



AGENDA

CITY COUNCIL MEETING
Tuesday, December 15, 2015 – 7:00 p.m.
City Council Chambers

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

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

7:00 p.m. CONVENE CITY COUNCIL MEETING

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – Mayor Pro Tem 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 & City 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. PRESENTATIONS

El Cerrito Library Update – *Presentation by Liz Ruhland, Senior Community Library Manager, El Cerrito Library*

Receive a presentation regarding the El Cerrito Library's upcoming programs for all ages and recent improvements to the current facility.

5. **ADOPTION OF THE CONSENT CALENDAR**

A. **Scheduling of Special City Council Meeting**

Schedule a special City Council meeting on Monday, December 21, 2015 at 7:00 p.m.

6. **PUBLIC HEARINGS**

A. **Urban Greening Plan**

Conduct a public hearing and upon conclusion adopt a resolution approving the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and adopting the City of El Cerrito Urban Greening Plan including Addendums #1 and Addendum #2.

B. **Regulation of Medical Marijuana Cultivation and Deliveries**

Conduct a public hearing and upon conclusion take the following actions: 1) Introduce by title and waive any further reading of an ordinance amending Chapter 6.80 (“Medical Marijuana Dispensaries and Cultivation”) of the El Cerrito Municipal Code; and 2) Adopt a resolution confirming that the El Cerrito Zoning Ordinance operates under the principles of permissive zoning and that marijuana cultivation is prohibited. *Exempt from CEQA.*

7. **POLICY MATTERS**

A. **West Contra Costa Integrated Waste Management Authority Disbursement of Reserve Funds to Member Cities**

Staff requests that the City Council take the following actions: 1) Receive two resolutions by the Board of the West Contra Costa Integrated Waste Management Authority (“Authority”) approving disbursement of a portion of reserve funds to member cities including El Cerrito; and 2) Adopt a resolution authorizing receipt of El Cerrito’s share of funds to be disbursed by the Authority in the amount of \$527,124 and authorizing the City Manager to execute an Indemnification Agreement and any other associated agreements, subject to City Attorney approval as to form, with the Authority necessary to facilitate receipt of funds.

B. **Annual City Council Regional and Local Appointments**

Discuss appointment of City Council members to regional bodies and local boards, commissions, and committees and approve appointments for 2016.

8. **COUNCIL ASSIGNMENTS/LIAISON REPORTS**

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

9. **ADJOURN REGULAR CITY COUNCIL MEETING**

The next City Council meeting is Tuesday, January 5, 2015.

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/ind-ex.aspx?NID=114>. 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: 215-4305 Fax: 215-4379, email cmorse@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.



AGENDA BILL

Agenda Item No. 6(A)

Date: December 15, 2015
To: El Cerrito City Council
From: Melanie Mintz, Community Development Director
Subject: Adopt Urban Greening Plan and Approve Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

ACTION REQUESTED

Conduct a public hearing and upon conclusion, adopt a resolution approving the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and adopting the City of El Cerrito Urban Greening Plan including Addendums #1 and Addendum #2.

BACKGROUND

In 2012, the City was awarded \$239,498 from the State of California's Urban Greening Planning for Sustainable Communities Grant program (Proposition 84) for the preparation of a citywide Urban Greening Plan ("Plan"). The application for grant funds was recommended by the Environmental Quality Committee (April 12, 2011) and the Parks and Recreation Commission (April 26, 2011) and approved by the City Council by Resolution No. 2011-38 on June 6, 2011. Development and implementation of urban greening plans support the State's environmental goals and planning policies; promote infill development and equity; protect the environment; and encourage efficient development patterns.

For the City, the Plan was undertaken to continue and coordinate the City's ongoing efforts to improve quality of life for current and future residents by identifying strategies to enhance the City's public places and open spaces. The Plan identifies needs, opportunities and strategies for creating a greener, more sustainable and livable City through increasing connectivity; creating day-to-day opportunities to gather, play and enjoy; improving existing parks and green spaces; and identifying new ways to meet the community's need for different types of open spaces given limited resources. The Plan builds upon and synthesizes previous and current planning efforts, builds upon past projects, and helps institutionalize existing practices.

The Plan was developed through an extensive community engagement process that included community workshops; ongoing input from the Urban Greening Task Force, convened for this planning effort; a community survey which received 848 responses over a 6-week period; focus group meetings; consultation with the Tree Committee on the Plant Palette (Appendix C of the Plan) and ongoing, in depth communication and coordination with representatives of City departments. A summary of the Community Engagement process is provided in Appendix A to the Plan.

After extensive public review, comments and revision, the Plan was presented to the Parks and Recreation Commission and Environmental Quality Committee. Staff sought recommendations for City Council adoption at the June 24, 2015 Parks and Recreation Commission meeting and the June 30, 2015 Environmental Quality Committee meeting. With recommendations from both advisory bodies in hand, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared, released on October 7, 2015 and circulated for 30-days pursuant to the California Environmental Quality Act (CEQA). No public or agency comments were received on the CEQA document, and a Mitigation, Monitoring and Reporting Program (MMRP) was developed. The Plan, IS/MND and MMRP were brought to the Planning Commission for its review on November 18, 2015. The Planning Commission recommended approval of the three documents (PC15-12) and submission of the documents to the City Council with slight modifications, as summarized in Attachment 3, Addendum #1.

The Tree Committee also submitted substantial comments on the Plant Palette that were incorporated into Appendix C of the document. Additional Plant Palette changes, not yet incorporated in the draft document have been provided as Attachment 4, Addendum #2.

For ease of review, the Executive Summary is included as Attachment 5 to this staff report.

FINANCIAL CONSIDERATIONS

There are no immediate costs associated with the recommended action. Implementation of the Plan will require resources that will be identified and appropriated as needed. The Plan will help the City leverage outside resources for ongoing urban greening efforts.

STRATEGIC PLAN CONSIDERATIONS

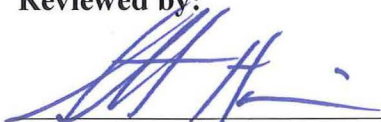
Adoption of the Urban Greening Plan will help to fulfill the following City of El Cerrito Strategic Plan goals:

- Deepen a sense of place and community identity;
- Develop and rehabilitate public facilities as community focal points;
- Ensure the public's health and safety;
- And, foster environmental sustainability citywide.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the Urban Greening Plan, the Initial Study/Mitigated Negative Declaration and the proposed action and there are no legal issues.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution
2. Urban Greening Plan and Initial Study/Mitigated Negative Declaration
3. Addendum #1 (Planning Commission Revisions)
4. Addendum #2 (Additional Tree Committee Comments)
5. Urban Greening Plan Executive Summary

RESOLUTION 2015-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR AND ADOPTING THE URBAN GREENING PLAN, INCLUDING ADDENDUM #1 AND ADDENDUM #2

WHEREAS, the City applied for and was awarded an Urban Greening Planning grant from the State of California's Urban Greening for Sustainable Communities Grant Program (Proposition 84) from the State of California Strategic Growth Council (Resolution 2011-38); and

WHEREAS, preparation of a citywide Urban Greening Plan was recommended by the Environmental Quality Committee on April 12, 2011 and Parks and Recreation Commission on April 26, 2011; and

WHEREAS, preparation of the Urban Greening Plan was undertaken to continue and coordinate the City's ongoing efforts to improve quality of life for current and future residents by identifying strategies to enhance the City's public places and open spaces; and

WHEREAS, the Urban Greening Plan was developed through extensive community engagement through workshops, input from the Urban Greening Task Force, a community survey, focus group meetings, consultation with the Tree Committee and interdepartmental communication and coordination, as documented in the Plan; and

WHEREAS, the Plan was reviewed and recommended for adoption at the June 24, 2015 Parks and Recreation Commission and June 30, 2015 Environmental Quality Committee meetings; and

WHEREAS, an Initial Study/Negative Declaration (IS/MND) was prepared and circulated beginning October 7, 2015 for 30-days pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, no comments were received on the IS/MND and a Mitigation Monitoring and Reporting Program (MMRP) was developed; and

WHEREAS, the Urban Greening Plan, IS/MND and MMRP was brought to the Planning Commission for its review on November 18, 2015; and

WHEREAS, the Planning Commission recommended adoption of the Plan, with slight modifications as presented in Addendum #1 and approval of the IS/MND and MMRP (PC15-12); and

WHEREAS, additional modifications to the Plant Palette were made to incorporate Tree Committee comments as presented in Addendum #2; and

WHEREAS, on December 15, 2015, the City Council held a properly noticed public hearing at which it heard public comments and considered those comments and the staff report, which described and analyzed the Urban Greening Plan (Exhibit 1) and IS/MND and MMRP (Exhibit 2) and are hereby incorporated by reference. The IS/MND and MMRP consist reflect the City's independent judgment and analysis of the potential environmental impacts of the Plan. The custodian of the documents and other

materials that constitute the record of proceedings for the Urban Greening Plan is the City of El Cerrito Community Development Department, 10890 San Pablo Ave., El Cerrito, CA 94530-2323.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the foregoing recitals are true and correct and made a part of this Resolution.

