide **dedicated part-time transit lanes** to bypass congestion
- **Improve transit connections** between transit stations, schools, housing, and employment centers, thereby addressing first-mile/last-mile challenges for transit users



PROVIDE GREATER ACCESS TO BART STATIONS ALONG I-680 AND HIGHWAY 24

In addition to making shuttle service to and from BART more frequent, CCTA will consider allocating funding toward making **parking and access improvements** that serve BART stations, so that buses and people in vehicles—along with people arriving by walking or bicycling—can get to the station more easily and conveniently. Funding may be considered for constructing satellite parking lots with frequent direct shuttle service to BART.



SEAMLESS CONNECTED TRANSPORTATION OPTIONS

Contra Costa County's transportation system is a mix, from freeways to bike paths, trains to shuttles, and many other modes in between.

Providing seamless connectivity among these many travel options will ensure that our system can meet the future needs of our growing and aging population.

CCTA will develop guidelines and implement systems to promote connectivity between all users of the transportation network (vehicles, pedestrians, bicycles, buses, trucks, etc.) using automation technology and **taking advantage of future transportation technology trends**.



IMPROVE TRAFFIC FLOW ON MAJOR ROADS IN SAN RAMON VALLEY

CCTA is committed to relieving congestion on major roads and implementing modern systems that provide **safe, efficient, and reliable movement of buses, vehicles, bicyclists, and pedestrians**. Projects will range in size and type, and may consider the following:

- New and/or wider lanes or shoulders
- New bicycle and pedestrian facilities
- Installation of “smart” parking management programs
- Traffic signal synchronization and other innovative technologies
- Traffic calming measures and roundabouts
- Shoulders, sidewalks, curbs, gutters, and streetscapes
- Bus transit facility enhancements, such as bus turnouts and passenger amenities

Enhance I-80, I-580, Transit, and BART Corridor



RELIEVE CONGESTION AND IMPROVE LOCAL ACCESS ALONG THE I-80 CORRIDOR

Improvements to the I-80 corridor will address bottlenecks, relieve traffic congestion, smooth traffic flow, reduce travel times, improve air quality, and offer efficient transportation choices to all travelers. Key improvements may include:

- Several innovative strategies and operational improvements will be implemented to **reduce travel time, improve air quality, reduce weaving at interchanges**, and smooth traffic flow
- Expand intelligent transportation systems and advanced technology strategies along I-80 to **maximize system efficiency** and prepare the corridor for future advances in transportation technology
- Increase travel time reliability in the carpool lanes through cost-effective **managed lane strategies** and enforcement
- Improve and expand express transit service through the corridor
- Transform park-and-ride facilities into **shared mobility hubs** that provide multimodal transportation options and amenities to encourage transit use
- Provide incentives to encourage the use of transit and alternative transportation options.



AN ADDITIONAL
\$250M 
WILL BE SPENT TO INCREASE BUS SERVICES AND RELIABILITY IN WEST CONTRA COSTA COUNTY.

» TOTAL INVESTMENTS: \$243 million



IMPROVE TRAFFIC FLOW ON MAJOR ROADS IN WEST COUNTY

CCTA is committed to relieving congestion on major roads and implementing modern systems that provide safe, efficient, and reliable movement of buses, vehicles, bicyclists, and pedestrians. Projects will range in size and type, and may consider the following:

- Railroad grade separations
- New and/or wider lanes or shoulders
- **New bicycle and pedestrian facilities**
- Installation of “smart” parking management programs
- **Traffic signal synchronization** and other innovative technologies
- Traffic calming measures and roundabouts
- Shoulders, sidewalks, curbs and gutters, and streetscapes
- Bus **transit facility enhancements**, such as bus turnouts and passenger amenities



ENHANCE FERRY SERVICE AND COMMUTER RAIL IN WEST COUNTY

To help travelers make convenient connections with the Capitol Corridor and San Joaquin train systems, CCTA will consider funding a **new regional intermodal station** in Hercules, along with new or improved ferry services in Hercules with connections to the train. As more people use ferries and the train, traffic congestion on Contra Costa County's roads and highways will decrease, traffic will flow more smoothly, and air emissions will be reduced thereby improving the county's air quality.



SEAMLESS CONNECTED TRANSPORTATION OPTIONS

Contra Costa County's transportation system is a mix, from freeways to bike paths, trains to shuttles, and many other modes in between. **Providing seamless connectivity** among these many travel options will ensure that our system can meet the future needs of our growing and aging population.

CCTA will develop guidelines and implement systems to promote connectivity between all users of the transportation network (vehicles, pedestrians, bicycles, buses, trucks, etc.) using automation technology and **taking advantage of future transportation technology trends.**



IMPROVED TRAFFIC FLOW AND LOCAL ACCESS TO RICHMOND-SAN RAFAEL BRIDGE ALONG I-580 AND RICHMOND PARKWAY

CCTA plans to relieve traffic congestion and reduce traffic delays by **modernizing facilities**, expanding pedestrian and bicycling options, improving transit reliability, and encouraging the use of carpools and buses.

Specific improvements to be considered:

- **Extending the carpool lane along I-580** from the toll plaza at the Richmond-San Rafael Bridge to Central Avenue in El Cerrito
- Making improvements so that pedestrians and cyclists can better access the Richmond-San Rafael bridge, Richmond Parkway, Richmond Ferry Terminal, and Richmond BART Station
- Improving the interchange at Richmond Parkway and I-580
- **Providing incentives** for using alternative transportation options



IMPROVE TRANSIT RELIABILITY ALONG THE I-80 CORRIDOR

One of CCTA's strategies to smoothing traffic along the I-80 corridor is to improve and **enhance transit service** to give travelers viable and convenient options to driving. When more people take transit, there will be fewer cars on the road and traffic will be reduced. Funding is planned to:

- Increase express bus service along the corridor
- Improve interchanges and local access for buses so they can utilize the highways more efficiently
- Provide dedicated part-time transit lanes along I-80 to bypass congestion
- **Improve transit connections** between transit stations (including BART stations and ferry terminals), schools, housing, and employment centers, thereby addressing first-mile/last-mile challenges for transit users
- Provide incentives to travelers to use alternative transportation options



\$1.98 BILLION

IMPROVING TRANSIT AND TRANSPORTATION COUNTYWIDE IN ALL OUR COMMUNITIES

The quality of roads and availability of transportation options are two major factors in making our communities great places to live, as are the availability of jobs, safety, access to parks and trails, and good clean air and water. CCTA will implement many projects throughout the county to improve our local communities and **protect Contra Costa County's environment and quality of life.**

The previous section of this TEP presented investments focused on Contra Costa County's major corridors. This section describes funding that spreads into every community, through local projects and programs that improve the County's vast transportation network.

Funding will be allocated toward improving local roads and streets to make them safer for all travelers. Smaller projects—such as removing bottlenecks, improving traffic signal operations, installing traffic calming measures, and making streetscape improvements—can make big improvements in a community's quality of life.

Funding will be allocated toward substantial investments in a **robust transit system** that provides affordable, efficient, convenient, and accessible transit to travelers throughout the county. These projects will result in cleaner, safer, and more reliable trips on BART, buses, and ferries. The transit systems will extend into parts of the county that are currently lacking frequent transit service. When more people take transit, traffic congestion on the County's roads and highways will decrease, traffic will flow more smoothly, and **air emissions will decrease**, thereby improving the county's air quality.

CCTA is committed to supporting accessible and safe transportation for all Contra Costa County residents. CCTA will allocate funding toward a wide array of **programs for students, seniors, veterans, and people with disabilities**, aimed at offering safe transportation options and improving mobility.

Projects will be subject to applicable policies as presented in the Policy Statement section.





Improving Transit and Transportation Countywide In All Our Communities



MODERNIZE LOCAL ROADS AND IMPROVE ACCESS TO JOB CENTERS AND HOUSING

Smooth, pothole-free roads, safe intersections, pleasant sidewalks, safe bike lanes, and clean air are some of the important features that make Contra Costa County a great place to live and work.

CCTA will provide funding directly to the county's cities, towns, and unincorporated areas so that they may make improvements to their own local roads, streets, and access to job centers and housing.

To ensure transparency and accountability, local agencies report annually on the amount spent on roadway maintenance, bicycle and pedestrian facilities, transit facilities, and other roadway improvements. Local agencies must also meet the requirements set forth in the Growth Management Program, Urban Limit Line Compliance Requirements, Transit Policy, Complete Streets Policy, Road Traffic Safety Policy, and other applicable policies in the Policy Statements section.



SAFE TRANSPORTATION FOR YOUTH AND STUDENTS

Drop-off and pick-up at schools often creates traffic jams on local streets and unsafe conditions for children. CCTA will allocate funds toward a wide array of transportation projects and programs for students and youth, aimed at relieving congestion, offering safe transportation options—such as walking and cycling—and improving mobility.

Funding will also be used for **reduced fare transit passes**, transit incentives, and school bus programs to encourage more youth and students to use transit to attend school and afterschool programs.

In cooperation with project sponsors in each subregion, CCTA will establish guidelines to define priorities and maximize effectiveness. The guidelines may require provisions such as operational efficiencies, performance criteria, parent contributions, and reporting requirements.



IMPROVE WALKING AND BIKING ON STREETS AND TRAILS

Numerous studies and research across many different communities have demonstrated the benefits of creating an environment where walking and bicycling are safe, comfortable, and convenient. For example, **increased walking and bicycling can improve air quality by reducing emissions and energy use** from motor vehicles, improving access by foot or bike can make transit more convenient, and regular walking and bicycling can improve people's health and reduce mortality rates and health care costs.

This TEP contains **unprecedented levels of funding to improve safety for bicyclists and pedestrians in every part of the county**—from local street improvements to trail enhancements and similar projects. Funding will be considered to implement projects in the Contra Costa Countywide Bicycle and Pedestrian Plan. CCTA will develop program guidelines for a competitive project-selection process that maximizes benefits for all users. All funding will be consistent with CCTA's Complete Streets, Road Traffic Safety, and other applicable policies.

Approximately one-fifth of the funds will be considered for allocation to the East Bay Regional Park District for the development, maintenance, and rehabilitation of paved regional trails.



REDUCE AND REVERSE COMMUTES

If people live closer to their jobs and transit, they have less need to commute long distances, thereby reducing traffic congestion, vehicle-miles traveled (VMT), and greenhouse gas (GHG) emissions. Transportation programs and projects funded out of this category will support economic development and job creation in Contra Costa County. All expenditures in this category will be used to reduce or reverse commutes.

Funding will also incentivize employers to create local jobs in housing-rich areas and to promote transit, shared trips, telecommuting, and shifting work schedules, all with the intent of reducing commuter traffic at peak commute times and better utilizing available reverse commute capacity in the existing transportation infrastructure. Funding is intended to match regional, state, or federal grants and private-sector investment to achieve maximum benefits and may be spent on other regional transportation priorities at the request of the subregion. Examples of projects that may be funded include new or upgraded rail crossings to “unlock” development potential for employment centers, rail-based goods movement improvements, bike lanes and bike facilities in business parks and on routes from transit stations and/or housing to employment centers, and other new or upgraded transportation infrastructure intended to strategically attract jobs to housing-rich areas. Transit service to new employment centers could also be funded under this category.



» TOTAL INVESTMENTS: \$1.98 billion



ACCESSIBLE TRANSPORTATION FOR SENIORS, VETERANS, AND PEOPLE WITH DISABILITIES

Contra Costa County's population is aging. As people get older or become disabled and can no longer drive, they will increasingly rely on other ways to get around. Funding in this category will be used for **affordable, accessible, cost-effective, and safe countywide transportation** for seniors, disabled veterans, and other people with disabilities who, due to age or disability, cannot drive or take other transit options.

In collaboration with stakeholders, transit and non-profit service providers, CCTA will develop an Accessible Transportation Strategic Plan to implement a customer-focused, user-friendly, seamless coordinated system using these funds. The Plan will be developed based on the characteristics and abilities of all system users and identify options including traditional and beyond traditional paratransit services.



INCREASE BUS SERVICES AND RELIABILITY IN WEST CONTRA COSTA

Many people in West Contra Costa County rely on buses and transit as their primary means of travel. CCTA will focus on expanding transit services to unserved or underserved areas, along with more frequent and reliable bus service to all. Funding will be provided to public transit operators in the west subregion of Contra Costa County (including AC Transit and WestCAT) to **provide cleaner, safer, and more reliable trips on buses**. This funding will enable transit operators to improve the frequency of service, especially on high-demand routes, increase ridership and incentivize transit use by offsetting fares.



PROVIDE CONVENIENT AND RELIABLE TRANSIT SERVICES IN CENTRAL, EAST, AND SOUTHWEST CONTRA COSTA

Although BART and rail service offers backbone transit options to residents in central, southwest, and east County, many neighborhoods and communities are unserved or underserved by bus or other transit options, meaning that transit is not close enough to people who want to use it and not frequent enough to be convenient. Funding will be provided to public transit operators in the central, east, and southwest subregions to provide **cleaner, safer, and more reliable trips on buses or shuttles**. This funding will enable transit operators to improve the frequency of service, especially on high-demand routes, increase ridership, and incentivize transit use by offsetting fares.



CLEANER, SAFER BART

BART began operating in the early 1970s and its stations and station equipment are showing their age. There are eleven BART stations located in Contra Costa County.

CCTA plans to fund a suite of modernization projects at select stations to **increase safety, security, and cleanliness**, and to improve customer experience. Several projects will focus on improving reliability of fare gates and reducing fare evasion. Many of these projects are eligible for Measure RR (BART's \$3.5 billion general obligation bond). CCTA will provide no more than a dollar-for-dollar match for BART projects. BART and CCTA will develop a countywide program to determine how funding is allocated, evaluated, and tracked for effectiveness. Specific funding and maintenance of effort requirements are required and identified in the Taxpayers Safeguards and Accountability Policy section.



REDUCE EMISSIONS AND IMPROVE AIR QUALITY

CCTA is a nationwide leader in sustainable, technology-enabled transportation. We integrate innovative technological solutions into Contra Costa County's transportation network to improve traffic flow and safety, reduce greenhouse gas emissions, and offer improved travel options. Technology solutions can help solve the challenges of the lack of connectivity between transportation options, resulting in reduced emissions and improved air quality. Eligible expenditures in this category include:

- Implementing the strategies developed in the 2019 Contra Costa Electric Vehicle Readiness Blueprint and subsequent updates
- Reducing transportation-related greenhouse gases through the utilization of a cleaner vehicle fleet, including alternative fuels and/or locally produced energy
- Preparing for a growing fleet of zero-emission vehicles by facilitating the installation of electric charging stations or alternative fuels
- Increasing utilization of nonautomobile types of transportation by expanding walking and biking paths and transit options
- Using demand management strategies designed to reduce congestion, increase use of nonautomobile transportation, increase occupancy of autos, manage existing infrastructure, and reduce greenhouse gas emissions
- Managing parking supply to improve availability, utilization, and to reduce congestion and greenhouse gas production

Funding is intended to match regional, state, or federal grants and private-sector investment to achieve maximum benefits. CCTA will develop and adopt guidelines for a competitive project-selection process for the use of these funds.



POLICY STATEMENTS

The Growth Management Program (GMP)

Coupled with the Transportation Expenditure Plan (TEP) is Contra Costa's unique and well-tested program for managing growth. The overall goal of the GMP is to preserve and enhance the quality of life and promote a healthy, strong economy to benefit the people and areas of Contra Costa through a cooperative, multijurisdictional process for managing growth, while maintaining local authority over land-use decisions.¹

The objectives of the GMP are to:

- Assure that new residential, business, and commercial growth pays for the facilities required to meet the demands resulting from that growth
- Require cooperative transportation and land-use planning among Contra Costa County, cities/towns, and transportation agencies
- Support land-use patterns within Contra Costa that make more efficient use of the transportation system, consistent with the General Plans of local jurisdictions
- Support infill and redevelopment in existing urban and brownfield areas

The Measure J GMP, which includes Principles of Agreement for Establishing the Urban Limit Line (ULL), is augmented and superseded by this 2020 TEP.

1. The Authority will, to the extent possible, attempt to harmonize the GMP and the State-mandated Congestion Management Program (CMPs). To the extent they conflict, CMP activities shall take precedence over the GMP activities.

COMPONENTS

To receive its share of funding from the following categories:

- 2020 TEP Modernize Local Roads & Improve Access to Job Centers and Housing
- Measure J Local Streets Maintenance & Improvements
- Measure J Transportation for Livable Communities (TLC)

each jurisdiction must:

1. Adopt a Growth Management Element (GME)

Each jurisdiction must adopt, or maintain in place, a GME as part of its General Plan that outlines the jurisdiction's goals and policies for managing growth and requirements for achieving those goals. The GME must show how the jurisdiction will comply with sections 2–9 below. The Contra Costa Transportation Authority (Authority) will refine its model GME and administrative procedures in consultation with the Regional Transportation Planning Committees (RTPCs) to reflect the revised GMP.

Each jurisdiction is encouraged to incorporate other standards and procedures into its GME to support the objectives and required components of this GMP.

2. Adopt a Development Mitigation Program

Each jurisdiction must adopt, or maintain in place, a Development Mitigation Program to ensure that new growth is paying its share of the costs associated with that growth. This program shall consist of both a local program to mitigate impacts on local streets and other facilities, and a regional program to fund regional and subregional transportation projects, consistent with the Countywide Transportation Plan (CTP).

The jurisdiction's local Development Mitigation Program shall ensure that revenue provided from this measure shall not be used to replace private developer funding that has or would have been committed to any project.

The regional Development Mitigation Program shall establish fees, exactions, assessments, or other mitigation measures to fund regional or subregional transportation improvements needed to mitigate the impacts of planned or forecast development. Regional mitigation programs may adjust such fees, exactions, assessments or other mitigation measures when developments are within walking distance of frequent transit service or are part of a mixed-use development of sufficient density and with necessary facilities to support greater levels of walking and bicycling.

Each RTPC shall develop the regional Development Mitigation Program for its region, taking account of planned and forecast growth and the Multimodal Transportation Service Objectives (MTSOs) and actions to achieve them established in the Action Plans for Routes of Regional Significance. RTPCs may use existing regional mitigation programs, if consistent with this section, to comply with the GMP.

3. Address Housing Options

Each jurisdiction shall demonstrate reasonable progress in providing housing opportunities for all income levels as part of a report on the implementation of the actions outlined in its adopted Housing Element. The report will demonstrate progress by one of the following:

- a. Comparing the number of housing units approved, constructed, or occupied within the jurisdiction over the preceding five years with the average number of units needed each year to meet the housing objectives established in the jurisdiction's Housing Element
- b. Illustrating how the jurisdiction has adequately planned to meet the existing and projected housing needs through the adoption of land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development
- c. Illustrating how a jurisdiction's General Plan and zoning regulations facilitate the improvement and development of sufficient housing to meet those objectives

Jurisdictions will provide prepared reports regarding the production and preservation of affordable units as provided for in the Annual Housing Elements Progress Report and subsequent reports.

Each jurisdiction shall demonstrate meaningful progress in preserving existing affordable units for lower-income residents by adopting and implementing locally appropriate antidisplacement and affordable housing policies, for example, preservation of affordable housing, density bonus ordinance and/or inclusionary zoning, to support community stabilization.



Jurisdictions are subject to California's Surplus Land Act, which includes the disposition of surplus land, and each jurisdiction will affirm whether it complies with the surplus Land Act and whether it maintains an inventory of all public land in its jurisdiction that adheres to applicable Surplus Land Act and Government Code 50569 requirements and makes the inventory available to the public.

Each jurisdiction will indicate whether it adheres to applicable local, state, or federal policies or laws regarding tenant protection and whether it has prepared the reports required by such policies or laws and made the reports available to the public.

In addition, each jurisdiction shall consider the impacts that its land use and development policies have on the local, regional, and countywide transportation system, including the level of transportation capacity that can reasonably be provided, and shall incorporate policies and standards into its development approval process that support transit, bicycle, and pedestrian access in new developments.

4. **Participate in an Ongoing Cooperative, Multijurisdictional Planning Process**

Each jurisdiction shall participate in an ongoing process with other jurisdictions and agencies, the RTPCs and the Authority to create a balanced, safe, and efficient transportation system and to manage the impacts of growth. Jurisdictions shall work with the RTPCs to:

- a. Identify Routes of Regional Significance and MTSOs or other tools adopted by the Authority for measuring performance and quality of service along routes of significance—collectively referred to as MTSOs—for those routes and actions for achieving those objectives
- b. Apply the Authority's travel demand model and technical procedures to the analysis of General Plan Amendments and developments exceeding specified thresholds for their effect on the regional transportation system, including on Action Plan objectives
- c. Create the Development Mitigation Programs outlined in section 2 above
- d. Help develop other plans, programs, and studies to address other transportation and growth management issues

In consultation with the RTPCs, each jurisdiction will use the travel demand model to evaluate changes to local General Plans and the impacts of major development projects for their effects on the local and regional transportation system and the ability to achieve the MTSOs established in the Action Plans.

Jurisdictions shall also participate in the Authority's ongoing countywide comprehensive transportation planning process. As part of this process, the Authority shall support countywide and subregional planning efforts, including the Action Plans for Routes of Regional Significance, and shall maintain a travel demand model. Jurisdictions shall help maintain the Authority's travel demand modeling system by providing information on proposed improvements to the transportation system and planned and approved development within the jurisdiction.

5. **Continuously Comply with an Urban Limit Line (ULL)**

To be found in compliance with this element of the Authority's GMP, all jurisdictions must continually comply with an applicable voter approved ULL. Said ULL may either be the Contra Costa County voter approved ULL (County ULL) or a locally initiated, voter approved ULL (LV-ULL).

Additional information and detailed compliance requirements for the ULL are fully defined in the ULL Compliance Requirements, which are incorporated herein.

Either of the following actions by a local jurisdiction will constitute noncompliance with the GMP:

- a. The submittal of an annexation request to the Local Agency Formation Commission (LAFCO) for lands outside of a jurisdiction's applicable ULL.
- b. Failure to conform to the Authority's ULL Compliance Requirements.

6. **Develop a Five-Year Capital Improvement Program (CIP)**

Each jurisdiction shall prepare and maintain a CIP that outlines the capital projects needed to implement the goals and policies of the jurisdiction's General Plan for at least the following five-year period. The CIP shall include approved projects and an analysis of the costs of the proposed projects as well as a financial plan for providing the improvements. The jurisdiction shall forward the transportation component of its CIP to the Authority for incorporation into the Authority's database of transportation projects.

7. Adopt a Transportation Systems Management (TSM) Ordinance or Resolution

To promote carpools, vanpools, and park-and-ride lots, each jurisdiction shall adopt a local ordinance or resolution that conforms to the model TSM ordinance that the Authority has drafted and adopted. Upon approval of the Authority, cities/towns with a small employment base may adopt alternative mitigation measures in lieu of a TSM ordinance or resolution.

8. Adopt Additional Growth Management Policies, as applicable

Each jurisdiction shall adopt and thereafter continuously maintain the following policies (where applicable):

- a. Hillside Development Policy
- b. Ridgeline Protection Policy
- c. Wildlife Corridor Policy
- d. Creek Development Policy

Where a jurisdiction does not have a developable hillside, ridgeline, wildlife corridor, or creek, it need not adopt the corresponding policy. An ordinance that implements the East Contra Costa Habitat Conservation Plan (HCP)/Natural Community Preservation Plan Act (NCCP) shall satisfy the requirement to have an adopted Wildlife Corridor Policy and Creek Development Policy. In addition to the above, jurisdictions with Prime Farmland and Farmland of Statewide Importance (Prime/Statewide)—as defined by the California Department of Conservation and mapped by the Farmland Mapping and Monitoring Program—within their planning areas but outside of their city/town shall adopt and thereafter continuously maintain an Agricultural Protection Policy. The policy must ensure that potential impacts of converting Prime/Statewide outside the ULL to other uses are identified and disclosed when considering such a conversion. The applicable policies are required to be in place by no later than July 1, 2022.

9. Adopt a Complete Streets Policy and Vision Zero Policy

Each jurisdiction shall adopt a Complete Streets Policy, consistent with the California Complete Streets Act of 2008 (AB 1358) and with the Authority's Complete Streets Policy, which accommodates all users of travel modes in the public right-of-way. Each jurisdiction shall also adopt a Vision Zero Policy that substantially complies with the Authority's Model Vision Zero Policy and reflects best practices for street design elements and programs to mitigate human error and quantifiably

improve the traffic safety of all users in the planning, design, and construction of projects funded with Measure funds. Jurisdictions shall document their level of effort to implement these policies, including during requests for funding, peer review of project design, and as part of the newly added compliance requirement in the biennial GMP Checklist.

ALLOCATION OF FUNDS

Portions of the monies received from the retail transaction and use tax will be returned to the local jurisdictions (the cities/towns and County) for use on local, subregional, and/or regional transportation improvements and maintenance projects. Receipt of all such funds requires compliance with the GMP and the allocation procedures described below. The funds are to be distributed on a formula based on population and road miles.

Each jurisdiction shall demonstrate its compliance with all of the components of the GMP in a completed compliance checklist. The jurisdiction shall submit, and the Authority shall review and make findings regarding the jurisdiction's compliance with the requirements of the GMP, consistent with the Authority's adopted policies and procedures.

If the Authority determines that the jurisdiction complies with the requirements of the GMP, it shall allocate to the jurisdiction its share of 2020 TEP funding from the Modernize Local Roads & Improve Access to Job Centers and Housing category and its share of Measure J Local Streets Maintenance & Improvements funding. Jurisdictions may use funds allocated under this provision to comply with these administrative requirements.

If the Authority determines that the jurisdiction does not comply with the requirements of the GMP, the Authority shall withhold funds and also make a finding that the jurisdiction shall not be eligible to receive Measure J TLC funds until the Authority determines that the jurisdiction has achieved compliance. The Authority's findings of noncompliance may set deadlines and conditions for achieving compliance.

Withholding of funds, reinstatement of compliance, reallocation of funds, and treatment of unallocated funds shall be as established in adopted Authority policies and procedures.

Urban Limit Line (ULL) Compliance Requirements

Definitions—the following definitions apply to the GMP ULL requirement:

1. Urban Limit Line (ULL):

A ULL, urban growth boundary, or other equivalent physical boundary judged by the Authority to clearly identify the physical limits of the local jurisdiction's future urban development.

2. Local Jurisdictions:

Includes Contra Costa County, the 19 cities and towns within Contra Costa, plus any newly incorporated cities or towns established after July 1, 2020.

3. County ULL:

County ULL: A ULL placed on the ballot by the Contra Costa County Board of Supervisors, approved by voters at a countywide election, and in effect through the applicable GMP compliance period. The current County ULL was established by Measure L and approved by voters in 2006.

The following local jurisdictions have adopted the County ULL as their applicable ULL:

City of Brentwood	Town of Moraga
City of Clayton	City of Oakley
City of Concord	City of Orinda
Town of Danville	City of Pinole
City of El Cerrito	City of Pleasant Hill
City of Hercules	City of Richmond
City of Lafayette	City of San Pablo
City of Martinez	City of Walnut Creek

4. Local Voter ULL (LV-ULL):

Local Voter ULL (LV-ULL): A ULL or equivalent measure placed on the local jurisdiction ballot, approved by the jurisdiction's voters, and recognized by action of the local jurisdiction's legislative body as its applicable, voter-approved ULL. The LV-ULL will be used as of its effective date to meet the Authority's GMP ULL requirement and must be in effect through the applicable GMP compliance period.

The following local jurisdictions have adopted a LV-ULL:

City of Antioch	City of Pittsburg
City of San Ramon	

5. Minor Adjustment:

An adjustment to the ULL of 30 acres or less is intended to address unanticipated circumstances.

6. Other Adjustments:

Other adjustments that address issues of unconstitutional takings and conformance to state and federal law.

REVISIONS TO THE ULL

1. A local jurisdiction that has adopted the County ULL as its applicable ULL may revise its ULL with local voter approval at any time during the term of the Authority's GMP by adopting a LV-ULL in accordance with the requirements outlined for a LV-ULL contained in the definitions section.
2. A local jurisdiction may revise its LV-ULL with local voter approval at any time during the term of the Authority's GMP if the resultant ULL meets the requirements outlined for a LV-ULL contained in the definitions section.
3. If voters, through a countywide ballot measure, approve a revision to the County ULL, the legislative body of each local jurisdiction relying on the County ULL shall:
 - a. Accept and approve its existing ULL to continue as its applicable ULL, or
 - b. Accept and approve the revised County ULL as its applicable ULL, or
 - c. Adopt a LV-ULL in accordance with the requirements outlined for a LV-ULL contained in the definitions section

However, if any Countywide measure to approve a revision to the County ULL fails, then the legislative body of each local jurisdiction relying on the prior County ULL may accept and approve the existing County ULL.

