



City of San Juan Bautista

The "City of History"

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AGENDA

REGULAR CITY COUNCIL MEETING

TUESDAY ~ FEBRUARY 15, 2022 ~ 6:00 P.M.

~ PUBLIC PARTICIPATION BY ZOOM ONLY ~

Join Zoom Webinar <https://zoom.us/j/81291495461>

or call 1 (669) 900-6833

Webinar ID: 812 9149 5461

THIS MEETING WILL BE CONDUCTED PURSUANT TO GOVT. CODE §54953(e)(1)(A).

In order to minimize the spread of the COVID 19 virus the City Council is conducting this meeting by Zoom webinar and will be offering alternative options for public participation. You are encouraged to watch the meeting live on Zoom or Facebook.

PUBLIC COMMENTS WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE CITY COUNCIL. DURING THE MEETING: TO PROVIDE VERBAL PUBLIC COMMENTS ON AN AGENDA ITEM DURING THIS MEETING CALL THE PHONE NUMBER LISTED ABOVE OR LOG INTO ZOOM AND ENTER THE MEETING ID NUMBER AS LISTED ABOVE.

When the Mayor announces public comment is open for the item which you wish to speak, press *9 on your telephone keypad or if joining by Zoom, use the raise your hand icon. When called to speak, please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for all other speakers for the particular agenda item. Comments from other platforms will not be considered during the meeting. If you would like to participate during the meeting you MUST use Zoom.

If you are unable to join the meeting, written comments may be mailed to the Deputy City Clerk at City Hall (P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to deputycityclerk@san-juan-bautista.ca.us not later than 5:00 p.m. on February 15, 2022, and will be read into the record during public comment on the item.

In compliance with the Americans with Disabilities Act, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Deputy City Clerk a minimum of 48 hours prior to the meeting at (831) 623-4661.

If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

A Closed Session may be called during this meeting pursuant to Government Code §54956.9 (d)(2) if a point has been reached where, in the opinion of the legislative body of the City on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

Materials related to all items on this agenda are available in the agenda packet on the City website www.san-juan-bautista.ca.us subject to Staff's ability to post the documents before the meeting, or by emailing deputycityclerk@san-juan-bautista.ca.us or calling the Deputy Clerk (831) 623-4661 during normal business hours.

1. **Call to Order**
Pledge of Allegiance
Roll Call

2. **Ceremonial Items**
 - A. **Appoint Mayor**
 - B. **Appoint Vice Mayor**

3. **Public Comment**

This portion of the meeting is reserved for persons desiring to address the Council on matters not on this agenda. The law does not permit Council action or extended discussion of any item not on the agenda except under special circumstances. If Council action is requested, the Council may place the matter on a future agenda.

4. **Consent Items**

All matters listed under the Consent Agenda may be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a staff member, or a citizen.

- A. **Approve Affidavit of Posting the Agenda**
- B. **Adopt the Minutes of December 14, 2021**
- C. **Adopt the Minutes of December 21, 2021**
- D. **Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing Closure of Streets to Enable a Community Street Mandala on March 20, 2022**
- E. **Adopt a Resolution of the City Council of the City of San Juan Bautista Proclaiming and Reaffirming the Existence of a Local Emergency in the City**
- F. **Adopt a Resolution of the City Council of the City of San Juan Bautista Accepting the Resignation of Member(s) and Adding New Members to the City of San Juan Bautista Economic Development Citizen Advisory Committee (EDCAC)**
- G. **Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title**
- H. **Adopt a Resolution of the City Council of the City of San Juan Bautista Opposing Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act, and Direct Staff to Send a Copy to the League of California Cities**

5. **Presentations, Proclamations, Informational Items and Reports**

- A. **Proclamation for Black History Month**
- B. **Regional Housing Need Determination (RHND) Presentation by Veronica Lezama of San Benito County COG**
- C. **Treasurer's Report and Monthly Financial Statements by City Treasurer Michelle Sabathia**
- D. **City Manager's Report**
- E. **Reports from City Council Representatives to Regional Organizations and Committees**

6. **Action Items**

- A. **Adopt a Resolution of the City Council of the City of San Juan Bautista Directing Staff to Advertise for Candidates to Fill the City Clerk Vacancy and Directing Staff to Start the Process to Put a Measure on the Ballot to Make the City Clerk Position Appointive**
- B. **Adopt a Resolution of the City Council of the City of San Juan Bautista Approving the Deputy City Clerk Job Description**


- C. **Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing the City Manager to Execute a Professional Services Agreement With Regional Government Services (RGS) to Temporarily Provide Clerk Services for City Council and Planning Commission Meetings, Human Resources and Risk Management Services**
 - D. **Adopt a Resolution of the City Council of the City of San Juan Bautista Approving "Amendment to Contract of Employment for City Attorney," Providing for Appointment of Robert E. Rathie as City Attorney**
 - E. **Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing the City Manager to Execute a Contract with EMC Planning Group to Prepare a Community Plan and Sphere of Influence Study**
 - F. **Adopt a Resolution of the City Council of the City of San Juan Bautista Amending the Memorandum of Understanding Approved by Resolution 2021-16 Related to the Use of Federal "CDBG-CV1" Funds for Subsistence Payments for Utility Costs for the Residents of San Juan Bautista, and Expanding This Assistance to All County Residents to Expedite the Use of All Funds Before the May 2022 Deadline**
 - G. **Adopt A Resolution of the City Council of the City of San Juan Bautista Establishing A COVID-19 Sick Leave Program and Authorize the City Manager to Approve Up to Eighty-Hours of Sick Leave For COVID-19 Related Illness**
7. **Discussion**
- A. **Strategic Plan Update**
 - B. **COVID-19 Update**
 - C. **Water and Wastewater Update**
8. **Future Agenda Items**
9. **Comments**
- A. **City Council**
 - B. **City Manager**
 - C. **City Attorney**
10. **Adjournment**

AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 11th DAY OF FEBRUARY 2022, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,
ON THE 11th DAY OF FEBRUARY 2022.



TRISH PAETZ, DEPUTY CITY CLERK

**CITY OF SAN JUAN BAUTISTA
SPECIAL CITY COUNCIL MEETING
DECEMBER 14, 2021
DRAFT MINUTES**

1. **CALL TO ORDER** - Mayor Leslie Jordan called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE – Council Member Flores lead the pledge of allegiance.

ROLL CALL Present: Mayor Jordan, Vice Mayor Flores, Council Members Freeman, and Edge

Absent: Council Member Freels

Staff Present: City Manager Reynolds, City Attorney Mall, Deputy City Clerk Paetz

2. **CONSENT ITEMS**

- A. **Approve the Affidavit of Posting Agenda**
- B. **Approve the Affidavit of Posting and Mailing of a Public Hearing Notice**
- C. **Approve Modified Memorandum of Understanding Between San Benito County and the Cities of San Juan Bautista and Hollister for the implementation of Senate Bill 1383 and Establishment of an Edible Food Recovery Program Consistent with California Code of Regulations, Title 14, Division 7, Chapter 12 Short Lived Climate Pollutants**

A motion was made by Council Member Edge and seconded by Vice Mayor Flores to approve all items on the Consent Agenda. The motion passed unanimously, 4-0-0-1, with Council Member Freels absent.

3. **PUBLIC HEARING ITEMS**

- A. **Adopt Resolution 2021-71 Approving a Mitigated Negative Declaration for the Force Main Project, and Approve the Preliminary Design Report for the San Juan Bautista Sanitary Sewer Force Main Project**

City Manager Reynolds provided a report. Steven Beck of Stantec explained their preliminary design report for the Sanitary Sewer Force Main Project. EMC Representative Teri Wissler explained preparation and posting of the Mitigated Negative Declaration. Mayor Jordan opened the public hearing. Jackie Morris Lopez asks for clarification whether this is a water or waste water project. Mayor Jordan closed the public hearing.

A motion was made by Council Member Freeman and seconded by Vice Mayor Flores to Adopt Resolution 2021-71 Approving a Mitigated Negative Declaration for the Force Main Project, and Approve the Preliminary Design Report for the San Juan Bautista Sanitary Sewer Force Main Project. The motion passed unanimously, 4-0-0-1 with Council Member Freels absent.



B. Conduct Protest Hearing Pursuant to Proposition 218 with Respect to Proposed Sewer Rates and Consider Introduction of an Ordinance Increasing Sewer Rates and Amending Section 3-5-150 of the San Juan Bautista Municipal Code Regarding Sewer Rates

City Manager Reynolds introduced Erik Helgeson of Bartle Wells and Associates who was contracted to perform the sewer rate study. Helgeson reported the proposed sewer rates increase will help fund the force main project. He also reported Proposition 218 states that a customer's rates must not generate revenues in excess of the cost of service for which the fee is charged, and customers are given the opportunity to protest the rate increase.

Mayor Jordan opened the public hearing. Jackie Morris Lopez made an oral protest. Moira Casey made an oral protest and commented she was told when purchasing property in the Rancho Vista subdivision that there was no problem with the water. Joe Klaus made an oral protest.

Deputy City Clerk Paetz reported she received three writings in City Hall, purporting to be protests prior to the meeting tonight, and three oral protests that were made at this hearing. Even if all of these protests are assumed to be valid, this is below the threshold for a majority protest. Therefore, there is no majority protest.

A motion was made by Council Member Edge and seconded by Council Member Freeman to introduce an ordinance increasing sewer rates and amending Section 3-5-150 of the San Juan Bautista Municipal Code regarding sewer rates. The motion passed unanimously 4-0-0-1 with Council Member Freels absent.

The Council agreed that this was a difficult decision to make, and required reading through lots of materials, studies, and more.

4. ADJOURNMENT

The meeting adjourned at 7:12 p.m.

**CITY OF SAN JUAN BAUTISTA
REGULAR CITY COUNCIL MEETING
DECEMBER 21, 2021
DRAFT MINUTES**

1. CALL TO ORDER - Mayor Leslie Jordan called the meeting to order at 6:12 p.m.

PLEDGE OF ALLEGIANCE – Council Member Flores lead the pledge of allegiance.

ROLL CALL Present: Mayor Jordan, Vice Mayor Flores, Council Members Freeman, and Freels

Absent: Council Member Edge

Staff Present: City Manager Reynolds, City Attorney Mall, Deputy City Clerk Paetz

Report on the Special Closed Session Meeting of December 21, 2021 at 5:00 p.m.
City Attorney Mall reported that two matters were heard, no reportable action was taken and Council direction was given to legal counsel.

2. CEREMONIAL ITEMS

A. Appoint Mayor

B. Appoint Vice Mayor

It was the consensus of the Council to continue this item to the January Regular meeting.

3. PUBLIC COMMENT

No public comment received.

4. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Adopt the Minutes of October 19, 2021

C. Adopt Resolution 2021-72 of the City Council of the City of San Juan Bautista Proclaiming and Reaffirming the Existence of a Local Emergency in the City

D. Adopt Ordinance 2021-04 of the City Council of the City of San Juan Bautista For an Edible Food Recovery Program in the City of San Juan Bautista

E. Adopt Ordinance 2021-05 of the City Council of the City of San Juan Bautista To Increase Sewer Rates

F. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title

Council Member Freels reported he could not vote on the minutes of October 19, 2021 as he was absent for that meeting.

A motion was made by Council Member Flores and seconded by Council Member Freels to approve all items on the Consent Agenda except Item B, the minutes of October 19, 2021. The motion passed unanimously, 4-0-0-1 with Council Member Edge absent.

A motion was made by Vice Mayor Flores and seconded by Mayor Jordan to approve the minutes of October 19, 2021. The motion passed unanimously, 3-0-1-1 with Council Member Edge absent and Council Member Freels abstaining.

5. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Regional Housing Need Determination (RHND) Presentation by Veronica Lezama of San Benito County COG

Presentation was received by Council. During public comment, Jackie Morris Lopez encouraged the Council to write a letter. City Manager Reynolds asked about the methodology. Community Development Director Foucht provided input on the methodology.

B. FY2021 Audit Presentation by Ryan Jolley

The Audit presentation was received by Council. There was no public comment.

C. Treasurer's Report and Monthly Financial Statements by City Treasurer Michelle Sabathia

City Treasurer Sabathia was absent and City Accountant Wendy Cumming provided the report. There was no public comment.

D. City Manager's Report

City Manager Reynolds provided a report using slides. No public comment received.

E. Reports from City Council Appointees to Regional Organizations and Committees

Council Members reported on meetings they attended. No public comment received.

6. ACTION ITEMS

A. Adopt Resolution 2021-73 of the City Council of the City of San Juan Bautista Acknowledging Hollister Fire Department to Perform the Inspection of Certain Occupancies Required Annually Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code and Authorize the Acceptance of Senate Bill No. 1205

Fire Marshal Chief Charlie Bedolla provided a report. Council Member Freels asked whether the State provides funding for training or wages. Bedolla responded, no, but added that property owners appreciate the Fire Department's presence and input received during the inspections.

A motion was made by Vice Mayor Flores and seconded by Council Member Freels to adopt Resolution 2021-73 Acknowledging Hollister Fire Department would Perform the Inspection of Certain Occupancies Required Annually Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code and Authorize the Acceptance of Senate Bill No. 1205. The motion passed unanimously, 4-0-0-1 with Council Member Edge absent.

B. Adopt Resolution 2021-74 of the City Council of the City of San Juan Bautista Increasing the Number of Members and Appointing Members to the City of San Juan Bautista Economic Development Citizen Advisory Committee

Community Development Director Foucht reported that on at their regular meeting in November, the Council established the SJB EDCAC as a standing committee to provide a formal, organized approach to address business improvement, resiliency and overall economic development in SJB. Community Development Director Foucht is recommending tonight that the Council appoint eleven members to the ECCAC and amend the structure of the committee accordingly. No public comment was received.

A motion was made by Council Member Freeman and seconded by Vice Mayor Flores to adopt Resolution 2021-74 Increasing the Number of Members and Appointing Members to the City of San Juan Bautista Economic Development Citizen Advisory Committee. The motion passed unanimously.

C. Adopt Resolution 2021-75 of the City Council of the City of San Juan Bautista Accepting the San Juan Bautista Municipal Audit for Fiscal Year 2020-2021

A presentation of the audit was heard by the Council earlier in the meeting. Staff is requesting Council approve a resolution accepting the audit. No public comment was received.

A motion was made by Vice Mayor Flores and seconded by Council Member Freels to adopt Resolution 2021-75 Accepting the San Juan Bautista Municipal Audit for Fiscal Year 2020-2021. The motion passed unanimously, 4-0-0-1, with Council Member Edge absent.

7. DISCUSSION ITEMS

A. Annual Review of the Code of Ethics for Council, Boards and Commissions

City Manager Reynolds reviewed the policy, and advised the Code of Ethics would be brought back annually to the Council for discussion. No public comment was received.