BE IT FURTHER RESOLVED that the City Council hereby finds that there is no substantial evidence in light of the whole record before the City that the Urban Greening Plan, as mitigated, will have a significant effect on the environment, and that the IS/MND reflects the City's independent judgment and analysis as to the potential environmental effects of the Urban Greening Plan.

BE IT FURTHER RESOLVED that the City Council hereby approves the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and the City of El Cerrito Urban Greening Plan, including Addendum #1 and Addendum #2.

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

I CERTIFY that at a regular meeting on December 15, 2015 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on December XX, 2015.

Cheryl Morse, City Clerk

APPROVED:

Greg Lyman, Mayor



Community Development Department
10890 San Pablo Avenue, El Cerrito, CA 94530
(510) 215-4330 - FAX: (510) 233-5401
planning@ci.el-cerrito.ca.us

The proposed Urban Greening Plan (including appendices) and Initial Study/Mitigated Negative Declaration (including Mitigation Monitoring and Reporting Program) is available for review at:

<http://www.el-cerrito.org/urbangreening>,

and at the El Cerrito Library, 6510 Stockton Avenue and El Cerrito City Hall, 10890 San Pablo Avenue, during normal working hours.

Addendum #1 (to Final Draft: Urban Greening Plan. November 17, 2015)

(Incorporating Comments from November 18, Planning Commission meeting)

Comment: Emphasize need for additional tot lots/play areas closer to San Pablo Avenue and near multifamily housing.

Response: Add *italics* below to Objective 6: Resilient Higher Density Neighborhoods (p. 70):

“...Emphasize the need for strategic open spaces in higher density neighborhoods to provide multifamily housing residents with *additional tot lots, playgrounds and other* active recreation, urban agriculture, and community gathering opportunities...”

6.2: Second bullet point:

“...Evaluate open space access in high density neighborhoods on a regular basis to ensure residents have easy access to a range of parks and open spaces, including community gardens, *tot lots*, gathering spaces, and natural landscapes. Explore opportunities for land acquisition through the in-lieu program, *condition of approval process*, or other mechanisms where a need is identified.”

Comment: In planting of public trees, consider appropriate placement to unnecessarily block view corridors from public open spaces.

Response: Add *italics* below to Objective 4: Enhanced Existing Parks (p. 62-3)

4.2: First bullet point:

“Develop design guidelines and environmental criteria to streamline project design review. These design guidelines should consider broad community priorities, such as active and passive recreation and environmental services, *and design review details including the relationship between tree selection, site planning, and the protection or enhancement of existing natural assets such as view corridors.*”

Comment: The Planning Commission asked to consider Alternative 2 of the Lower Fairmount Avenue Focus Area as the preferred alternative (p. 120-121.)

Response: p. 120, paragraph 2: Change “The first alternative” to “One alternative”.

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Attachment 3

p. 121, Cost Estimate: Add *Note: Final design would be determined through a complete public engagement, design and engineering process and environmental analysis.*

Comment: Add development of wildlife corridors to Plan.

Response: Add *italics* below to Objective 7: Enriched Natural Areas (p. 72) and Objective 8: Enhanced Creeks (p. 75)

7.1: Second bullet point:

“Consider strategic land acquisition where needed to preserve environmental benefits *and establish or expand wildlife corridors.*”

8.3: Second bullet point:

“...Develop guidelines that support existing and enhance wildlife habitat and *wildlife corridors.*”

Addendum #2 (to Final Draft: Urban Greening Plan. November 17, 2015)

(Incorporating Comments from Tree Committee)

1. Comment: Delete *Quercus englemannii* and *Tilia tomentosa* from Large Trees list.
Response: Will delete these species from the Large Trees list.
2. Comment: Tree characteristic columns- populate fully for the following species which are all suitable street trees - indicate as such.
 - Aesculus carnea
 - Gleditsia triacanthos inermis
 - Quercus ilex
 - Quercus rubra
 - Ulmus hybrids
 - Cercis canadensis var. texensis 'Oklahoma' (misspelled in UGP)
 - Laurus nobilis 'Saratoga'
 - Tristanoopsis laurinaResponse: will populate tree characteristic columns
3. Comment: Understory and Small trees - add introduction (see TC comment Page 3 item 4)
Response: will add introduction as follows - "Very small to medium trees are 10-50 feet tall. One of the key uses of small trees in urban forestry is for planting under utility wires. Utility friendly trees, as defined by PG&E, are 25 feet tall or less."
4. Comment: Remove fruit trees from Understory and Small Trees table and create a separate table from small tree per TC request
Response: Will create new list of trees solely for fruit trees.
4. Comment: Commercial Streets- Remove the following species and remove photos Figure 03, 04, 05, 10
 - Acer macrophyllum
 - Alnus rhombifolia
 - Platanus racemosa
 - Tilia tomentosa
 - Heteromeles arbutifolia
 - Prunus ilicifolia (misspelled in UGP)
 - Pyrus calleryana 'Aristocrat' (also misspelled in UGP)
 - Sambucus MexicanaResponse: Will remove the specified photos and species.
5. Comment: Creek "Interpretation" ... edit to Creek "Restoration and Natural Areas"
Response: Will edit title accordingly
6. Comment: Edit Figure 11 caption "White Alder are an excellent native riparian tree" remove "excellent street choice"
Response: Will edit caption

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Attachment 4

7. Comment: Remove “Appropriate for streetside plantings” or remove the following species from this asterisk category

- Aesculus californica
- Alnus rubra (remove from UGP)
- Arbutus menziesii
- Calocedrus decurrens (not a riparian tree)
- Salix spp.
- Prunus ilicifolia (misspelled in UGP)
- Mahonia spp. (an armed plant not suitable for streets)
- Rosa californica (very aggressive, armed plant that should be contained in an urban setting)
- Rubus ursinus (aggressive plant not suitable for street use)

Response: will remove “Appropriate for streetside planting” in the table notes.

8. Comment: Biofiltration – Please read and incorporate the TC Comments (see Page 4 item 7)

Response: Will delete species list for this section and will include text referring to the Contra Costa County Clean Water Program C.3 Guidebook 6th (or current) Edition to pick out an appropriate plant palette for biofiltration purposes.

9. Comment: delete species list from Pollinators section

Response: will delete species list, and will cite appropriate source to develop plant palette

10. Comment: All references to city documents (ordinances, other planning documents, etc.) should be hyperlinked, at least in a reference section to the document, if not throughout. This should be standard operation procedure for City documents.

Response: Working on a method of doing this smoothly.

11. Comment: The General Plan calls for a Tree Preservation Ordinance and an Open Space Preservation Program (Chapter 7, Part C - Goal and Policies). These should be reiterated in the Urban Greening Plan.

Response: Will mention the Tree Preservation Ordinance and Open Space Preservation Program throughout text, where appropriate.

12. Comment: Funding/HNA: Funding for tree and fuel maintenance in Hillside Natural Area should be independent of the street tree budget, so that the goals of both programs are achieved.

Response: Will clarify funding sources in document, where appropriate.

13. Comment: The City Arborist should be engaged on any project involving El Cerrito’s urban forest. The Design Review Board should coordinate with or solicit input from Tree Committee when public trees or trees in public open spaces are involved in any project.

Response: Noted.

CHAPTER 1

executive summary

SECTIONS

- 1.01 Purpose and Scope
- 1.02 Community Engagement
- 1.03 Vision Framework

The City of El Cerrito and its community members have a long history of investing in their parks and open spaces. Residents volunteer for creek and street clean-ups, City staff carry forward policy and projects that improve air and water quality and conserve resources, and committee members engage in lively discussions about native vegetation, urban forestry and environmental services. As the City begins to respond to a growing regional demand for increased infill development along transit corridors, identifying projects, policies and strategies to create an interconnected network of green places will help accommodate growth while promoting the community's identity and preserving quality of life.

The Urban Greening Plan synthesizes previous and current planning efforts, builds on past projects, and institutionalizes existing practices to carry out a holistic strategy for urban sustainability. The City's General Plan (1999), Strategic Plan (2013), Climate Action Plan (2013), and San Pablo Avenue Specific Plan (2014) highlight the importance of creating a complete community that preserves existing natural assets, public places and open spaces, while incentivizing increased, context-sensitive development that provides additional open space. The Plan builds on the City's commitment to urban sustainability by identifying opportunities to increase the environmental benefits of public infrastructure, parks and natural areas, while addressing the community's need for diverse, multiuse public places that support and grow community. The Plan outlines over-arching goals, objectives, policies and programs and highlights opportunity projects and focus areas that help implement these goals within the public realm.

The Plan envisions providing the public amenities to support community members as El Cerrito responds to changing regional demographics, economic conditions and funding and policy priorities.