4. Local jurisdictions may, without voter approval, enact Minor Adjustments to their applicable ULL subject to a vote of at least 4/5 of the jurisdiction's legislative body and meeting the following requirements:
 - a. Minor adjustment shall not exceed 30 acres.
 - b. Adoption of at least one of the findings listed in the County's Measure L (§82-1.018 of County Ordinances 200606 § 3, 91-1 § 2, 90-66 § 4), which include:

- A natural or man-made disaster or public emergency has occurred that warrants the provision of housing and/or other community needs within land located outside the ULL
 - An objective study has determined that the ULL is preventing the jurisdiction from providing its fair share of affordable housing or regional housing, as required by state law, and the governing elected legislative body finds that a change to the ULL is necessary and is the only feasible means to enable the County jurisdiction to meet these requirements of state law
 - A majority of the cities/towns that are party to a preservation agreement and the County have approved a change to the ULL affecting all or any portion of the land covered by the preservation agreement
 - A minor change to the ULL will more accurately reflect topographical characteristics or legal boundaries
 - A five-year cyclical review of the ULL has determined, based on the criteria and factors for establishing the ULL set forth in Contra Costa County Code (Section 82-1.010), that new information is available (from city/town, County growth management studies, or otherwise) or circumstances have changed, warranting a change to the ULL
 - An objective study has determined that a change to the ULL is necessary or desirable to further the economic viability of the East Contra Costa County Airport, and either (i) mitigate adverse aviation-related environmental or community impacts attributable to Buchanan Field, or (ii) further the County's aviation related needs
 - A change is required to conform to applicable California or Federal law
- c. Adoption of a finding that the proposed Minor Adjustment will have a public benefit. Said public benefit could include, but is not necessarily limited to, enhanced mobility of people or goods, environmental protections or enhancements, improved air quality or land use, enhanced public safety or security, housing or jobs, infrastructure preservation, or other significant positive community effects as defined by the local land use authority. If the proposed Minor Adjustment to the ULL is proposed to accommodate housing or commercial development, said proposal must include permanent environmental protections or enhancements, such as the permanent protection of agricultural lands, the dedication of open space or the establishment of permanent conservation easements.
- d. The Minor Adjustment is not contiguous to one or more non-voter approved Minor Adjustments that in total exceeds 30 acres.
- e. The Minor Adjustment does not create a pocket of land outside the existing ULL, specifically to avoid the possibility of a jurisdiction wanting to fill in that land subsequently through separate adjustments.
- f. Any jurisdiction proposing to process a Minor Adjustment to its applicable ULL that impacts FMMP is required to have an adopted Agricultural Protection Ordinance or must demonstrate how the loss of these agricultural lands will be mitigated by permanently protecting farmland.
5. A local jurisdiction may revise its LV-ULL, and the County may revise the County ULL, to address issues of unconstitutional takings or conformance to State or Federal law.

CONDITIONS OF COMPLIANCE

1. Submittal of an annexation request by a local jurisdiction to LAFCO outside of an approved ULL will constitute non-compliance with the GMP.
2. For each jurisdiction, an applicable ULL shall be in place through each GMP compliance reporting period for the local jurisdiction to be found in compliance with the GMP requirements.
3. Submittal of an annexation request for land outside an approved ULL by a third party to LAFCO will constitute noncompliance with the GMP, if the local jurisdiction: (1) submits a "will serve" letter to LAFCO. A "will serve" letter determines the applicant's ability and willingness to serve the subject area and any further development, (2) utilizes an existing applicable tax sharing agreement, and/or (3) enters into a new tax sharing agreement for the annexation request.

Transit Policy

VISION

This Transportation Expenditure Plan (TEP) envisions a transportation system that provides reliable, safe, comfortable and convenient access for all users of the transportation system, regardless of mode choice and travel characteristics. The TEP further envisions a public transit system that provides convenient, safe, affordable, and reliable service and which offers an attractive alternative to private automobile usage. The Transit Policy Vision includes the infrastructure needed to accommodate a more robust transportation system for Contra Costa County that promotes greater use of transit and other shared mobility alternatives by prioritizing the movement of people rather than single-occupancy vehicles across the network. The TEP aims to improve transit countywide and reduce commute travel times, deliver more frequent and reliable service, expand transit service areas, and provide better connections to and from transit by various modes of mobility options. Improving the coordination among transit operators and integrating the existing transit systems with new technological tools and platforms to enhance customer access and experience should increase the share of residents and employees who choose public transit. Doing so will reduce congestion, improve air quality, and accommodate a growing population.

To achieve this vision, the TEP allocates more than one-half of the expected sales tax revenue to Transit and Alternative Modes and approximately one-quarter for local road improvements. To provide the maximum benefits to Contra Costa residents, the Contra Costa Transportation Authority (Authority) adopts the following policies and principles for use of transit funds authorized in the TEP:

POLICY

1. The Policy shall promote Transit First and guide the development of an Integrated Transit Plan (ITP). In the context of this Policy, Transit First considers the following to provide a seamless and integrated transportation system:
 - a. Decisions regarding the use of limited public street and sidewalk space shall prioritize the use

of public rights-of-way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.

- b. Transit-priority improvements, such as designated transit lanes and streets and improved signalization, shall be made to expedite the movement of public transit vehicles and to improve safety for people who bike and walk.
 - c. Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.
 - d. Bicycling shall be promoted by encouraging safe streets for riding, providing convenient access to transit, and increasing the availability of bicycle lanes and secure bicycle parking.
 - e. Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.
 - f. The ability to reduce traffic congestion depends on the adequacy of regional public transportation. The cities/towns and County shall promote the use of transit and the continued development of an integrated and reliable regional public transportation system.
 - g. The cities/towns and County shall encourage innovative solutions to meet public transportation needs wherever possible.
2. All transit operators that receive funding from the TEP shall participate in the development of an ITP to identify how to utilize funding to better coordinate and integrate transit services countywide. The ITP should guide how the TEP funding dedicated to Transit and Alternative Modes categories can be used to implement the Transit Policy Vision:
 - a. The ITP will be developed and managed under the leadership of the Authority and the County's transit operators. The Authority and the transit operators shall coordinate with transportation service providers in Contra Costa to inform the development of the ITP. Transit operators shall consult with the Regional Transportation Planning Committees (RTPCs) in developing the ITP.
 - b. The ITP will focus on delivering a streamlined and unified experience for the customer across all modes

and transit operators should identify transit service investments (i.e., new routes, service hours, frequency), capital projects/assets (i.e., transit centers, bus stops, stop amenities, vehicles), and transit priority measures (i.e., transit signal priority, bus lanes, queue jumps) to be funded from the TEP.

- c. The ITP shall demonstrate reduction in vehicle-miles traveled (VMT) per capita and greenhouse gas (GHG) emissions to meet the Authority's countywide goals. Transit service investments, capital projects/assets, and transit priority measures to be funded from the TEP shall reduce VMT and GHG emissions or participate in the VMT Mitigation Program.
 - d. Prioritization for TEP funding should consider projects that can leverage other state, federal, or local funding.
 - e. The ITP shall be updated at least every five years to address new technology opportunities, any changes in demand, and other conditions.
3. Transit operators in Contra Costa County shall incorporate the findings and recommendations of the ITP pertinent to each operator's service area into their respective Short-Range Transit Plans (SRTP). The SRTPs shall be reviewed for consistency with the ITP associated with this TEP.
 4. Allocations pursuant to this TEP will be made in support of the recommendations in the ITP. Any recommendations in the ITP shall include performance measures to achieve continued funding.
 5. The Authority expects transit operating funds from the TEP to be used to support the vision of this policy. In the event that TEP funds must be used to support other transit services as a result of reduction of operating funds from other sources or due to other financial concerns, the transit operator shall update its SRTP and submit to the Authority.
 6. The Authority expects that public agencies and transit operators leverage new and emerging technologies to improve service and to address first-mile/last-mile connections between transit stops and other traveler destinations. These technologies may include, but not be limited to, ride hailing partnerships, autonomous shuttles, shared mobility (bikes, scooters, cars), and mobility-on-demand platforms that best fit within each transit operator's service area. The ITP should address how these technology services function within and among service boundaries and provide a seamless experience countywide for customers.
 7. The Authority expects that recipients of TEP funding create, analyze, and seize opportunities for fare and schedule integration among transit operators and any technology services adopted. Focus should be placed on reducing inconveniences associated with transferring between services and on having a cost-effective, universally accepted digital payment method. The ITP should address how Contra Costa transit operators can maximize benefits of fare payment and schedule integration while acknowledging current efforts by various agencies to achieve the same goal.
 8. The Authority will not fund construction of any transit capital improvement until the project sponsor demonstrates how the project would increase ridership and/or decrease VMT. Funding for planning and design—including demonstration pilots—is not subject to this requirement.
 9. All recipients of funding through this TEP shall consider and accommodate, wherever possible, the principles of Transit First in the planning, design, construction, reconstruction, rehabilitation, and maintenance of the transportation system.
 10. All transit operators that receive funding from the TEP shall report how received funding benefits Communities of Concern and low-income residents in their jurisdictions and service areas. The ITP should ensure proportionally greater benefits to Communities of Concern and low-income residents.



Complete Streets Policy

VISION

This Plan envisions a transportation system and infrastructure in which each component provides safe, comfortable, and convenient access for users of all ages and abilities. These users include pedestrians, bicyclists, transit riders, automobile drivers, taxis, Transportation Network Companies (TNCs) and their passengers, and truckers as well as people of varying abilities, including children, seniors, people with disabilities, and able-bodied adults. The goal of every transportation project is to provide safer, more accessible facilities for all users. All projects shall be planned, designed, constructed, and operated to prioritize users' life safety and accommodate the Complete Streets concept.

By making streets more efficient and safer for all users, a Complete Streets approach will expand capacity and improve mobility for all users, giving commuters convenient options for travel and minimizing the need to widen roadways.

POLICY

To achieve this vision, all recipients of funding through this Plan shall consider and accommodate, wherever possible and subject to the exceptions listed in this Policy, the needs of all users in the planning, design, construction, reconstruction, rehabilitation, and maintenance of the transportation system. This determination shall be consistent with the exceptions listed below. Achieving this vision will require balancing the needs of different users and may require reallocating existing rights-of-way (ROW) for different uses.

The Authority shall revise its project development guidelines to require the consideration and accommodation of all users in the design and construction of projects funded with measure funds and shall adopt peer review and design standards to implement that approach. The guidelines will allow flexibility in responding to the context of each project and the needs of users specific to the project's context and will build on accepted best practices for complete streets and context-sensitive design.

To ensure that this policy is carried out, the Authority shall prepare a checklist that project sponsors using measure

funds must submit. This checklist will document how the needs of all users were considered and how they were accommodated in the design and construction of the project. In the checklist, the sponsor will outline how they provided opportunity for public input, in a public forum, from all users early in the project development and design process. This includes regular public review of agency repaving programs. If the proposed project or program will not provide context-appropriate conditions for all users, the sponsor shall document the reasons why in the checklist, consistent with the following section on "exceptions" below. The completed checklist shall be made part of the approval of programming of funding for the project or the funding allocation resolution.

Recipients of 2020 TEP funding for the Modernize Local Roads and Improve Access to Job Centers and Housing category and Measure J TEP Funding from Local Maintenance and Improvements shall adopt procedures that ensure that all agency departments consider and accommodate the needs of all users for projects or programs affecting public ROW for which the agency is responsible. These procedures shall:

1. Be consistent with the California Complete Streets Act of 2008 (AB 1358)
2. Be consistent with and be designed to implement each agency's General Plan Policies once that plan has been updated to comply with the California Complete Streets Act of 2008 and the Authority's Complete Streets Policy
3. Involve and coordinate the work of all agency departments and staff whose projects will affect the public ROW
4. Meet or exceed the Complete Street design standards adopted by the Authority
5. Be consistent with the adopted Local Jurisdiction Complete Streets Policy and Authority's Complete Street Policy herein
6. Promote proactive data collection and traffic system monitoring using next generation technology, such as advance detection systems
7. Provide opportunity for public review by all potential users early in the project development and design phase so that options can be fully considered. This review could be done through an advisory committee such as a Bicycle and Pedestrian Advisory Committee or as part of the review of the agency's CIP

As part of their biennial GMP checklist, agencies shall list projects funded by the Measure and detail how those projects accommodated users of all modes by applying Transit, Complete Streets, and Vision Zero Policies.

As part of the multijurisdictional planning required by the GMP, agencies shall work with the Authority and the RTPCs to harmonize the planning, design, and construction of transportation facilities for all modes within their jurisdiction with the plans of adjoining and connecting jurisdictions.

EXCEPTIONS

Project sponsors may provide a lesser accommodation or forgo Complete Street accommodation components when the public works director or equivalent agency official finds that:

1. Pedestrians, bicyclists, or other users are prohibited by law from using the transportation facility
2. The cost of new accommodation would be excessively disproportionate to the need or probable use. If meeting adopted design standards is cost prohibitive, the proposed project improvements should be phased, or a more cost-effective solution should be provided
3. The sponsor demonstrates that such accommodation is not needed based on objective factors including:
 - a. Current and projected user demand for all modes based on current and future land use
 - b. Lack of identified conflicts, both existing and potential, between modes of travel

Project sponsors shall explicitly approve exception findings as part of the approval of any project using measure funds to improve streets classified as a major collector or above.¹ Prior to this project, sponsors must provide an opportunity for public input at an approval body (that regularly considers design issues) and/or the governing board of the project sponsor.

¹ Major Collectors and above, as defined by the California Department of Transportation (Caltrans) California Road System (CRS) map.

Advance Mitigation Program

The Authority is committed to participate in the creation and funding of an Advance Mitigation Program (AMP) as an innovative way to advance needed infrastructure projects more efficiently and provide more effective conservation of our natural resources, watersheds and wetlands, and agricultural lands. As a global biodiversity hot spot, the Bay Area and Contra Costa County host an extraordinarily rich array of valuable natural communities and ecosystems that provides habitat for rare plants and wildlife and supports residents' health and quality of life by providing clean drinking water, clean air, opportunities for outdoor recreation, adaptation to climate change, and protection from disasters like flooding and landslides.

Assembly Bill No. 2087 (AB 2087) outlines a program for informing science-based, nonbinding, and voluntary conservation actions and habitat enhancement actions that would advance the conservation of focal species, natural communities, and other conservation elements at a regional scale. The AMP used AB 2087 and subsequent guidance to integrate conservation into infrastructure agencies' plans and project development well in advance and on a regional scale to reduce potential impacts of transportation projects, as well as to drive mitigation dollars to protect regional conservation priorities and protect important ecological functions, watersheds and wetlands, and agricultural lands that are at threat of loss. The AMP will provide environmental mitigation activities specifically required under the California Environmental Quality Act of 1970 (CEQA), National Environmental Policy Act of 1969 (NEPA), Clean Water Act Section 401 and Section 404, and other applicable regulations in the implementation of the major highway, transit, and regional arterial and local streets and roads projects identified in the Plan. Senate Bill 1 (SB 1) (2017) created the AMP at Caltrans to enhance opportunities for the department to work with stakeholders to identify important project mitigation early in the project development process and improve environmental outcomes by mitigating the effects of transportation projects. The Authority's AMP compliments advance mitigation funding from SB 1.

The Authority's participation in an AMP is subject to the following conditions:

1. Development and approval of a Regional Conservation Investment Strategy (RCIS) that identifies conservation priorities and mitigation opportunities for all of Contra Costa County. The RCIS established conservation goals and includes

countywide opportunities and strategies that are, among other requirements, consistent with and that support the East Contra Costa Habitat Conservation Plan (HCP)/Natural Community Preservation Plan Act (NCCP). The RCIS will identify mitigation opportunities for all areas of the County to ensure that mitigation occurs in the vicinity of the project impact to the greatest extent possible. The Authority will review and approve the RCIS, in consultation with the RTPCs, prior to the allocation of funds for the AMP.

2. Development of a Project Impacts Assessment (PIA) that identifies the portfolio of projects to be included in the Advance Mitigation Program and the estimated costs for mitigation of the environmental impacts of the projects. The Authority will review and approve the PIA prior to the allocation of funds for the AMP. The PIA and estimated costs do not in any way limit the amount of mitigation that may be necessary or undertaken for the environmental impacts of the projects.
3. Development of the legislative and regulatory framework necessary to implement an AMP in Contra Costa County.
4. The identification of the Implementing Agency to administer the AMP for Contra Costa County or portions of the Bay Area, including Contra Costa County.

The Authority will determine the amount of funds to be dedicated to this program following the satisfaction of the above conditions. Funds from the Plan will be allocated consistent with the Regional Conservation Assessment/Framework to fund environmental mitigation activities required in the implementation of the major highway, transit and regional arterial and local streets and roads projects identified in the Plan. If this approach cannot be fully implemented, these funds

shall be used for environmental mitigation purposes on a project-by-project basis. Mitigation required for future transportation improvements identified in the Plan are not limited by the availability of funding or mitigation credits available in the Program.

All projects funded from the TEP are eligible for inclusion in the AMP. Note that some projects are within the East Contra Costa County HCP/NCCP. The AMP provides an opportunity to meet species mitigation needs on projects that cannot be met by East Contra Costa County HCP/NCCP.

Pursuant to Senate Bill No. 743, which reformed the process for California Environmental Quality Act (CEQA) review of transportation impacts to align with greenhouse gas emissions reduction goals, the Governor's Office of Planning and Research (OPR) identified vehicle-miles traveled (VMT) as the key metric to measure transportation impacts under CEQA. As a result, projects will be expected to demonstrate a reduction in VMT to meet the Authority's goal to reduce VMT per capita and GHG emissions countywide. The Authority will begin development of an innovative countywide program to identify a broad portfolio of mitigation measures that will be funded through aggregation of funds and deployed to support top-priority VMT reducing projects and strategies throughout the County. The VMT Mitigation Program will consider the structure of the program, legal framework to comply with CEQA and Mitigation Fee Act, and program design, such as project selection and prioritization, measurement, evaluation, verification, reporting, equity, and monitoring. The amount of VMT mitigated will be for the planning horizon for each project.



Taxpayer Safeguards and Accountability Policy

GOVERNING STRUCTURE

Governing Body and Administration

The Authority is governed by a Board composed of 11 members, all elected officials, with the following representation:

- Two members from the Central County Regional Transportation Planning Commission (RTPC), also referred to as Transportation Partnership and Cooperation (TRANSPAC)
- Two members from the East County RTPC, also referred to as East County Transportation Planning Committee (TRANSPLAN)
- Two members from the Southwest County RTPC, also referred to as Southwest Area Transportation Committee (SWAT)
- Two members from the West County RTPC, also referred to as West County Contra Costa County Transportation Advisory Committee (WCCTAC)
- One member from the Conference of Mayors
- Two members from the Board of Supervisors

The Authority Board also includes three (3) ex officio, non-voting members that are appointed by the MTC, BART, and the Public Transit Operators in Contra Costa County.

The four subregions within Contra Costa—Central, West, Southwest and East County—are each represented by a Regional Transportation Planning Commission (RTPC). Central County (TRANSPAC subregion) includes Clayton, Concord, Martinez, Pleasant Hill, Walnut Creek, and the unincorporated portions of Central County. West County (WCCTAC subregion) includes El Cerrito, Hercules, Pinole, Richmond, San Pablo, and the unincorporated portions of West County. Southwest County (SWAT subregion) includes Danville, Lafayette, Moraga, Orinda, San Ramon and the unincorporated portions of Southwest County.

East County (TRANSPLAN subregion) includes Antioch, Brentwood, Oakley, Pittsburg, and the unincorporated portions of East County.

Public Oversight Committee

The Public Oversight Committee (POC) shall provide diligent, independent, and public oversight of all expenditures of Measure funds by Authority or recipient agencies (County, cities/towns, transit operators, etc.). The POC will report to the public and focus its oversight on the following:

- Review of allocation and expenditure of Measure funds to ensure that all funds are used consistent with the Measure
- Review of fiscal audits of Measure expenditures
- Review of performance audits of projects and programs relative to performance criteria established by the Authority, and if performance of any project or program does not meet its established performance criteria, identify reasons why and make recommendations for corrective actions that can be taken by the Authority Board for changes to project or program guidelines
- Review of application of the performance-based review policy and provide input and recommendations for the development of associated guidelines
- Review of the maintenance of effort compliance requirements of local jurisdictions for local streets, roads, and bridges funding
- Review of each jurisdiction's GMP Checklist and compliance with the GMP Policies

The POC shall prepare an annual report that includes an account of the POC's activities during the previous year, its review and recommendations relative to fiscal or performance audits, and any recommendations made to the Authority Board for implementing the TEP. The



report will be noticed in local media outlets throughout Contra Costa County, posted to the Authority website, and made continuously available for public inspection at Authority offices. The report shall be composed of easy-to-understand language that is not produced in an overly technical format. The POC shall make an annual presentation to the Authority Board summarizing the annual report subsequent to its release.

POC members shall be selected by the Authority to reflect community, business organizations, and other interests within the County. The goal of the membership makeup of the POC is to provide a balance of viewpoints, including, but not limited to, geography, age, gender, ethnicity, and income status to represent the different perspectives of the residents of Contra Costa County. One member will be nominated by each of the four subregions by the RTPCs representing the subregion nominating the member. The Board of Supervisors will nominate one member residing in and representing the County. Twelve members will be nominated by respective organizations representative of interest groups, such as civic and governance involvement, taxpayer advocate, businesses, construction and trades labor, general labor, building and development, disabled, biking and pedestrian, transit, low income, climate change, seniors, environmental, and/or open space organizations operating in Contra Costa County (specific organizations may vary during the life of the Measure). The Authority will consult with the public and active interest groups to solicit, identify nominees, and nominate POC members that represent those areas listed above. The Authority will accept nominations from any member of the public. The Authority will create a process to review possible POC members, including interviews. An interest area will be represented by no more than one POC member. About one-half of the initial member appointments will be for two years and the remaining appointments will be for three-year terms. Thereafter, members will be appointed to two-year terms. Any individual member can serve on the POC for no more than six consecutive years.

POC members will be Contra Costa County residents who are not elected officials at any level of government, or public employees from agencies that either oversee or benefit from the proceeds of the Measure. Membership is restricted to individuals with no economic interest in any of the Authority's projects or programs. If a member's status changes so that he/she no longer meets these requirements, or if a member resigns his/her position on the POC, the Authority Board will issue a new statement of interest from the same stakeholder category to fill the vacant position.

The POC shall meet up to once per month to carry out its responsibility and shall meet at least once every three months. Meetings shall be held at the same location as the Authority Board meetings are usually held, shall be open to the public, and must be held in compliance with California's open meeting law (the Brown Act). Meetings shall be recorded and the recordings shall be posted for the public.

Members are expected to attend all meetings. If a member, without good reason acceptable to the Chair of the POC, fails to attend either (a) two or more consecutive meetings or (b) more than three meetings a year, the Authority Board will request a replacement from the interest group listed above.

The Authority commits to support the oversight process through cooperation with the POC by providing access to project and program information, audits, and other information available to the Authority, and to logistical support so that the POC may effectively perform its oversight function. The POC will have full access to the Authority's independent auditors and may request Authority staff briefings for any information that is relevant to the Measure. The Authority will provide resources for meeting design and process, facilitation, and skill and knowledge building to foster and support the POC's ability to provide meaningful input and recommendations. The POC Chair shall inform the Authority Board Chair and Executive Director of any concern regarding Authority staff's commitment or performance regarding open communication, the timely sharing of information, and teamwork.

The POC shall not have the authority to set policy or to appropriate or withhold funds, nor shall it participate in or interfere with the selection process of any consultant or contractor hired to implement the TEP.

The POC shall not receive monetary compensation except for the reimbursement of travel or other incidental expenses in a manner consistent with other Authority advisory committees. Exceptions may be made by the Authority to reasonably assist members to participate in POC meetings.

To ensure that the oversight by the POC continues to be as effective as possible, the efficacy of the POC Charter (i.e., this document) will be evaluated on a periodic basis and a formal review will be conducted by the Authority Board, Executive Director, and the POC a minimum of every five years to determine if any amendments to this Charter should be made. The formal review will

include a benchmarking of the Committee's activities and Charter with other best-in-class oversight committees. Amendments to this Charter shall be proposed by the POC and adopted or rejected by the Authority Board.

The POC replaces the Authority's existing Citizens Advisory Committee (CAC).

Advisory Committees

The Authority will continue the committees that were established as part of the Transportation Partnership Commission organization as well as other committees that have been utilized by the Authority to advise and assist in policy development and implementation. The committees include:

The RTPCs that were established to develop transportation plans on a geographic basis for subareas of the County, and

- The Technical Coordinating Committee (TCC) that will serve as the Authority's technical advisory committee
- Paratransit Coordinating Council (PCC)
- The Countywide Bicycle and Pedestrian Advisory Committee (CBPAC)
- Bus Transit Coordinating Committee (BTCC)

IMPLEMENTING GUIDELINES

This TEP is guided by principles that ensure the revenue generated by the sales tax is spent only for the purposes outlined in this TEP in the most efficient and effective manner possible, consistent with serving the transportation needs of Contra Costa County. The following Implementing Guidelines shall govern the administration of sales tax revenues by the Authority. Additional detail for certain Implementing Guidelines is found elsewhere in this TEP.

Duration of the TEP

The duration of the TEP shall be for 35 years from July 1, 2020, through June 30, 2055.

Administration of the Plan

1. Funds Only Projects and Programs in the TEP

Funds collected under this Measure may only be spent for purposes identified in the TEP, as

it may be amended by the Authority governing body. Identification of Projects or Programs in the Plan does not ensure their implementation. As authorized, the Authority may amend or delete Projects and Programs identified in the Plan to provide for the use of additional federal, state, and local funds, to account for unexpected revenue, to maintain consistency with the current Contra Costa Countywide Transportation Plan (CTP), to take into consideration unforeseen circumstances, and to account for impacts, alternatives, and potential mitigation determined during review under the California Environmental Quality Act (CEQA) at such time as each project and program is proposed for approval.

2. All Decisions Made in Public Process

The Authority is given the fiduciary duty of administering the transportation sales tax proceeds in accordance with all applicable laws and with the TEP. Activities of the Authority will be conducted in public according to state law, through publicly noticed meetings. The annual budgets of Authority, strategic delivery plans, and annual reports will all be prepared for public review. The interest of the public will be further protected by the POC, described previously in the TEP.

3. Salary and Administration Cost Caps

Revenues may be expended by the Authority for salaries, wages, benefits, overhead, and those services, including contractual services, necessary to administer the Measure. However, in no case shall the expenditures for the salaries and benefits of the staff necessary to perform administrative functions for the Authority exceed one percent (1%) of revenues from the Measure. The allocated costs of Authority staff who directly implement specific projects or programs are not included in the administrative costs.

4. Expenditure Plan Amendments Require Majority Support

The Authority may review and propose amendments to the TEP and the GMP to provide for the use of additional federal, state, and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. Affected RTPCs and Public Oversight Committee (POC) will participate in the development of the proposed amendment(s). A supermajority (66%) vote of the Authority Board is required to approve an amendment. Any amendment to the TEP that is administrative or less than \$50 million to the Expenditure Plan will require a 45-day period

to comment on the proposed amendment. Any amendments to expenditure categories that total \$50 million or greater, whether submitted as one amendment or a series of related amendments, will require the following:

- a. The need for such amendment shall be properly demonstrated in a regularly scheduled public meeting of the Authority Board.
- b. The Authority shall make a presentation at the earliest possible POC and RTPC meetings outlining the details of the proposed amendment and allow for POC and RTPC input.
- c. No fewer than two special public information and comment sessions shall be held and publicized by the Authority within 90 days following the initial Authority Board meeting.
- d. The proposed amendment will be given a 90-day public comment period.
- e. The proposed amendment shall be voted on during a regularly scheduled Authority Board meeting.

5. **Augment Transportation Funds**

Funds generated pursuant to the Measure are to be used to supplement and not replace existing local revenues used for transportation purposes. Any funds already allocated, committed, or otherwise included in the financial plan for any project in the TEP shall be made available for project development and implementation as required in the project's financial and implementation program.

6. **Jurisdiction**

The Authority retains sole discretion regarding interpretation, construction, and meaning of words and phrases in the TEP.

Taxpayer Safeguards, Audits and Accountability

7. **Public Oversight Committee (POC)**

The POC will provide diligent, independent, and public oversight of all expenditures of Measure funds by Authority or recipient agencies (County, cities/towns, transit operators, etc.). The POC will report to the public and focus its oversight on annual audits, the review and allocation of Measure funds, the performance of projects and programs in the TEP, and compliance by local jurisdictions with the maintenance of effort and GMP described previously in the TEP.

8. **Fiscal Audits**

All funds expended by the Authority directly and all funds allocated by formula or discretionary grants to other entities are subject to fiscal audit. Recipients of Measure funds (including but not limited to County, cities/towns, and transit operators) will be audited at least once every five years, conducted by an independent CPA. Any agency found to be in noncompliance shall have its formula sales tax funds withheld until such time as the agency is found to be in compliance.

9. **Performance Audits**

All funding categories shall be subject to performance audits by the Authority. Each year, the Authority shall select and perform a focused performance audit on two or three of the funding categories so that at the end of the fourth year, all funding categories are audited. This process shall commence two years after passage of the new sales tax measure. Additional Performance Audits shall continue on a similar cycle for the duration of the TEP. The performance audits shall provide an accurate quantitative and qualitative evaluation of the funding categories to determine the effectiveness in meeting the performance criteria established by the Authority. In the event that any performance audit determines that a funding category is not meeting the performance requirements established by the Authority, the audit shall include recommendations for corrective action including but not limited to revisions to Authority policies or program guidelines that govern the expenditure of funds.