B. Update for the Community Hall Rental Policy – Private Security

City Manager Reynolds provided a report. Council Member Freels felt the input from the City's insurance carrier was beneficial, and a fee schedule needs to be revisited. Council Member Freeman commented that at least three or five security companies need to be vetted. Mayor Jordan commented that a company that is interested in the good of San Juan Bautista should be selected for the job, and Level 1 Security is currently doing a great job. City Manager Reynolds commented that the security services contract will be between the security company and the renter of the hall.

C. SB9 Proposed Legislation

Community Development Director Foucht provided a report on SB9, also known as the California Housing Opportunity and More Efficiency (HOME) Act, a state bill written by Assemblymember Robert Rivas and Senator Anna Caballero, that



requires cities to allow one additional residential unit onto parcels zoned for single-dwelling units. The law, which passed in September 2021, will go into effect across California on January 1, 2022. The Community Development Director commented that San Juan Bautista does not fall into "urban clusters," and the law does not apply to historic districts. During Public comment, Jackie Morris Lopez commented that one size does not fit all, and Rivas and Caballero are not our friends.

8. FUTURE AGENDA ITEMS

Develop Lang Park was suggested by Council Member Freels. Council Member Freeman suggested a discussion about needed facilities for youth activities, like a skateboard park.

9. COMMENTS

A. City Council

Council Member Freels suggested that the comments section be moved up in the agenda so announcements can be heard. Mayor Jordan announced that the Fire Department is holding a toy drive, and anyone can drop off donations at the Fire House on Polk Street and they will be distributed.

B. City Manager

No comments were received.

C. City Attorney

No comments were received.

10. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

RESOLUTION NO. 2021-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA AUTHORIZING CLOSURE OF STREETS TO ENABLE A
COMMUNITY STREET MANDALA ON MARCH 20, 2022:**

BE IT RESOLVED that the City Council does hereby authorizes the following entities to close the following streets on the day(s) and time as follows:

Ramona Hill of Credo Studio is authorized to close the following streets on March 20, 2022 from 8AM to 6PM for a Community Street Mandala:

- Franklin Street between Third and Fourth Streets.

*A fire lane to the satisfaction of the Fire Marshall shall be maintained on any closed street so designated by the Fire Marshall.

PASSED AND ADOPTED this 15th day of February 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Q. Jordan, Mayor

ATTEST:

Shawna Freels, City Clerk

RESOLUTION 2022-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA,
COUNTY OF SAN BENITO, STATE OF CALIFORNIA, PROCLAIMING AND REAFFIRMING
THE EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS, the San Juan Bautista Municipal Code Section 5-33-040 empowers the City Council to proclaim the existence or threatened existence of a local emergency when said City is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven days; and

WHEREAS, the San Juan Bautista City Council has been requested by the Director of Emergency Services (City Manager) of the City of San Juan Bautista to proclaim and reaffirm the existence of a local emergency therein; and

WHEREAS, conditions of disaster or extreme peril to the safety of persons and property have arisen within the City caused by a pandemic commencing on or about 8:00 a.m. on the 13th day of March, 2020, at which time the City Council of the City of San Juan Bautista was not in session; and

WHEREAS, said City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the City of San Juan Bautista on the 13th day of March, 2020; and

IT IS FURTHER PROCLAIMED, REAFFIRMED AND ORDERED that during the existence of said local emergency, organization of this City shall be prescribed by law, by Ordinances and Resolutions of the City, and approved by the City Council; and

IT IS FURTHER PROCLAIMED AND ORDERED that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of San Juan Bautista, State of California.

Dated this 15TH day of February, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk





CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: ADOPT A RESOLUTION ACCEPTING THE RESIGNATION OF MEMBER(S) AND ADDING NEW MEMBERS THE CITY OF SAN JUAN BAUTISTA ECONOMIC DEVELOPMENT CITIZEN ADVISORY COMMITTEE (EDCAC);

MEETING DATE: February 15, 2022

DEPARTMENT HEAD: Brian Foucht, Community Development Director

RECOMMENDED ACTION(S):

Staff recommends that the City Council adopt a resolution amending Resolution 2021-65 thereby accepting the resignation of Cara Denny from the EDCAC and appointing Luke Kerbs as a member of the EDCAC.

BACKGROUND INFORMATION:

On November 16, 2021 the City Council approved Resolution 2021-65 establishing the SJB EDCAC as a standing committee to provide a formal, organized approach to address business improvement, resiliency and overall economic development in San Juan Bautista.

DISCUSSION:

A standing committee of the sort under consideration is subject to the Brown Act (Government Code Section 54952) and also the "Maddy Act" (Government Code Section 54970 et seq) designed to increase public awareness of appointments made by the City Council and to provide the local legislative bodies access to critical talent resources that would otherwise go unused. Formal recognition of resignations and appointments are requirements for such committees.

Fiscal Impact

The fiscal impact on the City short term will consist of costs to support the committee. Long term financial benefit to the City is expected to outweigh these costs.

Attached:
Resolution



**CITY OF SAN JUAN BAUTISTA
APPLICATION FOR COMMISSIONS AND BOARDS**

Check one: Planning Commission Historic Resources Board

1. Applicant Name: LUKE KERBS

2. Current Residence: _____

Mailing Address: _____

E-mail Address: _____

3. Telephone Number: _____

4. How long have you been a resident of San Juan Bautista? _____

5. Are you currently serving or have you served on a City of San Juan Bautista Board, Commission, or City Council?

If yes, which one? _____ Term currently serving _____

_____ Term currently serving _____

6. What motivated you to apply for this Board or Commission? You may attach a separate sheet of paper.

See Attached

7. What skills or attributes can you bring to this Board or Commission? You may attach a separate sheet of paper.

See Attached

8. The primary role of a Board or Commission member is to provide advice to the City Council on policy issues that are within the scope of that Board or Commission. With this in mind, what steps would you take to effectively exercise this specific Board or Commission role? You may attach a separate sheet of paper.

See Attached

9. List any relevant education, training or experience that demonstrates your ability to effectively serve on this Board or Commission. You may attach a separate sheet of paper.

see Attached

Applicant's Name LUKE KERBS

10. List and provide a brief description of your current or last occupation.

SEE Attached

11. Have you attended a City Council, Board or Commission meeting, Town Hall meeting or Public Workshop? If so, please describe what you learned and what improvements you would suggest the City consider.

See Attached

12. Describe your involvement in community activities, volunteer and civic organizations.

See Attached

13. Do you have any physical or mental constraints which may limit your ability to perform the duties of a Board or Commission member? If yes, what can be done to accommodate these constraints?

See Attached

(Note: Pursuant to the Americans with Disabilities Act, the City of San Juan Bautista will make reasonable efforts to accommodate persons with qualified disabilities during the Boards and Commissions interview process. If you require special accommodations, please contact the City Clerk at least five days in advance of any scheduled interview.)

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of San Juan Bautista to investigate the accuracy of this information from any person or organization, and I release the City of San Juan Bautista and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

YOUR APPLICATION IS NOT COMPLETE UNTIL IT IS SIGNED AND RETURNED.

IMPORTANT NOTICE

A Board or Commission member is a public official. As such, it is necessary to provide contact information to the public. Please note that all information provided on this form becomes a public record after it is officially filed. Please do not include any information on this form that you do not want posted on the City's web site and the City's Official Roster.

Applicants appointed to the Planning Commission and Historical Resources Board are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700), which are also a public record. A copy of this form is available in the City Clerk's office or by visiting www.fppc.ca.gov.

Signature of Applicant

Luke Kerbs

Date Feb 10, 2022

Please mail, fax, or deliver to: City Hall, P.O. Box 1420, 311 Second St., San Juan Bautista, CA 95045, FAX: 623-4093.



6. San Juan Bautista is a city that has always been very close to my heart. I was born and raised in Aromas CA, and regularly visited the town with my family throughout my life. In 2020 I made the best decision of my life to move to San Juan Bautista and I have never looked back. I learned about the EDCAC through Stephanie Correia who is a current board member.

I was motivated to join the EDCAC to help give a voice to some of the economic concerns I hear from citizens of our town. I am a business owner, and my partner is also a business owner in town. We are close with the San Juan community and would like to help make a difference for the benefit of our community. My goal in joining the EDCAC is to be a force for good and to help preserve and improve our beautiful community.

7. I have excellent communication skills and a passion for the town. I am cordial with a large number of business owners in town. I am very numbers driven, I am involved in business, and I am a tech wizard. I have fallen in love with this town and plan on continuing my future here. I am able to translate numbers very easily into normal communication. I am highly motivated and I will bring excitement and passion to the board.

I am highly talented with a broad suite of computer and graphics tools, and can build documents, spreadsheets, posters, and videos. I have built websites for many small businesses in San Juan Bautista. I have the natural ability to connect with members of our community and translate their concerns into actionable items.

8. I would listen to the concerns of community members and provide insight to policy makers on how policies will affect our community and business owners.

9. I have a Bachelor's Degree from UC Davis, Regularly sit on Board of Directors meetings for Advocates for the Forest of Nisene Marks State Park Nonprofit Organization, and am a small business owner. I have experience with legal research and California law, as well as communicating complex matters to County and State representatives. I have been a participant in numerous leadership training conferences and understand the requirements to be a successful organizer

10. Senior Data Scientist, Endava - Endava is a software development consulting company. At Endava, I am responsible for developing Endava's software products and creating custom software solutions for large enterprises.

11. N/A

12. I regularly sit on Board of Directors meetings for the Advocates for the Forest of Nisene Marks State where I also volunteer as the tech lead for the organization. I also volunteer on trailwork days for the park where we contribute to the labor efforts within the park. I also participate and contribute to public discussions at County Board of Supervisors meetings.

13. N/A



RESOLUTION 2022-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA ESTABLISHING THE SAN JUAN BAUTISTA
ECONOMIC DEVELOPMENT CITIZENS ADVISORY COMMITTEE**

WHEREAS, expansion of the local tax base, creation of new employment opportunities, improvements to the quality of life and collaboration with other public entities are important economic development goals of the City; and

WHEREAS, the City of San Juan Bautista may access significant resources to promote and advance local economic development including Federal Economic Development Administration grants, assistance from the Governor's Office of Business and Economic Development, and locally developed pooled resources; and

WHEREAS, the San Benito County Economic Development Corporation will embark upon a Comprehensive Economic Development Strategy (CEDS) that will contribute to effective local economic development through a locally-based, regionally-driven economic development planning process that will enable acquisition Federal Economic Development Administration funding in support of City business improvement and economic development priorities; and

WHEREAS, the CEDS will focus on key economic concerns and broad community interests through a comprehensive community engagement program that will include the San Juan Bautista community; and

WHEREAS, the San Juan Bautista Business Forum is an open, informal and ongoing discussion group that desires a means for the business community to formally engage with the City Council regarding initiatives that will create and maintain a resilient and vibrant business and employment climate in San Juan Bautista that serves visitors and residents alike; and

WHEREAS, effective and organized formal communication regarding economic development requires a concerted partner-driven effort involving local education, the arts and culture, education, transportation, land development, public and private investment priorities, marketing and promotion;

WHEREAS, the City Council established the EDCAC via Resolution 2021-65 and desires to accept resignations and appoint members of the Committee;

WHEREAS, City staff has received eleven (11) valid applications for membership on the Committee;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Juan Bautista hereby establishes the San Juan Bautista Economic Development Citizens Advisory Committee according to the purpose, membership and terms described in Attachment 1.

THE FOREGOING RESOLUTION was adopted by the City Council of the City of San Juan Bautista at its regular meeting held on the 15th day of February, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

Trish Paetz, Deputy City Clerk

Attachment 1

City of San Juan Bautista Economic Development Citizens Advisory Committee

<u>Name</u>	<u>Affiliation</u>	<u>Appointed</u>	<u>Expires</u>
Beverly Meamber	Community Foundation	12/31/21	12/31/24
Cara Denny Luke Kerbs	Business Owner	12/31/21	12/31/24
Darlene Boyd	SBC Measure G Oversight	12/31/21	12/31/24
Fran Fitzharris	SJB Business Association; Food Service business owner	12/31/21	12/31/24
Heliena Watson	DT Business Owner, Retail	12/31/21	12/31/25
Kristina Hastings	DT Business Owner, Food Service	12/31/21	12/31/25
Lizz Sanchez Turner	ED Consultant Business Owner	12/31/21	12/31/25
Patricia Bains	DT Business Owner, Retail	12/31/21	12/31/25
Stephanie Correia	Business Owner, Real Estate	12/31/21	12/31/26
Susie Velez	DT Business Owner, Retail	12/31/21	12/31/26
Teresa Lavagnino	San Juan School Education/ Recreation	12/31/21	12/31/26

AUTHORITY: Resolution 2021 – 65; Resolution 2022-xxx

MEMBERSHIP:

The Economic Development Citizens Advisory Committee (CCAC) shall be established with eleven (11) voting members.

Membership requirements or considerations include the following:



Members shall reside, operate a business within, have gainful employment with, or be involved in a substantial, meaningful way with, entities whose mission and activity includes education, social services, health services, historic preservation activities, culture and the arts.

Members shall take an interest in issues associated with economic development, business development, resiliency, the arts, culture, historic preservation, recreation and public education.

Members may have special knowledge, expertise, or skills related to economic development, business operation, public private partnerships including finance, federal state and local economic development programs. Members may also have special knowledge or experience in the arts and culture, education, recreation, transportation or other qualifications related to economic development. Special knowledge, skills, or expertise is not mandatory for appointment to the committee.

The committee may call upon representatives of other organizations or departments, and the general public as resources on certain topics related to the purpose, tasks and responsibilities of the committee.

APPOINTMENTS

Appointments to the EDCAC shall be made by the City Council based on review of applications submitted on the City of San Juan Bautista standard application form.

TERMS

Initial appointment of committee members shall be as follows:

Initial appointment of Committee members shall be staggered as follows:

Four (4) members: three (3) year term

Four (4) members: four (4) year term

Three (3) members: five (5) year term

If the initial appointments are made mid-term, the appointments shall minimally be for the terms listed above [e.g. the "one (1) year terms" may actually be one (1) year and five (5) months terms or one (1) year and two (2) month terms].

After the initial appointments, all terms will be for two (2) year periods. All terms shall expire upon the last day of December of the appropriate year.

The City Council may remove at any time and without cause any member of the EDCAC.



PURPOSE

The purpose of the EDCAC is as follows:

- 1) Stimulate the provision of enhanced resources for local business development and support;
- 2) Establish and maintain communication with City staff and City Council regarding business support, development and overall economic development;
- 3) Establish and maintain an ongoing liaison with economic development resources in San Benito County and State and Federal agencies.

To accomplish these purposes, the Committee may conduct the following activities, including but not limited to:

- 1) Host an active forum for exchange of ideas and information and otherwise reach out to the business community, residents, and visitors to promote business development;
- 2) Evaluate and determine the economic needs of the business community and residents;
- 3) Interact proactively with a broad spectrum of economic development interests;
- 4) Recommend strategies to the City Council to provide resources directly to local businesses.