1.01 PURPOSE AND SCOPE

The purpose of the Plan is to define community priorities towards making a sustainable, vibrant urban environment in order to provide clear direction to City staff and community organizations by:

1. Inventorying existing assets and opportunities to better program parks and green spaces in a more environmentally and economically sustainable manner
2. Analyzing urban greening best practices and defining policy in light of the City's organizational and financial capacity, potential benefits and previously adopted policy direction
3. Defining urban greening goals, objectives and strategies based on early community engagement
4. Ensuring broad community participation to foster a strong, inclusive community vision
5. Developing a list of urban greening projects based on their ability to support and achieve the Plan's goals and objectives and provide multiple community benefits
6. Completing conceptual design of focus area projects that pilot urban greening interventions and provide the City with infrastructure and park design and construction projects primed for funding

1.02 COMMUNITY ENGAGEMENT

The City convened a Task Force of engaged stakeholders early on to help guide the planning process. The Task Force met often to review projects, strategies and the vision framework and to advise on community engagement. The City held four, well-attended community workshops and distributed a community survey throughout the planning process to capture community feedback and confirm Plan and project direction. Focus Groups were convened to better understand the needs of historically underrepresented focus populations, such as teens and members of the disabled community.

1.03 VISION FRAMEWORK

The Plan builds on the following overarching goals and objectives identified by the community to achieve a sustainable urban environment.

Overarching Goals



Objectives



SUPPORTING POLICIES AND PROGRAMS

- Sustainable Landscapes and Maintenance
- Support Partnerships and Volunteerism

IMPLEMENTATION

This Plan is a long-range effort that identifies important opportunities, pilot projects and focus areas to be built over time. The Plan analyzed key issues in the community and developed the above objectives and 14 focus area projects illustrated on the following page to address them. The City will monitor implementation and will revise the policy and projects as needed.

This document is a long-range plan intended to set aspirational goals to be achieved incrementally, over time, and provides a framework and toolbox for Council, stakeholders and staff to use in ongoing work that moves towards achieving those goals.

Figure 01. Focus Areas



Citywide

1. Blue to Green Connections, *page 128*

Existing Parks

2. Ohlone Greenway - Portola to Schmidt, *page 101*
3. Ohlone Greenway - Gladys to Blake, *page 102*
4. Fairmont Park, *page 116*
5. Central Park, *page 104*
6. Creekside Park, *page 105*
7. Hillside Natural Area, *page 124*

Underutilized Land

8. El Cerrito Plaza, *page 107*
9. Conlon Avenue and Key Boulevard, *page 108*
10. Cutting Boulevard and San Pablo Avenue, *page 109*
11. Avila Street and San Pablo Avenue, *page 110*
12. Former Portola Middle School site, *page 111*

Street ROW

13. Ashbury Avenue, *page 112*
14. Lower Fairmount Avenue, *page 120*



AGENDA BILL

Agenda Item No. 6(B)

Date: December 15, 2015
To: El Cerrito City Council
From: Sean Moss, AICP, Senior Planner
Paul Keith, Police Captain
Subject: Regulation of Medical Marijuana Cultivation and Deliveries

ACTION REQUESTED

Conduct a public hearing and upon conclusion take the following actions:

- 1) Introduce by title and waive any further reading of an ordinance amending Chapter 6.80 of the El Cerrito Municipal Code; and
- 2) Adopt a resolution confirming that the El Cerrito Zoning Ordinance operates under the principles of permissive zoning and that marijuana cultivation is prohibited.

BACKGROUND

In 1996, California voters passed Proposition 215, also known as the *Compassionate Use Act*, legalizing the use of marijuana for medicinal purposes within the State of California. Marijuana use and cultivation remains illegal under federal law. SB 420 (Vasconcellos), also known as the *Medical Marijuana Program Act*, was adopted in 2003 and further defined the scope of Proposition 215. SB 420 established possession limits for medical marijuana, established a voluntary medical marijuana ID card program at the county level, and recognized the right of patients to cultivate marijuana collectively. The regulatory framework established by SB 420 led to the establishment of medical marijuana dispensaries throughout the state. After the passage of SB 420, many local jurisdictions chose to regulate medical marijuana dispensaries through land use and other regulations. In 2006, the El Cerrito City Council adopted Ordinance 2006-06, prohibiting medical marijuana dispensaries “in all zones throughout the City of El Cerrito.”

In an effort to further clarify and establish statewide regulations regarding the use and cultivation of medical marijuana, the California Legislature adopted the *Medical Marijuana Regulation and Safety Act* in September 2015. The Act consists of three separate pieces of State legislation. AB 226 (Bonta, Cooley, Jones-Sawyer, Lackey) established the Bureau of Medical Marijuana Regulation under the Department of Consumer Affairs and established a system requiring both a state license and local permit for marijuana businesses. AB 243 (Wood) established a system for licensing of medical marijuana cultivation under the Department of Food and Agriculture and

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requires both a State license and a local permit for medical marijuana cultivation. AB 643 (McGuire) regulates physician recommendations for medical marijuana and requires the Department of Food and Agriculture to implement a 'track and trace' program that enables marijuana plants to be traced to licensed cultivation sites. Governor Brown signed these three pieces of legislation into law in October. The Act goes into effect on January 1, 2016.

AB 266 also establishes basic procedural requirements for deliveries of medical marijuana to customers and states that "deliveries...can only be made by a dispensary and in a city...that does not explicitly prohibit it by local ordinance."

AB 243 also states that in local jurisdictions without "land use regulations or ordinances regulating or prohibiting the cultivation of marijuana" in place on March 1, 2016, the Department of Food and Agriculture shall be the sole licensing authority in the jurisdiction.

Chapter 6.80 of the El Cerrito Municipal Code (adopted in 2006) currently prohibits medical marijuana dispensaries throughout the City. This chapter makes no mention of marijuana cultivation or deliveries of medical marijuana. Pursuant to the El Cerrito Zoning Ordinance (Title 19), marijuana cultivation is an agricultural land use. Agricultural land uses are prohibited in all residential zoning districts. The San Pablo Avenue Specific Plan contains one agricultural land use ("nurseries") which is conditionally permitted, subject to approval of an Administrative Use Permit, in the Transit Oriented Higher- and Mid- Intensity Mixed Use zoning districts. This makes the land use conditionally permitted in all areas of the San Pablo Avenue Specific Plan, except the Theatre Overlay district, a small area near the Cerrito Theater. At this time, it is unclear whether any individual proposal for medical marijuana cultivation within the San Pablo Avenue Specific Plan Area would fall within the definition of "nurseries." There are currently no permitted marijuana cultivation establishments in El Cerrito.

Licensed medical marijuana dispensaries currently operate near El Cerrito in the cities of Richmond and Berkeley. The City of Albany has a prohibition on medical marijuana dispensaries. The three nearest dispensaries to El Cerrito are 7 Stars Holistic Healing Center on Pierce Street in Richmond (located within Pacific East Mall), Green Remedy on Hilltop Mall Road in Richmond and Berkeley Patients Group on San Pablo Avenue, south of University Avenue, in Berkeley. A search of www.weedmaps.com (one of the most complete resources for medical marijuana services identified) site identified 25 different dispensaries which are listed as providing deliveries to El Cerrito.

ANALYSIS

Given the March 1, 2016 deadline for jurisdictions to maintain local control over marijuana cultivation, City staff has developed a regulatory strategy for the City Council's consideration. Due to the procedures required for adopting ordinances established by the Government Code, the City Council must adopt an ordinance by January 29 (second reading) in order for it to be in effect by March 1. Given this short timeline, and taking into account the El Cerrito Municipal Code's prohibition of medical

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marijuana dispensaries throughout the City, City staff is recommending that the City Council extend this prohibition to include marijuana cultivation. It is important to note that by acting before March 1, the City will preserve the ability to alter any adopted regulations after March 1. However, if the City does not have regulations in place by March 1, the Department of Food and Agriculture will become the sole licensing entity and the City will lack the ability to adopt future regulations.

As discussed above, the City's existing prohibition of dispensaries is contained in Title 6: Business Permits and Regulations. Since the text of AB 243 specifically mentions "land use regulations or ordinances" it is unclear whether regulations outside of the El Cerrito Zoning Ordinance (Title 19) meet the requirements of the legislation. Out of caution, City staff is also recommending that the City Council adopt a resolution confirming that, under the principles of permissive zoning, marijuana cultivation is not a permitted land use in El Cerrito, and is therefore prohibited. Permissive zoning is the type of zoning utilized by the El Cerrito Zoning Ordinance and the San Pablo Avenue Specific Plan. These documents list all of the land uses permitted within each zoning district. The regulations state that "use classifications not listed in the table...are prohibited."

Taken together, these two actions (ordinance and resolution) will preserve the status quo regarding medical marijuana dispensaries and cultivation and will preserve the City's ability to regulate marijuana cultivation past March 1, 2016.

Commercial marijuana cultivation sites may be increased targets for property and violent crime. These sites will represent a new type of enterprise and, depending on their operation, may represent an attractive target for suppliers of illegal marijuana. While dispensaries are typically highly secure buildings, commercial cultivation sites may not have the same level of security. Illegal marijuana suppliers may find lawful cultivation locations to be attractive targets for theft due to the high quality of indoor produced marijuana and the quantity of processed product at the site. Going forward, the City Council may want to consider additional requirements for commercial cultivation operations, such as minimum security standards, minimum staffing requirements, hours of operation and specially zoned areas.