10. **Maintenance of Effort (MOE)**

Funds generated by the new sales tax Measure are to be used to supplement and not replace existing local revenues used for streets and highways purposes. The basis of the MOE requirement will be the average of expenditures of annual discretionary funds on streets and highways, as reported to the Controller pursuant to Streets and Highways Code Section 2151 for the three most recent fiscal years before the passage of the Measure, where data is available. The average dollar amount will then be increased once every three years by the construction cost index of that third year. Penalty for noncompliance of meeting the minimum MOE is immediate loss of proportional amount of 2020 TEP funding from Modernize Local Roads and Improve Access to Job Centers and Housing and Measure J TEP funding from Local Streets Maintenance and Improvements funds until MOE compliance is achieved. The audit of the MOE contribution shall be at

least once every five years. Any agency found to be in noncompliance shall be subject to an annual audit for three years after they come back into compliance.

Any local jurisdiction wishing to adjust its MOE requirement shall submit a request for adjustment to the Authority and the necessary documentation to justify the adjustment. The Authority staff shall review the request and shall make a recommendation to the Authority Board. Taking into consideration the recommendation, the Authority Board may adjust the annual average of expenditures reported pursuant to Streets and Highways Code Section 2151. The Authority shall make an adjustment if one or more of the following conditions exists:

- a. The local jurisdiction has undertaken one or more major capital projects during those fiscal years that required accumulating unrestricted revenues (i.e., revenues that are not restricted for use on streets and highways, such as general funds) to support the project during one or more fiscal years.
- b. A source of unrestricted revenue used to support the major capital project or projects is no longer available to the local jurisdiction and the local jurisdiction lacks authority to continue the unrestricted funding source.
- c. One or more sources of unrestricted revenues that were available to the local jurisdiction is producing less than 95 percent of the amount produced in those fiscal years and the reduction is not caused by any discretionary action of the local jurisdiction.
- d. The local jurisdiction Pavement Condition Index (PCI) is 70 or greater, as calculated by the jurisdiction Pavement Management System and reported to the MTC, and the jurisdiction has implemented its synchronized signals plan, and its Complete Streets, Vision Zero, and Transit First policies.

11. Annual Budget and Strategic Delivery Plan

Each year, the Authority will adopt an annual budget that estimates expected sales tax receipts, other anticipated revenue, and planned expenditures for the year. On a periodic basis, the Authority will also prepare a Strategic Delivery Plan that will identify the priority for projects; the date for project implementation based on project readiness and availability of project funding; the state, federal, and other local funding committed for project implementation; and other relevant criteria.

The annual budget and Strategic Delivery Plan will be adopted by the Authority Board at a public meeting.

12. Requirements for Fund Recipients

All recipients of funds allocated in this TEP will be required to sign a Master Cooperative Agreement that defines reporting and accountability elements as well as other applicable policy requirements. All funds will be appropriated through an open and transparent public process.

13. Geographic and Social Equity

The proposed projects and programs to be funded through the TEP constitute a proportional distribution of funding allocations to each subregion in Contra Costa County. The subregional share of projected revenue is based on each subregion's share of the projected overall population in Contra Costa County at the midpoint of the measure. RTPCs must approve any revisions to the proportional distribution of funding allocations in the TEP and Strategic Delivery Plan.

The Authority commits that the TEP will deliver proportionally greater benefits to Communities of Concern (as defined by the Metropolitan Transportation Commission) and low-income residents.

Restrictions on Funds

14. Expenditure Shall Benefit Contra Costa County

Under no circumstance may the proceeds of this transportation sales tax be applied for any purpose other than for transportation improvements benefiting residents of Contra Costa County. Under no circumstance may these funds be appropriated by the State of California or any other local government agency as defined in the implementing guidelines.

15. Environmental Review

All projects funded by sales tax proceeds are subject to laws and regulations of federal, state, and local government, including the requirements of the California Environmental Quality Act (CEQA). Prior to approval or commencement of any project or program included in the TEP, all necessary environmental review required by CEQA shall be completed.

16. Performance-based Project Review

Before the allocation of any Measure funds for the construction of a project with an estimated cost in excess of \$10 million (or elements of a corridor project with an overall estimated cost in excess of \$10 million), the Authority will 1) verify that the project is consistent with the approved CTP, as it may be

amended, 2) verify that the project is included in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and 3) require the project sponsor to complete a performance-based review of project alternatives prior to the selection of a preferred alternative. Said performance-based review will include, but not necessarily be limited to, an analysis of the project impacts on greenhouse gas (GHG) emissions, vehicle-miles traveled (VMT), goods movement effectiveness, travel mode share, delay (by mode), safety, maintenance of the transportation system, impact on displacement, affordable housing, social equity, any other environmental effects, and consistency with adopted Authority plans. The Authority may require the evaluation of other performance criteria depending on the specific need and purpose of the project. The Authority will perform review and independent verification of performance-based review submitted by project sponsors.

The Authority is committed to meet the Governor's Executive Order B-16-2012 to reduce transportation-related GHG emissions to 80% below 1990 levels by 2050 and will establish overall VMT per capita and GHG goals countywide. The Authority will expect project sponsors to identify and select a project alternative that reduces GHG emissions as well as VMT per capita to meet the Authority's adopted countywide VMT and GHG goals. Limited exceptions will be identified and a process created to select a project alternative that does not decrease VMT and GHG sufficiently but has other substantial benefits. The Authority will require the project sponsors that select a project alternative that does not decrease VMT and GHG sufficiently to make findings for an exception and require participation in a VMT mitigation program to be developed by the Authority.

Funding for projects that do not decrease VMT and GHG sufficiently will not be allocated until the Authority develops a VMT mitigation program. The VMT mitigation program will define the limited exceptions, substantial benefits, and process to determine adequate findings for those exceptions. The purpose of the VMT Mitigation Program will be to fund projects and programs that reduce VMT, GHG emissions, and traffic congestion in Contra Costa County. The Authority will also prioritize and reward high performing projects by leveraging additional regional and other funding sources. The Authority shall employ a public process to develop and adopt detailed guidelines for evaluating project performance and applying performance criteria in the review and selection of a

preferred project alternative no later than October 1, 2022. The performance criteria will include measurable performance targets and be developed per Section 43.

There will be additional performance-based reviews for actions in five categories of expenditure: Improve Walking and Biking on Streets and Trails, Countywide Major Road Improvement Program, Reduce Emissions and Improve Air Quality, Seamless Connected Transportation Options, and Reduce and Reverse Commutes. The additional review guidelines are outlined in Sections 31-35 of these Implementing Guidelines.

17. Countywide Transportation Plan

State law allows each county in the San Francisco Bay Area that is subject to the jurisdiction of the regional transportation planning agency to prepare a CTP for the county and cities/towns within the county. Both Measure C and Measure J also require the Authority to prepare and periodically update a CTP for Contra Costa County. State law also created an interdependent relationship between the CTP and regional planning agency. Each CTP must consider the region's most recently adopted Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) while the adopted CTPs must form the "primary basis" for the next RTP and SCS. The Authority shall follow applicable statutes and the most current guidelines for preparing the CTP, as established and periodically updated by the regional transportation planning agency. The Authority shall also use the CTP to convey the Authority's investment priorities, consistent with the long-range vision of the RTP and SCS.

18. Complete Streets

The Authority has adopted a policy requiring all recipients of funding through this TEP to consider and accommodate, wherever possible, the needs of all users in the planning, design, construction, reconstruction, rehabilitation, and maintenance of the transportation system.

19. Road Traffic Safety

The Authority has adopted a policy requiring all recipients of funding through this TEP shall, wherever possible, systemically incorporate street design elements that quantifiably reduce the risk of traffic-related deaths and severe injuries in the public right-of-way and accommodate the needs of all users in the planning, design, construction, reconstruction, rehabilitation, and maintenance of the transportation system.

20. Compliance with the GMP

If the Authority determines that a jurisdiction does not comply with the requirements of the GMP, the Authority shall withhold funds and also make a finding that the jurisdiction shall not be eligible to receive 2020 TEP funding from Modernize Local Roads and Improve Access to Job Centers and Housing, Measure J TEP funding from Local Streets Maintenance & Improvements, and Measure J TLC funding until the Authority determines the jurisdiction has achieved compliance, as detailed in the GMP section of the TEP.

21. Local Contracting and Good Jobs

The purpose of the current section of the "Implementing Guidelines" portion of the Authority's Transportation Expenditure Plan (TEP) is to promote efficient and quality construction operations on the included projects, ensure an adequate supply of skilled craftspeople, provide a safe work place, ensure high quality construction, ensure uninterrupted construction projects, secure optimum productivity on schedule performance and Authority and citizen satisfaction, and increase access to quality jobs for Contra Costa residents.

The provisions and requirements found herein shall apply to each contractor and any subcontractors on projects approved by the TEP and administered by Authority.

Authority supports training and apprenticeship opportunities in the construction industry. As such, Authority requires apprentice labor enrolled in or graduated from joint labor-management apprenticeship programs on construction projects estimated to cost \$1 million or greater. Authority will develop guidelines modeled after the California Department of Transportation's (Caltrans') Standard Specifications applicable to training an apprentice for the benefit of residents of Contra Costa County. Contractors will be required to comply with the guidelines on construction projects estimated to cost \$1 million or greater.

All those employed on projects approved by the TEP and administered by Authority shall be classified and paid in accordance with the prevailing rate of per diem wages as determined by the Director of the California Department of Industrial Relations and comply with all applicable Labor Code provisions.

It is also the intent of Authority to create a policy that encourages contractors to hire residents of Contra Costa County and the other eight Bay Area counties.² Therefore, all Authority contracts in excess of \$1 million shall be subject to provisions pursuant to which the contractor is required to make a good faith effort to hire qualified individuals who are residents of Contra Costa County

or any of the other eight Bay Area counties in sufficient numbers so that no less than 40% of the contractor's total construction workforce, measured in labor work hours, is composed of residents of Contra Costa County or any of the other eight Bay Area counties. The contractor shall require all subcontractors to also make a good faith effort to hire qualified individuals who are residents of Contra Costa County and the other eight Bay Area counties.

The above provision will be implemented to the extent allowed by law and in compliance with funding agreements so as to not jeopardize any funding for the completion of the project.

²San Mateo, San Francisco, Alameda, Solano, Napa, Sonoma, Santa Clara, and Marin

22. New Agencies

New cities/towns or new entities (such as new transit agencies) that come into existence in Contra Costa County during the life of the TEP may be considered as eligible recipients of funds through a TEP amendment.

23. Integrated Transit Plan (ITP)

The Authority has adopted a Transit Policy that envisions a public transit system that provides convenient, safe, affordable, and reliable service that offers an attractive alternative to private automobile usage. All recipients of funding through this TEP shall consider and accommodate, wherever possible, the principles of Transit First in the planning, design, construction, reconstruction, rehabilitation, and maintenance of the transportation system. To achieve this vision, the Authority and transit operators will develop an ITP to identify how Contra Costa County transit operators can utilize TEP funding to better coordinate and integrate their services. This ITP will focus on delivering a streamlined and unified experience for the customer across all modes and transit operators. Allocations pursuant to this TEP will be made in support of the findings and recommendations included in the ITP.

All transit operators who receive funding from the TEP shall participate in the development of an ITP. Transit operators shall consult with the RTPCs in developing the ITP in cities, towns, and the County, as applicable, regarding TEP funding for signal synchronization, complete streets, and other investments that could benefit transit. Transit operators shall incorporate the findings and recommendations of the ITP into their respective Short-Range Transit Plans.

The Authority expects that transit operating funds from the Transportation Expenditure Plan be used to support transit service and the ITP. In the event that TEP funds must be used to subsidize existing services as a result of reduction of operating funds from other sources, or due

to other financial concerns, the transit operator shall update its Short-Range Transit Plan and submit it to the Authority.

24. Accessible Transportation for Seniors, Veterans, and People with Disabilities

An Accessible Transportation Strategic (ATS) Plan will be developed and periodically updated during the term of the Measure. No funding under the Accessible Transportation for Seniors, Veterans, and People with Disabilities category will be allocated until the ATS Plan has been developed and adopted. No funds may be distributed to a service provider until it adopts the plan, except as noted below. The development and delivery of the ATS Plan will establish a user-focused system with a seamless coordinated system using mobility management to ensure coordination and efficiencies in accessible service delivery. The ATS Plan will address and direct funding to both traditional and beyond traditional paratransit services. The ATS Plan will deliver a streamlined, affordable, and unified experience for the customer and address how accessible services are delivered by all service providers where appropriate coordination can improve transportation services, eliminate gaps in service, and find efficiencies in the service delivered. The ATS Plan will identify where coordination can improve transportation services, eliminate gaps in service, and find efficiencies in the service delivered. The ATS Plan will also determine the investments and oversight of the program funding and identify timing, projects, service delivery options, administrative structure, and fund leverage opportunities.

The ATS Plan will be developed by the Authority in consultation with direct users of service; stakeholders representing seniors and people with disabilities who face mobility barriers and nonprofit and publicly operated paratransit service providers. Public transit operators in Contra Costa must participate in the ATS planning process to be eligible to receive funding in this category. The ATS Plan must be adopted no later than December 31, 2020. The development of the ATS Plan will not affect the allocation of funds to current operators as prescribed in the existing Measure J Expenditure Plan.

25. Safe Transportation for Youth and Children

Prior to an allocation of funds from the Safe Transportation for Youth and Children category, the Authority will employ a public process to develop and adopt program guidelines and performance assessment procedures to maximize effectiveness.

The guidelines and performance assessment may require provisions such as operational efficiencies, performance criteria, parent contributions, and reporting requirements. The guidelines will be developed in coordination with the RTPCs to develop a program that meets the needs within each subregion. Funding will be allocated to subregions and program funding will be subject to the publicized performance assessment conducted by the Authority (see item 16 in this policy section). The development of the program guidelines and performance assessment procedures will not affect the allocation of funds to current programs as described in the existing Measure J expenditure plan.

26. Enhance Ferry Service and Rail Connectivity in Contra Costa County

All projects funded in the Enhance Ferry Service and Commuter Rail in Contra Costa category will be evaluated by the Authority and demonstrate progress toward the Authority's goals of reducing VMT and GHG emissions. Selection of final projects to be based on a performance analysis of project alternatives consistent with Authority requirements. Proposed projects must be included in and conform with the ITP. Project sponsors requesting funding from this category will be required to prepare a feasibility and operations plan and submit it to the Authority to demonstrate that there is sufficient funding available to operate the proposed project and/or service.

27. BART Maintenance of Effort (MOE)

Prior to any appropriation, allocation, or reimbursement of funds to BART, the Authority Board shall make a finding that BART has continued to use a proportional share of its operating allocations for capital projects. BART's preliminary FY 2019 Budget forecasts approximately \$150 million of its operating allocations to capital projects. BART shall demonstrate that it continues to use an equivalent proportional share of its operating revenues for capital projects allowing for normal annual fluctuations in capital projects or maintenance expenditures. In years where BART fare revenues or other general fund revenues are reduced by a decrease in ridership or unforeseen economic circumstances, loss of regional, state, or federal funding, or where one-time costs are increased by a natural disaster, then the Authority may release funds only if the Authority Board makes findings that 1) BART has not reduced its capital project funding disproportionately to the total operating revenue and 2) BART made best efforts to fund capital projects that benefit Contra Costa County.

28. Cleaner, Safer BART

Prior to making an allocation of funds to BART for the Cleaner, Safer BART category, BART shall develop and submit a countywide plan to the Authority that proposes how these funds and other funds available to BART (including Measure RR, Regional Measure 3, and other funds) will be used as part of a systemwide effort to improve its stations to meet the goals described in the TEP. The funding from the Cleaner, Safer BART category will be used for improvements to stations in Contra Costa County and requires a minimum dollar-for-dollar match from other BART funds. The Plan should document how a systemwide program to improve BART stations benefits Contra Costa residents who travel outside the county. BART should consult with the Authority (in consultation with RTPCs) in the development of the countywide plan.

In the event BART completes the train control system and if BART has maintained the commitment to provide a minimum dollar-for-dollar match from other BART funds as describe above, the Authority (in consultation with RTPCs) and BART will jointly identify, and the Authority may allocate funds for the acquisition of additional new BART cars to increase frequency during periods of high demand. The allocation will be considered in conjunction with a periodic review of the TEP (see item 39 in this policy section) and available funding capacity in the TEP.

29. Improve Local Access to Highway 4 and Byron Airport

Prior to each allocation of funds from the Improve Local Access to Highway 4 and Byron Airport category, the Authority Board must make a finding that the project includes measures to prevent growth outside of the Urban Limit Lines (ULL). Such measures might include, but are not necessarily limited to, limits on roadway access in areas outside the ULL, purchase of abutters' rights of access, preservation of critical habitat and/or the permanent protection/acquisition of agricultural and open space, or performing conservation measures required to cover this project under the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). With the exception of the proposed new connection between Vasco Road and the Byron Highway, funding from this category shall not be used to construct new roadways on new alignments. The Authority will coordinate with Alameda and/or San Joaquin Counties relative to project improvements in those jurisdictions.

30. Modernize Local Roads and Improve Access to Jobs Centers and Housing

Each jurisdiction in Contra Costa County will receive their share of 15.2% of annual sales tax revenues, calculated using a base allocation of \$100,000 per year plus additional funds distributed based half on relative population and half on road miles within each jurisdiction. In addition, jurisdictions in Central, East, and Southwest Contra Costa will receive their share of an additional allocation of 2.2% of annual sales tax revenue calculated using the same formula. This is equivalent to 18% of the sales tax revenues for the Central, East, and Southwest parts of the county for improvements under this category. Population figures used shall be the most current available from the State Department of Finance. Road mileage shall be from the most current information included in the Highway Performance Monitoring System (HPMS). Jurisdictions shall comply with the Authority's Maintenance of Effort (MOE) policy as well as Implementation Guidelines of this TEP. In addition to the requirements set forth in the Growth Management Program Urban Limit Line Compliance policies and other applicable policies, local jurisdictions will report on the use of these funds, such as the amount spent on roadway maintenance, bicycle and pedestrian facilities, transit facilities, and other roadway improvements, and benefits to social equity and Communities of Concern (as defined by the Metropolitan Transportation Commission) in their jurisdictions. A minimum of 15% of all local street funding be spent on project elements directly benefiting bicyclists and pedestrians.

31. Countywide Major Roads Improvement Program

Prior to an allocation of funds from the Improve Traffic Flow on Major Roads category, the Authority will develop a new countywide Major Roads Improvement Program to address congestion relief on major roads within each subregion. The program guidelines will include information regarding how to evaluate the range of possible components. Implementation guidelines and standards will be developed in coordination with the RTPCs and will be approved by the Authority Board. Project funding is subject to a performance assessment conducted by the Authority using approved and publicized guidelines. Funding will be allocated to subregions. If projects proposed by an RTPC do not meet performance standards, the project will either be modified or withdrawn in favor of another project from the same region. Funds in this category may be used for arterial refurbishment/redesign for Transit First and Complete Streets. Projects funded from the Improve

Traffic Flow on Major Roads category must conform to the Transit, Complete Streets, Road Traffic Safety, and other related policies.

32. Improve Walking and Biking on Streets and Trails

Prior to an allocation of funds from the Improve Walking and Biking on Streets and Trails category, the Authority will develop and adopt program guidelines and standards for a competitive project-selection process. All projects will be selected through a competitive project-selection process with the Authority approving the final program of projects, allowing for a comprehensive countywide approach while recognizing subregional equity based upon the proportional funding share shown in the TEP. Project funding is subject to a performance assessment conducted by the Authority using approved and publicized guidelines. Projects funded from this category must comply with the Transit, Road Traffic Safety, and Complete Streets Policies and include complete street elements whenever possible.

Up to \$15 million within each subregion for a total of \$60 million will be allocated to Complete Street demonstration projects. Each demonstration project will be recommended by the relevant Regional Transportation Planning Committees and approved by the Authority prior to allocation of funds to demonstrate the successful implementation of Complete Streets projects no later than July 1, 2024. Each demonstration project will be required to strongly pursue the use of separated bike lane facilities to be considered for funding. The purpose of these demonstration projects is to create examples of successful complete street projects in multiple situations throughout the County.

Approximately one fifth of the funding is to be allocated to the East Bay Regional Park District (EBRPD) for the development, rehabilitation, and maintenance of paved regional trails. EBRPD is to spend its allocation proportionally in each subregion, subject to the review and approval of the conceptual planning/design phase by the applicable subregional committee, prior to funding allocation by the Authority. The Authority, in conjunction with EBRPD, will develop a maintenance-of-effort requirement for funds under this component of the funding category.

33. Reduce Emissions and Improve Air Quality

Prior to an allocation of funds from the Reduce Emissions and Improve Air Quality category, the Authority will develop and adopt program guidelines and standards for a competitive project-selection

process. All projects will be selected through a competitive project-selection process with the Authority approving the final program of projects, allowing for a comprehensive countywide approach while recognizing subregional equity based upon the proportional funding share shown in the TEP. Project funding is subject to a performance assessment conducted by the Authority using approved and publicized guidelines. Projects funded from this category must comply with the Transit, Complete Streets, Road Traffic Safety, and other related policies.

34. Seamless Connected Transportation Options

Prior to an allocation of funds from the Seamless Connected Transportation Options category, the Authority will develop and adopt program guidelines and standards for a competitive project-selection process. All projects will be selected through a competitive project-selection process, with the Authority approving the final program of projects, and allowing for a comprehensive countywide approach while recognizing subregional equity based upon the proportional funding share shown in the TEP. Project funding is subject to a performance assessment conducted by the Authority using approved and publicized guidelines. Projects funded from this category must comply with the Transit, Complete Streets, Road Traffic Safety and other related policies.

35. Reduce and Reverse Commutes

Prior to an allocation of funds from the Reduce and Reverse Commutes category, the Authority will develop and adopt program guidelines and standards for a competitive project-selection process. All projects will be selected through a competitive project-selection process with the Authority approving the final program of projects, allowing for a comprehensive countywide approach while recognizing subregional equity based upon the proportional funding share shown in the TEP. Project funding is subject to a performance assessment conducted by Authority using approved and publicized guidelines. Projects funded from this category must comply with the Transit, Complete Streets, Road Traffic Safety, and other related policies.

Project Financing Guidelines and Managing Revenue

36. Fiduciary Duty

Funds may be accumulated for larger or longer-term projects. Interest income generated will be used for the purposes outlined in the TEP and will be subject to audits.

37. Project and Program Financing

The Authority has the jurisdiction to bond for the purposes of expediting the delivery of transportation projects and programs. The Authority will develop a policy to identify financing procedures for the entire plan of projects and programs.

38. Strategic Delivery Plan

On a periodic basis, the Authority will develop a Strategic Delivery Plan to distribute revenue from the Measure to TEP projects and programs. The Strategic Delivery Plan will allocate Measure funds as a firm commitment and will consider the amount of Measure funds and additional leveraged funds available to the project or program, expected cost and cash-flow needs, and project or program delivery schedule in allocating Measure funds. Recipients of Measure funds may seek an allocation for projects and programs included in the Strategic Delivery Plan.

39. Periodic Review of the 2020 Transportation Expenditure Plan (TEP)

The Authority may review the TEP to consider updating the financial forecast due to changing economic conditions and adjust funding, if necessary, due to revenue shortfalls. The project and program categories may need to be adjusted based on progress made in meeting the commitments and goals of the TEP. The review may determine that increased revenues be invested in projects and programs deemed by the Authority to address transportation needs that will best serve the residents of Contra Costa County. The review will provide the opportunity to adjust the TEP to adapt to the current state of transportation, leverage new funding opportunities, reflect changed conditions, adhere to state and federal requirements, track performance towards commitments and goals of the TEP, and to capture new opportunities that are becoming better defined. The Authority will review the TEP at a minimum of every ten years.

The Authority may review the performance of the TEP and progress towards meeting state transportation mandates for reduction in vehicle-miles traveled (VMT) per capita and greenhouse gas (GHG) emissions. Depending on progress, the Authority may adjust and

approve new goals in the TEP with explicit findings, justification, and approach to meeting goals for State transportation mandates to reduce VMT per capita and GHG emissions.

Any amendments to the TEP must comply with the policy for Expenditure Plan Amendments Require Majority Support and the following related policies.

40. Programming of Excess Funds

Actual revenues may, at times be higher or lower than expected in this TEP due to changes in receipts. Additional funds may become available due to the increased opportunities for leveraging or project costs being less than expected. Revenue may be higher or lower than expected as the economy fluctuates. Determination of when the additional funds become excess will be established by a policy defined by the Authority. Funds considered excess will be prioritized first to the TEP projects and programs that are not fully funded and second to other projects deemed by the Authority to best serve the residents of Contra Costa County. Any new project or program will be required to be amended into the TEP pursuant to the Expenditure Plan Amendments Require Majority Support section above.

41. Reprogramming Funds

Through the course of the Measure, if any TEP project becomes undeliverable, infeasible, or unfundable due to circumstances unforeseen at the time the TEP was created, funding for that project will be reallocated to another project or program. The subregion where the project or program was located may request that the Authority reassign funds to another project category in the same subregion. In the allocation of the released funds, the Authority, in consultation with the subregion's RTPC, will consider:

- a. A project or program of the same travel mode (i.e., transit, bicycle/pedestrian, or road) in the same subregion
- b. A project or program for other modes of travel in the same subregion
- c. Other TEP projects or programs
- d. Other projects deemed by the Authority to best serve the residents of Contra Costa County

The new project, program, or funding level may require amending the TEP pursuant to the Expenditure Plan Amendments section above.

Funds may require reallocation to meet state transportation policy for vehicle-miles traveled per capita and greenhouse gas emissions.

42. Leveraging Funds

Project proponents, including the Authority, are expected to apply for all available funds from other sources to maximize the leveraging of TEP funds. To the extent matching funds from the TEP are needed to complete a project or a phase of project, the Authority will approve funding from the applicable funding category in the TEP where the project is eligible for funding. If the project is determined not to be eligible for funding under any of the categories in the TEP, the Authority, in consultation with the respective RTPC, may approve matching funds from the Reduce and Reverse Commutes category. The Authority may utilize funding from the Transportation Planning, Facilities, and Services category, as needed, to attract other fund sources.

43. Development of Guidelines for Performance-Based Projects Review and Programs

The TEP requires development of procedures and guidelines to ensure the goals of the TEP are attained. To ensure high quality of the resulting guidelines and substantial public participation, the following procedures shall be used unless specifically replaced by the Authority.

a. **Scope.** The Authority will adopt the following implementation guidelines and procedures described in the TEP, herein referenced as Guidelines.

1. Performance-Based Project Review
2. Countywide Major Road Improvement Program
3. Safe Transportation for Youth and Children
4. Improve Walking and Biking on Streets and Trails
5. Reduce Emissions and Improve Air Quality
6. Seamless Connected Transportation Options
7. Reduce and Reverse Commutes
8. Integrated Transit Plan
9. Vehicle-Miles Traveled Mitigation Program

The Guidelines shall adhere to the following parameters:

1. Implement the overall guiding principles, goals, and policies of the TEP and the applicable funding category efficiently and effectively
 2. Utilize other regulations and reporting requirements for funding recipients as possible to avoid additional work
 3. Increase public confidence regarding the Authority and its actions
 4. Shall be written concisely in plain language
- b. **Schedule.** Before December 31, 2020, the Authority shall publish a public outreach and engagement process and a schedule for developing the Guidelines. Individuals and organizations shall be able to register their interest in development of the Guidelines and shall subsequently receive advance notification from the Authority of the steps described below and encouragement to participate.
- c. **Public Review.** Using a structured public-engagement process, the Authority will publish the draft Guidelines for public comment and questions from residents, agencies, and interested parties. Cities/towns and Regional Transportation Planning Committees (RTPCs) may provide input and feedback on draft Guidelines. The public comment period will be at least 45 days. Public Meetings will be held to receive any input and requested modifications from the public.
- d. **Public Oversight Committee (POC).** The POC shall be convened and tasked with reviewing comments received during the public review period. The POC will provide input and recommendations regarding the Guidelines for consideration by the Authority.
- e. **Approval.** The Authority shall discuss POC recommendations, public comments, requested modifications, or additional criteria at a public meeting. The Guidelines shall be approved by a supermajority (66%) vote of the Authority Board and published on the Authority's website. The Authority will send notices to all interested parties. The Guidelines shall be reviewed and approved by the Authority every five years if needed to achieve the goals of the Plan, with input and recommendations from the POC and other interested parties.

Road Traffic Safety Policy

VISION

In this Plan, the **Road Traffic Safety policy is intended to eliminate traffic-related deaths and severe injuries** within Contra Costa County by prioritizing a systemwide safety approach to transportation planning and design. Principally, the Road Traffic Safety policy treats personal mobility and accessibility as a fundamental activity of the general public to attend school, conduct business, and visit friends and family, free from the risk of physical harm due to traffic. This policy applies to all transportation system users, including pedestrians, bicyclists, transit riders, micromobility users, automobile drivers, taxis, ride-hailing services and their passengers, truckers, and people of varying abilities, including children, seniors, and people with disabilities. Implementation of the Road Traffic Safety policy is intended to reduce societal costs due to loss of life and injury, lessen congestion stemming from nonrecurring traffic collisions and incidents, and generally enhance the quality of life in Contra Costa.