DEPARTMENT: The City of San Juan Bautista Community Development Department



WAIVER OF READING OF ORDINANCES

State law requires that an ordinance be read in its entirety prior to adoption unless the City Council waives reading beyond the title. Reading an entire ordinance at the meeting is extremely time-consuming; reading of the title alone usually gives the audience sufficient understanding of what the Council is considering.

To ensure that this waiver is consistently approved by the Council, Council should make the waiver at each meeting, thus, you should do it at this point on the Consent Agenda. The Council then does not have to worry about making this motion when each ordinance comes up on the agenda.

GC36934

Trish Paetz

From: Don Reynolds
Sent: Friday, February 4, 2022 1:46 PM
To: Mayor Jordan; Vice Mayor Flores; Council Member Freeman; S Freels; Mary Edge
Cc: Trish Paetz
Subject: FW: State Ballot Measure Restricting Voters' Input and Local Taxing Authority
Attachments: CBRT Measure Opposition Fact Sheet (1-11-22).pdf; CBRT Fiscal Analysis (1-11-22).pdf; Legal Analysis 01-20-22 AG FINAL.pdf; SAMPLE Oppose City Resolution_2.3.22.docx

We will seek the Council's approval of this Resolution February 15- let me know if you have any questions or concerns. Thank you!

Don Reynolds
City Manager
San Juan Bautista
P.O. Box 1420
311 Second Street
San Juan Bautista CA 95045
(831) 623-4661 x 14
C (831) 594-6322

From: Deanna Sessums <dsessums@calcities.org>
Sent: Thursday, February 3, 2022 5:01 PM
To: Deanna Sessums <dsessums@calcities.org>
Subject: State Ballot Measure Restricting Voters' Input and Local Taxing Authority

Monterey Bay City Managers

In 2018, the "Tax Fairness, Transparency and Accountability Act" or AG# 17-0050 Amdt. #1, was being circulated to qualify for the November 2018 ballot. This initiative would have drastically limited local revenue authority. Through the successful work and advocacy of the League of California Cities and its coalition partners, the measure's proponents withdrew the initiative from the ballot in June 2018.

On January 4, 2022, the California Business Roundtable filed the Taxpayer Protection and Government Accountability Act or AG# 21-0042A1. This measure is far more detrimental to cities than the measure filed in 2018, because it would decimate vital local and state services to the benefit of wealthy corporations.

During its December 2-3, 2021 meeting, the League of California Cities Board of Directors voted unanimously to oppose Initiative 21-0026A1. Following the Board's unanimous decision, a coalition of public safety, labor, local government and infrastructure advocates have joined together to fight against this measure. With the Attorney General set to release the Title and Summary soon, the coalition announced their opposition in a media release that was sent out on Wednesday morning. The proponents will need to submit nearly 1 million signatures in order to qualify for the November 2022 ballot and the Secretary of State's recommended date to turn in signatures is only 3 months away, April 29, 2022.

Cal Cities is asking cities to adopt a city resolution to demonstrate how harmful this measure would be to your community and the people of California. Attached is a sample resolution and additional fact sheets and analysis for your information.

Thank you for your prompt attention. Please let me know if you have any questions or concerns.

Thanks, Deanna



Deanna Sessums
Monterey Bay Public Affairs Manager
League of California Cities
c. 831-915-8293

dsessums@calcities.org | www.calcities.org



**LEAGUE OF
CALIFORNIA
CITIES**

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through Education & Advocacy*

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The Taxpayer Protection and Government Accountability Act
Initiative No. 21-0042A1
January 21, 2022

Summary: The measure limits the voters' input, adopts new and stricter rules for raising taxes and fees, and makes it more difficult to hold state and local law violators accountable.

Limiting Voter Authority and Accountability

- Limits voter input. Prohibits local voters from providing direction on how local tax dollars should be spent by prohibiting local advisory measures.
- Invalidates Upland decision that allows majority of local voters to pass special taxes. Taxes proposed by the Initiative are subject to the same rules as taxes placed on the ballot by a city council. All measures passed between January 2022 and November 2022 would be invalidated unless reenacted within 12 months.

Restricting Local Fee Authority to Provide Local Services

- Franchise fees. Sets new standard for fees and charges paid for the use of local and state government property. The standard may significantly restrict the amount oil companies, utilities, gas companies, railroads, garbage companies, cable companies, and other corporations pay for the use of local public property. Rental and sale of local government property must be "reasonable" which must be proved by "clear and convincing evidence."
- Except for licensing and other regulatory fees, fees and charges may not exceed the "actual cost" of providing the product or service for which the fee is charged. "Actual cost" is the "minimum amount necessary." The burden to prove the fee or charge does not exceed "actual cost" is changed to "clear and convincing" evidence.

Restricting Authority of State and Local Governments to Issue Fines and Penalties for Violations of Law.

- Requires voter approval of fines, penalties, and levies for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties.

Restricting Local Tax Authority to Provide Local Services

- Expanding existing taxes (e.g., UUT, use tax, TOT) to new territory (e.g., annexation) or expanding the base (e.g., new utility service) requires voter approval.
- City charters may not be amended to include a tax or fee.
- New taxes can be imposed only for a specific time period.
- Taxes adopted after January 1, 2022, that do not comply with the new rules, are void unless reenacted.
- All state taxes require majority voter approval.
- Prohibits any surcharge on property tax rate and allocation of property tax to state.

Other Changes

- No fee or charge or exaction regulating vehicle miles traveled can be imposed as a condition of property development or occupancy.

Fiscal and Program Effects of Initiative 21-0042A1 on Local Governments

If Initiative 21-0042A1 is placed on the ballot and passed by voters, it will result in:

- Billions of local government fee and charge revenues placed at heightened legal peril. Related public service reductions across virtually every aspect of city, county, special district, and school services especially for transportation, and public facility use.
- Hundreds of millions of dollars of annual revenues from dozens of tax and bond measures approved by voters between January 1, 2022 and November 9, 2022 subject to additional voter approval if not in compliance with the initiative.
- Indeterminable legal and administrative burdens and costs on local government from new and more empowered legal challenges, and bureaucratic cost tracking requirements.
- The delay and deterrence of municipal annexations and associated impacts on housing and commercial development.
- Service and infrastructure impacts including in fire and emergency response, law enforcement, public health, drinking water, sewer sanitation, parks, libraries, public schools, affordable housing, homelessness prevention and mental health services.

1. Local Government Taxes and Services Threatened

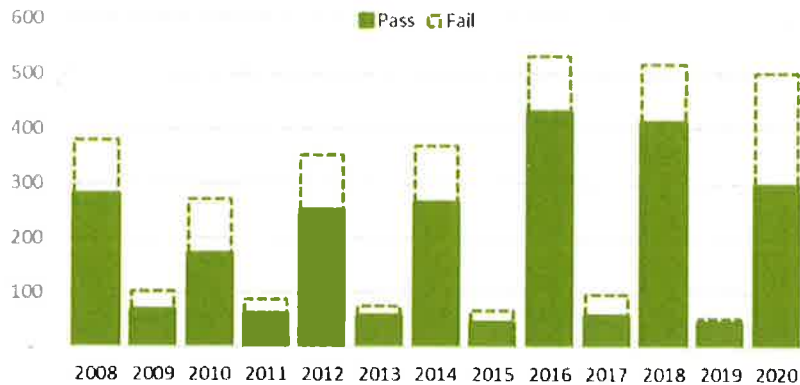
With regard to taxes, Initiative 21-0042A1:

- Prohibits advisory, non-binding measures as to use of tax proceeds on the same ballot.
 - Voters may be less informed and more likely to vote against measures.
- Eliminates the ability of special tax measures proposed by citizen initiative to be enacted by majority voter approval (*Upland*).
 - Because the case law regarding citizen initiative special taxes approved by majority vote (*Upland*) is so recent, it is unknown how common these sorts of measures might be in the future. This initiative would prohibit such measures after the effective date of the initiative. Any such measures adopted after January 1, 2022 through November 8, 2022 would be void after November 9, 2023.
- Requires that tax measures include a specific duration of time that the tax will be imposed. This seems to require that all tax increases or extensions contain a sunset (end date).
 - This would require additional tax measures to extend previously approved taxes at additional cost to taxpayers.
- Requires that a tax or bond measure adopted after January 1, 2022 and before the effective date of the initiative (November 9, 2022) that was not adopted in accordance with the measure be readopted in compliance with the measure or will be void twelve months after the effective date of the initiative (November 9, 2023).
 - If past election patterns are an indication, dozens of tax and bond measures approving hundreds of millions of annual revenues may not be in compliance and would be subject to reenactment. Most will be taxes without a specific end date. Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, measures not in compliance would need to be placed on a special election ballot for approval before November 9, 2023 or the tax will be void after that date. General tax measures would require declaration of emergency and unanimous vote of the governing board.



- Requires voter approval to expand an existing tax to new territory (annexations). This would require additional tax measures and would deter annexations and land development in cities.
 - If a tax is "extended" to an annexed area without a vote after January 1, 2022, it will be void 12 months later until brought into compliance. Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, such extensions for general taxes would, under current law, each require unanimous vote of the agency board to be placed on a special election ballot or would be void after November 9, 2023.

Local Tax and Bond Measures - California
 Cities, Counties, Special Districts, Schools



1.a. Number of Measures and Value of Local Taxes at Risk¹

In 2020, voters in California approved 293 local tax and bond measures for cities, counties, special districts and schools (95 in March and 198 in November). The approved measures enacted \$3.85 billion in new annual taxes including \$1.3 billion for cities, \$302 million for counties, \$208 million for special districts (fire, wastewater, open space and transit districts), and \$2.037 billion for schools (including for school bonds).

Most tax measures go to the ballot during a presidential or gubernatorial primary or general election in an even year. However, some tax measures are decided at other times. During 2019, there were 45 approved tax and bond measures (24 city, 14 special district, 7 school) adopting \$154.0 million in new annual taxes (\$124.0 million city, \$10.5 million special district and \$19.2 million school).

Most tax and bond measures comply with the new rules in Initiative 21-0042Amdt#1 except:

- Dozens of taxes would require end dates. This would require additional measures in future years to extend the taxes further. Very few extensions of existing local taxes fail.
- Majority vote general tax measures could not be accompanied on the same ballot with an advisory, non-binding measure as to use of tax proceeds.
- Special taxes placed on the ballot via citizen initiative would require two-thirds voter approval.

Bond measures have fixed terms. Historically, about 20 percent of other tax measures have included specific durations (i.e. sunsets). Advisory measures as to use of revenues are uncommon. I do not expect the provisions of 21-0042A1 to have any substantial effect on passage rates. However, some 2022 approved measures would likely have to put back on the ballot.

Based on history, a reasonable estimate of the annualized tax revenues estimated to be approved by

¹ Source: Compilation and summary of data from County elections offices.



voters in 2022 and placed at risk by this initiative is at least **\$1.5 billion, including \$1.0 billion from cities and \$500 million from counties and special districts.**²

1.b. Additional Costs and Public Service Effects of the Tax Provisions

In addition to service delays and disruption due to new tax revenues placed at greater legal risk, there will be substantial additional costs for legal defense. The deterrence of taxes for annexations will delay and deter municipal annexations.

2. “Exempt Charges” (fees and charges that are not taxes) and Services Threatened

With regard to fees and charges adopted after January 1, 2022, Initiative 21-0042A1:

- Subjects new fees and charges for a product or service to a new "actual cost" test defined as "(i) the minimum amount necessary to reimburse the government for the cost of providing the service to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In addition, subjects these same charges to a new, undefined, "reasonable" standard.
- Subjects fees and charges for entrance to local government property; and rental and sale of local government property to a new, undefined, "reasonable" test.
- Subjects a challenged fee or charge to new, higher burdens of proof if legally challenged.
- Prohibits a levy, charge or exaction regulating or related to vehicle miles traveled, imposed as a condition of property development or occupancy.

2.a. Value on New Local Government Fees and Charges at Risk³

Virtually every city, county, and special district must regularly (e.g., annually) adopt increases to fee rates and charges and revise rate schedules to accommodate new users and activities. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies and increases in those fees simply to accommodate inflation, the amount of local government fee and charge revenue placed at risk is about **\$1 billion per year including those adopted since January 1, 2022. Of this \$1 billion, about \$570 million is for special districts, \$450 million is cities, and \$260 million is counties.**⁴

Major examples of affected fees and charges are:

1. Nuisance abatement charges - such as for weed, rubbish and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
2. Commercial franchise fees.
3. Emergency response fees - such as in connection with DUI.
4. Advanced Life Support (ALS) transport charges.
5. Document processing and duplication fees.
6. Transit fees, tolls, parking fees, public airport and harbor use fees.
7. Facility use charges, fees for parks and recreation services, garbage disposal tipping fees.

In addition to fees and charges, the measure puts fines and penalties assessed for the violation of state and

² This does not include citizen initiative special tax approved by majority but not two-thirds. Because this approach is new, the number of these measures and amount of revenue involved cannot be estimated.

³ Source: California State Controller Annual Reports of Financial Transactions concerning cities, counties and special districts, summarized with an assumed growth due to fee rate increases (not population) of 2 percent annually.

⁴ School fees are also affected but the amount is negligible by comparison.



local law at risk, making them taxes subject to voter approval under certain circumstances.

2.b. Additional Costs and Public Service Effects of the Fee/Charge Provisions

In addition to service delays and disruptions due to fee and charge revenues placed at greater legal risk, there would be substantial additional costs for legal defense. The risk to fees and charges will make infrastructure financing more difficult and will deter new residential and commercial development.

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Stop the Corporate Loopholes Scheme

Deceptive Proposition Allows Major Corporations to Avoid Paying their Fair Share and Evade Enforcement when they Violate Environmental, Health & Safety Laws

An association representing California's wealthiest corporations — including oil, insurance, banks and drug companies — is behind a deceptive proposition aimed for the November 2022 statewide ballot. Their measure would create major new loopholes that allow corporations to avoid paying their fair share for the impacts they have on our communities; while also allowing corporations to evade enforcement when they violate environmental, health, safety and other state and local laws. Here's why a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses **oppose** the Corporate Loophole Scheme:

Gives Wealthy Corporations a Major Loophole to Avoid Paying their Fair Share - Forcing Local Residents and Taxpayers to Pay More

- The measure creates new constitutional loopholes that **allow corporations to pay far less than their fair share for the impacts they have on our communities**, including local infrastructure, our environment, water quality, air quality, and natural resources – shifting the burden and making individual taxpayers pay more.

Allows Corporations to Dodge Enforcement When They Violate Environmental, Health, Public Safety and Other Laws

- The deceptive scheme creates new loopholes that makes it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods.

Jeopardizes Vital Local and State Services

- This far-reaching measure **puts at risk billions of dollars currently dedicated to critical state and local services**.
- It could **force cuts** to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services and more.
- It would also **reduce funding for critical infrastructure** like streets and roads, public transportation, drinking water, new schools, sanitation, utilities and more.