It is worth noting that since El Cerrito lacks large undeveloped tracts of land where traditional large-scale agricultural production could occur, commercial marijuana cultivation in El Cerrito would likely take the form of indoor growing. The City Council may want to consider whether this type of cultivation is a desired land use for commercial areas along San Pablo Avenue in lieu of businesses that focus retail activity on the Avenue consistent with the San Pablo Avenue Specific Plan.

The section of legislation concerning medical marijuana deliveries does not contain the same March 1 deadline for asserting local authority. However, if a jurisdiction does not prohibit deliveries before the Department of Consumer Affairs begins issuing licenses for such deliveries, the Department will license dispensaries to deliver medical marijuana in the jurisdiction. Jurisdictions can prohibit deliveries after licenses have been issued. However, the process for revoking State licenses for deliveries in a

Agenda Item No. 6(B)

jurisdiction that subsequently prohibits deliveries remains unclear at this time. Given the uncertainty in the licensing process, City staff is recommending that the El Cerrito Municipal Code's prohibition of medical marijuana dispensaries be extended to include deliveries of medical marijuana within El Cerrito. This action does not preclude the City from regulating medical marijuana deliveries differently in the future.

Since no licensed dispensaries are present in El Cerrito, if deliveries of medical marijuana within El Cerrito were permitted, the deliveries would be conducted by dispensaries licensed in other jurisdictions. AB 266 establishes basic requirements for deliveries. However, these requirements mainly establish what documents must be carried by the delivering dispensary and kept by the patient. City staff feels that these basic requirements alone may not be sufficient to effectively and safely regulate deliveries of medical marijuana within El Cerrito.

Commercial medical marijuana delivery may represent a unique target for crime. Because these deliveries will be taken to resident's homes, it may attract crimes targeting the delivery service to residential neighborhoods. The City Council may want to consider additional requirements for delivery services, such as load limits, times of operation, and permit conditions, before they are allowed to undertake operations in the City of El Cerrito.

A prohibition of both cultivation and delivery will allow the City Council to consider what additional regulations or zoning decisions should be made before allowing either delivery or cultivation operations in El Cerrito. The City Council may want to analyze the economic impacts of these operations and whether or not they are in line with existing development plans.

STRATEGIC PLAN CONSIDERATIONS

The City's strategic plan articulates the mission of the City to serve, lead and support our diverse and transit-rich community by providing exemplary and innovative services, public places and infrastructure, ensure public safety, and create an economically and environmentally sustainable future. The proposed ordinance and resolution implements several of the goals and strategies, and is consistent with the overall Strategic Plan. The primary goals and strategies furthered by the proposed actions include:

- *Goal E: Ensure the public's health and safety*
 - o Utilize a diverse array of crime prevention techniques (e.g., School Resource Officer [SRO] program, Traffic Unit, Bike Patrol, etc.).
 - o Explore innovative and best practices for promoting public health (e.g., smoking ordinances, nutrition, obesity prevention, living wage, and strategies to promote walking/biking).

ENVIRONMENTAL CONSIDERATIONS

The proposed ordinance and resolution are exempt from review under the California Environmental Quality Act pursuant to the 'general rule' in Section 15061 because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

FINANCIAL CONSIDERATIONS

City staff does not anticipate that enforcement of an amended El Cerrito Municipal Code Chapter 6.80 will consume additional city resources or expenses.

LEGAL CONSIDERATIONS

By adopting the proposed ordinance and resolution so that they are in effect by March 1, 2016, the City will maintain local control over medical marijuana cultivation and delivery, and will preserve the City's ability to alter any adopted regulations in the future.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Ordinance Amending Title 6 of the Municipal Code
2. Resolution confirming that the El Cerrito Zoning Ordinance operates under the principles of permissive zoning and that marijuana cultivation is prohibited

ORDINANCE NO. 2015–XX

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING EL CERRITO MUNICIPAL CODE CHAPTER 6.80 (“MEDICAL MARIJUANA DISPENSARIES”) REGARDING THE CULTIVATION OF MARIJUANA

WHEREAS, California law currently authorizes the personal use of marijuana for medical purposes; and

WHEREAS, the Legislature recently passed, and the Governor signed new legislation which requires certain state agencies to promulgate regulations relating to medical marijuana cultivation and deliveries; and

WHEREAS, the new legislation provides that if a city does not have land use regulations or ordinances regulating or prohibiting the cultivation of medical marijuana, then commencing on March 1, 2016, a state agency will be the sole licensing authority for medical marijuana cultivation applications in that city; and

WHEREAS, a city with a prohibition or regulations regarding the cultivation of medical marijuana in effect before March 1, 2016 retains the authority to later modify that prohibition or those regulations; and

WHEREAS, the new legislation also authorizes licensed medical marijuana dispensaries to make medical marijuana deliveries in any city that does not explicitly prohibit it; and

WHEREAS, the City Council wishes to prevent a state agency from becoming the sole licensing authority for medical marijuana cultivation in the City and wishes to explicitly prohibit medical marijuana deliveries; and

WHEREAS, the El Cerrito Municipal Code currently prohibits medical marijuana dispensaries in all zones throughout the City, and marijuana cultivation is not a permitted use in any zoning district. Under the Zoning Ordinance of the El Cerrito Municipal Code, any use that is not expressly permitted is prohibited; and

WHEREAS, the El Cerrito City Council desires to clarify that the cultivation of marijuana is prohibited throughout the City, and that cultivation of marijuana is not within the definition of permitted or conditionally permitted nursery use.

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

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

SECTION 2. Amendment of Municipal Code. The title of Chapter 6.80 of the El Cerrito Municipal Code is amended to be read as follows:

6.80 – MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION

SECTION 3. Amendment of Municipal Code. Section 6.80.010 of the El Cerrito Municipal Code is amended to read as follows (with text in ~~strikeout~~ format indicating deletion and underlined text indicating addition):

6.80.010 - Definitions.

The following words or phrases, whenever used in this chapter, shall be given the following definitions:

“Cultivation of marijuana” means any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of marijuana.

“Medical marijuana delivery” means the transfer of medical marijuana or medical marijuana products from a medical marijuana dispensary to a qualified patient or primary caregiver, as well as the use by a dispensary of any technology platform to arrange for or facilitate the transfer of medical marijuana or medical marijuana products.

"Medical marijuana dispensary" means any facility or location where a primary caregiver makes available, sells, transmits, gives, or otherwise provides medical marijuana to two or more persons with identification cards or qualified patients. A medical marijuana dispensary shall not include the following uses, as long as the location of such uses are otherwise regulated by this code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health & Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health & Safety Code, a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health & Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health & Safety Code, a residential hospice licensed pursuant to Chapter 8.5 of Division 2 of the Health & Safety Code, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health & Safety Code, as long as any such use complies strictly with applicable law, including, but not limited to, Health & Safety Code Sections 11362.5 et seq.

"Person with an identification card" shall have the meaning set forth in California Health & Safety Code Section 11362.7, as may be amended from time to time, or any successor statute.

"Primary caregiver" shall have the meaning set forth in California Health & Safety Code Section 11362.7, as may be amended from time to time, or any successor statute.

"Qualified patient" shall have the meaning set forth in California Health & Safety Code Section 11362.7, as may be amended from time to time, or any successor statute.

SECTION 4. Amendment of Municipal Code. Section 6.80.020 of the El Cerrito Municipal Code is amended to read as follows (with text in ~~strikeout~~ format indicating deletion and underlined text indicating additions):

6.80.020 – Medical marijuana dispensary, medical marijuana delivery and cultivation of marijuana as a prohibited uses.

A medical marijuana dispensary, medical marijuana delivery and cultivation of marijuana, as defined in this chapter, is are prohibited in all zones throughout the city of El Cerrito, including but not limited to cultivation of marijuana as part of a permitted or conditionally permitted nursery use.

SECTION 5. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 6. Effective Date.

This Ordinance shall take effect and be enforced thirty days after the date of its adoption, and 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.

ADOPTED AND ORDERED published at a regular meeting of the City Council held on December _____, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

APPROVED:

Greg Lyman, Mayor

ATTEST:

Cheryl Morse, City Clerk

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on _____, 2015.