POLICY

Achieving this vision will require shifting the paradigm of traditional transportation planning and engineering by following the principle of “Vision Zero,” which is an internationally recognized approach to proactively preserving life safety in transportation planning and engineering decision making. All recipients of funding through this Plan shall systemically incorporate street design elements that quantifiably reduce the risk of traffic-related deaths and severe injuries in the public right-of-way and accommodate the needs of all users in the planning, design, construction, reconstruction, rehabilitation, operations, and maintenance of the transportation system.

In consultation with local jurisdictions, the RTPCs, and the public, the Authority shall develop and adopt a Model Vision Zero Policy that reflects best practices for street design elements and programs to mitigate human error and quantifiably improve the traffic safety of all users in the planning, design, and construction of projects funded with Measure funds. Key design elements of the

Model Vision Zero Policy shall be incorporated into the Authority’s project development guidelines as appropriate. To be eligible to receive Measure funds, local jurisdictions must adopt a Vision Zero Policy that substantially complies with the Authority’s Model Vision Zero Policy. Jurisdictions that adopt a Vision Zero Policy prior to the Authority’s adoption of the model Vision Zero Policy may be considered compliant with the Growth Management Program compliance requirements if the adopted policy substantially complies with the Authority’s Model policy.

To ensure consistency with the Road Traffic Safety Policy vision, the Authority shall coordinate periodic traffic system and project monitoring with local jurisdictions and the RTPCs and utilize data collected over time to evaluate the effects of Vision Zero implementation on public health and safety. Emphasis shall be placed on proactive deployment of next-generation technology, such as advanced detection systems at major intersections and corridors identified in regional and local plans as having high collision density. Funding for this level of effort shall be made available to local jurisdictions and RTPCs through the Countywide Major Road Improvement Program and funding from the Improve Traffic Flow on Major Roads.

Developed by the Contra Costa Transportation Authority Board
in partnership with the communities it serves.

Janet Abelson

Council Member, City of El Cerrito

Debora Allen (Ex Officio)

Director, BART Board of Directors

Newell Arnerich

Council Member, Town of Danville

Tom Butt

Mayor, City of Richmond

Teresa Gerringier

Council Member, City of Lafayette

Federal Glover

Board of Supervisors, Contra Costa County D5

Loella Haskew

Mayor Pro Tem, City of Walnut Creek

Dave Hudson

Council Member, City of San Ramon

Karen Mitchoff

Board of Supervisors, Contra Costa County D4

Julie Pierce (Vice Chair)

Vice Mayor, City of Clayton

Kevin Romick

Council Member, City of Oakley

Robert Taylor (Chair)

Mayor, City of Brentwood

Monica Wilson (Ex Officio)

Council Member, City of Antioch

Amy Worth (Ex Officio)

Council Member, City of Orinda





CONTRA COSTA
**transportation
authority**

2999 Oak Road, #100
Walnut Creek, CA 94597
(925) 256.4700
ccta.net



CONTRA COSTA TRANSPORTATION AUTHORITY

ORDINANCE 19-01

**CONDITIONALLY AMENDING THE MEASURE J TRANSPORTATION EXPENDITURE
PLAN (TEP) GROWTH MANAGEMENT PROGRAM (GMP), WHICH INCLUDES
ATTACHMENT A: PRINCIPLES OF AGREEMENT FOR ESTABLISHING
THE URBAN LIMIT LINE (ULL) TO MATCH THE PROPOSED 2020 TEP**

WHEREAS, Public Utilities Code, §180207 and Section 8 of the Ordinance adopting Measure J provide for a mechanism to amend the Measure J TEP based upon unforeseen circumstances; and

WHEREAS, the Contra Costa Transportation Authority (Authority) is considering the countywide imposition of a one-half of one percent sales tax for transportation purposes for a period of 35 years effective on July 1, 2020 through June 30, 2055; and

WHEREAS, the Authority conducted extensive consultations with local governments and conducted outreach to a wide variety of interest groups and the public in order to develop a TEP proposing a potential mix of projects and programs to be funded by the proposed sales tax; and

WHEREAS, the Authority has concluded that due to the unforeseen circumstances of a new sales tax measure, it would be beneficial to manage one GMP for both Measures.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

- 1) The Measure J TEP GMP, which includes Attachment A: Principles of Agreement for Establishing the ULL is hereby replaced in its entirety as set forth in Exhibit 1, incorporated herein by reference and made a part of this Ordinance as if fully set forth.

The foregoing Ordinance was adopted by the Authority Board on August 28, 2019, and shall become effective only after the following: (1) the 45th day following notice by the Authority to Contra Costa County, the cities/towns, and the Conference of Mayors, unless overridden; and (2) if the proposed one-half of one percent local transportation sales tax is placed on the ballot and successfully approved by the electors on the March 3, 2020 ballot.

Ordinance 19-01
August 28, 2019
Pages 2 of 3

SEVERABILITY: If any provision or clause of this Ordinance or the application thereof is held unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance which can be implemented without the invalid provision, clause, or application, it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, adopted and/ or ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, and/or phrases may be declared invalid or unconstitutional.

EFFECTIVE DATE: This ordinance shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Contra Costa Transportation Authority Board of Directors in Walnut Creek, State of California, on August 28, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:


E-SIGNED by Robert Taylor
on 2019-09-03 22:07:29 GMT

Robert Taylor, Chair

This Ordinance 19-01 was entered into at a meeting of the Contra Costa Transportation Authority held on August 28, 2019, in Walnut Creek, California, and shall become effective as provided above.

Attest:


E-SIGNED by Tarienne Grover
on 2019-09-03 15:36:49 GMT

Tarienne Grover, Clerk of the Board

Ordinance 19-01
August 28, 2019
Pages 3 of 3

EXHIBIT 1
GROWTH MANAGEMENT PROGRAM

[Attached behind this page]

THE GROWTH MANAGEMENT PROGRAM

Coupled with the Expenditure Plan is Contra Costa's unique and well-tested program for managing growth. The overall goal of the Growth Management Program (GMP) is to preserve and enhance the quality of life and promote a healthy, strong economy to benefit the people and areas of Contra Costa County through a cooperative, multi-jurisdictional process for managing growth, while maintaining local authority over land-use decisions.¹

The objectives of the GMP are to:

- Assure that new residential, business, and commercial growth pays for the facilities required to meet the demands resulting from that growth;
- Require cooperative transportation and land-use planning among Contra Costa County, cities/towns, and transportation agencies;
- Support land-use patterns within Contra Costa County that make more efficient use of the transportation system, consistent with the General Plans of local jurisdictions; and
- Support infill and redevelopment in existing urban and brownfield areas.

The Measure J TEP GMP, which includes Principles of Agreement for Establishing the Urban Limit Line (ULL), is augmented and superseded by this 2020 TEP.

COMPONENTS

To receive its share of funding from the following categories:

- 2020 TEP Modernize Local Roads & Improve Access to Housing and Job Centers;
- Measure J Local Streets Maintenance & Improvements (LSM); and
- Measure J Transportation for Livable Communities (TLC);

each jurisdiction must:

1. Adopt a Growth Management Element (GME)

Each jurisdiction must adopt, or maintain in place, a GME as part of its General Plan that outlines the jurisdiction's goals and policies for managing growth and requirements for achieving those goals. The GME must show how the jurisdiction will comply with sections 2–9 below. The Authority will refine its model GME and administrative procedures in consultation with the Regional Transportation Planning Committees (RTPCs) to reflect the revised GMP.

1. The Authority will, to the extent possible, attempt to harmonize the GMP and the State-mandated Congestion Management Program (CMP).

To the extent they conflict, CMP activities shall take precedence over the GMP activities.

Each jurisdiction is encouraged to incorporate other standards and procedures into its GME to support the objectives and required components of this GMP.

2. Adopt a Development Mitigation Program

Each jurisdiction must adopt, or maintain in place, a Development Mitigation Program to ensure that new growth is paying its share of the costs associated with that growth. This program shall consist of both a local program to mitigate impacts on local streets and other facilities, and a regional program to fund regional and subregional transportation projects, consistent with the Countywide Transportation Plan (CTP).

The jurisdiction's local Development Mitigation Program shall ensure that revenue provided from this measure shall not be used to replace private developer funding that has or would have been committed to any project.

The regional Development Mitigation Program shall establish fees, exactions, assessments, or other mitigation measures to fund regional or subregional transportation improvements needed to mitigate the impacts of planned or forecasted development. Regional mitigation programs may adjust such fees, exactions, assessments or other mitigation measures when developments are within walking distance of frequent transit service or are part of a mixed-use development of sufficient density and with necessary facilities to support greater levels of walking and bicycling.

Each RTPC shall develop the regional Development Mitigation Program for its region, taking account of planned and forecasted growth and the Multimodal Transportation Service Objectives (MTSOs) and actions to achieve them established in the Action Plans for Routes of Regional Significance. RTPCs may use existing regional mitigation programs, if consistent with this section, to comply with the GMP.

3. Address Housing Options

Each jurisdiction shall demonstrate reasonable progress in providing housing opportunities for all income levels as part of a report on the implementation of the actions outlined in its adopted Housing Element. The report will demonstrate progress by:

- a. Comparing the number of housing units approved, constructed or occupied within the jurisdiction over the preceding five years with the average number of units needed each year to meet the housing objectives established in the jurisdiction's Housing Element; or
- b. Illustrating how the jurisdiction has adequately planned to meet the existing and projected housing needs through the adoption of land use plans and regulatory

systems which provide opportunities for, and do not unduly constrain, housing development; or

- c. Illustrating how a jurisdiction's General Plan and zoning regulations facilitate the improvement and development of sufficient housing to meet those objectives.

Jurisdictions will provide prepared reports regarding the production and preservation of affordable units as provided for in the Annual Housing Element Progress Report and subsequent reports. Each jurisdiction shall demonstrate meaningful progress in preserving existing affordable units for lower-income residents by adopting and implementing locally appropriate anti-displacement and affordable housing policies, for example, preservation of affordable housing, density bonus ordinance and/or inclusionary zoning, to support community stabilization.

Jurisdictions are subject to California's Surplus Land Act, which includes the disposition of surplus land, and each jurisdiction will affirm whether it complies with the Surplus Land Act and whether it maintains an inventory of all public land in its jurisdiction that adheres to applicable Surplus Land Act and Government Code 50569 requirements and makes the inventory available to the public.

Each jurisdiction will indicate whether it adheres to applicable local, state, or federal policies or laws regarding tenant protection and whether it has prepared the reports required by such policies or laws and made the reports available to the public.

In addition, each jurisdiction shall consider the impacts that its land use and development policies have on the local, regional and countywide transportation system, including the level of transportation capacity that can reasonably be provided, and shall incorporate policies and standards into its development approval process that support transit, bicycle and pedestrian access in new developments. Each jurisdiction must participate in an Ongoing Cooperative, Multi-Jurisdictional Planning Process.

4. Participate in an Ongoing Cooperative, Multi-Jurisdictional Planning Process

Each jurisdiction shall participate in an ongoing process with other jurisdictions and agencies, the RTPCs and the Authority to create a balanced, safe and efficient transportation system and to manage the impacts of growth. Jurisdictions shall work with the RTPCs to:

- a. Identify Routes of Regional Significance and MTSOs or other tools adopted by the Authority Board for measuring performance and quality of service along routes of

regional significance, collectively referred to as MTSOs for those routes and actions for achieving those objectives;

- b. Apply the Authority's Travel Demand Model (TDM) and technical procedures to the analysis of General Plan Amendments and developments exceeding specified thresholds for their effect on the regional transportation system, including on Action Plan objectives;
- c. Create a Development Mitigation Program as outlined in section 2 above; and
- d. Help develop other plans, programs and studies to address other transportation and growth management issues.

In consultation with the RTPCs, each jurisdiction will use the TDM to evaluate changes to local General Plans and the impacts of major development projects for their effects on the local and regional transportation system and the ability to achieve the MTSOs established in the Action Plans.

Jurisdictions shall also participate in the Authority's ongoing countywide comprehensive transportation planning process. As part of this process, the Authority shall support countywide and subregional planning efforts, including the Action Plans for Routes of Regional Significance, and shall maintain a TDM. Jurisdictions shall help maintain the Authority's TDM system by providing information on proposed improvements to the transportation system and planned and approved development within the jurisdiction.

5. Continuously Comply with an Urban Limit Line (ULL)

In order to be found in compliance with this element of the Authority's GMP, all jurisdictions must continually comply with an applicable voter-approved ULL. Said ULL may either be the Contra Costa County voter-approved ULL (County ULL) or a locally initiated, voter-approved ULL (LV-ULL).

Additional information and detailed compliance requirements for the ULL are fully defined in the ULL Compliance Requirements (Attachment A), which are incorporated herein.

Any of the following actions by a local jurisdiction will constitute non-compliance with the GMP:

- a. The submittal of an annexation request to the Local Agency Formation Commission (LAFCO) for lands outside of a jurisdiction's applicable ULL.
- b. Failure to conform to the Authority's ULL Compliance Requirements.

6. Develop a Five-Year Capital Improvement Program (CIP)

Each jurisdiction shall prepare and maintain a CIP that outlines the capital projects needed to implement the goals and policies of the jurisdiction's General Plan for at least the following five-year period. The CIP shall include approved projects and an analysis of the costs of the proposed projects, as well as a financial plan for providing the improvements. The jurisdiction shall forward the transportation component of its CIP to the Authority for incorporation into the Authority's database of transportation projects.

7. Adopt a Transportation Systems Management (TSM) Ordinance or Resolution

To promote carpools, vanpools, and park-and-ride lots, each jurisdiction shall adopt a local ordinance or resolution that conforms to the model TSM ordinance that the Authority has drafted and adopted. Upon approval of the Authority Board, cities/towns with a small employment base may adopt alternative mitigation measures in lieu of a TSM ordinance or resolution.

8. Adopt Additional Growth Management Policies, as applicable

Each jurisdiction shall adopt and thereafter continuously maintain the following policies (where applicable):

- a. Hillside Development Policy;
- b. Ridgeline Protection Policy;
- c. Wildlife Corridor Policy; and
- d. Creek Development Policy.

Where a jurisdiction does not have a developable hillside, ridgeline, wildlife corridor or creek, it need not adopt the corresponding policy. An ordinance that implements the East Contra Costa Habitat Conservation Plan (HCP)/Natural Community Preservation Plan (NCCP) Act shall satisfy the requirement to have an adopted Wildlife Corridor Policy and Creek Development Policy. In addition to the above, jurisdictions with Prime Farmland and Farmland of Statewide Importance (Prime/Statewide), as defined by the California Department of Conservation and mapped by the Farmland Mapping and Monitoring Program within their planning areas but outside of their city/town shall adopt and thereafter continuously maintain an Agricultural Protection Policy. The policy must ensure that potential impacts of converting Prime/Statewide outside the ULL to other uses are identified and disclosed when considering such a conversion. The applicable policies are required to be in place by no later than July 1, 2022.

9. Adopt a Complete Streets Policy and Road Traffic Safety (aka Vision Zero) Policy

Each jurisdiction shall adopt a Complete Streets Policy, consistent with the California Complete Streets Act of 2008, Assembly Bill 1358 (AB 1358) and with the Authority's Complete Streets

Policy, which accommodates all users of travel modes in the public Right-of-Way (ROW). Each jurisdiction shall also adopt a Vision Zero Policy, which substantially complies with the Authority's Model Vision Zero Policy and reflects best practices for street design elements and programs to mitigate human error and quantifiably improve the traffic safety of all users in the planning, design and construction of projects funded with Measure funds. Jurisdictions shall document their level of effort to implement these policies, including during requests for funding, peer review of project design, and as part of the newly-added compliance requirement in the biennial GMP checklist.

ALLOCATION OF FUNDS

Portions of the monies received from the retail transaction and use tax will be returned to the local jurisdictions (the cities/towns and Contra Costa County) for use on local, subregional and/or regional transportation improvements and maintenance projects. Receipt of all such funds requires compliance with the GMP and the allocation procedures described below. The funds are to be distributed on a formula based on population and road miles.

Each jurisdiction shall demonstrate its compliance with all of the components of the GMP in a completed compliance checklist. The jurisdiction shall submit, and the Authority shall review and make findings regarding the jurisdiction's compliance with the requirements of the GMP, consistent with the Authority's adopted policies and procedures.

If the Authority determines that the jurisdiction complies with the requirements of the GMP, it shall allocate to the jurisdiction its share of 2020 TEP funding from the Fix and Modernize Local Roads category and its share of Measure J Transportation Sales Tax Expenditure Plan LSM funding. Jurisdictions may use funds allocated under this provision to comply with these administrative requirements.

If the Authority determines that the jurisdiction does not comply with the requirements of the GMP, the Authority shall withhold those funds and also make findings that the jurisdiction shall not be eligible to receive Measure J TLC funds until the Authority determines that the jurisdiction has achieved compliance. The Authority's findings of noncompliance may set deadlines and conditions for achieving compliance.

Withholding of funds, reinstatement of compliance, reallocation of funds, and treatment of unallocated funds shall be as established in adopted Authority policies and procedures.

ATTACHMENT A

Urban Limit Line Compliance Requirements

Definitions—the following definitions apply to the GMP/ULL requirement:

1. Urban Limit Line (ULL) – A ULL, urban growth boundary, or other equivalent physical boundary judged by the Authority to clearly identify the physical limits of the local jurisdiction's future urban development.
2. Local Jurisdictions – Includes Contra Costa County, the 19 cities and towns within Contra Costa County, plus any newly incorporated cities or towns established after July 1, 2020.
3. County ULL – A County ULL placed on the ballot by the County Board of Supervisors, approved by voters at a countywide election, and in effect through the applicable GMP compliance period. The current County ULL was established by Measure L approved by voters in 2006.

The following local jurisdictions have adopted the County ULL as their applicable ULL:

- City of Brentwood
 - Town of Moraga
 - City of Clayton
 - City of Oakley
 - City of Concord
 - City of Orinda
 - Town of Danville
 - City of Pinole
 - City of El Cerrito
 - City of Pleasant Hill
 - City of Hercules
 - City of Richmond
 - City of Lafayette
 - City of San Pablo
 - City of Martinez
 - City of Walnut Creek
4. Local Voter ULL (LV-ULL) – A LV-ULL or equivalent measure placed on the local jurisdiction's ballot, approved by the jurisdiction's voters, and recognized by action of the local jurisdiction's legislative body as its applicable, voter-approved ULL. The LV-ULL will be used as

of its effective date to meet the Authority's GMP/ULL requirement and must be in effect through the applicable GMP compliance period.

The following local jurisdictions have adopted a LV-ULL:

- City of Antioch
- City of Pittsburg
- City of San Ramon

5. Minor Adjustment – An adjustment to the ULL of 30 acres or less is intended to address unanticipated circumstances.

6. Other Adjustments – Other adjustments that address issues of unconstitutional takings and conformance to State and Federal law.

REVISIONS TO THE ULL

1. A local jurisdiction, which has adopted the County ULL as its applicable ULL may revise its ULL with local voter approval at any time during the term of the Authority's GMP by adopting a LV-ULL in accordance with the requirements outlined for a LV-ULL contained in the definitions section.
2. A local jurisdiction may revise its LV-ULL with local voter approval at any time during the term of the Authority's GMP if the resultant ULL meets the requirements outlined for a LV-ULL contained in the definitions section.
3. If voters, through a countywide ballot measure, approve a revision to the County ULL, the legislative body of each local jurisdiction relying on the County ULL shall:
 - a. Accept and approve its existing ULL to continue as its applicable ULL, or
 - b. Accept and approve the revised County ULL as its applicable ULL, or
 - c. Adopt a LV-ULL in accordance with the requirements outlined for a LV-ULL contained in the definitions section.
 - d. However, if any countywide measure to approve a revision to the County ULL fails, then the legislative body of each local jurisdiction relying on the prior County ULL may accept and approve the existing County ULL.
4. Local jurisdictions may, without voter approval, enact minor adjustments to their applicable ULL subject to a vote of at least 4/5 of the jurisdiction's legislative body and meeting the following requirements:

- a. Minor adjustment shall not exceed 30 acres;
- b. Adoption of at least one of the findings listed in the County's Measure L (§82-1.018 of County Ordinances 200606 § 3, 91-1 § 2, 90-66 § 4) which includes:
 - A natural or man-made disaster or public emergency has occurred, which warrants the provision of housing and/or other community needs within land located outside the ULL;
 - An objective study has determined that the ULL is preventing the jurisdiction from providing its fair share of affordable housing, or regional housing, as required by State law, and the governing elected legislative body finds that a change to the ULL is necessary and the only feasible means to enable the jurisdiction to meet these requirements of State law;
 - A majority of the cities/towns that are party to a preservation agreement and Contra Costa County has approved a change to the ULL affecting all or any portion of the land covered by the preservation agreement;
 - A minor change to the ULL will more accurately reflect topographical characteristics or legal boundaries;
 - A five-year cyclical review of the ULL has determined, based on the criteria and factors for establishing the ULL set forth in Contra Costa County Code (Section 82-1.010), that new information is available (from city/town, or Contra Costa County growth management studies or otherwise) or circumstances have changed, warranting a change to the ULL;
 - An objective study has determined that a change to the ULL is necessary or desirable to further the economic viability of the East Contra Costa County Airport, and either (i) mitigate adverse aviation-related environmental or community impacts attributable to Buchanan Field, or (ii) further Contra Costa County's aviation related needs; or
 - A change is required to conform to applicable California or Federal law.
- c. Adoption of a finding that the proposed Minor Adjustment will have a public benefit. Said public benefit could include, but is not necessarily limited to, enhanced mobility of people or goods, environmental protections or enhancements, improved air quality or land use, enhanced public safety or security, housing or jobs, infrastructure preservation or other significant positive community effects as

defined by the local land use authority. If the proposed Minor Adjustment to the ULL is proposed to accommodate housing or commercial development, said proposal must include permanent environmental protections or enhancements such as the permanent protection of agricultural lands, the dedication of open space or the establishment of permanent conservation easements.

- d. The Minor Adjustment is not contiguous to one or more non-voter approved Minor Adjustments that in total exceed 30 acres.
 - e. The Minor Adjustment does not create a pocket of land outside the existing ULL, specifically to avoid the possibility of a jurisdiction wanting to fill in those subsequently through separate adjustments.
 - f. Any jurisdiction proposing to process a Minor Adjustment to its applicable ULL that impacts FMMP is required to have an adopted Agricultural Protection Ordinance or must demonstrate how the loss of these agricultural lands will be mitigated by permanently protecting farmland.
5. A local jurisdiction may revise its LV-ULL, and Contra Costa County may revise the County ULL, to address issues of unconstitutional takings or conformance to State or Federal law.

CONDITIONS OF COMPLIANCE

- 1. Submittal of an annexation request by a local jurisdiction to LAFCO outside of an approved ULL will constitute non-compliance with the GMP.
- 2. For each jurisdiction, an applicable ULL shall be in place through each GMP compliance reporting period in order for the local jurisdiction to be found in compliance with the GMP requirements.
- 3. Submittal of an annexation request for land outside an approved ULL by a third party to LAFCO will constitute non-compliance with the GMP, if the local jurisdiction: (1) submits a will-serve letter to LAFCO. A will-serve letter determines the applicant's ability and willingness to serve the subject area and any further development; (2) utilizes an existing applicable tax sharing agreement; and/or (3) enters into a new tax sharing agreement for the annexation request.



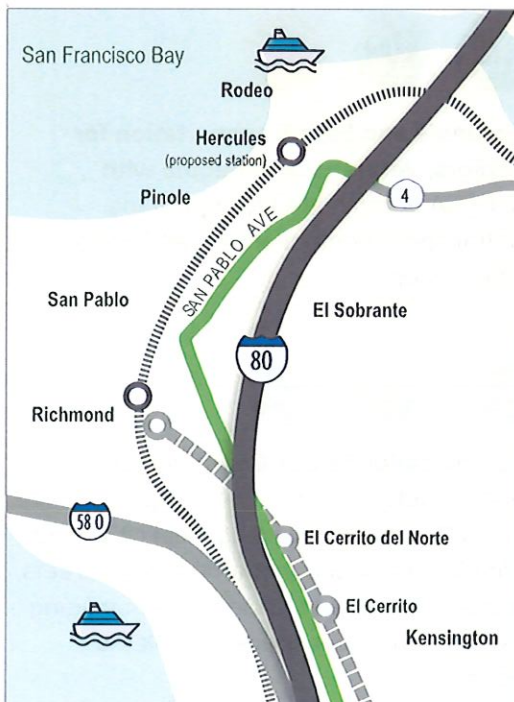
A New Transportation Future for Contra Costa County

EL CERRITO and WEST CONTRA COSTA COUNTY



KEY IMPROVEMENTS

- Improved transit reliability along I-80 with transit lanes and shared mobility hubs
- Enhanced access to BART
- Improved access to jobs and housing with modernized local roads
- Reduced congestion along I-80
- Improved traffic flow on major roads such as San Pablo Avenue
- Increased affordable transportation for seniors, veterans, and people with disabilities



Contra Costa Transportation Authority's **35-year Transportation Expenditure Plan** outlines how \$3.6 billion could be used to improve how people move throughout Contra Costa County. In **El Cerrito**, the focus is on relieving congestion on I-80, improving transit services, and modernizing local roads to improve access to jobs and housing.

WEST FUNDING FOR NEXT 35 YEARS

(In millions of dollars)

Improve Transit and Bus Reliability Along I-80 Corridor...	\$340M
Relieve Congestion and Improve Access Along I-80 Corridor.....	\$57M
Enhance Ferry and Commuter Rail Service	\$34M
Improve Traffic Flow and Access to Richmond-San Rafael Bridge Along I-580 and Richmond Parkway.....	\$19M
Provide Seamless Connected Transportation Options.....	\$5M
Improve Traffic Flow and Modernize Major Roads to Improve Access to Jobs and Housing	\$157M
Improve Walking and Biking on Streets and Trails.....	\$51M
Provide Affordable Transportation Options for Students, Youth, Seniors, Veterans, and People with Disabilities	\$81M
Provide Cleaner, Safer BART Stations and Trains.....	\$43M
Reduce Emissions and Improve Air Quality.....	\$9M
Reduce and Reverse Commutes	\$13M
Planning and Administration.....	\$33M

DRAFT

TOTAL \$841M

DOLLARS ALLOCATED TO MODERNIZE EL CERRITO'S LOCAL STREETS & ROADS*

\$410,085	+	\$386,226	\$796,311	\$13,518,000
CURRENT Annual Measure J Funds		NEW Potential Revenue	TOTAL Potential Revenue	TOTAL Potential Future Revenue (OVER 35 YRS)

*Dollar amounts are rounded

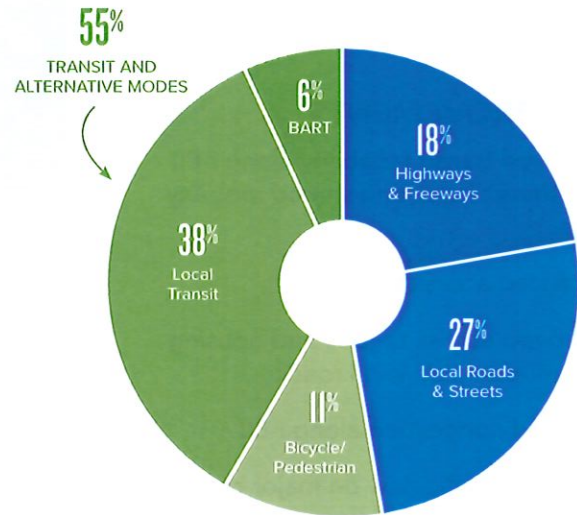
A New Transportation Future for Contra Costa County

2020 TRANSPORTATION EXPENDITURE PLAN

Imagine a future where all of our transportation systems work together and support a healthier environment; protect our unique landscapes; and provide more safe, efficient, and convenient travel for all. **CCTA has a plan for that.**

The 2020 Transportation Expenditure Plan (TEP) has four key goals that focus on livability and quality of life. All projects and programs within the TEP are designed to support these four goals, and when implemented, the plan will provide benefits to Contra Costa residents countywide.

COUNTYWIDE EXPENDITURES BY FACILITY TYPE AND MODE



NOTE: Percentages do not include Transportation Planning and Administration

2020 TEP GOALS:



Relieving Traffic Congestion on Highways and Interchanges. CCTA's goal is to improve the movement of people and goods through major corridors, to address bottlenecks and hot spots, and to make commutes smoother and more predictable.



Making Buses, Ferries, Passenger Trains, and BART Safer, Cleaner, and More Reliable. CCTA will support transit operators in providing more frequent and reliable transit service and will plan and build infrastructure that enables travelers to make quick and convenient transit connections between home, work, and recreational activities.



Provide Affordable and Safe Transportation for Children, Seniors, Veterans, and People with Disabilities. CCTA is committed to supporting mobility and transportation options for all Contra Costa County residents.



Improve Transportation in Our Communities. CCTA supports livable communities and quality of life in Contra Costa County by providing local cities and towns with funding to fix and modernize local streets, offer safer places to walk and cycle, while managing urban sprawl through its transportation-related growth policies.