Opens the Door for Frivolous Lawsuits, Bureaucracy and Red Tape that Will Cost Taxpayers and Hurt Our Communities

- The measure will encourage **frivolous lawsuits, bureaucracy and red tape that will cost local taxpayers millions** — while significantly **delaying and stopping investments in infrastructure and vital services**.

Undermines Voter Rights, Transparency, and Accountability

- This misleading measure changes our constitution to make it more difficult for local voters to pass measures needed to fund local services and local infrastructure.
- It also includes a hidden provision that **would retroactively cancel measures that were passed by local voters** — effectively undermining the rights of voters to decide for themselves what their communities need.
- It would **limit voter input** by prohibiting local advisory measures, where voters provide direction to politicians on how they want their local tax dollars spent.

RESOLUTION 2022-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
OPPOSINT THE TAXPAYER PROTECTION AND GOVERNMENT
ACCOUNTABILITY ACT INITIATIVE No. 21-0042A1**

WHEREAS, an association representing California's wealthiest corporations is behind a deceptive proposition aimed for the November 2022 statewide ballot; and

WHEREAS, the measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, including local infrastructure, our environment, water quality, air quality, and natural resources; and

WHEREAS, the measure includes undemocratic provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure makes it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods; and

WHEREAS, the measure puts billions of dollars currently dedicated to state and local services at risk, and could force cuts to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more; and

WHEREAS, the measure would also reduce funding for critical infrastructure like streets and roads, public transportation, drinking water, new schools, sanitation, and utilities.

THEREFORE, BE IT RESOLVED that the City Council of the City of San Juan Bautista opposes Initiative 21-0042A1; and

BE IT FURTHER RESOLVED, that the City Council joins the NO on Initiative 21-0042A1 coalition, a growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state; and

BE IT FURTHER RESOLVED, that the City Council hereby directs staff to email a copy of this adopted resolution to the League of California Cities at BallotMeasures@cacities.org.

PASSED, APPROVED AND ADOPTED this 15th day of February, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTESTED:

Leslie Q. Jordan, Mayor

Trish Paetz, Deputy City Clerk



PROCLAMATION
BLACK HISTORY MONTH
IN THE CITY OF SAN JUAN BAUTISTA

WHEREAS, the City of San Juan Bautista recognizes and values diversity, equity, and inclusion within our community; and,

WHEREAS, the migration of African Americans to all parts of the United States and throughout the world have led to countless indelible contributions in the fields of science, medicine, law, social justice, athletics, the arts, government, and more; and,

WHEREAS, the presence of African Americans in our community continues to enhance the quality of life in the City of San Juan Bautista; and,

WHEREAS, the City of San Juan Bautista understands that African Americans have endured egregious discrimination and bigotry throughout the course of our Nation's history, conflicting with the core values of the City of San Juan Bautista; and

WHEREAS, Black History Month calls on our collective need to recognize and combat racism, and to continue to build a community that embraces all ages, races, religions, and genders; and,

WHEREAS, Black History Month is American History; and

WHEREAS, Black History Month is a time where all citizens are encouraged to reflect on past successes and challenges of Black communities, and to look to the future to ensure freedom, equity, and inclusiveness;

NOW, THEREFORE, BE IT RESOLVED, that the San Juan Bautista City Council, do hereby proclaim February 2022 as Black History Month in the City of San Juan Bautista.

Dated this 15th day of February, 2022

Mayor Leslie Q. Jordan



Treasurer's Report
For the Six Month Period Ended December 31, 2021
(50% of fiscal year)

General Fund ~

General revenues are running at 51% for the year to date. Correspondingly, general fund expenditures are at 40% for the year to date. The net effect is a positive change in general fund balance of \$280k.

Water Enterprise Fund ~

The water enterprise fund revenues are running at 47% for the year to date, and expenses are also at 55%. The net effect is a positive change in the water enterprise fund of \$185k.

Sewer Enterprise Fund ~

The sewer enterprise fund revenues are running at 54% for the year to date, and expenses are at 51%. The net effect is a positive change in the sewer enterprise fund of \$210k.

City of San Juan Bautista
Expenditures ~ Budget Vs. Actual

Item #5C
 City Council Meeting
 February 15, 2022

For the Six Month Period Ended December 31, 2021

EXPENDITURES	FY21	FY22	Annual		YTD	
Fund	Actuals	Actuals	Budget	Variance	50%	Note
General Fund	841,844	810,189	2,050,876	(1,240,687)	40%	
Special Revenue Funds:						
Capital Projects Fund	1,216,231	178,927	2,477,368	(2,298,441)	7%	A
Community Development	285,738	242,984	650,768	(407,784)	37%	
COPS	50,000	50,000	100,000	(50,000)	50%	
Parking & Restroom Fd	707	17,410	117,899	(100,489)	15%	A
Gas Tax Fund	6,857	8,372	100,784	(92,412)	8%	
Valle Vista LLD	9,484	35,084	25,928	9,156	135%	B
Rancho Vista CFD	18,795	21,860	58,716	(36,856)	37%	
Copperleaf CFD	3,805	7,141	21,945	(14,804)	33%	
Development Impact Fee Funds						
Public/Civic Facility	1,350	1,350	169,540	(168,190)	1%	A
Library	2,220	9,020	29,440	(20,420)	31%	A
Storm Drain	89,783	1,716	10,932	(9,216)	16%	A
Park In-Lieu	150	2,831	17,884	(15,053)	16%	A
Public Safety	426	426	180,852	(180,426)	0%	A
Traffic	128,530	216	5,432	(5,216)	4%	A
Internal Service Funds:						
Blg Rehab. & Replace	-	-	25,000	(25,000)	0%	A
Vehicle Replacement	3,410	-	-	-		
Enterprise Funds:						
Water:						
Operations	345,451	396,262	725,548	329,286	55%	
Capital	91,934	85,285	547,705	462,420	16%	A
Sewer						
Operations	401,678	412,842	805,565	392,723	51%	
Capital	154,078	348,440	717,205	368,765	49%	
TOTAL Funds	2,860,141	1,820,166	8,839,387	7,019,221	21%	

Footnotes:

A ~ Capital fund transfers/costs are budgeted to be incurred sporadically during the year, they do not always align with the to date percentages, or prior year amounts. Additionally, some projects have been moved to the next fiscal year.

B ~ Cost are greater than budget due to one time maintenance, paid through assessment reserves.



City of San Juan Bautista
Revenues ~ Budget Vs. Actual
For the Six Month Period Ended December 31, 2021

Item #5C
City Council Meeting
February 15, 2022

REVENUES	FY21	FY22	Annual		YTD	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Difference</u>	<u>50%</u>	<u>Notes</u>
General Fund	897,511	1,089,710	2,137,076	(1,047,366)	51%	A
Special Revenue Funds:						
Capital Projects Fund	1,216,231	178,927	905,111	(726,184)	20%	C
Community Development	75,008	39,512	404,514	(365,002)	10%	B
COPS	80,456	68,190	100,000	(31,810)	68%	
Parking & Restroom Fd	8,411	7,709	25,000	(17,291)	31%	A
Gas Tax Fund	47,876	155,917	375,784	(219,867)	41%	
Valle Vista LLD	10,856	12,964	25,928	(12,964)	50%	
Rancho Vista CFD	28,822	29,358	58,716	(29,358)	50%	
Copperleaf CFD	10,636	10,973	21,945	(10,973)	50%	
Development Impact Fee Funds:						
Park Development	20,536	-	-	-		
Public/Civic Facility	1,767	-	-	-		
Library	2,377	-	-	-		
Storm Drain	38,288	-	-	-		
Parking In-Lieu	-	-	-	-		
Park In-Lieu	10,426	-	-	-		
Public Safety	1,839	-	-	-		
Traffic	45,821	-	-	-		
Internal Service Funds:						
Blg Rehab. & Replace	19,000	19,000	38,000	(19,000)	50%	
Vehicle Replacement	30,000	30,000	60,000	(30,000)	50%	
Enterprise Funds:						
Water						
Operations	596,046	581,252	1,239,670	(658,418)	47%	
Capital	207,493	-	576,400	(576,400)	0%	C
Sewer						
Operations	555,413	622,388	1,142,430	(520,042)	54%	
Capital	12,488	-	733,275	(733,275)	0%	C
TOTAL Funds	3,019,790	1,756,190	7,843,849	6,087,660	22%	

A ~ Current year revenue was higher due to a \$251k grant from Federal government for COVID relief, offset by higher document transfer taxes in the prior year.

B ~ These funds are developer derived and are recognized when received.

C ~ The timing of the projects and the related revenue does not always align with the year-to-date percentages.

City of San Juan Bautista
Warrant Listing
As of December 31, 2021

Date	Num	Name	Amount
101.000 · Union Bank			
101.001 · Operating Acct. 1948			
12/08/2021	215194	All Clear Water Services	-4,100.00
12/08/2021	215195	AVAYA	0.00
12/08/2021	215196	Brigantino Irrigation, Inc.	-77.79
12/08/2021	215197	Carlos Figueroa.	-93.49
12/08/2021	215198	Charter Communications	-548.19
12/08/2021	215199	Clark Pest Control	-97.00
12/08/2021	215200	Core & Main	-196.12
12/08/2021	215201	Department of Transportation	-23.16
12/08/2021	215202	Ernesto Soto.	-75.26
12/08/2021	215203	Hollister Auto Parts, Inc.	-21.59
12/08/2021	215204	Home Depot Credit Services	-103.03
12/08/2021	215205	Jessica Nunley	-163.82
12/08/2021	215206	KBA Docusys	-230.39
12/08/2021	215207	Level 1 Private Security.	-5,197.50
12/08/2021	215208	Local Government Commision	-788.50
12/08/2021	215209	Luz Veronica Zapata.	-74.69
12/08/2021	215210	Mandell Municipal Counseling	-4,292.00
12/08/2021	215211	Mc Kinnon Lumber Co., Inc.	-20.70
12/08/2021	215212	Monterey Bay Analytical Services	-3,895.40
12/08/2021	215213	P G & E	-807.33
12/08/2021	215214	Quadient Leasing USA, Inc.	-473.47
12/08/2021	215215	Rx-Tek	-734.00
12/08/2021	215216	Sentry Alarm System	-339.22
12/08/2021	215217	Smith & Enright Landscaping	-3,640.00
12/08/2021	215218	State Compensation Insurance Fund	-2,250.58
12/08/2021	215219	Toro Petroleum Corp.	0.00
12/08/2021	215220	True Value Hardware	0.00
12/08/2021	215221	US Bank	0.00
12/08/2021	215222	Vanessa Tellez.	0.00
12/08/2021	215223	Wendy L. Cumming, CPA	0.00
12/08/2021	215224	AVAYA	-250.66
12/08/2021	215225	Toro Petroleum Corp.	-180.51
12/08/2021	215226	True Value Hardware	-45.64
12/08/2021	215227	US Bank	-993.37
12/08/2021	215228	Vanessa Tellez.	-74.30
12/08/2021	215229	Wendy L. Cumming, CPA	-5,546.25
12/10/2021	215230	Felix Quezada	-165.00
12/10/2021	215231	Level 1 Private Security.	-608.00
12/10/2021	215232	Randazzo Enterprises INC.	-165.00
12/10/2021	215233	Vicki Saxton	-95.00
12/15/2021	215234	Karl D. Bjarke	-1,356.03
12/15/2021	215235	Angel Solache.	-700.00
12/15/2021	215236	att.com	-70.75



City of San Juan Bautista
Warrant Listing
As of December 31, 2021

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
12/15/2021	215237	Bartle Wells Associates	-7,875.00
12/15/2021	215238	Ca Association Code Enforcement Officers	-95.00
12/15/2021	215239	Core & Main	-389.88
12/15/2021	215240	CSG Consultants, Inc.	-21,960.00
12/15/2021	215241	Cypress Water Services	-6,505.40
12/15/2021	215242	Design Line & Granger	-406.41
12/15/2021	215243	Devin Brooks	-56.91
12/15/2021	215244	Harris & Associates	-8,788.75
12/15/2021	215245	Mandell Municipal Counseling	-1,769.00
12/15/2021	215246	Monterey Bay Analytical Services	-1,544.50
12/15/2021	215247	P G & E	-4,522.37
12/15/2021	215248	Printing Systems Inc	-77.52
12/15/2021	215249	Ready Refresh	-392.46
12/15/2021	215250	San Benito County Chamber of Commerce	-265.00
12/15/2021	215251	San Benito County Clerks Office	-2,456.75
12/15/2021	215252	Sentry Alarm System	-150.00
12/15/2021	215253	Sprint	-456.88
12/15/2021	215254	SWRCB	-3,326.00
12/15/2021	215255	U.S. Postmaster	-1,000.00
12/17/2021	215256	at&t	-90.33
12/17/2021	215257	J.V. Orta's Rent A Fence	-225.00
12/17/2021	215258	Level 1 Private Security.	-4,725.00
12/17/2021	215259	P G & E	-6,847.39
12/17/2021	215260	Pinnacle Healthcare Medical Group	-150.00
12/17/2021	215261	Sentry Alarm System	-612.00
12/21/2021	215262	AFLAC	-290.69
12/21/2021	215263	Ferguson Enterprises LLC	-15.77
12/21/2021	215264	First Alarm	-440.37
12/21/2021	215265	Monterey Bay Economic Partnership	-3,000.00
12/21/2021	215266	US Bank Equipment Finance	-249.61
12/21/2021	215267	Valero Wex Bank	-940.09
12/21/2021	215268	Wellington Law Offices	-2,500.00
12/21/2021	215269	United Rotary Brush Corporation	-546.21
12/21/2021	215270	Wright Bros. Industrial Supply	-253.40
Total 101.001 · Operating Acct. 1948			-121,417.43
Total 101.000 · Union Bank			-121,417.43
TOTAL			-121,417.43





CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: APPOINTMENT OF CITY CLERK
MEETING DATE: February 15, 2022
SUBMITTED BY: Deborah Mall, City Attorney

REQUEST:

It is requested that the City Council:

1. Direct Staff to advertise for candidates to fill the City Clerk vacancy by appointment and determine whether to put a measure on the ballot to make the City Clerk an appointed position.

BACKGROUND

We were disappointed that our very qualified City Clerk Shawna Freels resigned on January 24, 2022.

DISCUSSION

The City Clerk is an elected position. The timing of the resignation did not allow enough time for staff to meet the requirements to put this on for a Special Election in June. The election for this position will be on the ballot in November. In the meantime, the City Council may fill the vacancy by appointment. Under the law, the person appointed may hold the office for the unexpired term of the City Clerk, so long as the council fills the vacancy within 60 days from the commencement of the vacancy.