Cheryl Morse, City Clerk

RESOLUTION 2015-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO CONFIRMING THAT TITLE 19, ZONING, OF THE EL CERRITO MUNICIPAL CODE IS ADOPTED AND OPERATES UNDER PRINCIPLES OF PERMISSIVE ZONING, AND MARIJUANA CULTIVATION IS PROHIBITED WITHIN THE CITY BECAUSE IT IS NOT EXPRESSLY ALLOWED

WHEREAS, California law currently authorizes the personal use of marijuana for medical purposes; and

WHEREAS, the Legislature recently passed, and the Governor signed, new legislation which requires certain state agencies to promulgate regulations relating to medical marijuana cultivation and deliveries; and

WHEREAS, under the new legislation an individual or entity wishing to cultivate medical marijuana must receive a license from the California Department of Food and Agriculture (“DFA”), which may only provide a license to an individual or entity that has also received a permit, license or entitlement from the city in which the cultivation is to occur; and

WHEREAS, the new legislation further provides that if a city does not have land use regulations or ordinances regulating or prohibiting the cultivation of medical marijuana, then commencing on March 1, 2016, the DFA will be the sole licensing authority for medical marijuana cultivation applications in that city; and

WHEREAS, a city with a prohibition or regulations regarding the cultivation of medical marijuana in effect before March 1, 2016 retains the authority to later modify that prohibition or those regulations; and

WHEREAS, Health and Safety Code Section 11362.777(b)(3) provides that the DFA may not issue a State license to cultivate medical marijuana within a city that prohibits cultivation within its boundaries under principles of permissive zoning; and

WHEREAS, the El Cerrito Municipal Code currently prohibits medical marijuana dispensaries in all zones throughout the City, and marijuana cultivation is not a permitted use in any zoning district; and

WHEREAS, the Zoning Ordinance of the El Cerrito Municipal Code is adopted and operates under the principles of permissive zoning, and any use that is not expressly permitted is prohibited; and

WHEREAS, the El Cerrito City Council desires to confirm that the cultivation of marijuana is not expressly allowed under the El Cerrito Municipal Code, and is therefore prohibited throughout the City; and

WHEREAS, because the cultivation of marijuana is prohibited throughout the City, the DFA may not issue a license for the cultivation of medical marijuana within the City.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby declares as follows:

1. Health and Safety Code Section 11362.777(b)(3) provides that the California Department of Food and Agriculture may not issue a State license to cultivate medical marijuana within a city that prohibits cultivation within its boundaries under principles of permissive zoning.

2. The Zoning Ordinance of the El Cerrito Municipal Code is adopted and operates under the principles of permissive zoning, and any use that is not expressly permitted is prohibited.

3. The cultivation of marijuana is not expressly allowed under the Zoning Ordinance of the El Cerrito Municipal Code, and is therefore prohibited throughout the City.

4. Because the cultivation of marijuana is prohibited throughout the City, the DFA may not issue a license for the cultivation of medical marijuana within the City.

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

I CERTIFY that at a regular meeting on December 15, 2015, the City Council 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 December XX, 2015.

Cheryl Morse, City Clerk

Approved:

Greg Lyman, Mayor



AGENDA BILL

Agenda Item No. 7(A)

Date: December 15, 2015

To: El Cerrito City Council

From: Maria Sanders, Operations + Environmental Services Manager
Yvetteh Ortiz, Public Works Director/City Engineer

Subject: West Contra Costa Integrated Waste Management Authority
Disbursement of Reserve Funds to Member Cities

ACTIONS REQUESTED

Staff requests that Council take the following actions:

- 1) Receive two resolutions by the Board of the West Contra Costa Integrated Waste Management Authority (“Authority”) approving disbursement of a portion of reserve funds to member cities including El Cerrito; and
- 2) Adopt a resolution authorizing receipt of El Cerrito’s share of funds to be disbursed by the Authority in the amount of \$527,124 and authorizing the City Manager to execute an Indemnification Agreement and any other associated agreements, subject to City Attorney approval as to form, with the Authority necessary to facilitate receipt of funds.

BACKGROUND & ANALYSIS

The City of El Cerrito is a member of the Authority (a Joint Powers Authority, which is commonly referred to as “RecycleMore”) along with the cities of Hercules, Pinole, Richmond and San Pablo. The unincorporated West Contra Costa County area is also served by the Authority and represented by a Contra Costa County Supervisor, who serves as an ex-officio member. The Joint Powers Authority (JPA) Agreement entered into by the member agencies authorized the construction and operation of an Integrated Resource Recovery Facility (IRRF), pledged waste stream control to the Authority, and placed certain municipal solid waste activities, including AB 939 compliance, with the Authority.

From 1994 through 2013, the Authority was party to an IRRF Agreement that funded and built the IRRF at 101 Pittsburg Avenue in Richmond. All Authority member agencies paid the debt service on the bonds that funded the IRRF over a twenty-year period via a portion of the monthly IRRF rates charged to solid waste ratepayers in each member city. Shares of the debt service were allocated to each member agency based on annual tons of municipal solid waste (MSW or garbage) generated within each agency. The IRRF Agreement stipulated that a share of revenues from the sale of recyclable materials processed at the IRRF be paid to the Authority.

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In 2014, the Authority entered into a new post-collection agreement with Republic Services. During the term of the original post-collection agreement, the Authority accumulated reserve funds totaling \$6.65 million. These funds came from three different revenue streams: 1) Recyclables generated by member cities with collection agreements with Republic Services (In-Area Recycling Revenue and Rate Reserves-RRRR); 2) Recyclables generated from communities outside of the Authority territory (Out-Of-Area Recycling Revenue and Rate Reserves); and 3) A balancing account with Republic Services (Performance Evaluation Revenue Adjustment Mechanism - PERAM).

At its October 29, 2015 Board of Directors meeting, the Authority approved a motion authorizing disbursement of a portion of the In-Area, Out-Of-Area, and PERAM Reserve Funds. The Authority retained \$1.9 million, making \$4.7 million available for disbursement to member agencies, based on an allocation methodology determined by the Authority and member agencies to be fair and equitable.

Because El Cerrito operates its own recycling collection service and did not direct any of its recyclables to the IRRF during the period of time in which these revenues were generated, El Cerrito is not entitled to a share of the In-Area RRRR. However, El Cerrito is entitled to a share of the Out-Of-Area (OOA) reserve funds and a small portion of the PERAM funds.

The approved disbursement amounts to member agencies is outlined in Chart 1 below. El Cerrito's disbursement share of the total allocation is \$527,124 dollars, of which \$520,811 comes from the OOA reserves, and \$6,313 comes from the PERAM reserves. Per Authority Resolutions 15-03 and 15-05 (Attachments 2 and 3), the OOA funds have no restrictions on use, while use of the PERAM funds are restricted to solid waste diversion purposes.

Chart 1 –Allocation and Disbursement by Member Agency

Member Agency	Allocation of Reserves	Disbursement to Member Agencies
Contra Costa County	\$ 881,591	\$659,481
El Cerrito	\$680,074	\$527,124
Hercules	\$606,825	\$452,545
Pinole	\$614,379	\$431,220
Richmond	\$3,130,738	\$2,175,798
San Pablo	\$735,492	\$502,932
Total	\$6,649,100	\$4,749,100

As part of the Authority Board conditions of approval, the City Council must authorize receipt of the funds and authorize the City Manager to enter into an Indemnification

Agreement (Attachment 4) indemnifying the Authority, the other Member Cities and the County, with regard to any action arising out of the disbursement of Authority funds. In the event that additional agreements or forms are presented to the City associated with disbursement of the funds, City staff is recommending that City Council authorize the City Manager to execute any associated agreements necessary to facilitate the receipt of the funds, subject to approval as to form by the City Attorney.

STRATEGIC PLAN CONSIDERATIONS

Receipt of Authority surplus funds would help fulfill the following City of El Cerrito Strategic Plan goal and objective: Goal B: Achieve long-term financial sustainability.

FINANCIAL CONSIDERATIONS

The City will receive \$527,124 in one-time funds from the Authority, of which \$520,811 comes from OOA reserves and is to be deposited in the General Fund, and \$6,313 comes from the PERAM reserves and is to be deposited in the City's Integrated Waste Management Fund. Per Authority Resolutions 15-03 and 15-05 (Attachments 2 and 3), the OOA funds have no restrictions on use, while use of the PERAM funds are restricted to solid waste diversion purposes. These funds will increase the unrestricted General Fund balance significantly.

LEGAL CONSIDERATIONS

Government Code Section 6512.1 of the Joint Exercise of Powers Act expressly permits a JPA to distribute revenues it has received from the operation of a revenue-producing facility, such as the IRRF. The JPA Agreement does not contain any provisions which directly regulate the distribution of revenue prior to termination of the Authority; therefore, the Authority Board of Directors has the authority and discretion to determine if, and in what manner, revenues should be distributed.

The City Attorney has reviewed the indemnification agreement and proposed actions and found that legal considerations have been addressed. While staff does not anticipate any additional agreements or forms from the Authority to facilitate disbursement of El Cerrito's share of the funds, any additional documentation requests from the Authority will need to be reviewed by the City Attorney as to form.

Reviewed by:

A handwritten signature in blue ink, appearing to read 'Scott Hanin', is written over a horizontal line.