DRAFT



RECEIVED

SEP 16 2019

CITY OF EL CERRITO
CITY MANAGER'S OFFICE

September 6, 2019

To: Mayors, City Managers and City Clerks**From: Dan Carrigg, Deputy Executive Director and Legislative Director, League of California Cities****Re: League's 2019 Annual Conference Resolutions Packet**

Please find an enclosed copy of the Resolutions Packet for the League of California Cities' 2019 Annual Conference, October 16-18 in Long Beach. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac.

Two resolutions have been submitted. The attached comprehensive packet contains the text of the proposed resolutions, background materials supplied by the sponsors, supporting letters from cities and city officials, and League staff analyses for each resolution. The packet also includes detailed information on the League's resolution process including meeting locations and times when the resolutions will be considered. A copy of the resolution packet is posted on the League's website for your convenience: www.cacities.org/resolutions.

Resolutions:

- Resolution 1 - Amendment to Rule 20A –Calls upon the California Public Utilities Commission (CPUC) to expand its Rule 20A program for undergrounding overhead utilities to include projects in high fire hazard severity zones.
- Resolution 2 - International Transboundary Pollution Flows – Calls upon the state and the federal governments of the U.S. and Mexico to address water quality issues resulting from transboundary flows from Mexico's Tijuana River into the United States.

Closing Luncheon/General Assembly - Friday, October 18, 12:30 p.m., Long Beach Convention Center.

Voting Delegates: In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity. If your city has not already done so, Please complete the Voting Delegate form and return it to the League's office no later than Friday, October 4. This will allow us time to establish voting delegate/alternate records prior to the conference.

We encourage each city council to consider the resolutions and to determine a city position so that your voting delegate can represent your city's position on the resolution. Should you have any questions regarding the attached material, please contact Carly Shelby cshelby@cacities.org 916-658-8279 or Meg Desmond mdesmond@cacities.org 916-658-8224 at the League office.



*Annual Conference
Resolutions Packet*

2019 Annual Conference Resolutions



Long Beach, California

October 16 – 18, 2019

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet at the Annual Conference to consider and take action on the resolutions referred to them. The committees are: Environmental Quality and Transportation, Communication & Public Works. The committees will meet from 9:00 – 11:00 a.m. on Wednesday, October 16, at the Hyatt Regency Long Beach. The sponsors of the resolutions have been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 17, at the Hyatt Regency Long Beach, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 17. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Carly Shelby cshelby@cacities.org 916-658-8279 or Nick Romo nromo@cacities.org 916-658-8232 at the League office.

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principles around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, October 16, 9:00 – 11:00 a.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

The following committees will be meeting:

1. Environmental Quality 10:00 - 11:00 a.m.
2. Transportation, Communication & Public Works 9:00 - 10:00 a.m.

General Resolutions Committee

Thursday, October 17, 1:00 p.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

Annual Business Meeting and General Assembly Luncheon

Friday, October 18, 12:30 p.m.

Long Beach Convention Center

300 East Ocean Boulevard, Long Beach

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee		
		2 -- General Resolutions Committee		
		3 - General Assembly		

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A			
2	International Transboundary Pollution Flows			

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet is posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- | | |
|---|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

- | | |
|-----|---|
| a | Amend+ |
| Aa | Approve as amended+ |
| Aaa | Approve with additional amendment(s)+ |
| Ra | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+ |
| Da | Amend (for clarity or brevity) and Disapprove+ |
| Na | Amend (for clarity or brevity) and take No Action+ |
| W | Withdrawn by Sponsor |

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Guidelines for the Annual Conference Resolutions Process.](#)

League of California Cities Resolution Process

REGULAR RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Approve	Approve	Consent Calendar ¹
Approve	Disapprove or Refer	Regular Calendar ²
Disapprove or Refer	Approve	Regular Calendar
Disapprove or Refer	Disapprove or Refer	Does not proceed to General Assembly

PETITION RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Not Heard in Policy Committee	Approve	Consent Calendar
Not Heard in Policy Committee	Disapprove or Refer	Regular Calendar
Not Heard in Policy Committee	Disqualified per Bylaws Art. VI	Does not proceed to General Assembly

Resolutions

- Submitted 60 days prior to conference *Bylaws Article VI, Sec. 4(a)*
- Signatures of at least 5 supporting cities or city officials submitted with the proposed resolution *Bylaws Article VI, Sec. 2*
- Assigned to policy committee(s) by League president *Bylaws Article VI, Sec. 4(b)(i)*
- Heard in policy committee(s) and report recommendation, if any, to GRC *Bylaws Article VI, Sec. 4(b)(ii)*
- Heard in GRC
 - Approved by policy committee(s) and GRC, goes on to General Assembly on consent calendar *2006 General Assembly Resolution Sec. 2(C)*
 - If amended/approved by all policy committee(s) to which it has been referred and disapproved by GRC, then goes on to General Assembly on the regular calendar. If not all policy committees to which it has been referred recommend amendment or approval, and the GRC disapproves or refers the resolution, the resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(A),(C); 1998 General Assembly Resolution, 1st Resolved Clause*
 - If disapproved by all policy committees to which it has been referred and disapproved by the GRC, resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(C)*
- Heard in General Assembly

¹ The consent calendar should only be used for resolutions where there is unanimity between the policy committees and the GRC that a resolution should be approved by the General Assembly, and therefore, it can be concluded that there will be less desire to debate the resolution on the floor.

² The regular calendar is for resolutions for which there is a difference in recommendations between the policy committees and the GRC.

Petitioned Resolutions

- Submitted by voting delegate *Bylaws Article VI, Sec. 5 (a)*
- Must be signed by voting delegates representing 10% of the member cities *Bylaws Article VI, Sec. 5 (c)*
- Signatures confirmed by League staff
- Submitted to the League president for confirmation 24 hours before the beginning of the General Assembly. *Bylaws Article VI, Sec. 5 (d)*
- Petition to be reviewed by Parliamentarian for required signatures of voting delegates and for form and substance *Bylaws Article VI, Sec. 5(e)*
- Parliamentarian's report is presented to chair of GRC
- Will be heard at GRC for action (GRC cannot amend but may recommend by a majority vote to the GA technical or clarifying amendments) *2006 General Assembly Resolution sec. 6(A), (B)*
- GRC may disqualify if:
 - Non-germane to city issues
 - Identical or substantially similar in substance to a resolution already under consideration *Bylaws Article VI, Sec. 5(e), (f)*
- Heard in General Assembly
 - General Assembly will consider the resolution following the other resolutions³ *Bylaws Article VI, Sec. 5(g)*
 - Substantive amendments that change the intent of the petitioned resolution may only be adopted by the GA *2006 General Assembly Resolution sec. 6(C)*

Voting Procedure in the General Assembly

Consent Calendar: Resolution approved by Policy Committee(s) and GRC. Petitioned resolution approved by GRC)

- GRC Chair will be asked to give the report from the GRC and will ask for adoption of the GRC's recommendations
- Ask delegates if there is a desire to call out a resolution for discussion
- A voting delegate may make a motion to remove a resolution from the consent calendar for discussion
- If a motion is made to pull a resolution, the General Assembly votes on whether to pull the resolution from the consent calendar.
- If a majority of the General Assembly votes to pull the resolution, set "called out" reso(s) aside. If the motion fails, the resolution remains on the consent calendar.
- If reso(s) not called out, or after 'called out' reso is set aside, then ask for vote on remaining resos left on consent
- Move on to debate on reso(s) called out
- After debate, a vote is taken
- Voting delegates vote on resolutions by raising their voting cards.⁴

³ Petitioned Resolutions on the Consent Calendar will be placed after all General Resolutions on the Consent Calendar. Petitioned Resolutions on the Regular Calendar will be placed after all General Resolutions on the Regular Calendar.

⁴ Amendments to League bylaws require 2/3 vote

Regular Calendar: Regular resolutions approved by Policy Committee(s)⁵, and GRC recommends disapproval or referral; Regular resolutions disapproved or referred by Policy Committee(s)⁶ and GRC approves; Petitioned resolutions disapproved or referred by the GRC.

- Open the floor to determine if a voting delegate wishes to debate a resolution on the regular calendar.
- If no voting delegate requests a debate on the resolution, a vote to ratify the recommendation of the GRC on the resolution is taken.
- Upon a motion by a voting delegate to debate a resolution, a debate shall be held if approved by a majority vote of the General Assembly. If a majority of the General Assembly to debate the resolution is not achieved, then a vote shall be taken on whether to ratify the GRC's recommendation. If a majority of the General Assembly approves of the motion to debate the resolution, debate will occur. After debate on the resolution, a vote is taken based upon the substitute motion that was made, if any, or on the question of ratifying the GRC's recommendation.
- Voting delegates vote by raising their voting cards.

⁵ Applies in the instance where the GRC recommendation of disapproval or refer is counter to the recommendations of the policy committees.

⁶ Applies in the instance where the GRC recommendation to approve is counter to the recommendations of the policy committees.

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials

Cities: City of Hidden Hills, City of La Cañada Flintridge, City of Laguna Beach, City of Lakeport, City of Malibu, City of Moorpark, City of Nevada City, City of Palos Verdes Estates, City of Rolling Hills Estates, City of Rolling Hills, City of Ventura

Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, expanding Rule 20A criteria to include Very High Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires; and

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for Rule 20A projects would lead to more undergrounding in Very High Fire Hazard Severity Zones; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility and to increase funding allocations for Rule 20A projects.

Background Information on Resolution No. 1

Source: City of Rancho Palos Verdes

Background:

Rancho Palos Verdes is the most populated California city to have 90 percent or more of residents living in a Cal Fire-designated Very High Fire Hazard Severity Zone. Over the years, the Palos Verdes Peninsula has seen numerous brush fires that were determined to be caused by electrical utility equipment.

Across the state, some of the most destructive and deadly wildfires were sparked by power equipment. But when it comes to undergrounding overhead utilities, fire safety is not taken into account when considering using ratepayer funds to pay for these projects under California's Electric Tariff Rule 20 program. The program was largely intended to address visual blight when it was implemented in 1967. Under Rule 20A, utilities must allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit and meet one or more of the following criteria:

- Eliminate an unusually heavy concentration of overhead lines;
- Involve a street or road with a high volume of public traffic;
- Benefit a civic or public recreation area or area of unusual scenic interest; and,
- Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

As we know, brush fires are not restricted to erupting in these limited areas. California's fire season has worsened in severity in recent years, claiming dozens of lives and destroying tens of thousands of structures in 2018 alone.

Excluding fire safety from Rule 20A eligibility criteria puts the task of undergrounding power lines in Very High Fire Hazard Severity Zones squarely on property owners who are proactive, willing and able to foot the bill.

The proposed resolution calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the proposed resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

If adopted, utilities will be incentivized to prioritize undergrounding projects that could potentially save millions of dollars and many lives.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Rony Berdugo, Legislative Representative, Derek Dolfie, Legislative Representative, Caroline Cirrincione, Legislative Policy Analyst
Committees: Environmental Quality; Transportation, Communications, and Public Works

Summary:

This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

Background

California Wildfires and Utilities

Over the last several years, the increasing severity and frequency of California's wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to recent catastrophic wildfires, Governor Newsom established a Strike Force tasked with developing a "comprehensive roadmap" to address issues related to wildfires, climate change, and utilities. The Strike Force report acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom's Wildfire Strike Force program report concludes, "It's not a question of "if" wildfire will strike, but "when."

Very High Fire Hazard Severity Zones

This Resolution seeks to expand the undergrounding of overhead utility lines in VHFHSZ. California Government Code Section 51178 requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found here.¹

¹ <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state's population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire's maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

CPUC Rule 20 Program

The CPUC's Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

Rule 20A

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around \$95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At the last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government's Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities' service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E's Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E's annual allocations for Rule 20A have been around \$41.3 million annually, which is between two and three percent of their total revenue.

Criteria for Rule 20A Projects

For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

Rule 20A Credit System Imbalance Threatens Program Effectiveness

Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total \$95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over \$1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found [here](#).²

² Program Review, California Overhead Conversion Program, Rule 20A for Years 2011-2015, "The Billion Dollar Risk," California Public Utilities Commission.

[https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_\(2014_forward\)\(1\)/PPD_Rule_20-A.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_(2014_forward)(1)/PPD_Rule_20-A.pdf)

Note: The existing credit allocation formulas do not consider a municipality's need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

Rule 20B

Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

Rule 20C

Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

Rule 20D--Wildfire Mitigation Undergrounding Program

Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program. According to SDG&E, the objective of the Rule 20D undergrounding is exclusively for fire hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E's Fire Threat Zone (now referred to as the High Fire Threat District or HFTD). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The

Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

The Committee may want to consider whether Rule 20D should instead be expanded, adapted, or further utilized to support funding for overhead conversions within VHFHSZ throughout the state.

Fiscal Impact:

The costs to the State associated with this Resolution will be related to the staff and programmatic costs to the CPUC to take the necessary measures to consider and adopt changes to Rule 20A to include projects in VHFHSZ to the list of criteria for eligibility.

This Resolution calls for an unspecified increase in funding for Rule 20A projects, inferring that portions of increased funds will go towards newly eligible high fire hazard zones. While the Resolution does not request a specific amount be allocated, it can be assumed that these increased costs will be supported by utility ratepayers. According to the CPUC, the annual allocations towards Rule 20A are \$95.7 million.

The CPUC currently reports a cumulative credit surplus valued at roughly \$1 billion that in various regions, given the approval of expanded eligibility called for by this Resolution, could be used to supplement and reduce the level of new dollars needed to make a significant impact in VHFHSZ. The CPUC follows that overhead conversion projects range from \$93,000 per mile for rural construction to \$5 million per mile for urban construction.

The Resolution states that "California is experiencing fire seasons of worsening severity" which is supported by not only the tremendous loss of property and life from recent wildfires, but also in the rising costs associated with clean up, recovery, and other economic losses with high estimates in the hundreds of billions of dollars.

The Committee may wish to consider the costs associated with undergrounding utility lines in relation to the costs associated with past wildfires and wildfires to come.

Comments:

CPUC Currently Exploring Revisions to Rule 20

In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

Beyond Rule 20A: Additional Options for Funding Undergrounding Projects

There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

Rule 20D Expansion

The City of Berkeley in a 2018 study titled "Conceptual Study for Undergrounding Utility Wires in Berkeley," found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.

One of the study's recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley's city limits.

As an alternative to changing the criteria for Rule 20A, the Committee may wish to consider whether there is the opportunity to advocate for the expansion of Rule 20D funding more broadly, expanding its reach to all IOU territories.

Franchise Surcharge Fees

Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E's revenue projections, the increase would result in an additional surcharge revenue amount of approximately \$36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately \$3.00 to a typical residential customer's electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

Utility Bankruptcy and Undergrounding Funding

In considering this Resolution, it is important to understand that Rule 20A allocations have been more substantial in the past. As mentioned earlier, prior to 2011, PG&E was allocating approximately 5% to 6% of its revenue to the Rule 20A program. Therefore, it is not unreasonable to encourage an increase in Rule 20A allocations as history shows that utilities had the capacity to do so in the past.

However, in a time where IOUs such as PG&E are facing bankruptcy as the result of utility caused wildfires, there is the possibility that expanding rule 20A funding will generate more costs for the ratepayers.

Questions to Consider:

- 1) Is Rule 20A or Rule 20D the more appropriate program to advocate for such an expansion?
- 2) Are there any wildfire risks outside of VHFHSZ that could be mitigated by undergrounding projects?

Existing League Policy:

Public Safety:

The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions. (pg. 43)

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities. (pg. 43)

Transportation, Communication, and Public Works:

Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding. (pg. 54)

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. (pg. 51)

The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding. (pg. 52)

Environmental Quality

The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund. (pg. 9)

Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises. (pg. 9)

The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community. (pg. 10)

2019 Strategic Goals

Improve Disaster Preparedness, Recovery and Climate Resiliency.

- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

Support:

The following letters of concurrence were received:

The City of Hidden Hills
The City of La Cañada Flintridge
The City of Laguna Beach
The City of Lakeport
The City of Malibu
The City of Moorpark
The City of Nevada City
The City of Palos Verdes Estates
The City of Rolling Hills Estates
The City of Rolling Hills
The City of Ventura

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Rule 20A



City of Hidden Hills

6165 Spring Valley Road * Hidden Hills, California 91302
(818) 888-9281 * Fax (818) 719-0083

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

Dear President Arbuckle:

The City of Hidden Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Larry G. Weber
Mayor



City Council
Leonard Pieroni, Mayor
Gregory C. Brown, Mayor Pro Tem
Jonathan C. Curtis
Michael T. Davitt
Terry M. Walker

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of La Cañada Flintridge supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of La Cañada Flintridge is one of the few Southern California cities in which 100% of the community within a Very High Fire Hazard Severity Zone. The City, in 1987, committed 100% of its 20A allocation for forty-five years from this year for a major downtown undergrounding project. Therefore, the only way our City can directly benefit from this Resolution is if there is an additional annual increased allocation for this purpose. Due to the extreme threat the City experienced at the time of the Station Fire, the City is keenly aware of the damage a fire may potentially cause, whether from utility issues or from natural causes. The City strongly supports any effort, including this Resolution, to reduce fire danger for the City's residents.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly with the City of La Cañada Flintridge in support.

Sincerely,

A handwritten signature in dark ink, appearing to read "Leonard Pieroni".

Leonard Pieroni
Mayor



July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Laguna Beach supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. Ten to the Top 20 most destructive fires in California were caused by electrical sources. The California's Rule 20A program, which allows local governments to pay for undergrounding of utilities costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it. We also believe that this program should redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. The City of Laguna Beach recommends that the resolution also be amended to call on the CPUC to redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

Nearly 90% of the City of Laguna Beach land area is designated under State Law and local ordinance as Very High Fire Hazard Severity Zone. While the City has used Rule 20A and 20B funding in the past to underground more than half of its overhead utilities, sufficient funding is not available to underground the remaining parts of the City.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.



July 25, 2019

Page 2

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Whalen", written in a cursive style.

Bob Whalen
Mayor

CITY OF LAKEPORT

*Over 125 years of community
pride, progress and service*



August 7, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Lakeport supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

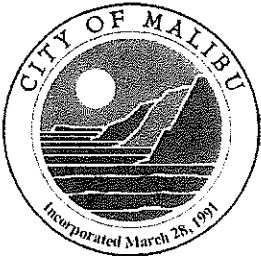
The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Tim Barnes
Mayor
City of Lakeport



City of Malibu

Jefferson Wagner, Mayor

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: City of Rancho Palos Verdes Proposed Resolution to Amend California Public Utilities Commission Rule 20A – SUPPORT

Dear Ms. Arbuckle:

At its Regular meeting on August 12, 2019, the Malibu City Council unanimously voted to support the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state, but California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, as well as willing and able to foot the bill. The City of Malibu agrees with Rancho Palos Verdes that Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. As a recent series of news stories on wildfire preparedness in California pointed out, there are more than 75 communities across the state with populations over 1,000, including Rancho Palos Verdes and Malibu, where at least 90 percent of residents live in a Cal Fire-designated Very High Fire Hazard Severity Zone.

It is well-known that electric utility equipment is a common fire source, and has sparked some of the most destructive blazes in our state's history. Moving power lines underground is, therefore, a critical tool in preventing them. Currently, Rule 20A primarily addresses visual blight, but with fire seasons worsening, it is key that fire safety also be considered when local governments pursue Rule 20A projects, and that annual funding allocations for the program be expanded.

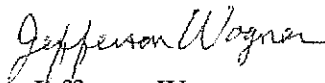
It is worth noting that the State does have a program, Rule 20D, that factors in fire safety for funding undergrounding projects. However, this is limited to San Diego Gas & Electric Company projects in certain areas only. This needs to be expanded to include projects in all projects within designated Very High Fire Hazard Severity Zones.

Rancho PV League Resolution
Amend Rule 20A
August 15, 2019
Page 2 of 2

The proposed resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, the City of Malibu strongly concurs that the resolution should go before the General Assembly.

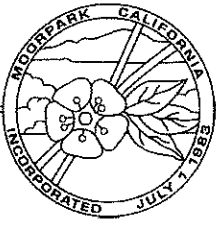
Sincerely,



Jefferson Wagner
Mayor

Cc: Honorable Members of the Malibu City Council
Reva Feldman, City Manager
Megan Barnes, City of Rancho Palos Verdes, mbarnes@rpvca.gov





CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021

Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 24, 2019

SUBMITTED ELECTRONICALLY

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: SUPPORT FOR RANCHO PALOS VERDES RESOLUTION RE: POWER LINE
UNDERGROUNDING

Dear President Arbuckle:

The City of Moorpark supports the City of Rancho Palos Verdes effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

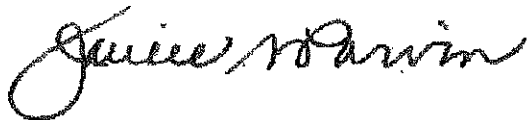
All cities in Ventura County, including Moorpark, have wildfire prevention fresh in our memories following the highly destructive 2017-2018 Thomas Fire, which was caused by above-ground power lines. The 2018 Woolsey Fire similarly affected Ventura County, and lawsuits have been filed alleging it was also caused by above-ground power lines. Each of these fires caused billions of dollars in damages and highlight the importance of undergrounding power lines.

League of California Cities
Page 2

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Parvin". The signature is fluid and cursive, with the first name "Janice" written in a larger, more prominent script than the last name "Parvin".

Janice Parvin
Mayor

cc: City Council
City Manager



Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Nevada City supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of Nevada City would also like to add that the local agency be given the power to use private firms to do design, inspect and construct Rule 20A projects in local jurisdiction rather than be required to use the designated local utility. In addition, the City of Nevada City wants the CPUC to allow local jurisdictions to transfer excess funds between agencies to better serve projects in high fire hazard severity zones.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Reinette Senum
Mayor
City of Nevada City



CITY OF
Palos Verdes Estates

July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's current Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

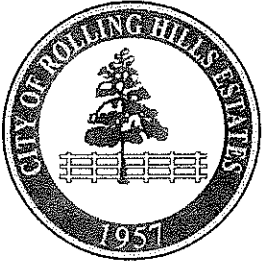
The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Mayor Kenneth J. Kao
City of Palos Verdes Estates

cc: PVE City Council
PVE Interim City Manager Petru
RPV City Manager Willmore



City of
Rolling Hills Estates

Judith Mitchell
Mayor

Velveth Schmitz
Mayor Pro Tem

Britt Huff
Council Member

Frank V. Zerunyan
Council Member

Steven Zuckerman
Council Member

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Rolling Hills Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Judith Mitchell
Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear Board of Directors:

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Leah Mirsch
Mayor



July 29, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Ventura supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Alex D. McIntyre
City Manager

2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Source: San Diego County Division

Concurrence of five or more cities/city officials

Cities: Calexico; Coronado; Imperial Beach; San Diego

Individual City Officials: City of Brawley: Mayor Pro Tem Norma Kastner-Jauregui; Council Members Sam Couchman, Luke Hamby, and George Nava. City of Escondido: Deputy Mayor Consuelo Martinez. City of La Mesa: Council Member Bill Baber. City of Santee: Mayor John Minto, City of Vista: Mayor Judy Ritter and Council Member Amanda Young Rigby

Referred to: Environmental Quality Policy Committee

WHEREAS, international transboundary rivers that carry water across the border from Mexico into Southern California are a major source of sewage, trash, chemicals, heavy metals and toxins; and

WHEREAS, transboundary flows threaten the health of residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, adversely impact the South San Diego County and Imperial County economy; compromise border security, and directly affect U.S. military readiness; and

WHEREAS, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have been entering southern California through both the Tijuana River Watershed (75 percent of which is within Mexico) and New River flowing into southern California's coastal waterways and residential and agricultural communities in Imperial County eventually draining into the Salton Sea since the 1930s; and

WHEREAS, in February 2017, an estimated 143 million gallons of raw sewage flowed into the Tijuana River and ran downstream into the Pacific Ocean and similar cross border flows have caused beach closures at Border Field State Park that include 211 days in 2015; 162 days in 2016; 168 days in 2017; 101 days in 2018; and 187 days to date for 2019 as well as closure of a number of other beaches along the Pacific coastline each of those years; and

WHEREAS, approximately 132 million gallons of raw sewage has discharged into the New River flowing into California through communities in Imperial County, with 122 million gallons of it discharged in a 6-day period in early 2017; and

WHEREAS, the presence of pollution on state and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both

sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

WHEREAS, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on trans-border rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

WHEREAS, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, public concerns in response to widespread threats to public health and safety, damage to fish and wildlife resources and degradation to California's environment resulting from transboundary river flow pollution in the southernmost regions of the state requires urgent action by the Federal and State governments, and

WHEREAS, Congress authorized funding under the U.S. Environmental Protection Agency's (EPA) Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program (BWIP) in 1996 to provide grants for high-priority water, wastewater, and storm-water infrastructure projects within 100 kilometers of the southern border; and

WHEREAS, the EPA administers the STAG and BWIP programs, and coordinates with the North American Development Bank (NADB) to allocate BWIP grant funds to projects in the border zone; and

WHEREAS, since its inception, the BWIP program has provided funding for projects in California, Arizona, New Mexico and Texas that would not have been constructed without the grant program; and

WHEREAS, the BWIP program was initially funded at \$100 million per year, but, over the last 20 years, has been continuously reduced to its current level of \$10 million; and

WHEREAS, in its FY 2020 Budget Request, the Administration proposed to eliminate the BWIP program; and

WHEREAS, officials from EPA Region 9, covering California, have identified a multitude of BWIP-eligible projects along the southern border totaling over \$300 million; and

WHEREAS, without federal partnership through the BWIP program and state support to address pollution, cities that are impacted by transboundary sewage and toxic waste flows are

left with limited resources to address a critical pollution and public health issue and limited legal remedies to address the problem; and

WHEREAS, the National Association of Counties, (NACo) at their Annual Conference on July 15, 2019 and the U.S. Conference of Mayors at their Annual Conference on in July 1, 2019 both enacted resolutions calling on the federal and state governments to work together to fund and address this environmental crisis; and

WHEREAS, local governments and the public support the State's primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future residents of California, and

WHEREAS, League of California Cities policy has long supported efforts to ensure water quality and oppose contamination of water resources; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding to the U.S- Mexico Border Water Infrastructure Program (BWIP) and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

Background Information on Resolution No. 2

Source: San Diego County Division

Background:

Along California's southern border with Mexico, the New River in Imperial County and the Tijuana River in San Diego County are a major sources of raw sewage, trash, chemicals, heavy metals, and toxins that pollute local communities. Sewage contaminated flows in the Tijuana River have resulted in significant impacts to beach recreation that includes the closure of Border Field State Beach for more than 800 days over the last 5-years. Similarly, contaminated flows in the New River presents comparable hazards, impacts farm land, and contributes to the ongoing crisis in the Salton Sea. These transboundary flows threaten the health of residents in California and Mexico, harms the ecosystem, force closures at beaches, damage farm land, makes people sick, and adversely affects the economy of border communities. The root cause of this cross border pollution is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs.

The severity of cross border pollution has continued to increase, due in part to the rapid growth of urban centers since the passage of the North American Free Trade Agreement (NAFTA). While economic growth has contributed to greater employment, the environmental infrastructure of the region has not kept pace, which is why Congress authorized the Border Water Infrastructure Program (BWIP) in 1996. The U.S. Environmental Protection Agency (EPA) administers the BWIP and coordinates with the North American Development Bank (NADB) to provide financing and technical support for projects on both sides of the U.S./Mexico border. Unfortunately, the current BWIP funding at \$10 million per year is only a fraction of the initial program budget that shares funding with the entire 2,000 mile Mexican border with California, Arizona, New Mexico and Texas. EPA officials from Region 9 have identified an immediate need for BWIP projects totaling over \$300 million just for California. Without federal partnerships through the BWIP and state support to address cross border pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with limited resources to address a critical pollution and public health issue.

The International Boundary and Water Commission (IBWC) is another important federal stakeholder that, under the Treaty of 1944 with Mexico, must address border sanitation problems. While IBWC currently captures and treats some of the pollution generated in Mexico, it also redirects cross border flows without treatment directly into California.

Improving environmental and public health conditions for communities along the border is essential for maintaining strong border economy with Mexico. The IBWC, EPA, and NADB are the important federal partners with existing bi-national programs that are able to immediately implement solutions on cross border pollution. California is in a unique position to take the lead and work with local and federal partners to implement real solutions that will addresses the long standing and escalating water quality crisis along the border.

For those reasons, the cities of Imperial Beach and Coronado requested the San Diego County Division to propose a resolution at the 2019 League Annual Conference calling upon the federal

and state governments to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California, San Diego and Imperial Counties and the Pacific Ocean.

On August 12, 2019 at the regularly scheduled meeting of the San Diego County Division, the membership unanimously endorsed submittal of the resolution, with close to 75% membership present and voting.

The Imperial County Division does not have a scheduled meeting until after the deadline to submit proposed resolutions. However, the City of Calexico, which is most directly impacted by initial pollution flow of the New River from Mexicali, sent a letter in concurrence of this resolution as well as numerous city officials from cities within Imperial County and the Imperial County Board of Supervisors. The League Imperial County Division will place a vote to support this resolution on the agenda of their September 26, 2019 meeting.