The City has had a difficult time getting persons who live in the City to run for this position and stay in the office. You will recall that no one ran in the 2020 election and Ms. Freels was appointed. Many cities have appointed City Clerks, so that they can retain the best candidate and are not restrained by the requirement that the person live within City limits. There are technical trainings and membership in City Clerks organizations that are required to adequately perform this position. We were lucky to have Ms. Freels who had this experience, but it is unlikely that there will be many more candidates in the City. There is a process set forth in Government Code at Section 36509, to put the question to the voters as to whether or not the offices of the city clerk (or city treasurer) shall be appointive. If the Council is interested, it can direct staff to put this question on the ballot in November.

In the meantime, the Council should direct staff to advertise for persons interested in being appointed as City Clerk. The Appointment should be made at your next Regular meeting or by a Special meeting, immediately thereafter. The Deputy City Clerk, who has filled in as City Clerk when the City Clerk was unavailable, is retiring. However, the City is obtaining help from RGS to act in the Deputy City Clerk's stead and that person can assist with the city clerk duties until the position is filled.

RESOLUTION 2022-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
DIRECTING STAFF TO ADVERTISE FOR CANDIDATES TO FILL THE CITY CLERK VACANCY
AND DIRECTING STAFF TO START THE PROCESS TO PUT A MEASURE ON THE BALLOT
TO MAKE THE CITY CLERK POSITION APPOINTIVE**

WHEREAS, City Clerk Shawna Freels resigned on January 24, 2022; and

WHEREAS, the City Council may appoint a City Clerk to fill the term; and

WHEREAS, the position is elected and an election is required at the next Municipal election in November of this year, but may be made appointive under State law if put on the ballot and approved by the voters.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED

That staff shall advertise for Candidates to fill the City Clerk vacancy and bring the list of candidates back to the City Council at the next regular meeting for appointment.

FURTHER, that staff should start the process to put a measure on the ballot at the next municipal election in November to make the City Clerk an appointive position.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista on this 15th day of February 2022 by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

Trish Paetz, Deputy City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL

AGENDA TITLE: **APPROVE UPDATED DEPUTY CITY
CLERK/ADMINISTRATIVE SERVICES
MANAGER JOB DESCRIPTION**

MEETING DATE: February 15, 2022

SUBMITTED BY: Trish Paetz, Administrative Services Manager

RECOMMENDED ACTION:

It is recommended that the City Council approve the updated job description for Deputy City Clerk/Administrative Services Manager, attached hereto.

BACKGROUND

The Administrative Services Manager job description was created in 2006 and has never been revised although the position has grown substantially in responsibility. The duties of the Deputy City Clerk have always been assumed by the Administrative Services Manager, as well as responsibility for risk management, human resources management, contracts administration, and Administrative Assistant to the City Manager. The updated job description describes more fully and in detail the different functions of the position.



RESOLUTION NO. 2022- XX

**A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA ADOPTING A JOB
DESCRIPITON FOR THE DEPUTY CITY CLERK/ADMINISTRATIVE SERVICES
MANAGER**

WHEREAS, the Administrative Services Manager is retiring after 17 years; and

WHEREAS, before recruitment to fill the position can begin, the job description needs to be updated; and

WHEREAS, City consultant RGS (Regional Government Services), drafted a new job description for the position of Deputy City Clerk/Administrative Services Manager that more fully and accurately describes the requirements of the position; and

WHEREAS, the attached job description for the Deputy City Clerk/Administrative Services Manager updates the original Administrative Services Manager job description.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA HEREBY FINDS:**

1. That the Deputy City Clerk/Administrative Services Manager job description more fully and accurately describes the duties and responsibilities of the position.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 15th day of February, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Leslie Q. Jordan, Mayor

Trish Paetz, Deputy City Clerk

CITY OF SAN JUAN BAUTISTA
POSITION DESCRIPTION

DEPUTY CITY CLERK/ADMINISTRATIVE SERVICES MANAGER

Full Time – 40 Hrs./Week

Permanent Employee

Exempt Classification – Salaried, Not Eligible for Overtime or Comp Time

GENERAL DESCRIPTION OF FUNCTION AND PURPOSE:

Under general direction of the City Manager, provides and/or participates in all City Clerk functions and activities, including conducting elections; coordinating the custody, storage, and dissemination of public records, and providing support to the Planning Commission and City Council, preparing City Council and Planning Commission Agenda packets, and their activities; organizes, manages, continuously improves, and provides administrative assistance for the City's human resources and personnel functions and the activities of the Human Resources office, including benefit administration, training and development, recruitment and selection, employee and employer relations, job analysis and classification, compensation and benefits strategy development and administration, employee performance evaluation and recognition, safety and regulatory compliance, and risk management, including the City's insurance, workers compensation, and benefits programs; provides highly responsible, complex, and administrative support and assistance to the City Manager and other City management staff; and performs related work as required.

SUPERVISION RECEIVED AND EXERCISED

Reports to the City Manager, and receives general direction from the City Manager and Assistant City Manager. Exercises general supervision over Accounts Receivable and Accounts Payable staff, and other full or part-time assigned staff or projects.

DISTINGUISHING CHARACTERISTICS

The single-position classification that is responsible for providing support for all activities of the City Clerk's Office and the Human Resources Office. Incumbents perform a variety of complex office administrative, project coordination, and management support work for the City Manager and City Council. Represents the City in a multi-jurisdictional "joint-powers insurance authority" ("JPIA") for risk and risk insurance direction and guidance. The work requires extensive public contact, the frequent use of tact, discretion, and independent judgment, knowledge of City activities, and the ability to conduct independent projects. The incumbent is accountable for accomplishing goals and objectives for the office and for furthering City goals and objectives within general policy guidelines.

EXAMPLES OF DUTIES (Includes, but not limited to):



- Assists in the development and implementation of goals, objectives, policies, procedures, and work standards for the City Clerk's office and the Human Resources office.
- Provides varied, confidential, and responsible office support to the City Manager and various city management and administrative personnel, as needed; oversees and ensures that the office administrative functions of the City Manager's office and the City Council and Planning Commission are effectively carried out.
- Provides for the training and tracks work evaluation of City Hall office staff; provides policy and procedural guidance and interpretation to staff.
- Serves as the liaison to the City's JPIA and workers compensation third-party administrator.
- Manages bi-weekly payroll processing.
- Serves as the official record keeper of the City, providing for the preparation, indexing and retention of meeting notifications, agendas, minutes, ordinances, resolutions, contracts, codes, deeds, easements, bonds, and related documents.
- Responds to inquiries regarding public records, the Public Records Act, the Freedom of Information Act, and the Brown Act; reviews and monitors legal requests for records; ensures that all public records are open to inspection at all times during office hours and that every person's right to inspect any public record of the City is upheld.
- Provides assistance to the public by helping to identify records and information relevant to requests; ensures timely and appropriate response to all requests and communicates in writing with any requestor.
- Prepares City Council and Planning Commission agendas; identifies agenda items and ensures that all items are prepared and distributed to the appropriate parties in a timely manner; prepares and coordinates the distribution of administrative and public reports, bulletins, questionnaires, notices for public hearings, and other documents; prepares deeds for recordation; posts and distributes agendas.
- Attends San Juan Bautista City Council meetings and Planning Commission meetings; transcribes and prepares minutes; prepares minute orders, resolutions, and ordinances in draft or final form; processes and required meeting follow-up, including contact with citizens and preparation/completion of ordinances, resolutions, agreements, notices of completion and claim rejection notices.
- Assists Election Officer (City Clerk) in planning and conducting periodic municipal elections, administration of state campaigns, and disclosure laws; prepares necessary correspondence and resolutions for Council approval related to the election process.
- Is the Filing Officer for Fair Political Practice Commission compliance; coordinates the tracking of completed forms, proper filing, adherence to timelines, and provides notifications for campaigns, regulatory forms, and filings as needed.
- Monitors and maintains information with regard to various Boards, Commissions, and Committees, including tracking terms, expirations, appointments, reappointments, applications, recruitment and interview processes.
- Maintains the City's Municipal Code by tracking ordinances and providing for their publication and distribution; administers in-house updates of the Municipal Code.



- Administers the City's records management program, including storage of records off site, records management procedure review, and processing of document destruction requests.
- Certifies and notarizes documents (or facilitates the process in the absence of a notary public commission), for City business; provides attestations with regard to the signature of the Mayor, Council members, and/or City Manager.
- Monitors bid process for projects and materials; assigns bid dates; officiates bid openings; retains or releases bid bonds; provides copies of bids to appropriate departments.
- Assists staff and the public with questions regarding official documents or actions of the City; explains policies and procedures related to agenda preparation or submittals, document storage, and other matters.
- Assists with meeting goals, objectives, policies, procedures, and work standards for the Human Resources/Personnel Department;
- Participates on the City's management team; assists in decision making and policy advice to the City Manager and Department Heads by providing an adequate foundation of information regarding significant events and issues in the City Manager's absence.
- Plans and performs the clerical and administrative support work of the City Manager's office; performs complex and technical duties and ensures the completion of administrative operations for assigned staff and City officials.
- Attends to a variety of office administrative details, such as keeping informed of departmental activities, transmitting information, ordering and coordinating supply orders, preparing contracts and agreements, arranging for equipment purchases and maintenance, attending meetings, preparing timesheets, tracking time-off requests for payroll.
- Receives and screens visitors and telephone calls; provides information to City staff, other organizations, and the public, requiring the use of judgment and the interpretation of policies, rules, procedures, and ordinances.
- Monitors changes in laws, regulations and technology that may affect office operations; implements policy and procedural changes as required.

Knowledge of:

- Use of proper English language, grammar, punctuation, vocabulary, and spelling
- Video Meeting Etiquette
- Proper office methods, procedures, and practices including effective recordkeeping and central filing systems
- General municipal organization and administration
- Human resources practices and procedures

Ability to:

- learn, interpret, and apply the legal requirements, procedures, and policies of the office of the City Clerk



- perform complex secretarial/clerical work with speed and accuracy
- apply good judgment in recognizing scope of authority
- understand and follow complex oral and written instructions in an independent manner
- operate standard office equipment/machines such as photocopier, scanner, and personal computer.
- maintain effective centralized recordkeeping and filing systems
- effectively and tactfully communicate in both oral and written forms.
- maintain confidentiality in the collection, processing, and dissemination of sensitive and confidential information.
- establish and maintain effective work relationships with those contacted in the performance of required duties.

MINIMUM REQUIREMENTS:

Any combination of Education, Training, and/or Experience that may include:

Education:

Equivalent to an Associates of Arts Degree in Business, Public Administration, or related field.

Training:

Must know how to efficiently use Microsoft Office software products.

Experience:

A minimum of two (2) years of experience working for a City or other municipality in a similar capacity; or five-years as an executive assistant, human resources officer position, or higher.

License/Certification: Possession of or ability to obtain a valid CA driver's license and maintain insurability with the City's JIPA.

February 15, 2022





CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: **AGREEMENT WITH REGIONAL GOVERNMENTAL SERVICES AUTHORITY (“RGS”) TO PROVIDE TEMPORARY MEETING SERVICES, HUMAN RESOURCES AND RISK MANAGEMENT SERVICES**

MEETING DATE: **FEBRUARY 15, 2022**

DEPARTMENT HEAD: **DON REYNOLDS, CITY MANAGER**

RECOMMENDED ACTION(S):

It is recommended that the City Council take two actions:

- 1) Approve the attached Resolution authorizing the City Manager to amend the existing Regional Governmental Services Authority (“RGS”) Agreement for \$10,000, adding \$40,000 to that amount to perform meeting services for the City Council and Planning Commission and provide human resources and risk management services for the City; and
- 2) Authorize the City Manager to recruit for a temporary part-time Office Technician position to support the Interim Deputy City Clerk.

BACKGROUND INFORMATION:

The City’s Budget includes a full-time Office Assistant position to support its administrative services with a focus on accounts payable. It also includes a part-maintenance worker position to help on weekends with public restrooms and to help with Third Street during the busiest hours. Last fall when the Office Assistant recruitment occurred, no candidates with the required 3-years of experience applied. The City Manager made a provisional appointment of “Office Technician,” and the City Council approved Resolution 2021-60 on October 19, 2021, and the Office Technician job description.

To recruit for these positions and assist with the Human Resource functions on December 20, 2021, the City Manager executed a “not to exceed” \$10,000 agreement (provided as an attachment to the proposed Resolution) with the Regional Government Services Authority (<https://www.rgsjpa.org/>).

Regional Government Services Authority (RGS) is a Joint Powers Authority (JPA) serving the needs of cities, counties, special districts, joint powers authorities, and other governmental entities since



2002. RGS works exclusively for the benefit of public agencies, providing a ready source of support and consulting services to meet the needs of its partner agencies in a broad range of disciplines and to help local governments meet three challenges:

1. Decreasing revenues
2. Increasing demands (and costs) for services, and
3. Loss of experienced staff.

Local government leaders knew that these challenges were likely to continue, so agencies would have to work together – uniting not only their voices but their resources to advocate and become more efficient. The idea behind the creation of RGS was to form an agency that would help local governments share expertise and improve efficiencies. This was an emerging need. It did not require that each agency hire full-time staff. With the creation of this JPA, agencies could, in effect, share expertise through a third-party.

RGS is governed by several member agencies, all with the common goal expressed in the JPA's **MISSION STATEMENT: To provide quality, innovative, cost-effective services exclusively to public agencies.** In November 2020, the 5-year Strategic Plan was adopted. Current member agency representation can be found on the Board of Directors page of this website.

They specialize in supporting small cities that include Sand City and Del Rey Oaks in Monterey County. They also support several local water and wastewater districts. They are uniquely qualified for this work.

When the City learned of the planned retirement of the Deputy City Clerk/Administrative Services Manager, it began to assess this position and the great variety of responsibilities it had accumulated over the past 15 to 17-years. A two-page list of duties and responsibilities was shared with RGS and they have worked with the incumbent and City Manager to create a draft job description. It is common for small cities to combine City Clerk duties with other duties including Public Information Officer and Human Resources. The multi-faceted diverse job, can be a hard position to fill. Fortunately, the City Manager has a solid background in Human Resources and Risk Management to oversee the work. But basic tasks may be left unattended when the vacancy is filled depending on the candidate pool, so the City is prepared to fill that need with supplemental support by RGS.

In San Juan Bautista, for a decade or more, the Deputy Clerk has served the Historic Resources Board and Planning Commission, while the elected City Clerk supports the City Council. When the elected City Clerk cannot clerk the City Council, the Deputy City clerk will fill-in. In the past, when an unexperienced community member ran for City Clerk and got elected, the Deputy City Clerk had to train them to be the City Clerk the clerk the City Council meetings. This is very technical job with important legal requirements including the implementation of the public meeting laws provided for in the Ralph M. Brown Act. With the recent resignation of the City Clerk, the City is at risk of losing all of its clerking experience. In two separate reports to the City Council on this Agenda, the Council is asked to approved a job description for the Deputy City Clerk/Administrative Services Manager, and to decide about the succession of the City Clerk position.