Scott Hanin, City Manager

Attachments:

1. City of El Cerrito Resolution 2015-XX
2. RecycleMore Resolution 15-03 (OOA)
3. RecycleMore Resolution 15-05 (PERAM)
4. Indemnification Agreement

RESOLUTION NO. 2015-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO RECEIVING RESOLUTIONS FROM THE WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY (“AUTHORITY”) REGARDING DISBURSEMENT OF RESERVE FUNDS, AUTHORIZING RECEIPT OF FUNDS FROM THE AUTHORITY IN THE AMOUNT OF \$527,124, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INDEMNIFICATION AGREEMENT AND ANY OTHER ASSOCIATED AGREEMENTS, SUBJECT TO CITY ATTORNEY APPROVAL AS TO FORM, WITH THE AUTHORITY

WHEREAS, the WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY (the “Authority”) is a joint powers authority (“JPA”) organized under the provisions of Government Code Section 6500 *et seq.* (the “Joint Exercise of Powers Act”); and

WHEREAS, the cities of El Cerrito, Hercules, Pinole, Richmond and San Pablo (“Member Cities”) are parties to the JPA agreement that created the Authority, and Contra Costa County is an ex-officio member of the Authority; and

WHEREAS, the JPA agreement authorized the construction and operation of an integrated resource recovery facility (“IRRF”), pledged waste stream control to the Authority, and placed certain municipal solid waste activities, including AB 939 compliance, with the Authority; and

WHEREAS, from 1994 to 2013, the Authority was party to an agreement with Republic Services to operate the IRRF, and this agreement provided for a sharing of revenues generated by the IRRF between the Authority and Republic Services (“IRRF Agreement”); and

WHEREAS, Government Code Section 6512.1 of the Joint Exercise of Powers Act expressly permits a JPA to distribute revenues it has received from the operation of a revenue-producing facility; and

WHEREAS, the JPA agreement creating the Authority does not contain any provisions which directly regulate the distribution of revenue prior to termination of the Authority, and therefore the Authority Board of Directors has the authority and discretion to determine if, and in what manner, revenues should be distributed; and

WHEREAS, the Board of Directors desires to distribute to the Member Cities a portion of the revenues held in reserve that resulted from the IRRF Agreement and on October 29, 2015 adopted Authority Resolution Nos. 15-03, 15-04, and 15-05 approving the disbursement of a portion of these reserve funds; and

WHEREAS, the City of El Cerrito’s total share of funds to be disbursed is \$527,124, as determined by the Authority, all Member Cities, and the County to be a fair and equitable distribution; and

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Attachment 1

WHEREAS, the Authority stipulated that a Member City will be eligible to receive a share of revenues only if its legislative body authorizes the receipt of the monies and authorizes its representative to execute an agreement indemnifying the Authority, the other Member Cities and the County with regard to any claim or action arising out of the Authority's disbursement of monies.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito receives Authority resolutions regarding disbursement of reserve funds, authorizes receipt of \$527,124 in funds from the Authority, and authorizes the City Manager to execute with the Authority an indemnification agreement and any other associated agreements or forms, subject to City Attorney approval as to form, necessary to facilitate the receipt of funds.

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

I CERTIFY that at a regular meeting on December 15, 2015, 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 December __, 2015.

Cheryl Morse, City Clerk

APPROVED:

Greg Lyman, Mayor

RESOLUTION NO. 15 - 03

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST CONTRA COSTA
INTEGRATED WASTE MANAGEMENT AUTHORITY AUTHORIZING THE
DISBURSEMENT OF THE OOA FUND TO MEMBER CITIES AND CONTRA COSTA
COUNTY**

WHEREAS, the West Contra Costa Integrated Waste Management Authority (the “Authority”) is a joint powers authority (“JPA”) organized under the provisions of Government Code section 6500 *et seq.* (the “Joint Exercise of Powers Act”); and

WHEREAS, the cities of El Cerrito, Hercules, Pinole, Richmond and San Pablo (“Member Cities”) are parties to the JPA agreement that created the Authority; and

WHEREAS, the JPA agreement authorized the construction and operation of an integrated resource recovery facility (“IRRF”), pledged waste stream to control of Authority and placed certain municipal solid waste activities, including AB 939 compliance, with the Authority; and

WHEREAS, Contra Costa County (the “County”) is an ex-officio member of the Authority, made the same pledge of waste stream to the Authority as the Member Cities did, and allowed the IRRF to be regulated by the Authority even though it is located within the unincorporated jurisdiction of the County; and

WHEREAS, the Authority entered into an agreement with Republic Services to operate the IRRF, and this agreement provided for a sharing of revenues generated by the IRRF between the Authority and Republic Services; and

WHEREAS, Republic Services entered into agreements with public entities other than the Member Cities (“non-Member Cities”) to process the recyclables collected by those non-Member Cities (“Service Agreements”); and

WHEREAS, the Authority had no regulatory role over these non-Member Cities, and these Service Agreements were the result of freely entered into negotiations and the determination by each party that this was a commercially beneficially arrangement; and

WHEREAS, to the extent that the generators of the recyclables collected by non-Member Cities were charged a fee for collection and processing of the recyclables at the IRRF, those fees were not imposed on property owners by the Authority, Member Cities or the County; and

WHEREAS, the recyclables collected from non-Member Cities were processed at the IRRF and sold, generating revenues, of which the Authority received a portion; and

WHEREAS, these revenues were deposited into the Authority’s out-of-area revenues fund (“OOA Fund”); and

WHEREAS, the OOA Fund was generated from the sale of recyclable materials, originating from outside the Authority's jurisdictional area, pursuant to commercial contracts and were not derived from a tax, a property-related fee or an assessment under Proposition 218.

WHEREAS, the Authority currently has One Million Forty-nine Thousand Sixty-four Dollars (\$1,049,064.00) in the OOA Fund; and

WHEREAS, Government Code section 6512.1 of the Joint Exercise of Powers Act expressly permits a JPA to distribute revenues it has received from the operation of a revenue-producing facility; and

WHEREAS, Government Code section 6512.1 states that "[i]f the purpose set forth in the agreement is the acquisition, construction or operation of a revenue-producing facility, the agreement may provide (a) for the repayment or return to the parties of all or any part of any contributions, payments or advances made by the parties pursuant to Section 6504 and (b) for payment to the parties of any sum or sums derived from the revenues of said facilities. Payments, repayments or returns pursuant to this section shall be made at the time and in the manner specified in the agreement and may be made at any time on or prior to the rescission or termination of the agreement or the completion of the purpose of the agreement"; and

WHEREAS, distribution of revenues under Government Code section 6512.1 must be in accordance with the manner specified in the agency's JPA agreement or, in the absence of express provisions regarding distribution in the JPA agreement, in a manner determined by the JPA's board of directors;

WHEREAS, the JPA agreement creating the Authority does not contain any provisions which directly regulate the distribution of revenue prior to termination of the Authority, and therefore the Board of Directors has the authority and discretion to determine if, and in what manner, the OOA Fund should be distributed; and

WHEREAS, the Board of Directors desires to distribute the monies in the OOA Fund to the Member Cities and the County and some members of the Board of Directors and Authority staff have expressed the view that OOA Funds should be used by Member Cities for the purposes for which the Authority was created, which relate to solid waste, recycling, waste reduction and compliance with AB 939. Member Agencies could further the purposes of the Authority by using the disbursed monies on any use which relates to solid waste or recycling services, or waste reduction, such as litter pickup or recycling education. The Authority does not control the use of funds received by the Member Cities, however; and

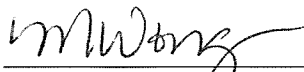
WHEREAS, a Member City or the County will be eligible to receive a share of the OOA Fund only if its legislative body authorizes the receipt of the monies and authorizes its representative to execute an agreement indemnifying the Authority, the other Member Cities and the County with regard to any claim or action arising out of the Authority's disbursement of monies from the OOA Fund; and

WHEREAS, the Board of Directors has not yet determined how much of the OOA Fund to distribute, or how to divide the OOA Fund between the Member Cities and the County, and will make that determination at some point in the future.

NOW, THEREFORE, the Board of Directors of the West Contra Costa Integrated Waste Management Authority resolves as follows:

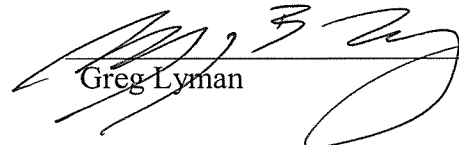
1. The Executive Director is authorized to distribute monies from the Authority's OOA Fund to the Authority's Member Cities and the County in an amount to be determined by the Board of Directors at a meeting on such date that the Board of Directors, in its sole discretion, determines appropriate.
2. The Authority's Legal Counsel is authorized to distribute the Indemnification Agreement in the form on file with the Authority's Secretary. The Indemnification Agreement shall obligate the Member City or County to indemnify, defend with counsel acceptable to the Authority, and hold harmless the Authority, other Member Cities and the County from any and all claims or liabilities arising out of the Authority's disbursement of monies from the OOA Fund, in such form and with such changes that are not materially detrimental to the Authority, as reviewed and approved by the Authority's Legal Counsel. The Executive Director shall not distribute any moneys from the OOA Fund unless and until the legislative body of a Member City approves the Indemnification Agreement, authorizes its execution, and submits an executed copy to the Executive Director. If a Member City does not execute the Indemnification Agreement, it will not be eligible to receive any disbursed monies from the Authority's OOA Fund. The County Board of Supervisors must similarly approve and authorize execution of the indemnification agreement as a condition of receiving any disbursed monies.
3. Once the Board of Directors has determined the amount of monies from the OOA Fund to distribute to each Member City and the County, the Executive Director is authorized to distribute the monies to any Member City that has submitted an executed copy of the Indemnification Agreement, or the County if it has submitted an executed copy of the Indemnification Agreement.