League of California Cities Staff Analysis on Resolution No. 2

Staff: Derek Dolfie, Legislative Representative
 Carly Shelby, Legislative and Policy Development Assistant
 Committees: Environmental Quality

Summary:

This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico’s Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

Background:

The League of California Cities’ San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an “impaired water body” because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

Federal Efforts to Address Pollution Crisis

To remedy the Tijuana River’s low water quality, the United States and Mexico entered into a Treaty in 1944 entitled: *Utilization of Waters of the Colorado River and Tijuana Rivers and of the Rio Grande – the International Boundary and Water Commission (IBWC)*. The IBWC was designed to consist of a United States section and a Mexico section. Both sections were tasked with negotiating and implementing resolutions to address water pollution in the area, which includes overseeing the development of water treatment and diversion infrastructure.

After the formation of the IBWC, the U.S. and Mexico entered into a treaty in 1993 entitled: *Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank*. This agreement established the North American Development Bank (NADB), which certifies and funds infrastructure projects located within 100 kilometers (62 miles) of the border line. The NADB supports federal programs like the Border Water Infrastructure Program (BWIP), which was initially funded at \$100 million, annually.

The degradation of existing water treatment infrastructure along the border coincides with the federal government’s defunding of the BWIP, which has steadily decreased from \$100 million in 1996 to \$10 million today. The Federal FY 2020 Budget proposes eliminating BWIP funding

altogether. EPA's regions 6 and 9 (includes U.S. states that border Mexico) have identified a number of eligible projects that address public health and environmental conditions along the border totaling \$340 million.

The NADB has funded the development of water infrastructure in both the U.S. and Mexico. Water diversion and treatment infrastructure along the U.S – Mexico border includes, but is not limited to, the following facilities:

- *The South Bay International Wastewater Treatment Plant (SBIWTP)*. This facility was constructed by the U.S. in 1990 and is located on the California side of the border and is operated under the jurisdiction of the IBWC. The SBIWTP serves as a diversion and treatment sewage plant to address the flow of untreated sewage from Mexico into the United States.
- *Pump Station CILA*. CILA was constructed by Mexico in 1991 and is located along the border in Mexico. This facility serves as the SBIWTP's Mexican counterpart.

Both the SBIWTP and CILA facilities have had a multitude of overflows containing untreated sewage and toxic waste that spills into the Tijuana River. The cause of overflows can be attributed to flows exceeding the maximum capacity that the infrastructure can accommodate (this is exacerbated during wet and rainy seasons) and failure to properly operate and maintain the facilities. Much of the existing infrastructure has not had updates or repairs for decades, causing overflows to become more frequent and severe. The most notable overflow occurred in February 2017, wherein 143 million gallons of polluting waste discharged into the Tijuana River; affecting the Tijuana Estuary, the Pacific Ocean, and Southern California's waterways.

State Actions

In response to the February 2017 overflow, the San Diego Water Board's Executive Officer sent a letter to the U.S. and Mexican IBWC Commissioners which included recommendations on how to improve existing infrastructure and communications methods between both nations.

In September of 2018, California Attorney General Xavier Becerra submitted a lawsuit against IBWC for Violating the Clean Water Act by allowing flows containing sewage and toxic waste to flow into California's waterways, posing a public health and ecological crisis. The cities of Imperial Beach, San Diego, Chula Vista, the Port of San Diego, and the San Diego Regional Water Quality Board have also filed suit against the IBWC. The suit is awaiting its first settlement conference on October 19, 2019. If parties are unable to reach a settlement, the case will go to trial.

Fiscal Impact:

California's economy is currently the sixth largest in the world, with tourism spending topping \$140.6 billion in 2018. In the past five years, San Diego's Border Field State Park has been closed for over 800 days because of pollution from the Tijuana River. A decline in the State's beach quality and reputation could carry macroeconomic effects that could ripple outside of the San Diego County region and affect coastal communities throughout California.

Existing League Policy

The League of California Cities has extensive language on water in its Summary of Existing Policy and Guiding Principles. Fundamentally, the League recognizes that beneficial water quality is essential to the health and welfare of California and all of its citizens. Additionally, the League advocates for local, state and federal governments to work cooperatively to ensure that water quality is maintained.

The following policy relates to the issue of water quality:

- Surface and groundwater should be protected from contamination.
- Requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported.
- When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.
- Water development projects must be economically, environmentally and scientifically sound.
- The viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
- Protection, maintenance, and restoration of fish and wildlife habitat and resources.

Click here to view the **Summary of Existing Policy and Guiding Principles 2018**.

Comments:

1. Water quality issues are prevalent across California and have been a constant priority of the State's legislature and residents. In 2014, California's voters approved Proposition 1, which authorized \$7.5 billion in general obligation bonds to fund water quality improvement projects. In 2019, the Legislature reached an agreement to allocate \$130 million from the State's Greenhouse Gas Reduction Fund (GGRF) to address failing water infrastructure and bad water qualities for over one million of California's residents in rural communities. Water quality is not an issue unique to the County of San Diego and communities along the border.
2. Tijuana River cross-border pollution has caught national attention. Members of Congress have proposed recent funding solutions to address the pollution crisis, including:
 - In February of 2019, California Congressional Representatives Vargas, Peters, and Davis helped secure \$15 million for the EPA to use as part of its BWIP.
 - *H.R. 3895 (Vargas, Peters, 2019), The North American Development Bank Pollution Solution Act*. This bill seeks to support pollution mitigation efforts along the border by increasing the NADB's capital by \$1.5 billion.
 - *H.R. 4039 (Levin, 2019), The Border Water Infrastructure Improvement Act*. This bill proposes increasing funding to the BWIP from the existing \$10 million to \$150 million as a continuous appropriation until 2025.

Additionally, the National Association of Counties (NACo) and the U.S. Conference of Mayors enacted resolutions in support of increased funding for U.S. – Mexico border water infrastructure to address the environmental crisis in 2019.

3. The border pollution problem has sparked action from local, state, and federal actors. Should this resolution be adopted, League membership should be aware that future action will be adapted by what is explicitly stated in the resolution's language. In current form, the resolution's resolve clause cites the BWIP as the only program that should receive reinstated and proper funding. League staff recommends the language be modified to state:

"NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding for environmental infrastructure on the U.S. – Mexico Border, including to the U.S–Mexico Border Water Infrastructure Program (BWIP), and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state."

Modifying the language would ensure enough flexibility for the League to support funding mechanisms outside of the prescribed federally-operated BWIP.

4. It remains unclear if there is an appetite in Washington to fund border-related infrastructure projects that address environmental quality. Given the high probability of another overflow containing waste and sewage from the existing infrastructure operated by the IBWC, League membership should consider the outcome if no resolution is reached to address the issue.

Support:

The following letters of concurrence were received:

Cities:

The City of Calexico
The City of Coronado
The City of Imperial Beach
The City of San Diego

In their individual capacity:

Amanda Young Rigby, City of Vista Council Member
Bill Baber, City of La Mesa Council Member
Consuelo Martinez, City of Escondido Deputy Mayor
George A. Nava, City of Brawley Council Member
John Minto, City of Santee Mayor
Judy Ritter, City of Vista Mayor
Luke Hamby, City of Brawley Council Member
Norma Kastner-Jauregui, City of Brawley Mayor Pro-Tempore
Sam Couchman, City of Brawley Council Member

LETTERS OF CONCURRENCE

Resolution No. 2

International Transboundary
Pollution Flows



CITY OF CALEXICO

608 Heber Ave.
Calexico, CA 92231-2840
Tel: 760.768.2110
Fax: 760.768.2103
www.calexico.ca.gov

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The city of Calexico strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

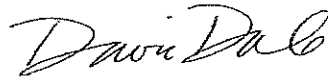
As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Viva Calexico!

If you have any questions or require additional information, please do not hesitate to contact me at 760/768-2110.

Sincerely,

CITY OF CALEXICO

A handwritten signature in cursive script that reads "David Dale".

David Dale
City Manager

Cc: Honorable Mayor Bill Hodge

Viva Callexico!



CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118

OFFICE OF THE CITY MANAGER
(619) 522-7335
FAX (619) 522-7846

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts of International Transboundary River Pollution Flows Resolution

This letter is written on behalf of and with the support of the Coronado City Council. The City of Coronado wholeheartedly supports the resolution adopted by the San Diego County and Imperial County Division of the California League of Cities.

The San Diego County Division's resolution calls upon the federal and state governments to restore and ensure proper funding of the U.S.-Mexico Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

The City has been working closely with the Environmental Protection Agency and other federal partners on the matter since early 2018. City leaders are committed to finding long-term, sustainable solutions to this problem. Through its advocacy and education efforts, the City of Coronado has raised national awareness of the problem among legislators, political appointees and career staff at federal agencies. These efforts have been successful. However, the City along with our coalition partners, look forward to more action to swiftly resolve this issue.

Local government and the public support the state's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

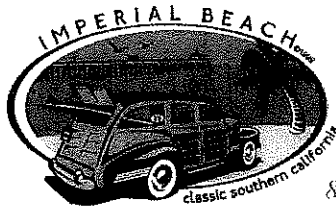
As members of the League, Coronado values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Blair King".

Blair King
Coronado City Manager

cc: Coronado Mayor and City Council
Bill Baber, President, San Diego County Division
c/o Catherine Hill, Regional Public Affairs Manager, San Diego County Division chill@cacities.org



City of Imperial Beach, California

OFFICE OF THE CITY MANAGER

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St. Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach appreciates and supports the San Diego County Division's effort to submit a resolution for consideration by the full membership of the League of California Cities.

The Division's resolution calls on Federal and State government to address the impacts of transboundary pollution flows into the Southwestern regions of California. The pollution in these areas is an environmental disaster that threatens the health and general welfare of residents near the Mexican border in Imperial and San Diego Counties.

I encourage all voting delegates and elected officials in attendance at the 2019 Annual League of California Cities Conference in Long Beach to support this important resolution as it addresses the critical need for the federal and state government to recommit to work bi-nationally to address the serious contamination issues and to develop and implement long-term solutions.

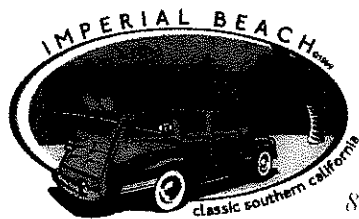
I am available for any questions or additional information related to this letter of support.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Hall", is written over the printed name.

Andy Hall
City Manger

Cc: Honorable Mayor Serge Dedina
Honorable Mayor Pro Tem Robert Patton
Honorable Councilmember Paloma Aguirre
Honorable Councilmember Ed Spriggs
Honorable Councilmember Mark West



City of Imperial Beach, California

OFFICE OF THE MAYOR

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. If you have any questions or require additional information, please do not hesitate to contact me at 619-423-8303.

Sincerely,

A handwritten signature in black ink, appearing to read "Serge Dedina".

Serge Dedina
Mayor



THE CITY OF SAN DIEGO

KEVIN L. FAULCONER

Mayor

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The City of San Diego supports the San Diego County Division in their effort to submit a resolution to the General Assembly at the League of California Cities' 2019 Annual Conference in Long Beach.

To suppress the flow of pollution between the Mexico and Southern California's water channels, the Division requests for the Federal and State governments to give proper funding to the Border Water Infrastructure Program (BWIP).

The City of San Diego and its citizens have expressed their concerns about untreated sewage, polluted sediment and trash flowing from Mexico, into California, causing health, environmental and safety concerns. The State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. With the Division's resolution, the great need for federal and state governments to reconsider working together, will help in developing a long-term solution to address serious water quality and contamination issues.

As members of the League, our City values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Please contact me at (619)453-9946 if you have any questions.

Sincerely,

Denise Garcia
Director of International Affairs

Cc: Honorable Mayor Kevin L. Faulconer



AMANDA YOUNG RIGBY
CITY COUNCILWOMAN

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Re: Border Sewage Issues

Dear President Arbuckle;

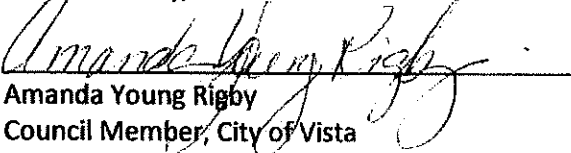
As a Council Member in the City of Vista, and solely in my individual capacity as such, I write in **support** of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the constant sewage pollution issues at the international border with Mexico.

This Resolution requests that the federal and state governments recognize the paramount importance of this issue and address the devastating impacts that this constant contamination has on the southernmost regions of California and the Pacific coastline by requesting the necessary funding to develop and implement effective and long term solutions to the raw sewage contamination coming into San Diego and Imperial Counties from Mexico.

Although I have lived in Vista for 27 years now, I grew up in Imperial Beach and know well the severe health and environmental impact that this situation has had on our border communities for the **decades**.

As a member of the League, I value the League's ability to effectively advocate on behalf of not only our cities but in effect, our citizens, and this is an important issue for our entire state. Should you have any questions or comments, please contact me at the number below. Thank you for your consideration.

Most Sincerely,


Amanda Young Rigby
Council Member, City of Vista

cc: Vista City Council
Vista City Manager
Vista City Attorney
City of Imperial Beach
City of Coronado
City of Calexico
City of San Diego



August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flows Resolution

President Arbuckle:

As a Council Member for the City of La Mesa and in my individual capacity, not on behalf of the full La Mesa City Council as a body or the City, I am writing you in support of the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

As San Diego County Division President and a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at 619-667-1106, should you have any questions.

Sincerely,

BILL BABER
COUNCIL MEMBER CITY OF LA MESA
PRESIDENT, LEAGUE SAN DIEGO COUNTY DIVISION



Consuelo Martinez, Deputy Mayor
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4638

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the city of Escondido, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

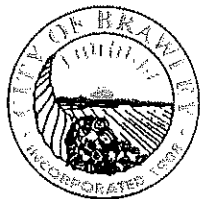
As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at cmartinez@escondido.org if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Martinez", written over a horizontal line.

Consuelo Martinez
Deputy Mayor

cc: Honorable Mayor and City Council Members
Jeffrey R. Epp, City Manager



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

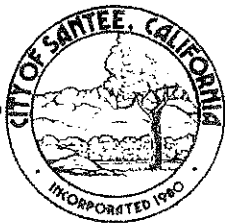
As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

George A. Nava
City Council Member
City of Brawley

MAYOR
John W. Minto

CITY COUNCIL
Ronn Hall
Stephen Houlahan
Laura Koval
Rob McNelis



CITY OF SANTEE

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Santee, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (JMinto@cityofsantee.ca.gov) if you have any questions.

Sincerely,

JOHN W. MINTO
Mayor
City of Santee



JUDY RITTER

MAYOR

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Vista, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at jritter@cityofvista.com if you have any questions.

Sincerely,

Judy Ritter
Mayor
City of Vista



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Luke Hamby
City Council Member
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Norma Kastner-Jauregui
Mayor Pro-Tempore
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Sam Couchman
City Council Member
City of Brawley

EL CERRITO CITY COUNCIL PROCLAMATION
Declaring Support for and proclaiming October 2, 2019 as Clean Air Day in El Cerrito

WHEREAS, air pollution contributes to higher rates of cancer and heart and lung diseases, which adversely affect health; and

WHEREAS, California has some of the most polluted regions in the United States; and

WHEREAS, it is vital that we protect the health and well-being of our residents, visitors, and workforce; and

WHEREAS, emissions from vehicles, industry, and even household sources significantly affects the natural environment, air quality and well-being of residents, employees, and visitors of the City of El Cerrito; and

WHEREAS, individual actions such as not idling vehicles, walking or biking to work and school, carpooling, and conserving energy can directly improve air quality in our region; and

WHEREAS, everyone can play a role; and

WHEREAS, education about air quality can raise community awareness, encourage our community to develop better habits, and improve our community health; and

WHEREAS, Californians will be joining together across the state to clear the air on October 3, 2018; and

WHEREAS, the City of El Cerrito is committed to the health of our residents, workforce, visitors, and community at large; and

WHEREAS, The City encourages all residents, businesses, employees, and community members to participate in Clean Air Day and help clear the air for all Californians.

NOW, THEREFORE, the City of El Cerrito, does hereby proclaim October 2, 2019 as "Clean Air Day" in the City, and

Dated: October 1, 2019

Rochelle Pardue-Okimoto, Mayor



Michael A. Fischer
El Cerrito City Nominated Commissioner
Contra Costa County Library Commission
Email: eclibrarycommissioner@gmail.com



Date: October 1, 2019
To: El Cerrito City Council
From: Michael A. Fischer,
City Designated Library Commissioner
Subject: Report on Library Related Matters

This is a periodic report on library-related issues and activities.

I. Meeting on potential new library

On Saturday, August 10 a meeting was held in the city council chambers on issues concerning a new library. At the meeting were members of city commissions, city staff, city council members, county library staff, and other interested parties. The meeting was facilitated by Group 4 Architecture, the city's consultant on planning for a new library.

Group 4 has been involved in developing new libraries, both in Northern California and elsewhere. Among the libraries in Northern California they have developed are Milpitas, Oakland 81st Avenue, San Francisco Ingleside, San Leandro Washington Manor, San Lorenzo, San Pablo, Scotts Valley, and Walnut Creek downtown. They are thus responsible for two of the last five libraries built in Contra Costa County.

The two focuses of the meeting were on (1) what should be part of a new library and (2) where should that new library be located. The meeting was an exploration of possibilities rather than reaching any decisions.

On the issue of library location, various issues were discussed including current city properties, the planned BART Transit Oriented Development at the El Cerrito Plaza BART station, and somewhere along the San Pablo

corridor. There are many issues which need to be addressed in developing plans for an eventual ballot measure for a new library. I look forward to working with city staff as we engage as many members of our community in developing an appropriate and affordable 21st Century library for our city.

As the council is aware, the need for a new library is clear. Our library is old – all other city libraries in the west county were either built later or are in historically significant buildings. The library is a third smaller than the average library size in the county, and is the second smallest city library building in the west county based on size per population.

2. New library cards

On September 10 the library system debuted 5 new library card designs plus a keychain card (attachment A). The cards were chosen by a public vote and feature Mount Diablo, an astronaut, a train, an otter, and a fox. Existing card holders can get a new design card at no cost although it will result in a change of the account number. The county system handles that change seamlessly.

3. ACA 1

In my previous report I mentioned ACA 1, then pending in the legislature. This measure would have reduced the supermajority required on many local bond measures, including those involving libraries, from the current two-thirds requirement to 55%. It should be remember that Measure B to fund a new library, voted on in 2016, failed enactment even though it received 63% yes votes. The council voted to support ACA 1.

Unfortunately, the measure did not pass. It received a vote of 44-20 (with 15 members not voting. Because the measure was a constitutional amendment it required a two-thirds vote (54 members). I'm told the debate on the measure was long and spirited, and much of the discussion focused on issues other than libraries. Assembly Member Wicks was a co-author of the amendment and voted in favor.

4. lynda.com

For a number of year the website lynda.com provided a large number of online computer learning courses running the gamut from business skills such as resume writing to communications and happiness. They also had many technology related courses such as use of big data, how to use spreadsheets, and coding. Recently lynda.com was purchased by LinkedIn, the online business networking site that is a division of Microsoft.

Access to lynda.com for library patrons was purchased by many libraries including our Contra Costa County system. All one had to do to use any course on lynda.com was to access the system though the library website using their library card number and a pin.

Which brings us to the issue of library privacy. As you may know, libraries are one of the most trusted entities in our communities. It is one of the reasons, as former State Poet Laureate Dana Gioia said, that libraries are the one place everyone feels welcome. One of the ways of keeping this trust is ensuring that library use records are confidential.

LinkedIn Learning, the new name for lynda.com, will require users to create a public profile as well as agree to their own privacy policy allowing LinkedIn Learning to share the information with whoever they want. This violates the privacy policy that libraries provide their patrons. And efforts from library representatives nationwide to meet and discuss this issue with LinkedIn have gone for naught. LinkedIn said that the revenue stream from libraries was not significant enough to warrant their accommodating the privacy concerns of libraries for us, their patrons.

Greg Lucas, the State Librarian, issued a recommendation that all state public libraries not contract with LinkedIn Learning until and unless their privacy policy protects patrons privacy in the same manner as the libraries do (Attachment B). Mr. Lucas also co-authored an article written on this subject with the chair of the American Library Association's Intellectual Freedom Committee's Privacy Subcommittee (Attachment C).

As a result of this recommendation, the Contra Costa County Library System announced that they would not longer provide access to lynda.com (Attachment D).

5. eBook issues

The Macmillan company has adopted a new policy concerning the purchase of eBooks by libraries. They have announced that a library may only provide a single copy of a new title in eBook format upon release, after which there is an eight-week embargo on additional copies.

Libraries maintain ‘Purchase to Holds’ ratios to minimize wait times for popular titles. For example if the library maintains a 5:1 ratio, that means for every five holds placed on a title, the library purchases one copy to ensure a maximum wait time of three months. If a library is limited to only one digital copy of a high-demand title for eight weeks before being able to purchase more, the impact would be dramatic. Patrons could conceivably wait years rather than months for their eBook.

Macmillan’s decision is presumably based on the premise that public libraries undercut publishers’ profits by providing free access to eBooks. It should be noted that there appears to be no study proving this. In fact, there is some anecdotal evidence that libraries help drive book sales.

This new policy is puzzling. Limiting eBooks would appear to be no different than limiting the number of print books. In either case a library offers books free to the public. In addition, library systems pay double the print rate for most eBooks, an amount that is more than fair to the publisher’s bottom line.

A library system serving thousands, as does our system, with only a single copy of an ebook, is perceived as being unresponsive to community needs. As the ALA noted, “Limiting access to new titles for libraries means limiting access for patrons most dependent on libraries.

The American Library Association has denounced Macmillan’s decision (Attachment E) and asks that the public express their concerns to

press.inquiries@macmillan.com or ALA's Public Policy and Advocacy Office at alawash@alawash.org.

6. El Cerrito Journal

One of the important historical reference tools on the history of our city is the microfilm collection of old issues of the El Cerrito Journal. This collection was previously held at the Pleasant Hill Library as were most of the other historical collections of the library system. This was a result of the time when the Pleasant Hill Library was the “main” or “central” library of the county library system.

As you may know, the Pleasant Hill Library is now one of many city and county provided libraries in the system and is being replaced with a new library. This has raised the issue of what to do with the historical microfilm collection.

At the request of Dave Weinstein of the El Cerrito Historical Society, I inquired as to whether the microfilm collection of the El Cerrito Journal could be moved to the El Cerrito Library. The collection covers the years 1922-1925, 1929, and 1934-1943.

The problem is that there are no microfilm readers at the El Cerrito Library nor room for keeping that equipment or the microfilm. This is, thus, one more reason for a new library of a size to match the needs of our city. Currently, the El Cerrito Journal microfilm collection has been moved to the Pinole Library which does have a microfilm reader. While not ideal, it does place the Journal closer to our city.

Attachments:

- A - New library cards
- B - State Library press release on LinkedIn Learning
- C - Article on new privacy policy on LinkedIn Learning
- D. Library system press release on LinkedIn Learning
- E. ALA press release on Macmillan eBook policy

New Library Cards Are Here.



Get Yours Today.





FOR IMMEDIATE RELEASE

July 22, 2019

Alex Vassar
Communications Manager
(916) 653-3883
press@library.ca.gov

**California State Library Recommends Libraries
Not Provide LinkedIn Learning Due to Privacy Concerns**

Sacramento, Calif. – The California State Library recommends libraries no longer use or provide LinkedIn Learning to their patrons until the company changes its use policy to protect the privacy of library users.

The statement by State Librarian Greg Lucas:

“The California State Library recommends you no longer provide LinkedIn Learning in your library until the company changes its new use policy so that it protects the privacy of library users.

Not only does LinkedIn Learning refuse to acknowledge the fundamental right to privacy that is central to the guarantee libraries make to their customers, but it seeks to use personal information provided by library patrons in various ways, including sharing it with third parties.

LinkedIn Learning is a rebranding of the Lynda.com online learning platform. LinkedIn Learning is part of LinkedIn, which is owned by Microsoft.

Currently, to access Lynda.com in a library, a person logs in using their library card and a PIN. No other personal information is required.

Under the newly rebranded LinkedIn Learning, library patrons would be required to create a personal profile and agree to LinkedIn’s user agreement and privacy policy before being able to use LinkedIn Learning. By agreeing to the user agreement and privacy policy, the user surrenders to LinkedIn the power to share the information contained in a user profile with whoever LinkedIn wants.

Here's the bottom line, as expressed in the American Library Association's [Library Bill of Rights](#):

"All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information."

About the State Library: Founded in 1850, the California State Library has an extensive collection of documents from and about the state's rich history, ranging from books, maps, miners' diaries, newspapers, and periodicals to photographs, paintings and posters. The State Library also holds federal and state publications, and is home to the Bernard E. Witkin State Law Library, and the Braille and Talking Book Library. www.library.ca.gov

###

Commentary: LinkedIn Learning policy violates library patrons' privacy | CalMatters

Agenda Item No. 5(A)

July 29, 2019

One of the reasons communities place so much trust in their libraries is the privacy and confidentiality provided to everyone who uses their services.

Ensuring the privacy and confidentiality of library users is fundamental to the operation of all libraries. Everywhere. It is an article of faith among librarians.

Like many other states, California has placed these protections into law:

"All patron use records of any library which is in whole or in part supported by public funds shall remain confidential and shall not be disclosed by a public agency, or private actor that maintains or stores patron use records on behalf of a public agency, to any person, local agency, or state agency."

But protecting someone else's privacy—let alone our own—is difficult in an age of frenzied social media sharing, not-so-impregnable firewalls, and marketers eager to better target their products.

Most sellers of physical or digital information to libraries respect the primacy of user privacy. To maintain the community's trust, library vendors must adhere to the same code of ethics librarians employ every day.

At the moment, LinkedIn, the online business and employment service purchased by Microsoft in 2016 for \$26.2 billion, is violating that ethical code and the policies set forth by the American Library Association.

LinkedIn is creating new usage rules for people at libraries who want to

access LinkedIn Learning, formerly Lynda.com, an online learning platform that LinkedIn acquired for \$1.5 billion in 2015.

Agenda Item No. 5(A)

Currently, when Lynda.com is accessed through a library, a user logs in with her or his library card and a PIN. No other personal information is required.

Under the new LinkedIn Learning policy, library users would be required to create a personal, publicly searchable, profile and agree to LinkedIn's user agreement and privacy policy before being able to use LinkedIn Learning.

Checking off the user agreement grants LinkedIn the power to share the information contained in a personal profile with whoever LinkedIn wants.

Representatives from libraries around the country have met with LinkedIn, asking that they respect the privacy rights of library users. To date, LinkedIn has refused to do so, stating that the requirement to create a LinkedIn profile is a security measure to prevent fraudulent access to LinkedIn's content.

These new accounts will be subject to an artificial intelligence tool that determines if a person is a real user, LinkedIn says.

This removes the authority of libraries to authenticate who is a real user or not.

When asked why a public social media profile is the only option for authenticating users, LinkedIn told libraries that the "library market" wasn't a significant enough revenue stream to warrant creation of a custom solution.

Bottom-line: The new policy being adopted by LinkedIn Learning, forces patrons to share their personal information to access a library resource.

Doing so violates every possible definition of privacy and makes it antithetical to the values at the core of what libraries and librarians stand

for. No wonder the American Library Association has [expressed concern](#) over LinkedIn Learning's terms of service.

Agenda Item No. 5(A)

Hopefully, LinkedIn Learning will modify its policy to respect the privacy of library users. Until then, the [California State Library](#) and a [growing number of libraries](#) across the country respectfully urge the use of information resources at public libraries that don't expose patrons' personally identifiable information and keeps their library use free from unreasonable intrusion or surveillance.

—

Greg Lucas is the State Librarian of California, greg.lucas@library.ca.gov. Erin Berman is a division director at Alameda County Library and chair of the American Library Association's Intellectual Freedom Committee's Privacy Subcommittee, erinberman@aclibrary.org. They wrote this commentary for CalMatters.



LIBRARY NEWS

Wednesday, August 21, 2019

Contra Costa County Library

(925) 608-7700

An important message about Lynda.com

Beginning September 1, 2019, the Library will no longer support access to Lynda.com

Ensuring privacy is fundamental to the operation of libraries and in California it is the law. The Contra Costa County Library takes the protection of user privacy very seriously and seeks to work with vendors who do the same.

To that end, the Library has decided to end its agreement with Lynda.com due to coming changes in the user policy that will endanger the privacy of library patrons.

LinkedIn, the company that owns Lynda.com, is creating new usage rules for people who access the platform with their library card. Library users would be required to create publicly searchable profiles and agree to LinkedIn's user agreement and privacy policy. The privacy policy, among other things, grants LinkedIn the power to share user information with third parties.

Libraries across the country have urged LinkedIn to respect the rights of library users and so far they have refused. As a result, the California State Library recommends public libraries end agreements with LinkedIn before these changes take place.

The Library does offer another online learning platform called Skillsoft which offers lessons on topics including programming, IT certification training and software development. Visit ccclib.org for more information or to try it out.



ALA denounces new Macmillan library lending model, urges library customers to voice objections

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For Immediate Release
Thu, 07/25/2019

Contact:

Emily Wagner
Assistant Director, Communications
Public Policy and Advocacy Office
American Library Association
ewagner@alawash.org

WASHINGTON, DC - The American Library Association (ALA) denounces the new library ebook lending model announced today by Macmillan Publishers. Under the new model, a library may purchase one copy upon release of a new title in ebook format, after which the publisher will impose an eight-week embargo on additional copies of that title sold to libraries.