DISCUSSION:

As described above, the City is planning for the succession of both the retiring Deputy City Clerk, and the recent resignation of the City Clerk. City recruitments take several months, so to have a skilled professional to clerk these meetings is a great help in making this critical staffing transition. In working with RGS, they have employees who are well qualified to provide agencies with assistance in conducting and documenting public meetings subject to the Brown Act. In fact they are currently providing these services to a number of public agencies. These clerking services are all to be provided remotely.

RGS can offer the services of planning and preparing the meeting agenda packet, public notices, and conducting meetings for \$130 per hour. Minutes can be prepared for both City Council and Planning Commission meetings for \$95 per hour. Over a three months term until the Deputy City Clerk functions are filled, the cost is estimated not to exceed \$30,000. Since the City has already entered into an Agreement with RGS, the proposed addition of the services to be provided includes the original amount of \$10,000 plus the clerking duties, with a small contingency for other Human Resources work that may be required. (not to exceed \$50,000).

The City's administration is performed electronically as much as possible, but does require "boots on the ground" when it comes time to produce an Agenda Packet in both hard-copy and distribute the Packet in town, in addition to on-line. Other important "boots on the ground" work includes help covering for public inquires, responding to Public Records Act requests, and getting official actions executed and filed. Clerical support is needed at City Hall for this work, in the form of a part-time temporary help. As proposed, this temporary position would be another "Office Technician," but only 20-hours per week. The appointment is proposed to end shortly after the Deputy City Clerk vacancy is filled.

FISCAL IMPACT:

The estimated \$50,000 for clerking, human resources and risk management services will be paid from the funds saved by the vacancy of the Deputy Clerk Position. Fully loaded, this position will cost between \$115,000 and \$120,000 annually.

ATTACHMENTS:

Resolution and RGS Agreement, Scope and Proposed Costs

RESOLUTION NO. 2022- XX

A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH REGIONAL GOVERNMENT SERVICES (“RGS”) TO TEMPORARILY PROVIDE CLERK SERVICES FOR CITY COUNCIL AND PLANNING COMMISSION MEETINGS, HUMAN RESOURCES AND RISK MANAGEMENT SERVICES

WHEREAS, after 17-years, the Deputy City Clerk/Administrative Services Manager is retiring; and

WHEREAS, while the City updates the Job Description and recruits for this anticipated vacancy, City is also reviewing the need for administration of its Human Resources and Risk Management services; and

WHEREAS, the elected City Clerk resigned in January, and the City Council must within 30-days of the resignation, determine how it will fill this vacant elected position; and

WHEREAS, Regional Government Services (“RGS”) Authority is a unique not for profit Joint Powers Authority formed in 2002 and now serves more than 300-cities and special districts in California with a Board of active California City Managers staffed by experienced and retired City experts for the purpose of providing local governments with administrative, staffing and advisory services; and

WHEREAS, in November, the City Manager executed a limited contract for human resource recruitment for \$10,000, with RGS, and they are drafting an updated Deputy City Clerk/Administrative Services Manager job description, recruiting for a part-time Maintenance Worker, and a fulltime Office Technician position (rather than the Office Assistant position recruited but not filled in 2020); and

WHEREAS, now with the resignation of both the Deputy City Clerk and the City Clerk, RGS has been asked to provide contractual services that help fill the Deputy City Clerk role with a contract for a temporary retired City Clerk to help with the temporary clerking duties, and support the City Council and Planning Commission until such a time that the City can plan for and implement the succession of these vacancies; and

WHEREAS, understanding that the temporary clerking services will be clerking meetings off-site, staff is also seeking a part-time Office Technician to support the clerical duties associated with preparing meeting packets and following up after meetings to all action items approved are then executed, and other formalities of the Clerk’s roles required to be performed from City Hall (filing and record keeping, and keeping the Council and Commission informed in hard-copy when needed, etc.); and

WHEREAS, RGS is prepared to support the City through an amended contractual relationship in the amount not to exceed \$50,000, to include an expanded role of providing the clerking services, and supporting both Risk and Human Resource services while the City recruits for a new Deputy City Clerk/Administrative Services Manager.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY FINDS:

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
2. It agrees that during the transition of City Clerk, Deputy City Clerk/Administrative Services Manager positions, temporary clerk support is required to assure continued public access to City meetings and records, compliance with the Brown Act and other critical legal policies and procedures associated with the role of the City Clerk, Deputy City Clerk and Administrative Services Manager.
3. Authorize the City Manager to execute an agreement with RGS for an amount not to exceed \$50,000 to provide clerk services, human resources and risk management services until the vacancies are filled.
4. Authorize recruitment for a temporary Office Technician to support the off-site temporary clerk services until the Deputy City Clerk/Administrative Services Manager position is filled; and

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 15th day of February, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Leslie Q. Jordan, Mayor

Trish Paetz, Deputy City Clerk

Attachment: RGS Scope of work



**REGIONAL
GOVERNMENT
SERVICES**

SERVING PUBLIC AGENCIES SINCE 2002

**AMENDMENT NO. 1 TO MANAGEMENT AND ADMINISTRATIVE
SERVICES AGREEMENT**

This first amendment to the Management and Administrative Services Agreement between the **CITY OF SAN JUAN BAUTISTA** ("Agency") and Regional Government Services Authority, hereinafter called "RGS" is made and entered into this 1st day of February 2021.

RECITALS

The Agency and RGS entered into an Agreement for services dated December 20, 2021. This Amendment is entered into with reference to the following facts and circumstances:

- A. In Section 3, the Not-To Exceed (NTE) amount is increased by \$40,000, to a revised total of \$50,000.
- B. In Exhibit B, the Scope of Services is expanded to include the services as indicated in ATTACHMENT 1 to this Amendment.
- C. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Additional Services Amendment to be executed on the date first above written by their respective officers duly authorized in that behalf.

Dated: _____

Dated: _____

Agency

RGS

Don Reynolds, City Manager

Richard H. Averett, Executive Director



Amendment #1 – City of San Juan Bautista
Agreement Dated 12/20/2021

ATTACHMENT 1

Subject to the terms and conditions of the Agreement dated 12/20/21, Regional Government Services Authority (RGS) shall assign RGS employee(s) to serve as the Public Meeting Advisor(s) to the City of San Juan Bautista (Agency), which may require performing any or all of the functions described below:

1. Provide temporary Public Meeting services including the following as needed:
 - 1.1. Oversee and ensure the timely preparation of public meeting agendas and their proper posting and publication, to include gathering of necessary staff reports, formatting, sequential numbering, creating board packets, distribution to board and committee members, and related duties
 - 1.2. Provide the proper preparation for, and staffing of, public meetings as necessary and the preparation of minutes or other documentation of the proceedings if required
 - 1.3. Routing of documents for signatures post meeting and assuring appropriate posting and filing
 - 1.4. Review required documents for compliance with Agency rules, ordinances and guidelines, State codes and Federal statutes
 - 1.5. Be reasonably available to perform services during the normal work week.
 - 1.6. Meet as often as necessary for the purpose of consulting about the Agency's needs and issues, and the scope of work performed.
2. Projects and activities may be modified on request of the Agency. Agency will only be invoiced for the actual hours worked.



**REGIONAL
GOVERNMENT
SERVICES**

SERVING PUBLIC AGENCIES SINCE 2002

January 25, 2022

Don Reynolds, City Manager
City of San Juan Bautista
P.O. Box 1420
San Juan Bautista, CA 95045
Email: citymanager@san-juan-bautista.ca.us

SUBJECT: HUMAN RESOURCES SERVICES

Dear Mr. Reynolds,

Thank you for contracting with Regional Government Services to provide Human Resources Services for your agency. To best support our partnership with you, here are some key pieces of info:

Who to Contact

The advisor responsible to deliver your project/service is Kay Randolph-Pollard, she can be reached at krandolphpollard@rgs.ca.gov or at 650-587-7314.

From time to time, you may want to talk with an RGS service leader to resolve issues, expand services, or share your feedback. Please feel free to contact RGS Project Advisor, Chris Paxton at cpaxton@rgs.ca.gov or 650.587.7300 ext. 38. We want to ensure that the work being performed is high quality and meets your needs!

Key Partnership Concepts

Work Hours: RGS Advisors work a range of hours. If specific work hours for your agency are desired, they can be set by mutual agreement, consistent with the contract scope (attached). RGS Advisors will adjust their schedules as much as possible to meet your needs and will inform you as early as possible about scheduling adjustments.

Work Planning and Progress Communication: We believe that a mutually agreed on work plan will help to accomplish your objectives in priority order; and that progress updates and work plan adjustments are essential to a successful partnership. The format and frequency of these tools varies depending on your needs. Please discuss needs with your Advisor, including information about other stakeholders who should receive information regularly.

Role Communication to Others: From time to time, RGS employees may speak to your employees, other consultants, product vendors, labor organizations, and the general public. We are proud to claim both our RGS employment and our role as partners with your agency in these communications. We will also regularly and clearly defer the authority for decision-making to your team. Please consult with your Advisor(s) about any issues you encounter in clarifying their role. We are happy to collaboratively craft a clear message to inform others about how to work effectively with you and your RGS Advisor(s).

RGS Employee Information: RGS Advisors are employees of RGS and may not provide personal identifying information to any partner agency staff. If you receive a request from a third party for such information, please notify your Lead Advisor immediately.

We look forward to working well with you. Together, we can deliver outstanding service to your customers and community!

Kind Regards,
Chris Paxton Project Advisor



(ATTACHMENT)
SCOPE OF
SERVICES

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Exhibit B

Scope of Services. Subject to the terms and conditions of this Agreement, Regional Government Services Authority (RGS) shall assign an RGS employee or employees to serve as Advisors to the City of San Juan Bautista, hereafter "Agency," which may require performing any or all of the functions described below:

2. Provide immediate ongoing human resources consulting services to the Agency. Consulting services include implementation of work on identified priority projects, and also include the following activities as needed:
 - 2.1. Provide professional advice regarding best practice to facilitate the effective and compliant administration of Agency's human resources related policies and practices, legal compliance, and payroll practices.
 - 2.2. Develop, conduct, and manage general and executive level recruitment projects.
 - 2.3. Coordinate and assist with leave management, including but not limited to workers' compensation, medical leaves, and reasonable accommodation.
 - 2.4. Draft required communications, including administrative policies, procedures, forms and templates as needed to develop an effective and compliant system of human resources management practices and transactions.
 - 2.5. Conduct salary surveys of comparable agencies.
 - 2.6. Development or review of classification descriptions and PLSA designation and recommend updates as needed.
 - 2.7. Analyze a variety of information and recommend appropriate management action; provide written documentation of analysis and recommendations as needed.
 - 2.8. As needed, provide professional guidance and assistance to Agency staff in the areas of performance management, training development, compensation, and benefits.
 - 2.9. As needed, review payroll processes and practices to ensure compliance with state and federal laws and best practices.
 - 2.10. As needed, benefit review and analyze of administration; assist with benefit selection and administration.
 - 2.11. As needed, draft specific documentation relevant to resolving a range of human resources issues; coach managers as needed on effective actions and communications to achieve resolution; coach supervisors on conducting sensitive personnel conversations.
 - 2.12. As needed, update HR systems documentation for current best practices.
 - 2.13. As needed, review of the occupational safety policies, resources and administrative systems to ensure legal compliance and best practices.
2. Be reasonably available to perform the services during the normal work week. Meet as often as necessary for the purpose of consulting about the scope of work performed with the appropriate Agency project manager and with the RGS Lead Advisor or Advisors.
3. RGS will maintain open communication lines with Agency staff through written documentation, video conference calls, phone, and e-mail.



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4. The work will be done remotely or onsite. During the COVID-19 pandemic restrictions, RGS Advisors may only work onsite with the authority of the RGS Human Resources Services Director.
5. Projects and activities may be modified on request of the Agency. Agency will only be invoiced for the actual hours worked.
6. The RGS team assigned will be led by a Lead Advisor, who will both perform work and direct projects to other RGS staff as needed. RGS staff, with equal or lower bill rates, will be assigned to projects or tasks at Lead Advisor's discretion.





RGS is committed to reducing paper waste by converting to electronic processes. Toward these waste reduction goals, RGS uses DocuSign to digitally sign and execute our Agreements. DocuSign provides a secure and legally binding digital signature process which eliminates the need for printing and distribution of documents for signature. Additionally, and especially under the current health and safety restrictions, RGS requests that agencies use electronic payment methods whenever possible to reduce mailing and paper expenses. RGS requests your assistance with meeting these waste reduction goals by joining us in the use of DocuSign and electronic payment methods during our collaboration.

Preamble: The agreement for services described below is also an agreement to engage in a relationship between organizations – Agency partners. In order to establish a mutually respectful relationship as well as a productive one, RGS has adopted the following values and business methods.

Our Values

- **Expert Services:** RGS serves exclusively public sector agencies with its team of public-sector experts.
- **Innovation:** RGS encourages and develops innovative and sustainable services to help each Agency meet its challenges through new modes of service provision.
- **Customer Driven:** RGS customizes solutions to achieve the right level and right kind of service at the right time for each Agency's unique organizational needs.
- **Perseverance:** Sometimes the best solutions are not immediately apparent. RGS listens, works with you, and sticks with it until a good fit with your needs is found.
- **Open Source Sharing:** RGS tracks emerging best practices and shares them, learning openly from each other's hard-won experience.
- **Commitment:** Government agencies are the public's only choice for many services. Public trust is earned and must be used wisely. And RGS will do its part. Each Agency should and will know how RGS sets its rates. RGS' pledge to you is that we will act with honesty, openness, and full transparency.

How RGS Does Business

When you work with RGS you can expect:

- RGS will strive to be explicit up front and put our understandings in writing. Before making assumptions, we hope to talk directly to prevent any misunderstandings.
- Ongoing interaction throughout our relationship to ensure that your needs are being met, and that projects progress appropriately and agreed-upon timelines are met.
- RGS is committed to honest interaction.
- When RGS employees are on your site, we expect them to treat people respectfully and be treated respectfully. If problems arise, we want to communicate early, accurately, and thoroughly to ensure that we find mutually acceptable solutions.
- As a public Agency, partnering is valued. We look out for each Agency's interests consistent with maintaining the public trust.
- To keep expectations realistic, it is important to understand that RGS is a governmental, joint powers authority evolving to meet changing local government needs. RGS has carefully constructed policies and procedures to allow maximum flexibility to meet your needs.



Agreement for Management and Administrative Services

This Agreement for Management Services (“Agreement”) is made and entered into as of the 20th day of December 2021, by and between the **CITY OF SAN JUAN BAUTISTA** a municipal Agency (“Agency”), and **Regional Government Services Authority** (RGS), a joint powers authority, (each individually a “Party” and, collectively, the “Parties”).

RECITALS

THIS AGREEMENT is entered into with reference to the following facts and circumstances:

- A. That Agency desires to engage RGS to render certain services to it;
- B. That RGS is a management and administrative services provider and is qualified to provide such services to the Agency; and
- C. That Agency has elected to engage the services of RGS upon the terms and conditions as hereinafter set forth.