ATTEST:



Melinda Wong, Authority Secretary

CHAIR OF THE BOARD



Greg Lyman

11/12/2015

Date

I hereby certify that the foregoing Resolution was adopted by the Board of Directors of the West Contra Costa Integrated Waste Management Authority at its meeting on October 29, 2015, by the following vote:

AYES: Directors: Romero, Lyman, Beckles, Myrick, Martinez

NOES: Directors: Murray, Valdez

ABSTAIN: Directors: none

ABSENT: Directors: none



Melinda Wong, Authority Secretary

RESOLUTION NO. 15 – 05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST

CONTRA COSTA INTEGRATED WASTE MANAGEMENT

AUTHORITY AUTHORIZING THE DISBURSEMENT OF THE PERAM

FUND TO MEMBER CITIES AND CONTRA COSTA COUNTY

WHEREAS, the WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY (the “Authority”) is a joint powers authority (“JPA”) organized under the provisions of Government Code section 6500 *et seq.* (the “Joint Exercise of Powers Act”); and

WHEREAS, the cities of El Cerrito, Hercules, Pinole, Richmond and San Pablo (“Member Cities”) are parties to the JPA agreement that created the Authority; and

WHEREAS, the JPA agreement authorized the construction and operation of an integrated resource recovery facility (“IRRF”), pledged waste stream to control of Authority and placed certain municipal solid waste activities, including AB 939 compliance, with the Authority; and

WHEREAS, Contra Costa County (the “County”) is an ex-officio member of the Authority, pledged the same waste stream control to the Authority as the Member Cities did, and allowed the IRRF to be regulated by the Authority even though it is located within the unincorporated jurisdiction of the County; and

WHEREAS, the Authority entered into an agreement with Republic Services to operate the IRRF (“Service Agreement”), and the original version of that agreement expired in 2013; and

WHEREAS, under the terms of the Service Agreement, Republic Services owed the Authority a reconciliation and account balancing payment upon the expiration of the Service Agreement; and

WHEREAS, this payment was deposited into the Authority’s Service Agreement closeout revenues fund (“PERAM Fund”); and

WHEREAS, under the terms of the Service Agreement, the Authority was charged with developing and implementing the flow of revenues to Republic Services, but the Authority did not set any fees to be imposed directly on the Member Cities’ or the County’s solid waste customers; and

WHEREAS, the Authority calculated the revenues required to meet the terms of the Service Agreement and allocated those costs, along with the Authority’s administrative costs, on a per ton charge on all tons of solid waste collected by Republic Services pursuant to the

Member City and County franchises, with these per charges paid by the collectors for the services and facilities included in the Service Agreement; and

WHEREAS, these per ton charges imposed on the waste stream were contractual in nature and were not imposed directly on solid waste ratepayers by the Authority; and

WHEREAS, the PERAM Fund was generated from Republic Services' contractual obligation pursuant to the Service Agreement and were not in any way derived from fees; and

WHEREAS, the PERAM Fund was not derived from either a tax, a property-related fee or an assessment under Proposition 218; and

WHEREAS, the Authority is an independent legal entity, distinct from the Member Cities and the County, and any fees, charges or rates imposed by the Member Cities or the County are not imposed by the Authority; and

WHEREAS, the Authority currently has Two Million Six Hundred Fifty Thousand Dollars (\$2,650,000.00) in the PERAM Fund; and

WHEREAS, Government Code section 6512.1 of the Joint Exercise of Powers Act expressly permits a JPA to distribute revenues it has received from the operation of a revenue-producing facility; and

WHEREAS, Government Code section 6512.1 states that:

[i]f the purpose set forth in the agreement is the acquisition, construction or operation of a revenue-producing facility, the agreement may provide (a) for the repayment or return to the parties of all or any part of any contributions, payments or advances made by the parties pursuant to Section 6504 and (b) for payment to the parties of any sum or sums derived from the revenues of said facilities. Payments, repayments or returns pursuant to this section shall be made at the time and in the manner specified in the agreement and may be made at any time on or prior to the rescission or termination of the agreement or the completion of the purpose of the agreement; and

WHEREAS, distribution of revenues under Government Code section 6512.1 must be in accordance with the manner specified in the agency's JPA agreement or, in the absence of express provisions regarding distribution in the JPA agreement, in a manner determined by the JPA's board of directors; and

WHEREAS, the JPA agreement creating the Authority does not contain any provisions which directly regulate the distribution of revenue prior to termination of the Authority, and

therefore the Board of Directors has the authority and discretion to determine if, and in what manner, the PERAM Fund should be distributed; and

WHEREAS, the Board of Directors desires to distribute the monies in the PERAM Fund to the Member Cities and the County, but only on the condition that the Member Cities and the County use the distributed monies for uses that further the purpose of the Authority; and

WHEREAS, the Authority was created for a limited and specific purpose relating to solid waste, recycling, waste reduction and compliance with AB 939; and

WHEREAS, Member Cities and the County may further the purposes of the Authority by using the disbursed monies on any use which relates to solid waste or recycling services, or waste reduction; and

WHEREAS, a Member City or the County will be eligible to receive a share of the PERAM Fund only if its legislative body authorizes the receipt of the monies and authorizes its representative to execute an agreement indemnifying the Authority, the other Member Cities and the County with regard to any claim or action arising out of the Authority's disbursement of monies; and

WHEREAS, the Board of Directors has not yet determined how much of the PERAM Fund to distribute, or how to divide the PERAM Fund between the Member Cities and the County, and will make that determination at some point in the future.

NOW, THEREFORE, the Board of Directors of the West Contra Costa Integrated Waste Management Authority resolves as follows:

1. The Executive Director is authorized to distribute monies from the Authority's PERAM Fund to the Authority's Member Cities and the County in an amount to be determined by the Board of Directors at a meeting on such date that the Board of Directors, in its sole discretion, determines appropriate.
2. The Authority's Legal Counsel is authorized to distribute the Indemnification Agreement in the form on file with the Authority's Secretary. The agreement shall obligate the Member City or the County to indemnify, defend with counsel acceptable to the Authority, and hold harmless the Authority, other Member Cities and the County from any and all claims or liabilities arising out of the Authority's disbursement of monies from the PERAM Fund, in such form and with such changes that are not materially detrimental to the Authority, as reviewed and approved by the Authority's Legal Counsel. The city council of each Member City receiving the disbursed PERAM Fund shall approve the agreement and authorize its execution prior to receipt of any monies from the PERAM Fund. If a Member City does not execute the indemnification agreement, it will not be eligible to receive any disbursed monies from the Authority. The

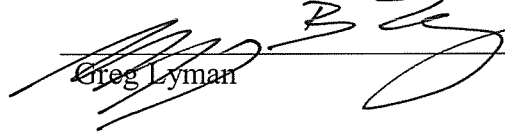
County Board of Supervisors must similarly approve and authorize execution of the indemnification agreement as a condition of receiving any disbursed monies.

3. Once the Board of Directors has determined the amount of monies from the PERAM Fund to distribute to each Member City and the County, the Executive Director is authorized to distribute the monies to any Member City that has submitted an executed copy of the indemnification agreement, or the County if it has submitted an executed copy of the indemnification agreement.

ATTEST:

CHAIR OF THE BOARD


Melinda Wong, Authority Secretary


Greg Lyman

10/30/2015
Date

I hereby certify that the foregoing Resolution was adopted by the Board of Directors of the West Contra Costa Integrated Waste Management Authority at its meeting on October 29, 2015 by the following vote:

AYES: Directors: Romero, Lyman, Beckles, Myrick, Martinez
NOES: Directors: Murray, Valdez
ABSTAIN: Directors: none
ABSENT: Directors: none


Melinda Wong, Authority Secretary

INDEMNIFICATION AGREEMENT BY AND BETWEEN
WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT
AUTHORITY AND THE CITY OF EL CERRITO

This Indemnification Agreement (“Agreement”), dated as of the Effective Date set forth below, is entered into by and between WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY (“Authority”), a California joint powers authority, and the CITY OF EL CERRITO, California municipal corporation (“City”).