"Macmillan Publishers' new model for library ebook lending will make it difficult for libraries to fulfill our central mission: ensuring access to information for all," said ALA President Wanda Brown. "Limiting access to new titles for libraries means limiting access for patrons most dependent on libraries.

"When a library serving many thousands has only a single copy of a new title in ebook format, it's the library – not the publisher – that feels the heat. It's the local library that's perceived as being unresponsive to community needs.

"Macmillan's new policy is unacceptable," said Brown. "ALA urges Macmillan to cancel the embargo."

The new Macmillan ebook lending model is an expansion of an existing policy that went into effect in July 2018, when the company, without warning, issued a four-month embargo applying solely to titles from the company's Tor imprint. At the time ALA stated that the delay would hurt readers, authors and libraries.

Since last fall, Hachette Book Group (HBG) and Penguin Random House (PRH) have eliminated "perpetual access" for libraries and replaced it with a two-year access model. Simon & Schuster changed from a one-year to two-year access model. While re-evaluating their business models, none of these firms implemented an embargo—deciding that equitable access to information through libraries is also in their business interest. HarperCollins continues with its 26-loan model. Macmillan now stands alone in its embargo policy among the largest (Big 5) publishers.

Macmillan will decrease its price to \$30 for the single initial copy of an ebook. Unlike other Big 5 publishers, this copy of Macmillan titles come with perpetual access. After the embargo period, additional copies will be available for \$60 per copy for two years of access.

"This new embargo is the latest evidence of a troubling trend in the publishing industry," said Brown. "ALA is developing a strategy to address this trend in the long term. Following the model of ALA's former Digital Content Working Group, this advocacy effort will extend several years, not several

months, and will not be limited to one company in the publishing ecosystem. ALA will push harder and explore all possible avenues to ensure that libraries can do our jobs of providing access to information for all, without arbitrary limitations that undermine libraries' abilities to serve their communities.

"In the short term, ALA calls on library customers of Macmillan Publishers to tell CEO John Sargent they object to the publishing company's new policy."

Macmillan Publishers
Attn: Mr. John Sargent, CEO
120 Broadway Street
New York, NY 10271
Phone: 646-307-5151
Email: press.inquiries@macmillan.com
Twitter: @MacmillanUSA

ALA asks that these communications also be sent to ALA's Public Policy and Advocacy Office at alawash@alawash.org.

###

 [Subscribe](#)

Tags

[Advocacy](#), [E-books in Libraries](#), [Public Policy and Advocacy \(PPA\)](#)



AGENDA BILL

Agenda Item No. 5(B)

Date: October 1, 2019
To: El Cerrito City Council
From: Citizens Street Oversight Committee
Subject: Fiscal Year 2017-18 Annual Report to City Council and Citizens of El Cerrito

On July 15, 2019, the Citizens Street Oversight Committee met to review expenditures of revenue collected pursuant to Chapter 4.60 of the El Cerrito Municipal Code to determine whether such funds were expended for the purposes specified in the current Street Repair and Maintenance Expenditure Plan as approved by the City Council of the City of El Cerrito. The expenditures reviewed were reported for Fiscal Year 2017-18 and were summarized in the City's Comprehensive Annual Financial Report. Further, the Committee reviewed the Agreed Upon Procedures Report issued by the City's independent auditors, Badawi and Associates, which indicated that nothing came to their attention that caused them to believe that the City had failed to comply with the terms, covenants and conditions of the Master Installment Sale Agreement related to the bond issue. The Committee also reviewed a detailed list of vendors to whom the expenditures were made.

By a unanimous vote as indicated below, the Committee found that the expenditures were an appropriate use of the Pothole and Local Street Improvement and Maintenance Transactions and Use Tax as approved by the City of El Cerrito City Council. The Committee is hereby reporting their findings to the City Council and the citizens of the City of El Cerrito pursuant to Section 2.04.320 C of the El Cerrito Municipal Code.

Additionally, the Committee acknowledges and fully supports that City Council, in their resolutions authorizing expenditures of these funds as budget amendments, are confirming that the expenditures are an appropriate use of the Pothole Repair and Local Street Improvement and Maintenance Transactions and Use Tax.

AYES: Chair Matthew Kelly; Vice-Chair Vanessa Hill; Members Paul Allen and Prachi Amin
NOES: None
ABSENT: Member Kathy Fleming



AGENDA BILL

Agenda Item No. 7(A)

Date: October 1, 2019
To: El Cerrito City Council
From: Kristen Cunningham, Human Resources Manager
Subject: Adopt a Memorandum of Understanding between the City of El Cerrito and the United Professional Firefighters Association, Local 1230

ACTION REQUESTED

Adopt a resolution approving an agreement between the City of El Cerrito and the United Professional Firefighters Association, Local 1230 modifying salaries and creating a new Memorandum of Understanding.

BACKGROUND

The United Professional Firefighters Association, Local 1230, represents the classifications of Firefighter, Fire Engineer, and Fire Captain. The Memorandum of Understanding (MOU) expired as of June 30, 2019.

The City's management team negotiated with representatives of Local 1230 over the past three months to discuss a successor MOU. A tentative agreement was unanimously accepted by the members of Local 1230 on September 11, 2019.

ANALYSIS

Since the current MOU document was originally put into place over ten years ago and has been modified several times by side letter agreements, much of the negotiation process focused on updating the MOU to conform to current procedures. Both parties have drafted an updated MOU which incorporates all previous Side Letters between the City and Local 1230, as well as brings the MOU into legal compliance and clarifies any existing language which is in conflict with a current practice.

The City's management team worked with Local 1230 to ensure that the modifications to salaries were in line with the authority provided to the City's management team by the City Council.

The following is a summary of the agreement:

The agreement will be effective between July 1, 2019 and June 30, 2021.

Wages:

- Effective the first full pay period in July 2019, the base monthly salary for the classifications listed below shall be increased as follows:

Fire Captain	1.0%
Fire Engineer	4.0%
Firefighter	1.5%

Agenda Item No. 7(A)

- Effective the first full pay period in July 2020, the base monthly salary for all classifications in the bargaining unit shall be increased by 3.0%.
- Effective January 2020, the annual payment for uniform allowance will change from a one-time payment to a payment each pay period in order to comply with CalPERS requirements.
- The “cash in-lieu” benefit provided to bargaining unit members that have medical coverage through another health plan, will be adjusted to \$350 per month for a) employees hired after December 31, 2020; or b) existing employees who discontinue the City’s medical coverage and opt for “cash in lieu” of medical coverage at a later date. Additionally, the “cash in-lieu” benefit will be capped at the current City contribution rate of \$793.18 per month.
- Shift bidding language was adjusted to conform with the current practice.
- The Compensatory Time Off (CTO) balance an employee can maintain was increased from 48 hours to 96 hours.
- In order to comply with the current job description, the differential of 10% for the Paramedic assignment was codified.

The City’s management staff recognizes and appreciates the members of Local 1230 for the amicable discussions that took place during this negotiation process.

STRATEGIC PLAN CONSIDERATIONS

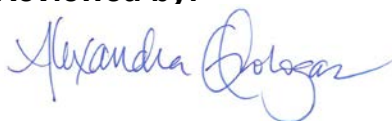
Adoption of this agreement will help fulfill the following City of El Cerrito Strategic Plan Goals:

- Goal A: “Delivering Exemplary Public Services” and the objective of “Recruit and retain a talented and effective workforce”
- Goal B: “Achieve Long-term Financial Sustainability”
- Goal E: “Ensure the Public’s Health and Safety”

FINANCIAL CONSIDERATIONS

The agreement for Local 1230 is within the initial projections considered for the FY 2019-20 budget. The total estimated costs of the salary adjustments for the duration of the MOU are \$326,117 which equates to \$154,974 in FY 19-20 and \$171,143 in FY 20-21. This amount includes increases to base salaries and the associated increased CalPERS costs.

Reviewed by:



Alexandra Orologas
Assistant City Manager

Attachments:

1. Resolution
2. Memorandum of Understanding

RESOLUTION 2019-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING AN AGREEMENT BETWEEN THE CITY OF EL CERRITO AND THE UNITED PROFESSIONAL FIREFIGHTERS ASSOCIATION, LOCAL 1230 MODIFYING SALARIES AND CREATING A NEW MEMORANDUM OF UNDERSTANDING

WHEREAS, the Meyers-Milias-Brown Act allows employee units within the City to represent themselves on matters concerning salaries, hours and working conditions; and

WHEREAS, the Employer-Employee Relations Ordinance of the City of El Cerrito provides the methods and procedures for meeting and conferring in good faith; and

WHEREAS, the United Professional Firefighters Local 1230 is recognized as the majority bargaining unit for firefighters, fire engineers and fire captains; and

WHEREAS, representatives of the City of El Cerrito and the United Professional Firefighters Local 1230, have met and conferred in good faith; and

WHEREAS, the City of El Cerrito and the United Professional Firefighters Local 1230 representatives have reached an agreement regarding matters within the scope of representation, including wages, hours and other terms and conditions of employment; and

WHEREAS, upon approval of this agreement, the parties will finalize an updated MOU which incorporates all previous side letters between the City and Local 1230; and

WHEREAS, the Agreement is, attached hereto and incorporated by reference as Exhibit A.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of El Cerrito that it does hereby adopt the Agreement, attached hereto and incorporated by reference as Exhibit A, between the City of El Cerrito and the United Professional Firefighters Local 1230, modifying salaries; directs the parties to finalize an updated Memorandum of Understanding (MOU); and directs the City Manager to execute the agreement.

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

I CERTIFY that at a regular meeting on October 1, 2019 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

Agenda Item No. 7(A)
Attachment 1

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on October 1, 2019.

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CITY OF EL CERRITO

AND

**UNITED PROFESSIONAL
FIREFIGHTERS LOCAL 1230**



July 1, 2019 – June 30, 2021

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF ELCERRITO
AND
UNITED PROFESSIONAL FIREFIGHTERS LOCAL 1230**

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**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF ELCERRITO
AND
UNITED PROFESSIONAL FIREFIGHTERS LOCAL 1230**

**ARTICLE I
Preamble**

This Agreement is entered into by and between the City of El Cerrito, hereinafter referred to as the "City," and the United Professional Firefighters Local 1230, hereinafter referred to as Local 1230.

**ARTICLE II
Nondiscrimination and Affirmative Action**

This agreement applies equally to all members of the bargaining unit regardless of race, sex, age, creed or political or religious affiliation.

Local 1230 and the City will not discriminate in employment relations against any employee because of sex, race, age, national origin, marital status, religion, disability or political affiliation unless based upon a bona fide occupational qualification. Local 1230 will support the City in achieving the goals of the City Council policy on "Equal Employment Opportunity and Affirmative Action" and of the City's Affirmative Action Plan. Local 1230 and the City equally share the responsibility for upholding this provision of the agreement.

**ARTICLE III
Term and Scope of Agreement**

3.1 Duration of this Memorandum

This agreement shall be in full force and effect commencing July 1, 2019, through June 30, 2021. Terms and conditions of this Agreement shall remain in full force until adoption of a successor Agreement.

Nothing herein shall prevent the parties to this Agreement from meeting and conferring and making modifications hereto by mutual consent.

3.2 Procedure for Meet and Confer

A. New Agreement

Upon request of either party, both parties shall meet to begin negotiations for a new agreement prior to the expiration of the existing memorandum.

Local 1230 negotiating committee may be limited to six members.
Representation from the unit may be limited to three employees with

appropriate arrangements made to relieve one of three from duty status for purposes of meeting and conferring. Any additional members shall be approved by the Human Resources Manager of the City.

Both the City and Local 1230 shall notify each other in writing as to the members of their respective negotiating teams. The first order of business between the parties shall be to develop ground rules to govern the conduct of negotiations.

B. Existing Agreement

Nothing herein shall prevent the parties to this Memorandum of Understanding from meeting and conferring and making modifications herein by mutual consent. Should either party wish to discuss policies, procedures or their concerns pertaining to employment conditions and employer-employee relations, it shall notify the other in writing stating: A request to meet and confer; the issue in question, accompanied by a supporting written statement; and a recommended date of meeting.

ARTICLE IV
Local 1230

4.1 Recognition of Local 1230

Pursuant to and in accordance with all applicable provisions of the California Government Code, Sections 3500 through 3510, as amended, the City hereby recognizes Local 1230 as the exclusive representative for the purpose of meet and confer in respect to rates of compensation, hours and other terms and conditions of employment for all Fire personnel, excluding chief officers, and agrees to meet and confer with Local 1230 in all matters relating to wages, hours and other terms and conditions of employment.

4.2 Local 1230 Membership

Membership shall include the following classifications: Fire Captain, Fire Engineer, and Firefighter.

4.3 Designated Association Representatives

Local 1230 shall designate representatives to meet with the City. Local unit representatives also shall be designated and shall be available for each duty shift.

4.4 Use of City Facilities

Local 1230 may be granted, at times acceptable to the Fire Chief, the use of City facilities during work hours for meetings of City employees, provided space is available.

4.5 Use of Bulletin Boards

Local 1230 may use portions of City bulletin boards under the following conditions:

- A. All material must be dated and must identify the organization that published it.
- B. Posting will be done by Local 1230. Material shall be removed after the material is no longer relevant to the time or date of issue. Material shall be removed by Local 1230 personnel whenever practical.
- C. The City reserves the right to determine where bulletin boards shall be placed and what portions are to be allocated to Local 1230 material.
- D. Material which the Fire Chief considers objectionable shall be brought to the attention of the local representative. Material which is offensive, unprofessional, disrespectful or inappropriate to the mission of the Department or the values of the City will be removed from the bulletin board immediately. This requirement shall not infringe in any way upon Local 1230's rights to organize or to conduct legitimate Local 1230 business.

Material posted which does not meet the above conditions shall be removed from the bulletin boards.

4.6 Payroll Deduction of Dues

The City agrees to allow Local 1230 dues deduction once each month. Dues and assessments, in an amount certified to be current by Local 1230, will be deducted from the pay of those employees who Local 1230 has identified in writing that such deductions shall made and those deductions shall be remitted each month to the treasurer of Local 1230. This authorization shall remain in full force and effect during the term of this Agreement.

4.7 Labor Relations Training

The City and Local 1230 recognize the mutual benefit that can be received from the provision of periodic and appropriate labor relations training. With the prior approval of the City, Local 1230 members and management personnel shall be encouraged to attend seminars, classes and other related training in the field of labor relations.

Implementation of these training objectives shall be guided by the goals of the training program adopted by the City and Fire Department. Elements of this program shall include:

- (1) The City intends to cover the costs of course presentations;
- (2) Local 1230 shall provide labor replacement for its members who would be attending on regularly scheduled on-duty times;

- (3) While there may be many training providers and locations available, the City shall reserve the right to approve all courses and training scheduled; and
- (4) Priority shall be given to courses and training which shall provide mutual benefit to labor and management personnel.

ARTICLE V
Management

Subject to the provisions set forth below, the City retains the right, as provided by state and federal law, to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work. Nothing within this article is intended to, nor shall in any way, supersede or infringe upon the rights of the recognized employee organization or its members, as contained in adopted local ordinances, resolutions, rules and regulations and/or applicable state and federal law, including, but not limited to, California State Government Code Sections 3500 through 3510 inclusive.

ARTICLE VI
Local 1230/Management Advisory Team (AMAT)

- 6.1 **Formation**
The parties have formed a Local 1230-Management Advisory Team (AMAT) to meet to review and develop policies and procedures concerning Fire Department, matters which may be referred to the AMAT by the City, the Department or Local 1230.
- 6.2 **Composition and Meeting Schedule**
The work of the AMAT is to be carried out on a continuing basis. The AMAT shall:
 - A. Be composed of six members. Local 1230 shall appoint three members and the City shall appoint three members.
 - B. Regular meetings will be held at least quarterly to discuss and review policies and procedures concerning departmental matters.
 - C. Special meetings may be called as necessary.

6.3 Utilization

AMAT is not a decision-making body and its recommendations are not binding, nor does AMAT replace other existing processes such as the grievance procedure or collective bargaining.

- A. The AMAT may advise management in matters of departmental operations and management.
- B. The AMAT may develop processes to ensure involvement and participation of appropriate departmental personnel.
- C. The AMAT may be utilized to coordinate and refine agreements reached by both the City and Local 1230 during the meet and confer process.
- D. The AMAT may review grievances if specifically requested by the Fire Chief or Local 1230 President.

6.4 Reporting

Only issues that are mutually agreed to shall be reported out of the AMAT.

ARTICLE VII
Benefits Plan

7.1 Health Insurance

The City has a Flexible Benefits Plan which is consistent with Section 125 of the Internal Revenue Code.

- A. With the exception of those employees who choose the "no medical plan" option, the City will contribute an amount equivalent to the rate of the lowest cost provider according to dependent status regardless of which medical plan is chosen. "According to dependent status" means that if an employee is single the employee shall receive the equivalent to the lowest cost provider's single premium. If an employee and a dependent are enrolled in a City medical plan, the employee shall receive the equivalent to the lowest cost provider's two-party premium. If an employee and more than one dependent are enrolled in a City medical plan, the employee shall receive the equivalent to the lowest cost provider's family premium.
- B. Employees may select one of the following medical plans within their individual Flexible Benefits Plan:
 - Kaiser
 - Sutter Health Plus
- C. In the event that an employee has alternate comprehensive group medical coverage through a spouse's medical plan or some other group medical plan, the employee may elect to receive "cash in-lieu" of medical coverage

after they provide proof of such medical coverage to the Human Resources Department. In this event, the City shall contribute Seven Hundred and Ninety Three dollars and eighteen cents (\$793.18) to the employee's Flexible Benefits Plan and the employee may receive this amount in cash, in which case the amount is treated as taxable income, or the employee may reallocate it toward the purchase of other benefits in the Plan, or a combination of both. The "cash in-lieu benefit amount shall be \$350 per month for: a) Employees hired after December 31, 2020; or b) existing employees who discontinue the City's medical coverage and opt for "cash in lieu" of medical coverage at a later date as long as they meet the requirements as described above

D. Employees may contribute salary up to \$10,000 on a pre-tax basis in order to purchase the following benefits:

- Medical Premiums, Co-Payments, and Deductibles;
- Dental Premiums, Co-Payments, and Deductibles;
- Un-reimbursed Medical & Dental Expenses;
- Dependent Care (\$5,000 maximum by law); and

Rules governing the allocation and distribution of such funds shall conform to applicable sections of State and Federal tax codes and the City of El Cerrito's Flexible Benefits Plan.

E. The health benefit programs recognize the participation of domestic partners of eligible employees. Please refer to the City's Citiflex document for details.

7.2 Dental Plan

The City shall provide a dental plan, including orthodontic coverage, for represented employees and shall contribute the full cost of the premium according to dependent status. Local 1230 agrees that the City may convert carriers or administration of the current dental plan, so long as there is no reduction in benefits, nor cost to the employee.

7.3 Retirement Health Plan

A. Retirees, survivors of retirees and survivors of deceased employees, unless prohibited by the carrier, will be permitted to maintain the current level of health plan benefits available to employees. Retirees, survivors of retirees and survivors of deceased employees may maintain such health plan benefits at their discretion and with no cost to the City.

B. Post Employment Health Plan Retiree Medical:

Prior to July 1, 2008 the City will contract with Nationwide Retirement Solutions to establish a Post Employment Health Plan.

Effective July 2008 the City shall contribute \$300.00 per month for each member of the bargaining unit to the member's Post Employment Health Plan account.

7.4 Retirement Plan for Fire Suppression Personnel

Effective June 30, 2001, the retirement plan for fire suppression personnel shall be the 3.0% @ 50 PERS Plan, including:

- Credit for Unused Sick leave at retirement
- Final Compensation - Single highest year
- 1959 Survivor Benefits Level IV

For fire suppression personnel who are hired after December 31, 2013, and who are not "Classic Employees" as defined by Cal PERS, the following retirement benefits shall be provided:

- Retirement formula commonly known as 2.7% @ 57
- Final Compensation – 3 Year Average
- Credit for Unused Sick Leave at Retirement

The employee contribution shall 50% of the normal cost as defined by PERS.

7.5 Life Insurance

The City shall provide a term life insurance policy for represented employees. The principal sum shall be equal to the annual salary rounded to the nearest \$1,000.00.

7.6 Long Term Disability Insurance

The City shall provide a long-term disability insurance policy at no cost to represented employees.

7.7 Benefit Status

- A. The salary and benefits provisions contained within this Memorandum of Understanding are granted only to employees who are in a current pay status. The City shall incur no cost nor shall benefits accrue for retirees, survivors or employees in a nonpay status. Family Leave and Military Leave, however, shall be granted in accordance with the applicable provisions of State and Federal law.
- B. In the event an employee is in a nonpay status because of a disputed workers' compensation claim, benefits under this article shall be continued upon written agreement of the affected employee to repay to the City the amount of any premiums paid by the City during the nonpay status period if the employee's claim is denied by the Workers' Compensation Appeals Board or withdrawn by the employee prior to a decision by the Board.

7.8 Military Service Credit as Public Service

At no cost to the City, the City shall amend its public safety PERS contract to

allow fire members to purchase up to four years of service credit for any continuous active military or merchant marine service prior to employment. The employee must contribute an amount equal to the contributions for current and prior service that the employee and employer would have made with respect to that period of service.

ARTICLE VIII
Holidays

8.1 **Designated Holidays**

The number of designated holidays for Fire suppression personnel shall be thirteen (13). The following days are designated "holidays" and shall be the basis for benefits associated with this section

New Year's Day	Columbus Day
Martin Luther King Jr. Day	Veterans' Day
Lincoln's Birthday	Thanksgiving Day
Washington's Birthday	Day after Thanksgiving
Memorial Day	Christmas Day
July 4th	Employee's birthday
Labor Day	

8.2 **Eligibility**

An employee on leave of absence without pay shall not receive any compensation for holidays occurring during such leave.

An employee returning to a pay status from a non-pay status shall be eligible for holiday compensation only if the employee was in a pay status on the workday preceding the holiday.

8.3 **Holiday Compensation**

Fire Department personnel shall receive compensation equal to one-half of shift salary (i.e., twelve hours at 24-hour rate) for paid holidays.

ARTICLE IX
Sick Leave

9.1 **Accrual**

During the term of this agreement, for each completed month of service, employees in shift positions shall accrue sick leave credit of twenty-four hours per month. Sick leave for employees with twenty or more years of service shall accrue sick leave credit of thirty-six hours per month.

New employees shall be credited with their first six months accrual after completion of one fifty-six-hour workweek.

Sick leave accrual while an employee is assigned to a 40 hour workweek is at the rate of eight hours per month. Employees with 20 or more years of service shall accrue twelve hours per month.

9.2 Accumulation

There shall be no limit to the number of hours of sick leave accumulation for represented employees.

9.3 Qualifying Use and Charge

The City provides sick leave for its employees in order to provide for the adequate rest and care for an injured or sick employee so that the employee can return to work fully recovered and perform at high efficiency without risking further debilitation or relapse under normal work conditions due to incomplete recovery. Sick leave may be used for the following or similar purposes: illness, non-job-related disability, emergency dental and medical care, or as otherwise provided in the Memorandum of Understanding. The Fire Chief shall issue departmental orders regarding sick leave usage. Sick leave usage shall be charged to the accrual on an hour-for-hour basis.

9.4 Family and Medical Care Leave

Pursuant to State and Federal law, the City will provide family and medical care leave for eligible employees. The City's Family and Medical Care Leave policy adopted by the City Council sets forth employees' rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth in the City policy are in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California Fair Employment and Housing Commission implementing the California Family Rights Act ("CFRA") (Government Code Section 12945.2)

Employees covered under this Memorandum of Understanding may take up to one half (1/2) of the annual accrual of accrued sick leave as family sick leave per calendar year, in accordance with Section 9.8.

9.5 40-Hour Workweek Sick Leave Conversion Factors

For employees who change from a 56-hour workweek to a 40-hour workweek, sick leave previously accrued at the 56-hour workweek rate shall be converted to a 40-hour workweek by dividing accrued sick leave by a factor of 3.0.

Sick Leave accrual for an employee who changes from a 40-hour workweek to a 56-hour workweek shall be multiplied by a factor of 3.0.

9.6 Credit Toward Retirement - PERS Plan

Employees covered under the "3% @ Age 50 and 2.7@57 PERS Plans" shall be eligible for sick leave credit toward service retirement, pursuant to Government Code Section 20862.8. In reporting the number of days of accumulated sick leave to PERS, the City shall multiply the number of 24-hour

shifts accumulated by a factor of 2.05 and round to the nearest integer. For example, 122 24-hour shifts shall be converted to 250 days. PERS will multiply 250 by a factor of .004 to credit service by one year.

9.7 Unused Sick Leave Upon Death

The value of accrued sick leave shall be paid (based upon the current hourly rate) to the surviving spouse or designated beneficiary upon the death of a represented employee.

9.8 Family Sick Leave

Under Labor Code Section 233, employees may utilize accrued sick leave to care for an ill or injured child, spouse or parent. The City has extended this provision to include domestic partners and their children if residing in the employee's household. There is no requirement that the illness or injury reach the level of seriousness provided for under the Family and Medical Leave Acts (See Section 9.4 Family and Medical Care Leave). However, if the illness or injury qualifies under the Family and Medical Leave Act, it also satisfies the "family sick leave" criteria. The maximum "family sick leave" allowed each calendar year that is subject to this provision is one half (1/2) of the employee's annual accrual of sick leave.

ARTICLE X
Vacation

10.1 Eligibility

Regular employees shall be eligible for a paid vacation at the current pay rate at the end of the first year of continuous employment and annually thereafter.

For purposes of this agreement, regular employees are defined as those holding a full-time, permanent position with the rank of firefighter, fire engineer and fire captain.

10.2 Accrual Rate

Vacation for employees working in the Fire Department, except as otherwise provided in this agreement, accrues as follows:

<u>Fire Service</u>	<u>Dept. Shifts</u>	<u>Hours</u>	<u>Fire Service</u>	<u>Dept. Shifts</u>	<u>Hour</u>
During 1st	6	144	16 years	12	288
2	6	144	17	12	288
3	6	144	18	12	288
4	6	144	19	12	288
5	6	144	20	12	288
6	9	216	21	12	288
7	9	216	22	12	288
8	9	216	23	12	288

Agenda Item No. 7(A)
Attachment 1 Exhibit A

9	9	216	24	12	288
10	9	216	25	12	288
11	9	216	26	13	312
12	9	216	27	13	312
13	9	216	28	13	312
14	9	216	29	13	312
15	9	216	30	13	312

10.3 Vacation Picks

Vacation will be picked by seniority on a shift basis in the following manner:
First pick - six shifts; second pick - all or part of the balance earned in the current year; third pick any carryover from the prior year and single shift picks.

10.4 Vacation and Shifts

Each vacation pick in a multiple of three consecutive shifts shall begin on the first duty shift of a tour of duty. Single shift picks shall be subject to the approval of the Fire Chief.

10.5 Vacation Carryover

Employees shall take no more than the equivalent of one annual vacation period in any one calendar year, except when vacation has been deferred. Employees shall be able to carryover no more than 12 shifts of vacation to the following year. Deferral of vacation shall be subject to approval by the Fire Chief.

10.6 40-Hour Workweek Vacation Conversion

Accrued vacation shall be converted such that each three days of "shift" vacation shall be equivalent to 40 hours of vacation for employees covered under this section.

ARTICLE XI
Other Absence

11.1 Bereavement Leave

Employees are entitled to time off with pay when there is a death or anticipated death in the immediate family. Bereavement leave shall not exceed two shifts (or three consecutive days for 40-hour employees) when death is anticipated. Bereavement leave after death shall not exceed that period of time between death and the day of the funeral, providing the funeral is held within five days following death. Bereavement leave is not chargeable to sick leave.

Additional time may be granted and charged as sick leave when, in the opinion of the department head, unusual circumstances identify the need for additional time off.

Immediate family is defined as spouse, domestic partner, child, parent, parent-in-law, sister, brother, sister-in-law, brother-in-law, grandparent, spouse's grandparent, grandchild, son-in-law, daughter-in-law, or any other relative of the employee or employee's spouse residing in the same household, or who has resided with the employee in the same household for three or more years. In cases where death has occurred involving someone other than the immediate family, the department head shall make the decision as to qualification for bereavement leave.

11.2 Jury Duty

Time off for jury duty shall be granted to the employee according to the City's "Personnel Rules and Regulations" and Departmental policy.

11.3 Work Substitution

Work substitution agreements between individuals shall be allowed subject to Fire Department policies and procedures.

ARTICLE XII
Work Schedule

12.1 Hours of Workweek

The work schedule for all represented regular personnel assigned to emergency response operations shall consist of twenty-four-hour duty shifts, not to exceed two hundred sixteen hours in a twenty-seven-day period schedule, known as a "48/96" (based on an average fifty-six-hour work week).

Represented regular personnel who are not assigned to emergency response operations shall work forty hours per work week.

12.2 Work Schedule Regularity

It is intended that the work schedule be regular and predictable, where feasible and consistent with the Fire Department's efficient use of personnel resources, and that it be permanent for two calendar years, except as provided for below.