TERMS AND CONDITIONS

Section 1. Services. The services to be performed by RGS under this Agreement shall include those services set forth in the attached **Exhibits**, which are incorporated by this reference herein and made a part hereof as though it were fully set forth herein.

Where in conflict, the terms of this Agreement supersede and prevail over any terms set forth in the **Exhibits**.

- 1.1 Standard of Performance.** RGS shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the types of services that RGS agrees to provide in the geographical area in which RGS operates.
- 1.2 Service Advisor.** To ensure quality and consistency for the services provided, RGS also assigns a service advisor to Agency. The service advisor is available to assigned RGS staff and to Agency management and will check in regularly with both to address program/project directives. Typically service advisor time is not billed to Agency, with some exceptions where significant programmatic direction is provided.
- 1.3 Reassignment of Personnel.** Assignment of personnel to provide the services described in the **Exhibits** is at the sole discretion of RGS. In the event that Agency or RGS, at any time during the term of this Agreement, desires the reassignment of personnel, Agency and RGS shall meet and discuss in good faith to address the issue of concern, including but not limited to reassigning such person or persons.
- 1.4 Time.** RGS shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance described above and to provide the services described in the **Exhibits**.



Section 2. Term of Agreement and Termination.

- 2.1** Services shall commence on or about December 20, 2021, and this Agreement is anticipated to remain in force to June 30, 2023, at which time services may continue on a month-to-month basis until one party terminates the Agreement or if Section 3 contains a “not to exceed” amount, until RGS charges for services reach the not-to-exceed amount at which point the Agreement will automatically terminate unless amended. Services provided under the month-to-month provision are subject to current RGS staff rates in effect at the time of service. Once this Agreement has converted to a month-to month basis, it shall automatically terminate upon the ninety-first (91st) continuous day with no billable service hours. After the ninety-first (91st) day with no billable service hours, RGS shall provide Agency with written notice of the automatic termination of the Agreement.
- 2.2** This Agreement may be terminated by either Party, with or without cause, upon 30 days’ written notice. Agency has the sole discretion to determine if the services performed by RGS are satisfactory to the Agency which determination shall be made in good faith. If Agency determines that the services performed by RGS are not satisfactory, Agency may terminate this Agreement by giving written notice to RGS. Upon receipt of notice of termination by either Party, RGS shall cease performing duties on behalf of Agency on the termination date specified and the compensation payable to RGS shall include only the period for which services have been performed by RGS.

Section 3. Compensation. Payment for services under this Agreement shall not exceed \$10,000 and shall be as provided in the **Exhibits**.

Section 4. Effective Date. This Agreement shall become effective on the date first herein above written.

Section 5. Relationship of Parties.

- 5.1** It is understood that the relationship of RGS to the Agency is that of an independent contractor and all persons working for or under the direction of RGS are its agents or employees and not agents or employees of Agency. The Agency and RGS shall, at all times, treat all persons working for or under the direction of RGS as agents and employees of RGS, and not as agents or employees of the Agency. Agency shall have the right to control RGS employees only insofar as the results of RGS’ services rendered pursuant to this Agreement. In furtherance of this Section 5.1, the Parties agree as follows:
- 5.1.1** Agency shall not request from RGS or from an RGS employee providing services pursuant to this Agreement an RGS employee’s Social Security Number or other similar personally identifying information.
- 5.1.2** Agency shall not report an RGS employee to a third party as an employee of Agency. For the purposes of this Section 5.1, “third party” means another government agency, private company, or individual.



- 5.1.3** In the event that a third-party requests information about an RGS employee—including but not limited to personally identifying information, hours or locations worked, tasks performed, or compensation—Agency shall inform RGS of the request prior to responding. If Agency possesses such information about an RGS employee, the Parties shall confer in good faith about an appropriate and legally compliant response to the request.
- 5.2** RGS shall provide services under this Agreement through one or more employees of RGS qualified to perform services contracted for by Agency. The positions of RGS staff that will coordinate services to the Agency are indicated in the **Exhibits**. The Executive Director or assigned supervising RGS staff will consult with Agency on an as-needed basis to assure that the services to be performed are meeting Agency's objectives. At any time the RGS employee may be providing services to one or more RGS clients concurrent with the services being provided under this Agreement.
- 5.3** Agency shall not have the ability to direct how services are to be performed, specify the location where services are to be performed, or establish set hours or days for performance of services, except as set forth in the **Exhibits**.
- 5.4** RGS employees may require access to Agency's computer systems and networks to complete the assigned services. RGS requires its employees to agree to appropriate system usage policies, which include a pledge not to use partner agency electronic equipment for anything other than partner agency work. (These policies can be provided to Agency upon request.)
- 5.5** Agency shall not have any right to discharge any employee of RGS from RGS employment.
- 5.6** RGS shall, at its sole expense, supply for its employees providing services to Agency pursuant to this Agreement any and all benefits, such as worker's compensation, disability insurance, vacation pay, sick pay, or retirement benefits; obtain and maintain all licenses and permits usual or necessary for performing the services; pay any and all taxes incurred as a result of the employee(s) compensation, including employment or other taxes; and provide Agency with proof of payment of taxes on demand.

Section 6. General Liability Coverage. RGS, pursuant to California Government Code Section 990, may satisfy its contractual liabilities with self-insurance and/or participate in a pooled risk purchasing program. RGS has and will continue to maintain a program of liability coverage against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by RGS and its agents, representatives, employees, and subcontractors.

6.1 Workers' Compensation Coverage.

6.1.1 General requirements. RGS shall, at its sole cost and expense, maintain Workers' Compensation coverage and Employer's Liability coverage with limits of not less than \$1,000,000.00 per occurrence.



6.1.2 Waiver of subrogation. The Workers' Compensation coverage shall be endorsed with or include a waiver of subrogation in favor of Agency for all work performed by RGS, its employees, agents, and subcontractors.

6.2 Commercial General, Automobile, and Professional Liability Coverages.

6.2.1 General requirements. RGS, at its own cost and expense, shall maintain commercial general and automobile liability coverage for the term of this Agreement in an amount not less than \$2,000,000 per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. RGS shall additionally maintain commercial general liability coverage in an amount not less than \$2,000,000 aggregated for bodily injury, personal injury, and property damage.

6.2.2 Minimum scope of coverage. RGS coverage may not be written on ISO forms but will always provide coverage at least as broad as the latest version of the following: (A) *General Liability*: Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001); and (B) *Automobile Liability*: Insurance Services Office Business Auto Coverage form number CA 001, code 1 (any auto).

6.3 Professional Liability Insurance. RGS, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability coverage for licensed professionals performing work pursuant to this Agreement in an amount not less than \$2,000,000 covering the licensed professionals' errors and omissions.

6.4 All Policies Requirements.

6.4.1 Coverage requirements. Each of the following shall be included in the coverage or added as an endorsement:

- a. Agency and its officers, employees, and agents, shall be covered as additional covered parties with respect to RGS' general commercial, and automobile coverage for claims, demands, and causes of action arising out of or relating to RGS' performance of this Agreement and to the extent caused by RGS' negligent act, error, or omission.
- b. An endorsement to RGS' general commercial and automobile coverages must state that coverage is primary with respect to Agency and its officers, officials, employees and volunteers.
- c. All coverages shall be on an occurrence or an accident basis, and not on a claims-made basis.

6.4.2 Acceptability of coverage providers. All coverages required by this section shall be acquired through providers with a Bests' rating of no less than A: VII or through sources that provide an equivalent level of reliability.

6.4.3 Verification of coverage. Prior to beginning any work under this Agreement, RGS shall furnish Agency with notifications of coverage and



with original endorsements effecting coverage required herein. The notifications and endorsements are to be signed by a person authorized to bind coverage on its behalf. Agency reserves the right to require complete, certified copies coverage at any time.

6.4.4 Subcontractors. RGS shall include all subcontractors as insureds under its coverage or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

6.4.5 Variation. During the term of this Agreement, RGS may change the insurance program in which it participates. RGS will provide reasonable notice of any such change to Agency and replacement copies of Certificates of Coverage and endorsements.

6.4.6 Deductibles and Self-Insured Retentions. RGS shall disclose any self-insured retention if Agency so requests prior to performing services under this Agreement or within a reasonable period of time of a request by Agency during the term of this Agreement.

6.4.7 Maintenance of Coverages. The coverages stated herein shall be maintained throughout the term of this Agreement and proof of coverage shall be available for inspection by Agency upon request.

6.4.8 Notice of Cancellation or Reduction in Coverage. In the event that any coverage required by this section is reduced, limited, or materially affected in any other manner, RGS shall provide written notice to Agency at RGS earliest possible opportunity and in no case later than five business days after RGS is notified of the change in coverage.

Section 7. Legal Requirements.

7.1 Governing Law. The laws of the State of California shall govern this Agreement.

7.2 Compliance with Applicable Laws. RGS and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.

7.3 Reporting Requirements. If there is a statutory or other legal requirement for RGS to report information to another government entity, RGS shall be responsible for complying with such requirements.

7.4 Other Governmental Regulations. To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, RGS and any subcontractors shall comply with all applicable rules and regulations to which Agency is bound by the terms of such fiscal assistance program.

7.5 Licenses and Permits. RGS represents and warrants to Agency that RGS and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to provide the services contemplated by this Agreement. RGS represents and



warrants to Agency that RGS and its employees, agents, and subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions.

- 7.6 **Nondiscrimination and Equal Opportunity.** RGS shall not discriminate on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided under this Agreement. RGS shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement.

Section 8. Keeping and Status of Records.

- 8.1 **Records Created as Part of RGS' Performance.** All final versions of reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that RGS prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of Agency. RGS hereby agrees to deliver those documents to Agency upon termination of the Agreement, if requested. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for Agency and are not necessarily suitable for any future or other use.
- 8.2 **Confidential Information.** RGS shall hold any confidential information received from Agency in the course of performing this Agreement in trust and confidence and will not reveal such confidential information to any person or entity, either during the term of the Agreement or at any time thereafter. Upon expiration of this Agreement, or termination as provided herein, RGS shall return materials which contain any confidential information to Agency. For purposes of this paragraph, confidential information is defined as all information disclosed to RGS which relates to Agency past, present, and future activities, as well as activities under this Agreement, which information is not otherwise of public record under California law. Agency shall notify RGS what information and documents are confidential and thus subject to this section 8.2.



8.3 RGS Books and Records. RGS shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to Agency under this Agreement for a minimum of 3 years, or for any longer period required by law, from the date of final payment under this Agreement.

8.4 Inspection and Audit of Records. Any records or documents that Section 8.3 of this Agreement requires RGS to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of Agency. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds \$10,000.00, the Agreement shall be subject to the examination and audit of the State Auditor, at the request of Agency or as part of any audit of Agency, for a period of three years after final payment under the Agreement.

Section 9. Non-assignment. This Agreement is not assignable either in whole or in part without the written consent of the other party.

Section 10. Amendments. This Agreement may be amended or modified only by written Agreement signed by both Parties.

Section 11. Validity. The invalidity, in whole or in part, of any provisions of this Agreement shall not void or affect the validity of any other provisions of this Agreement.

Section 12. Disputes. Should any dispute arise out of this Agreement, Agency agrees that it shall only file a legal action against RGS, and shall not file any legal action against any of the public entities that are members of RGS.

Section 13. Venue/Attorneys' Fees. Any suit or action initiated by either party shall be brought in Alameda County, California. In the event of litigation between the Parties hereto to enforce any provision of the Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and costs of litigation.

Section 14. Mediation. Should any dispute arise out of this Agreement, the Parties shall meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable mediator. Neither Party shall be permitted to file legal action without first meeting in mediation and making a good faith attempt to reach a mediated resolution. The costs of the mediator, if any, shall be paid equally by the Parties. If a mediated settlement is reached, neither Party shall be deemed the prevailing party for purposes of the settlement and each Party shall bear its own legal costs.

Section 15. Employment Offers to RGS Staff. Should Agency desire to offer permanent or temporary employment to an RGS employee who is either currently providing RGS services to Agency or has provided RGS services to Agency within the previous six months, said Agency will be charged a fee equal to the full-time cost of the RGS employee for one month, using the most recent RGS bill rate for the RGS employee's services to Agency. This fee is to recover RGS' expenses in recruiting the former and replacement RGS staff.



Section 16. Entire Agreement. This Agreement, including the **Exhibits**, comprises the entire Agreement.

Section 17. Indemnification.

17.1 RGS' indemnity obligations.

RGS shall indemnify, defend, and hold harmless Agency and its legislative body, boards and commissions, officers, and employees ("Indemnitees") from and against all claims, demands, and causes of action by third parties, including but not limited to attorneys' fees, arising out of RGS' performance of this Agreement, to the extent caused by RGS' negligent act, error, or omission. Nothing herein shall be interpreted as obligating RGS to indemnify Agency against its own negligence or willful misconduct.

Training disclaimer

Agency understands and acknowledges that RGS advisors may, as part of the scope of services under this Agreement, provide training on various matters including human resources, accounting, or management practices. The advice and guidance included in such training does not, and is not intended to, constitute legal advice; instead, all information, content, and materials provided are based on industry best practices, but may not be applicable in all situations. Agency staff should not act or refrain from acting on the basis of the information provided as part of a training without first seeking legal advice from counsel in its relevant jurisdiction and/or appropriate Agency approval. RGS' obligation to indemnify, defend, and hold harmless indemnities pursuant to this section 17.1 for professional errors and omissions shall not exceed \$500,000.

17.2 Agency's indemnity obligations. Agency shall indemnify, defend and hold harmless RGS and its officers, directors, employees and agents from any and all claims and lawsuits where such persons are named in the lawsuit solely because of a duty any of them performs in accordance with the services outlined in Exhibit B.

It is the intent of the parties here to define indemnity obligations that are related to or arise out of Agency's actions as a governmental entity. Thus, Agency shall be required to indemnify and defend only under circumstances where a cause of action is stated against RGS, its employees or agents:

- a. which is unrelated to the skill they have used in the performance of the duties delegated to them under this Agreement;
- b. when the allegations in such cause of action do not suggest the active fraud or other misconduct of RGS, its employees, or agents; or
- c. where an Agency employee, if he had been acting in a like capacity, otherwise would be acting within the scope of that employment.

Whenever Agency owes a duty hereunder to indemnify RGS, its employees or agents, Agency further agrees to pay RGS a reasonable fee for all time spent by any RGS employee, or spent by any person who has performed work pursuant to this Agreement, for the purpose of preparing for or testifying in any suit, action, or legal proceeding in connection with the services the assigned employee has provided under this Agreement.