RECITALS

WHEREAS, the Authority is a joint exercise of powers authority whose members include the City, in addition to other cities located in Contra Costa County, California; and

WHEREAS, the Authority was created for limited and specific purposes related to solid waste transfer and disposal, recycling services, waste reduction and compliance with AB 939; and

WHEREAS, another purpose of the Authority was to construct, maintain and operate an integrated resource recovery facility (“IRRF”), which was constructed at the direction of the Authority; and

WHEREAS, the Authority entered into an agreement with Republic Services to operate and manage the IRRF, and to share revenues generated from the IRRF’s operation; and

WHEREAS, as a result of the operation of the IRRF, the Authority has accumulated reserves in three separate funds, each of which has a separate specific source; and

WHEREAS, the three funds are the out-of-area fund (“OOA Fund”), the Recycling Revenue and Rate Reserve Fund (“RRRR Fund”) and the PERAM fund; and

WHEREAS, Government Code section 6512.1 authorizes the Authority to distribute revenues generated from the IRRF to its member entities at the discretion of the Authority’s Board of Directors; and

WHEREAS, the Authority’s Board of Directors adopted a resolution on October 29, 2015, authorizing a disbursement of a portion of the OOA Fund, RRR Fund, and PERAM fund to the Authority’s members;

WHEREAS, the Authority’s Board of Directors authorized a disbursement of monies from the OOA Fund, RRR Fund, and PERAM fund to the City on October 29, 2015 and November 12, 2015 in the amount of five hundred twenty-seven thousand one hundred and twenty-four dollars (\$527,124); and

WHEREAS, the Authority authorized the disbursement on the condition that the City use the disbursed monies, excepting those originating from the OOA Fund, for uses that furthers the purpose of the Authority, and on the condition that the City indemnify the Authority from any claim arising out of the disbursement of the monies.

NOW, THEREFORE, in consideration of the above recitals, and in anticipation of a disbursement of funds by the Authority to the City, the parties agree as follows:

1. Indemnification.

To the fullest extent permitted by law, the City shall indemnify, defend with counsel acceptable to the Authority, and hold harmless the Authority, other Authority Member Agencies, the County, and their officers, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all liabilities, actions, suits, proceedings, claims, demands, losses, costs and expenses, including legal costs and attorneys' fees, (collectively, "Liability") of every nature arising out of or in connection with Authority's disbursement of monies to the City, except such Liability caused by the sole negligence or willful misconduct of the Authority.

City shall immediately notify the Authority of any claim or loss against City arising out of the disbursement of funds by the Authority. Authority assumes no obligation or liability by such notice, but has the right to monitor the handling of any such claim.

2. Interpretation of this Agreement.

This Agreement represents the entire understanding of the parties as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement shall not be interpreted for or against any party by reason of the fact that such party may have drafted this Agreement or any of its provisions.

3. Amendment.

No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by both of the parties hereto.

4. Waiver.

No waiver of any of the provisions of this Agreement shall be binding unless in the form of writing signed by the Authority, and no such waiver shall operate as a waiver of any other provisions hereof (whether or not similar), nor shall such waiver constitute a continuing waiver. Except as specifically provided herein, no failure to exercise or any delay in exercising any right or remedy hereunder shall constitute a waiver thereof.

5. Severability.

If any provision or portion thereof of this Agreement shall be held by a court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

6. Governing Law and Venue.

This Agreement shall be governed by and construed and enforced in accordance with the

laws of the state of California applicable to contracts made and to be performed in California. In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa

7. Notices.

All notices, demands and other communications required or permitted hereunder shall be made in writing and shall be deemed to have been duly given if delivered by hand, against receipt, mailed certified or registered mail or sent by overnight courier and addressed as follows:

If to the Authority: West Contra Costa Integrated Waste Management Authority
Attention: Executive Director
One Alvarado Square
San Pablo, CA 94806

If to the City: City of El Cerrito
Attention: City Clerk
10890 San Pablo Avenue
El Cerrito, CA 94530

8. Effective Date.

This Agreement will be effective as of the date (the "Effective Date") of the latest date of the execution of this Agreement by the parties as set forth in the signature block.

IN WITNESS HEREOF, the parties hereto duly executed this Agreement as of the date below.

WEST CONTRA COSTA INTEGRATED
MANAGEMENT AUTHORITY

By: _____
George Stan Hakes
Executive Director

CITY OF EL CERRITO

By: _____
Scott Hanin
City Manager

ATTEST:

ATTEST:

APPROVED AS TO FORM:

Kenton L. Alm, Authority Counsel

APPROVED AS TO FORM:

Sky Woodruff, City Attorney
City of El Cerrito

2510697.2

2016 COUNCIL LIAISON ASSIGNMENTS (Confirmed at the 12/15/15 Meeting)		
LEGISLATIVE BODY	2015 Appointee	2016 Appointee
Association of Bay Area Governments (ABAG), General Assembly (Delegate - <i>Meets Thursdays in April and October, 8:30 am to 3:30 pm</i>)	Friedman	Quinto
Association of Bay Area Governments (ABAG), General Assembly (Alternate)	Quinto ¹	Friedman
League of California Cities East Bay Division (Delegate – <i>Meets many months on 4th Thurs, 7 pm, var. Cities. Also 3 day Annual League Conference in September</i>)	Abelson	Abelson
League of California Cities East Bay Division (Alternate)	Quinto	Quinto
Contra Costa Mayors’ Conference (Delegate - <i>Meets 1st Thurs, 6:30 pm, var. cities</i>)	Friedman (Mayor) ²	Lyman (Mayor)
Contra Costa County Mayors’ Conference (Alternate)	Lyman(MPT) ³	Abelson (MPT)
West County Mayors’ & Supervisors’ Assn. (<i>Meets 4th Thurs, 8:00 am, var. cities</i>)	Friedman (Mayor)	Lyman (Mayor)
West County Mayors’ & Supervisors’ Association (Alternate)	Lyman (MPT)	Abelson (MPT)
Marin Clean Energy Board (Delegate) (<i>Meets 3rd Thursday, 7pm, San Rafael</i>)	Lyman	Lyman
Marin Clean Energy Board (Alternate)	Quinto	Quinto
West Contra Costa Transportation Advisory Committee (Delegate) (<i>Generally Meets 4th Fri, 8:00 am, City of San Pablo – Makes appointment to CCTA</i>)	Abelson	Abelson
West Contra Costa Transportation Advisory Committee (Alternate)	Lyman	Quinto
Contra Costa Transportation Auth. Board Member (<i>appointments made by WCCTA or Mayors’ Conference – full board meets 3rd Wednesday, 6:00 pm, Walnut Creek</i>)	Abelson	Abelson
East Bay Green Corridor Principal (<i>ideally 2 successive terms</i>)	Lyman	Quinto
Tom Bates Regional Sports Field JPA (<i>meets qtlly. on 2nd Wed, 5:30 pm, Albany</i>)	Bridges	Bridges
Tom Bates Regional Sports Field JPA (Alternate)	Quinto	Quinto
West County Integrated Waste Management Authority (Delegate) (<i>Generally meets 2nd Thurs evening per month, 7:00 pm, City of San Pablo</i>)	Lyman	Lyman
West County Integrated Waste Management Authority (Alternate)	Friedman	Friedman
Arts & Culture Commission (<i>Meets 4th Mon, 7:00 pm</i>)	Quinto	Bridges
Crime Prevention Committee (<i>Meets 2nd Wed, 7:00 pm</i>)	Quinto	Friedman
Committee on Aging (<i>Meets 3rd Wed, 3:00 pm</i>)	Abelson	Abelson
Design Review Board (<i>Meets 1st Wed, 7:30 pm</i>)	Bridges	Lyman
Economic Development Committee (<i>Meets 4th Wed, 7:30 pm</i>)	Friedman	Quinto
Environmental Quality Committee (<i>Meets 2nd Tues, 7:00 pm</i>)	Lyman	Quinto
Financial Advisory Board (<i>Meets 2nd Tues, 7:00 pm</i>)	Lyman	Quinto
Human Relations Commission (<i>Meets 1st Wed, 7:00 pm</i>)	Friedman	Lyman
Park and Recreation Commission (<i>Meets 4th Wed, 7:00 pm</i>)	Abelson	Friedman
Planning Commission (<i>Meets 3rd Wed, 7:30 pm</i>)	Quinto	Bridges
Tree Committee (<i>Meets 2nd Mon, 7:00 pm</i>)	Bridges	Abelson
Municipal Services Corporation Chair (<i>Established by MSC bylaws</i>)	Friedman (Mayor)	Lyman (Mayor)
Municipal Services Corporation Vice-Chair (<i>Established by MSC bylaws</i>)	Lyman (MPT)	Abelson (MPT)
Pension Board Chair (<i>Meets same as Council</i>)	Friedman (Mayor)	Lyman (Mayor)
Pension Board (Alternate)	Lyman (MPT)	Abelson (MPT)
Successor Agency to the Former Redevelopment Agency Chair (<i>Per bylaws</i>)	Friedman (Mayor)	Lyman (Mayor)
Successor Agency to the Former Redevelopment Agency Vice-Chair (<i>Per bylaws</i>)	Lyman (MPT)	Abelson (MPT)
Disaster Preparedness Council (Delegate) (<i>Inactive</i>)	Friedman (Mayor)	Lyman (Mayor)
Disaster Preparedness Council (Alternate) (<i>Inactive</i>)	Lyman (MPT)	Abelson (MPT)

¹ Grey text used to accentuate “Alternate” positions; ² “(Mayor)” used to indicate position is assigned to current Mayor; ³ “(MPT)” used to indicate position assigned to current Mayor Pro Tem; ⁴ TBA = to be assigned