12.3 Modification

A. Bi-Annual

Every two years, a "Station Bid" process will be implemented in the month of September which will give employees the opportunity to change their current shift and station. During this process a member may select their previous assignment if still available. If an employee's previous assignment is not available, they will have to make another selection. The bidding process shall be in accordance to Department policy.

B. Operational Necessity

In addition to the annual schedule modification, the Fire Chief may modify the work schedule for particular operational needs which may occur from time to time during the year.

C. Adding Stations

Local 1230 and the City will meet and confer regarding the impact of shift and station assignments upon employees which would result from the City's assignment of employees to work at fire stations additional to the three fire stations currently operated by the El Cerrito Fire Department.

12.4 Notification

The City shall notify an employee as far in advance as is practical of a shift change.

12.5 Emergency Situation

Nothing in the above shall preclude the Fire Chief from modifying the work schedule for any represented employees as, in the Fire Chief's sole discretion, is deemed necessary in response to an "emergency situation." Where a shift change is necessitated by an "emergency situation," the City shall notify the employee of the reason for such change and, upon request, shall discuss the matter with Local 1230, provided that such discussion shall not preclude the change from taking effect.

12.6 Request for Leave for Unanticipated Absence

An employee may request leave for an unanticipated absence prior to the commencement of the employee's work shift. A leave request for an unanticipated absence should be made:

- A. Prior to 2100 Hours of the day preceding the start of the employee's scheduled work shift; or
- B. Between 0615 and 0630 Hours immediately before the start of the employee's scheduled work shift.

If necessary due to an emergency, an employee may make a leave request during the hours of 2100 to 0615 Hours. An employee requesting a leave of absence should be sensitive to the operational needs of the on-duty crew, including their need to maximize sleep opportunities during night-time hours.

ARTICLE XIII
Compensation

13.1 Base Monthly Salaries

Agenda Item No. 7(A)
Attachment 1 Exhibit A

The intention of both parties to the MOU is to achieve a median salary level with respect to surrounding response jurisdictions. Both parties recognize that wage adjustments are based partially on projections and that the actual median may differ from the final salary achieved.

- A. Effective the first full pay period in July 2019, the base monthly salary for the classifications listed below shall be increased as follows:
- | | |
|---------------|------|
| Fire Captain | 1.0% |
| Fire Engineer | 4.0% |
| Firefighter | 1.5% |
- B. Effective the first full pay period in July 2020, the base monthly salary for all classifications in the bargaining unit shall be increased by 3.0%.
- C. For the purposes of establishing median total compensation, the City and Local 1230 agree to survey eleven jurisdictions: the eight comparable cities of Alameda, Albany, El Cerrito, Hayward, Livermore, Pinole, Pleasanton, and Richmond; and three comparable fire districts, including the Contra Costa County Fire Protection District, the Rodeo-Hercules Fire Protection District, and the San Ramon Valley Fire Protection District.
- D. For the purposes of the agreement, "median total compensation" for the survey shall include the following items of compensation for the ranks of Firefighter, Fire Engineer and Fire Captain: Base Salary (top step); Employee's Retirement Contribution Paid by Employer; E.M.T. Incentive Pay; Haz-Mat Incentive Pay; Continuing Education Pay; Officer Certification Pay; A.A./B.A. Degree Pay; Acting Incentive Pay; Basic Qualifications Pay; Advanced Skills Pay; Rank Proficiency Pay; Major Emergency Pay; Uniform Allowance. The survey shall also include the maximum City contributions for dental, medical, life insurance, vision care, long term disability, and Medicare.

A salary schedule will be added by addendum when final computations are approved by the City Financial Services Manager.

13.2 Staff Salary Differential

A. Staff Officer

An employee assigned from a 24-hour shift assignment to a 40-hour work week Staff Officer position shall receive Captain Step E salary plus ten percent (10%). An employee serving in a Staff Officer position shall not receive holiday pay.

An employee, who is receiving a paramedic differential, who is assigned to a Staff Officer shall maintain their paramedic differential.

B. Staff Duty Assignment

Subject to the provisions of Section 16.1 of this Agreement, an employee assigned from a 24-hour shift assignment to a 40-hour work week staff duty assignment shall receive Step E salary of the employee's current rank plus ten percent (10%). An employee serving in a staff duty assignment shall not receive holiday pay.

13.3 Pension Reimbursement

A. A represented regular employee's base monthly salary shall be as stated in Section 13.1, with the employee's P.E.R.S. contribution paid by the City.

- Effective July 15, 2014, employees shall make a 9.0% employee contribution towards PERS.
- Effective the first full pay period in July 2015, employees shall make an additional 1.5% contribution towards PERS, for a total of 10.5% contribution towards PERS.
- Effective the first full pay period in July 2016, employees shall make an additional 1.5% contribution towards PERS, for a total of 12.0% contribution towards PERS.

B. An employee's pension contribution shall be tax deferred and made in accordance with IRS Section 414 H(2)

C. The employer-paid employee contribution to PERS shall be reported to PERS as special compensation so that it will be included as compensation for calculation of retirement benefits. Any required additional contribution to PERS on this special compensation shall be the responsibility of the employee.

13.4 Promotion

When a Firefighter is promoted to Engineer or Captain, the employee shall be placed on the lowest step of the promotional salary range that provides a minimum 5% salary increase.

When an Engineer is promoted to Captain, the employee shall be placed on the lowest step of the promotional salary range that provides a minimum 5% salary increase.

13.5 Paramedic Compensation

A Firefighter, Fire Engineer or Fire Captain who is assigned as a department paramedic shall receive a ten (10%) percent salary differential.

ARTICLE XIV
Overtime

14.1 Overtime Policy Definition

It is the policy of the City that

- (a) overtime work should be kept to a minimum,
 - (b) overtime assignment is subject to departmental rules and procedures
- and
- (c) assignment of overtime for shift vacancies or absences should be done in a manner, when possible, to provide an equal opportunity for all regular employees.

This overtime policy will be administered in a manner consistent with the protection of the lives and property of El Cerrito citizens and the efficient operation of the Fire Department and the City. Overtime must be authorized by the Fire Chief and is subject to such other rules and procedures as the City Manager may prescribe.

Overtime work for all employees, except as otherwise provided, shall be defined as any time worked beyond the normal working day or shift, or beyond the normal working week. If time is lost during the regular workweek for unexcused absence, overtime pay on a daily basis shall not be allowed. Time worked in excess of the basic workweek because of changes in days off or shifts shall not be considered overtime. Except as otherwise provided herein, overtime shall commence at the time an employee reaches the place where the employee is directed to report and shall continue until the employee is released or the work is completed, whichever is the earlier.

14.2 Minimum Call-Out Compensation

Employees who are called out to perform unscheduled work or emergency duty shall be compensated for a minimum of two hours work at the time-and-one-half rate of the eight-hour daily rate.

14.3 Non-On-Call Overtime

Non-on-call overtime, or that overtime which represents a simple extension of the normal workday, is not subject to any minimum period for pay purposes. Compensation will be based on the nearest one-half hour with increments of time less or more than one-half hour to be rounded off.

14.4 Overtime Calculation

Overtime is calculated in two ways:

- A. The 24-hour shift rate is calculated by multiplying the base salary identified in Section 13.1 by twelve months and dividing by the yearly 56-hour rate of 2,912 hours (56 hours x 52 weeks). Overtime under the 24-hour shift rate shall be paid for all overtime assignments on emergency response operations greater than eight consecutive hours and for all non-on-call overtime.
- B. The eight-hour rate shall be calculated by multiplying the base salary identified in Section 13.1 by twelve months and dividing by the yearly 40-hour rate of 2,080 hours. Overtime under the 8-hour shift rate shall be

paid for all overtime assignments of less than eight consecutive hours in duration, except non-on-call overtime.

Overtime in excess of twenty-four consecutive hours shall initiate a second cycle of overtime pay, at time-and-one-half the eight-hour rate for assignments of up to eight consecutive hours and at time-and-one-half the 24-hour rate for assignments greater than eight consecutive hours.

14.5 Overtime Call-in

In the Fire Department, replacement staffing for short engine companies shall be taken from available personnel on duty. If there are no available replacements on duty, the parties agree that overtime call-out will be made in accordance with the Department's overtime policy.

14.6 Compensatory Time Off

Employees shall be allowed to accumulate, at a rate of time and one-half (1-1/2) for overtime worked, up to ninety-six (96) hours of compensatory time off.

In determining the ability of the Fire Department to permit use of compensatory time off at a given time, consideration will be given to:

- (a) The wishes of the employee;
- (b) the date of application for a specific time off; and
- (c) the seniority of the employee (in the event of multiple requests).
- (d) Preference will be given to an employee using compensatory time off to extend vacation time.

ARTICLE XV
Working In Higher Classification

15.1 Higher Classification Pay Differential

Employees working in a higher classification for more than two consecutive hours shall receive a five percent differential for time worked in the higher class, except firefighters who act as captains for more than two consecutive hours, who shall receive a ten percent differential for time worked.

ARTICLE XVI
Staff Duty Assignment

16.1 Definition/Duties

The Department may assign an employee to "40-hour per week" staff duty positions. The Fire Chief will attempt to fill each staff duty position by selecting a qualified employee from those who offer to serve in that capacity. Staff duty assignments shall be of two types: Staff Officer and Staff Assignment.

- A. Staff Officer. Staff Officer shall be of the rank of Fire Captain or above. Duties assigned for a staff officer position shall be commensurate with the

training and professional scope of practice for the rank of Fire Captain or above. Staff officer positions may include Fire Prevention Officer, Public Education Officer, Training Officer, Apparatus Officer, Fire Investigator, Hazardous Materials Officer or other duty positions which the Fire Chief in his sole discretion may establish to manage the staff resources of the department.

- B. Staff Assignment. Staff assignments to 40-hour per week duty may be given to any employee below the rank of Fire Captain.

Personnel may be assigned to Staff Duty Assignments for the purposes of attendance at schools, seminars or other professional development. Such assignments would normally last two weeks or less.

Staff duty assignments to 40-hour per week duty positions may be organized on a long term basis; therefore the employee in a staff duty position may be required to remain in this assignment for one year before requesting reassignment. The Fire Chief will endeavor to make sure that any work schedule change is implemented with as little inconvenience as possible to the employee.

A staff duty assignment must be for a minimum of 90 days in order to be eligible for staff salary differential. The staff salary differential shall be retroactive to the date of the assigned staff duty if the 90-day duration is not anticipated in advance and is subsequently worked by the employee.

16.2 Sick Leave Accrual and Usage

Sick leave accrued at the 24-hour rate prior to an employee's assignment to a 40-hour workweek should be converted as of the assignment date by dividing the existing accrual by 3.0. Sick leave accrual while an employee is assigned to a 40-hour workweek is at the rate of eight hours per month. Employees with 20 or more years' service shall accrue twelve hours per month.

Sick leave usage shall be on an hour-for-hour basis; that is, if the employee is absent for eight hours, then eight hours of sick leave shall be used.

16.3 Overtime

Overtime, which is an extension of the normal 40 hour workweek, shall accrue at a rate of time-and-one-half, to be taken as flexible time off of the 40 hour workweek.

Overtime which is accrued as a result of an emergency response operations assignment shall be paid at a rate of time-and-one-half pursuant to the overtime provisions of this Agreement.

ARTICLE XVII
Education Benefits

17.1 Tuition Refund Plan

When an employee enrolls and attends approved courses on employee's own time, the City may reimburse the employee for required school fees, such as tuition, books and registration fees. Mileage and optional fees shall not be refundable. Fire Chief verification of available budgeted funds and approval shall be obtained by the employee before registering for any course in order to be eligible for refund of required fees.

Courses taken at any college, university, high school, business or technical school, or courses given by a recognized correspondence school shall be approved when they are:

1. Related to the employee's present position in the City.
2. Related to the employee's potential development with the City.
3. Part of a program leading to a degree relating to the employee's present position or potential for development.
4. Required to obtain a high school diploma.

Any employee may apply for such refund of required fees, pursuant to the rules and procedures established by the City Manager.

In the event an employee receives assistance under federal or state government legislation or other student aid programs for education charges for any approved course, only the difference between such assistance and the education charges an employee actually incurs may be refunded under this plan.

If an employee fails to satisfactorily complete an approved course, the employee shall not be eligible for a tuition refund for that course.

Should an employee receive an advance refund of tuition and required fees and should that employee fail to complete the course(s) satisfactorily, the employee shall be required to return to the City such refunded tuition and required fees.

17.2 Emergency Medical Technician/Paramedic Training

The City will offer on-the-job continuing education and new skills training for EMT's and Paramedics and shall require all personnel to maintain their level of emergency medical skills.

ARTICLE XVIII
Miscellaneous

18.1 Uniform Allowance

A. The classifications of Fire Captain, Fire Engineer and Firefighter shall receive an annual uniform allowance of \$725. This payment shall be paid in full on the first payroll date in December 2019.

B. Effective the first full pay period in January 2020, this allowance shall be paid each pay period in the amount of \$27.89.

18.2 Uniform Repair

It is the policy of the City to pay for the cost of repairing uniforms and equipment of uniformed members of the Fire Department which are damaged in the line of duty. If such damage(s) is beyond repair, the City will pay the actual value of the uniform and equipment, to be determined according to a depreciation schedule. Claims shall be submitted to the Fire Chief.

18.3 Annexations

During the term of this agreement, all proposed fire service annexations and consolidations of services which affect the employment conditions of members represented by Local 1230 shall be subject to the meet and confer process.

18.4 Successor to Agreement

In the event that there is a successor to the City in this agreement, the City of El Cerrito shall lend its good offices in an effort to continue affected represented employees' wages and benefits with such successor.

18.5 Appendices and Amendments

All appendices and amendments to the agreement shall be numbered, dated and signed by the responsible parties and shall be subject to all provisions of this agreement.

The numbering system will maintain the current City numbering, as well as indicate the source of the content, if it is from Local 1230's adopted Memorandum of Understanding.

18.6 Promotional Examinations

A written test administered as part of a promotional examination for the rank of Fire Engineer shall rely and be based upon a reference material list for the rank of Fire Engineer. A written test administered as part of a promotional examination for the rank of Fire Captain shall rely and be based upon a reference material list for the rank of Fire Captain.

The Fire Chief shall publish and maintain all Promotional Examination Reference Material Lists. Additions, deletions or changes to a Promotional Examination Reference Material List may be made at any time by the Fire Chief.

Any written test administered as part of a promotional examination shall rely and

be based upon a Promotional Examination Reference List that was in effect at least four months prior to the written test date.

ARTICLE XIX
Joint Response

Local 1230 and the City acknowledge that the City is party to mutual aid agreements and automatic aid joint response arrangements with surrounding jurisdictions, including the City of Richmond, to ensure adequate fire protection services for each of the participating parties.

ARTICLE XX
Layoff and Demotion

20.1 Personnel Reduction. Lay Off and Notification

Pursuant to the City's "Personnel Rules and Regulations," personnel may be separated from employment by the City due to lack of work, lack of funds or abolition of position(s). It shall be policy to provide at least thirty days written notice to all affected personnel in the event of layoff.

In case of a personnel reduction due to layoff, the employees with the least seniority will be laid off first. Time with the City will be given the utmost consideration. No new employees shall be hired within three years of the layoff date until the laid-off employees have been given the opportunity to return to work.

An employee who is laid off shall remain on a reemployment list for three years after the date of layoff. The City, at its own cost, may require a medical physical to determine fitness for duty prior to offering reemployment. Prior to any action taken on a proposal to reduce the current staffing levels, the City agrees to meet and confer with Local 1230.

20.2 Demotion

It shall be City policy to provide at least thirty days written notice to all affected personnel in the event of a demotion other than a disciplinary demotion. Any demotion other than a disciplinary demotion shall be based upon seniority in position, that is, the last employee promoted shall be the first employee demoted.

ARTICLE XXI
Existing Practices

This Memorandum of Understanding includes all provisions relative to wages, hours, and other terms and conditions of employment resultant from the meet and confer process. The parties recognize, however, that there may be practices and customs

which are within the scope of representation as defined in Government Code Section 3504 (Meyers-Milias-Brown Act), which do not appear in this Memorandum of Understanding. The City and Local 1230 agree that before undertaking to change any such practices or customs, the other party shall be notified of such a proposal, and the parties shall promptly meet and confer in good faith and endeavor to reach agreement regarding the proposal.

ARTICLE XXII
Disciplinary Action

The City's "Complaint and Grievance Procedure," as contained in Chapter 12 of the "Personnel Rules and Regulations," is incorporated by reference to be a part of this Agreement.

ARTICLE XXIII
Severability

In the event that any provision of this Memorandum of Understanding is declared by a court of competent jurisdiction to be illegal or unenforceable, such provision shall be null and void, but such nullification shall not affect any other provision of this Memorandum of Understanding, all of which other provisions shall remain in full force and effect.

* * * * *

Agenda Item No. 7(A)
Attachment 1 Exhibit A

Approved and Accepted:

For the City of El Cerrito

For Local 1230

Karen Pinkos, City Manager

Vince Wells, President Local 1230

Glenn Berkheimer, Negotiator

Representative Local 1230

Kristen Cunningham, Human Resources Manager

Dated: _____

Dept. Representative Local 1230

Dated: _____



SUPPLEMENTAL AGENDA MATERIALS

CITY COUNCIL MEETING October 1, 2019

AGENDA ITEM 3 – ORAL COMMUNICATIONS FROM THE PUBLIC

1. Public Comments

AGENDA ITEM 5(A) – Arts & Culture Commission Update

1. Annual Update Presentation

**RECEIVED
AT THE MEETING OF**

OCT 01 2019

**CITY OF EL CERRITO
CITY CLERK**

Comments for El Cerrito City Council Meeting Tuesday, October 1

Good evening. I am Johanna Ferman — a Kensington resident for over a decade, having relocated here from Washington, D.C. when I was appointed medical chief for Contra Costa's public mental health system. I've spent many years in government and regulatory roles and take a special interest in what I call 'good governance.'

My purpose in coming before you this evening is to express my concern for RFP for the Kensington Police that went out — apparently without notifying you or other recipients of an Ordinance in place since 2009 that calls for a vote in the event of any contracting out. That Ordinance was signed by nearly 1,000 households. That Ordinance was adopted by Kensington's then KPPCSD - one of Kensington's two governing Boards.

While I understand and am encouraged that other well-respected Kensington residents have already come before you to address this issue, it is one so central to good governance that I felt it important to come before you this evening myself to share my support for the will of Kensington residents expressed in the Ordinance.

What is it that so concerns me and I believe a majority of Kensington residents? Specifically — the legality of any movement toward contracting out without Kensington having a vote OR recognizing that this is something to be decided in the Courts.

It should also be noted that we have now had another round of residents responding to a mailing more recently, within the past month — with already hundreds of households weighing in in the affirmative re: a vote.

It is my hope that — in the interest of good governance and avoiding liability — El Cerrito will want to see this issue put where it belongs — with the people of Kensington.



Johanna Ferman, M.D.
Kensington

Commission Overview

**RECEIVED
AT THE MEETING OF**

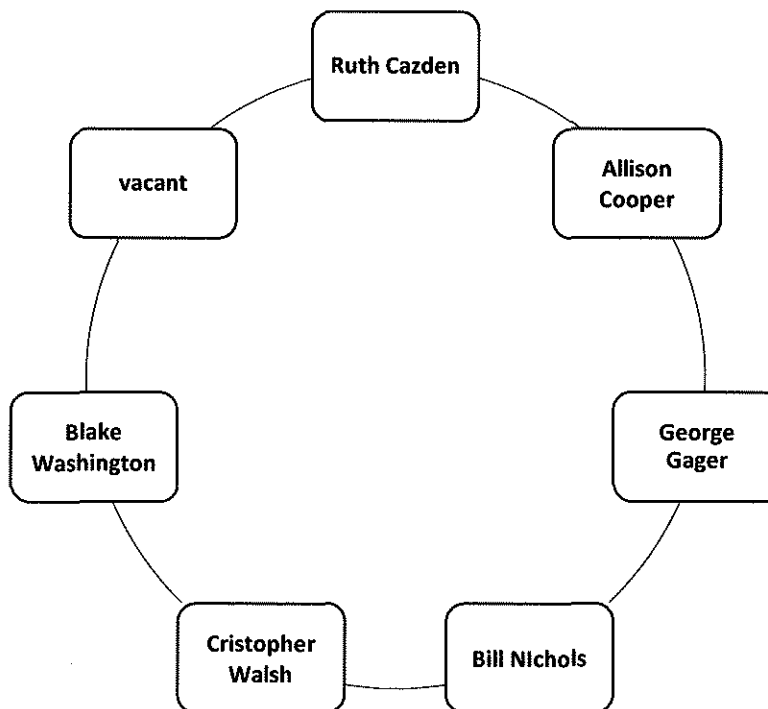
OCT 01 2019

**CITY OF EL CERRITO
CITY CLERK**

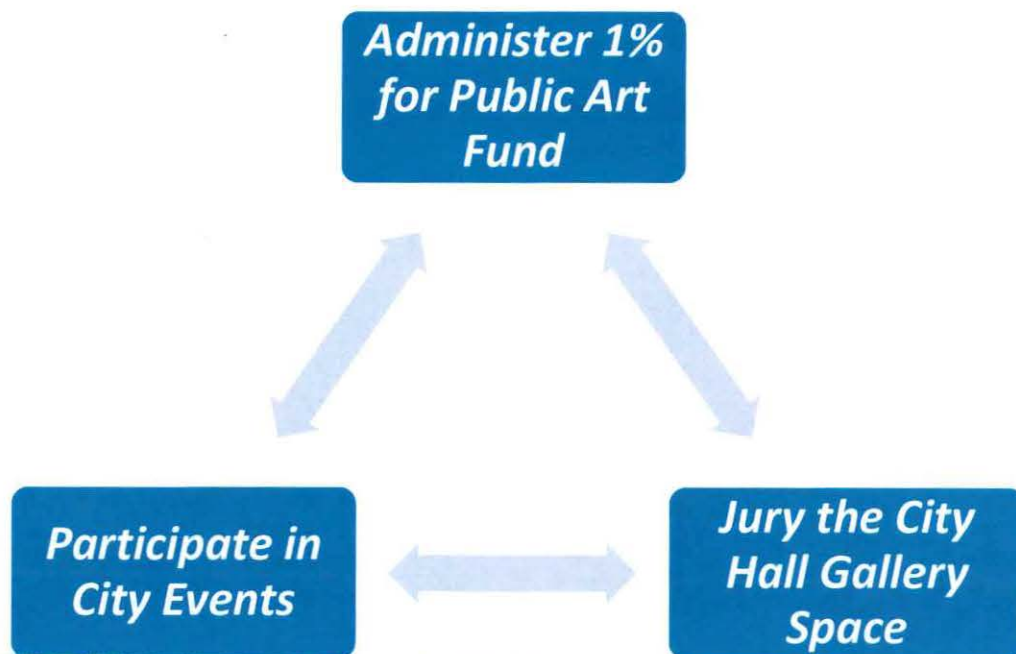
Mission

- Advise the City Council of the needs of the artistic and cultural community;
- Encourage and promote arts programs and events that engage community members and local businesses to build a flourishing and vibrant arts and cultural environment;
- Provide advice to artists and arts/cultural organizations by sponsoring forums, programs, and events;
- Carry out the Arts in Public Places program, and upon request, advise the City with respect to possible sources of funding.

Members

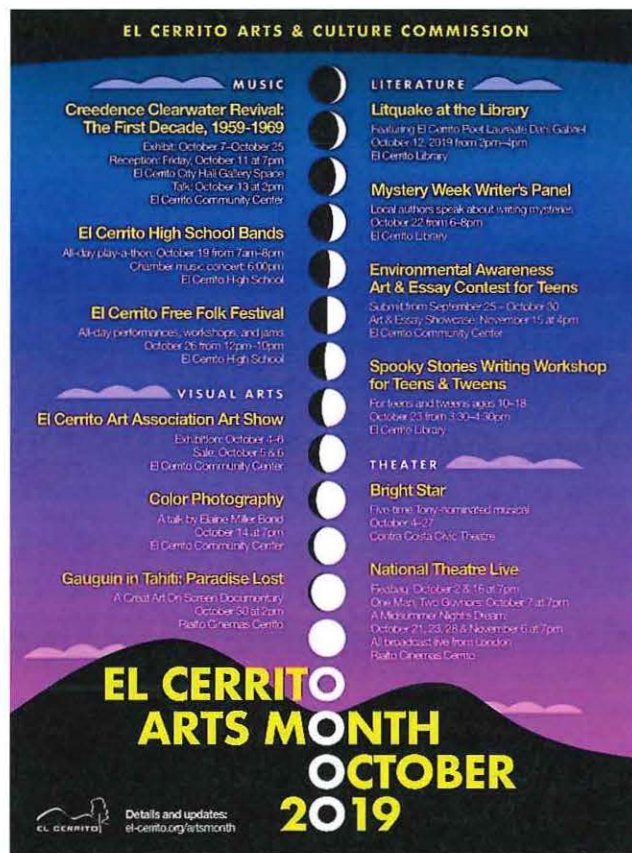


Ongoing Commission Projects



Promote Arts Month

Banners & Posters



Sponsored Events

- Litquake at the Library
- El Cerrito Art Association Art Show: Arts & Culture Commission Award
- Environmental Awareness Art & Essay Contest for Teens
- El Cerrito Free Folk Festival

Artist in Residence - ECCRU

- **Purpose: support local artists who work with recycled materials, and to encourage environmental stewardship**
- **Funded by Art in Public Places Program**
- **We are in process of selecting our third Artist-In-Residence**

ECCRU Events

- **Gallery display and reception for Sandy Drobney, our previous Artist-in-Residence**
- **Demonstration of weaving with recycled materials at the Recycling Center**



Poetry

Poet Laureate

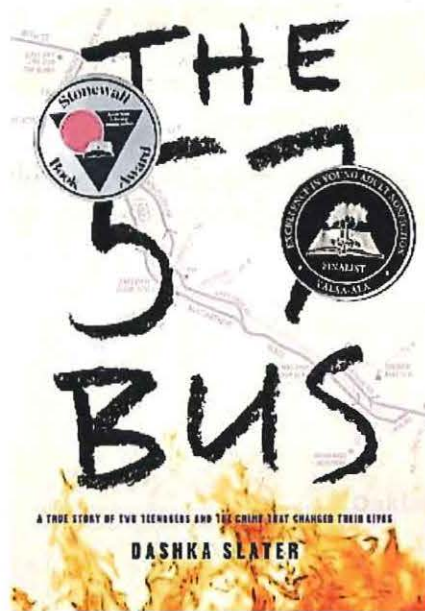
Danielle (Dani) Gabriel - Our second Poet-Laureate (Sept 1, 2018 - Aug. 31, 2020).

- **Several Poetry Writing Workshops in the library**
- **Sponsored a Writing Project “Our Families: Love, Dare, Grow”**
- **Former Poet Laureate Maw Schein Win hosts Litquake on Oct 12 with readings by Dani and other local Poets Laureate**
- **California Arts Council grant: funding a multidisciplinary project exploring changing ideas of family in our evolving community**



One City - One Book

The 57 Bus



- Sponsorship included funding for the books
- Author reading & discussion

El Cerrito Summer Orchestra Program

- **Coached & conducted by the California Sound Collective**
- **Adult Beginner Orchestra**
- **Advanced Amateur Orchestra**
- **Public Concert at the end of the program**

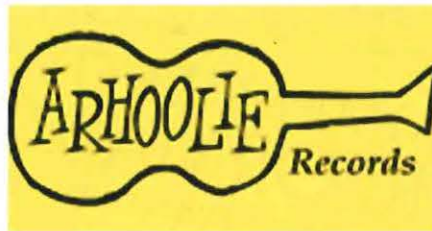


Future Plans

- **Fall 2019 Adult Beginning Orchestra Continues**
- **ACC expects a proposal for a repeat in summer in 2020**

Down Home Music Concert & Gallery Exhibit

- **Outdoor Concert with DJ & Live Performers**
- **Honoring Chris Chris Stachwitz, founder of Arhoolie Records**
- **Concurrent Gallery Exhibit of Arhoolie record jackets**



Other Commission Sponsored Music Events

4th of July/worldOne Festival

- 3rd of July Evening Music
- Sabor Latino! - Aguacero (Puerto Rico) & Bululú (Venezuela)



El Cerrito High School Jazz Festival

- Workshops
- Master classes
- Clinics
- Concerts
- Adjudicated performances



El Cerrito Free Folk Festival



- Performances
- Dance
- Workshops
- Family Program



Film

- **White Sun: April 2018**
- **The Homecoming: November 2019**



Other Events & Projects

Collaboration with Economic Development Committee

- **Restaurant Week: Sponsored music in El Cerrito restaurants**

Messy Art Day

- **El Cerrito Preschool Cooperative's free community event: kids explore colors, textures and a variety of media in a safe and fun environment.**



Proposal Process

- **Formalized and standardized proposal request procedures**

Major New Projects

Master Plan Update

- Update Arts & Culture Commission Master Plan: last revision was in 2013
- Town Hall Meeting to get community input

Public Artwork

- Begin process of commissioning or purchasing a major piece of public art
- Create RFP, incorporating ideas from the Community Town Hall Meeting