17.3 Obligations and indemnity related to defined benefit retirement plan participation.

- a. RGS and Agency acknowledge and agree that, if Agency participates in a defined benefit plan (such as CalPERS, a pension plan, or Social Security) (“Retirement Program”), it is possible that the Retirement Program may find that RGS employees providing services pursuant to this Agreement are employees of Agency and should be registered with the Retirement Program as employees of Agency, which possibility is the same as if Agency were contracting with a private consulting firm. Pursuant to Section 5.1 of this Agreement, Agency has an obligation to treat all persons working for or under the direction of RGS as agents and employees of RGS, and not as agents or employees of Agency. Agency agrees not to ask RGS employees for personally identifying information.
- b. In the event that the Agency’s Retirement Program initiates an inquiry that includes examination of whether individuals providing services under this Agreement to Agency are Agency’s employees, Agency shall inform RGS within five days and share all communications and documents from the Retirement Program that it may legally share. In the event that either RGS or Agency files an appeal or court challenge, RGS and Agency each agree to cooperate with each other in responding to the inquiry and any subsequent administrative appeal or court challenge of an adverse determination. Notwithstanding Section 17.1 of this Agreement, RGS and Agency shall each bear their own costs in responding to an inquiry by a Retirement Program, including but not limited to costs of an administrative appeal or court challenge.
- c. In the event that any RGS employee or subconsultant providing services under this Agreement is determined by a court of competent jurisdiction or the Retirement Program to be eligible for enrollment in the Retirement Program as an employee of the Agency, to the fullest extent of the law, Agency shall indemnify, defend, and hold harmless RGS for any payment that Agency is required as a result to make to the Retirement Program, whether in the form of employee and/or employer contributions or any similar obligations as well as for the payment of any penalties and interest on such payments.

Section 18. Notices. All notices required by this Agreement shall be given to Agency and RGS in writing, by first class mail, postage prepaid, or by email transmission addressed as follows:

Agency: City of San Juan Bautista
311 2nd Street / P.O. Box 1420
San Juan Bautista, CA 95045

RGS: Regional Government Services Authority
P. O. Box 1350
Carmel Valley, CA 93924
Email: contracts@rgs.ca.gov



Notice by email transmission shall be deemed given upon verification of receipt if received before 5:00p.m. on a regular business day or else on the next business day.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on the date first written by their respective officers duly authorized on their behalf.

DATED: 12/17/2021

Agency

By: DocuSigned by:
Don Reynolds
Don Reynolds, City Manager
citymanager@san-juan-bautista.ca.us

DATED: 12/16/2021

Regional Government Services Authority

By: DocuSigned by:
Richard Averett
Richard H. Averett, Executive Director



Exhibit A

Compensation.

1. **Fees.** Agency agrees to pay to RGS the hourly rates set forth in the tables below for each RGS employee providing services to Agency, which are based in part on RGS' full cost of compensation and support for the RGS employee(s) providing the services herein described.

RGS and Agency acknowledge and agree that compensation paid by Agency to RGS under this Agreement is based upon RGS' costs of providing the services required hereunder, including salaries and benefits of employees. The Parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities for which RGS may be obligated for its employees or may otherwise be contractually obligated.

Consequently, the Parties agree that adjustments to the hourly rate shown below for "RGS Staff" will be made for changes to the salary and/or benefits costs provided by RGS to such employee. On July 1 of each year, RGS' hourly bill rates will be adjusted by the percentage change in the Consumer Price Index (Bureau of Labor Statistics, CPI for urban wage earners and clerical workers in the San Francisco-Oakland-San Jose area) ("CPI") for the twelve months through the end of December of the prior year. Irrespective of the movement of the CPI, RGS will not adjust its hourly rates downward; nor will RGS adjust its hourly rates upward in excess of a five percentage (5%) change, excepting instances where there was no increase in the prior year's hourly rates. In that event, RGS will adjust its hourly rates by the full percentage change in the CPI for the twelve months through the end of December of the prior year.

2. **Reimbursement of RGS' Administrative Cost.** Agency shall reimburse RGS for overhead as part of the hourly rate specified below, and direct external costs. Support overhead costs are those expenses necessary to administering this Agreement, and are included in the hourly rate. Direct external costs, including such expenses as travel or other costs incurred for the exclusive benefit of the Agency, will be invoiced to Agency when received and without mark-up. These external costs will be due upon receipt.
3. **Terms of Payment.** RGS shall submit invoices monthly for the prior month's services. Invoices shall be sent approximately 10 days after the end of the month for which services were performed and are due and shall be delinquent if not paid within 30 days of receipt. Delinquent payments will be subject to a late payment carrying charge computed at a periodic rate of one-half of one percent per month, which is an annual percentage rate of six percent, which will be applied to any unpaid balance owed commencing 7 days after the payment due date. Additionally, in the event the Agency fails to pay any undisputed amounts due to RGS within 15 days after payment due date, then Agency agrees that RGS shall have the right to consider said default a total breach of this Agreement and the duties of RGS under this Agreement may be terminated by RGS upon 5 working days' advance written notice.

Payment Process/Address. RGS prefers invoices be paid electronically. Please contact RGS for electronic payment instructions –

Jefferson Kise, MBA, RGS Finance and Operations Manager
(831) 308-2718 | jkise@rgs.ca.gov

[EXHIBIT A CONTINUES ON FOLLOWING PAGE]

Should it be necessary for payments to be made by check then please use the following address:



Regional Government Services Authority
 PO Box 1350 | Carmel Valley, CA 93924

AGENCY CONTACTS

Agency Billing Contact. Invoices are sent electronically only. Please provide the contact person to whom invoices should be sent:

NAME	EMAIL
Carmen Lujan, Finance & Admin Clerk	accttech@san-juan-bautista.ca.us

Agency Insurance Contact. Please provide the contact person to whom the certificate of coverage should be sent:

NAME	EMAIL
Trish Paetz, Administrative Services	deputycityclerk@san-juan-bautista.ca.us

RGS STAFF

CLASSIFICATION	HOURLY RATE*
Chief Operating Officer	\$135 to \$270
Deputy Chief Operating Officer	\$130 to \$195
Senior/Lead Advisor	\$125 to \$190
Advisor	\$115 to \$160
Project Advisor	\$105 to \$125
Project Coordinator	\$85 to \$120
Technical Specialist	\$75 to \$115

*The Hourly Rate does not include direct external costs which will be invoiced to Agency with no markup and will fall outside of the not-to-exceed (if established) for services provided.



Exhibit B

Scope of Services. Subject to the terms and conditions of this Agreement, Regional Government Services Authority (RGS) shall assign an RGS employee or employees to serve as Advisors to the City of San Juan Bautista, hereafter "Agency," which may require performing any or all of the functions described below:

2. Provide immediate ongoing human resources consulting services to the Agency. Consulting services include implementation of work on identified priority projects, and also include the following activities as needed:
 - 2.1. Provide professional advice regarding best practice to facilitate the effective and compliant administration of Agency's human resources related policies and practices, legal compliance, and payroll practices.
 - 2.2. Develop, conduct, and manage general and executive level recruitment projects.
 - 2.3. Coordinate and assist with leave management, including but not limited to workers' compensation, medical leaves, and reasonable accommodation.
 - 2.4. Draft required communications, including administrative policies, procedures, forms and templates as needed to develop an effective and compliant system of human resources management practices and transactions.
 - 2.5. Conduct salary surveys of comparable agencies.
 - 2.6. Development or review of classification descriptions and FLSA designation and recommend updates as needed.
 - 2.7. Analyze a variety of information and recommend appropriate management action; provide written documentation of analysis and recommendations as needed.
 - 2.8. As needed, provide professional guidance and assistance to Agency staff in the areas of performance management, training development, compensation, and benefits.
 - 2.9. As needed, review payroll processes and practices to ensure compliance with state and federal laws and best practices.
 - 2.10. As needed, benefit review and analyze of administration; assist with benefit selection and administration.
 - 2.11. As needed, draft specific documentation relevant to resolving a range of human resources issues; coach managers as needed on effective actions and communications to achieve resolution; coach supervisors on conducting sensitive personnel conversations.
 - 2.12. As needed, update HR systems documentation for current best practices.
 - 2.13. As needed, review of the occupational safety policies, resources and administrative systems to ensure legal compliance and best practices.
2. Be reasonably available to perform the services during the normal work week. Meet as often as necessary for the purpose of consulting about the scope of work performed with the appropriate Agency project manager and with the RGS Lead Advisor or Advisors.
3. RGS will maintain open communication lines with Agency staff through written documentation, video conference calls, phone, and e-mail.



4. The work will be done remotely or onsite. During the COVID-19 pandemic restrictions, RGS Advisors may only work onsite with the authority of the RGS Human Resources Services Director.
5. Projects and activities may be modified on request of the Agency. Agency will only be invoiced for the actual hours worked.
6. The RGS team assigned will be led by a Lead Advisor, who will both perform work and direct projects to other RGS staff as needed. RGS staff, with equal or lower bill rates, will be assigned to projects or tasks at Lead Advisor's discretion.



Certificate Of Completion

Envelope Id: 93B66EBEA83346C9B0747BA16D53126D
Subject: Please DocuSign: 2021-12-20 San Juan Bautista (HR Srvs)
Source Envelope:
Document Pages: 15 Signatures: 2
Certificate Pages: 2 Initials: 0
AutoNav: Enabled
Envelope Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:
Anna Marie Will
P.O. Box 1350
Carmel Valley, CA 93924
awill@rgs.ca.gov
IP Address: 67.181.219.14

Record Tracking

Status: Original
12/16/2021 3:31:33 PM

Holder: Anna Marie Will
awill@rgs.ca.gov

Location: DocuSign

Signer Events

Don Reynolds
citymanager@san-juan-bautista.ca.us
Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:
Don Reynolds
A4D4C07A1EBC049E

Signature Adoption: Pre-selected Style
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Timestamp

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Viewed: 12/17/2021 1:20:42 PM
Signed: 12/17/2021 1:22:19 PM

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Richard Averett
raverett@rgs.ca.gov
Executive Director
ra
Security Level: Email, Account Authentication
(None)

DocuSigned by:
Richard Averett
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Signature Adoption: Pre-selected Style
Using IP Address: 73.71.19.49

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Electronic Record and Signature Disclosure:
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In Person Signer Events

Signature

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Editor Delivery Events

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Agent Delivery Events

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Intermediary Delivery Events

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Certified Delivery Events

Status

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Carbon Copy Events

Status

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Kay Randolph Pollard
krandolphpollard@rgs.ca.gov
Security Level: Email, Account Authentication
(None)

COPIED

Sent: 12/16/2021 3:38:58 PM

Electronic Record and Signature Disclosure:
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Witness Events

Signature

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Notary Events

Signature

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Envelope Summary Events

Envelope Sent
Certified Delivered
Signing Complete
Completed

Status

Hashed/Encrypted
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Security Checked
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Timestamps

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Payment Events

Status

Timestamps





CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING "AMENDMENT TO CONTRACT OF EMPLOYMENT FOR CITY ATTORNEY," PROVIDING FOR APPOINTMENT OF ROBERT W. RATHIE AS CITY ATTORNEY AND APPOINT ROBERT W. RATHIE AS CITY ATTORNEY

MEETING DATE: February 15, 2022

SUBMITTED BY: Deborah Mall, City Attorney

REQUEST:

It is requested that the City Council:

1. Adopt a Resolution to approve the Agreement to the Contract for City Attorney providing for the appointment of Robert W. Rathie ("Bob") as City Attorney.
2. Appoint Robert W. Rathie as San Juan Bautista City Attorney.

BACKGROUND

I have served the City of San Juan Bautista for seven years as City Attorney. I am proud of the work that we have done and have enjoyed working with the City. Unfortunately, retirement calls.

DISCUSSION

The City Council is familiar with Bob Rathie, as he has served the City Council when I was not available. Bob was also involved in assisting George Thacher when George served as City Attorney. He is currently the Assistant City Attorney for Marina, but in effect, he has been serving almost in the capacity of City Attorney, since he has been handling all of the public meetings for some time. Bob is a graduate of Chico State and the Monterey College of Law. He has been with the Wellington Office since 1992, and has a broad breadth of knowledge and experience about all aspects of municipal and government agency law including the Brown Act. He has a special attention to detail and is our office expert in contracts (especially insurance and indemnification), construction, real property, commercial real estate laws, public records and general lease practices.

Since September of 2006, Wellington Law Offices has, by written agreement, been providing attorney services for the City of San Juan Bautista, with myself as the most recent "City Attorney," the other three lawyers in the firm designated "Assistant City Attorneys." Attached hereto is a copy of the 2006 agreement ("Contract of Employment for City Attorney") and a proposed amendment ("Amendment to Contract of Employment for City Attorney") to it. The Amendment:

Amends Section 2 of the Contract to designate Bob Rathie as the appointed City Attorney, and note the other members of the firm (Thacher, Wellington) as assistants.

Amends Section 6 of the Contract to, in effect, set Bob's hourly rate at \$160. Bob is presently billed at \$140 as an assistant, and will go to \$160 as required for City Attorney. The others are not changed.

CONCLUSION

It is recommended that the City Council amend the 2006 Agreement and appoint Robert W. Rathie as City Attorney.

RESOLUTION NO. 2022-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA APPROVING "AMENDMENT TO
CONTRACT OF EMPLOYMENT FOR CITY ATTORNEY,"
PROVIDING FOR APPOINTMENT OF ROBERT W. RATHIE
AS CITY ATTORNEY**

-o0o-

WHEREAS, pursuant to written agreement, Wellington Law Offices has provided City Attorney services to City, since September of 2006, with Deborah Mall serving since January 20, 2015; and

WHEREAS, Wellington Law Offices has requested that Robert W. Rathie Mall, of that firm, be appointed as City Attorney to replace Deborah Mall, who is retiring; and

WHEREAS, this Council is well aware of Mr. Rathie's considerable experience as an assistant city attorney for Marina and San Juan Bautista and as counsel to other public entities, and is satisfied that Mr. Rathie is highly qualified as a practitioner in all aspects of the field of local government agency and administrative law.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA HEREBY RESOLVES AS FOLLOWS:**

SECTION 1. Robert W. Rathie is appointed as City Attorney.

SECTION 2. That certain document entitled "Amendment to Contract of Employment for City Attorney," is amended to correct the provision for the appointment of City Attorney to replace Robert W. Rathie for Deborah A. Mall for City Attorney and certain other amendments to the 2006 contract fully to effect such appointment, hereby is approved.

SECTION 3. The Mayor hereby is authorized and directed to sign the Amendment to Contract of Employment for City Attorney for and on behalf of the City.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of San Juan Bautista duly held on the 15th day of February, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk

CONTRACT OF EMPLOYMENT
FOR
CITY ATTORNEY

THIS CONTRACT is made and entered into on September 19, 2006, by and between the CITY OF SAN JUAN BAUTISTA, a general law city organized and existing pursuant to California law, hereinafter referred to as "City," and the WELLINGTON LAW OFFICES, hereinafter referred to as "Attorney," as follows:

Recitals

1. Each of the attorneys (Robert R. Wellington, George C. Thacher, Kenneth D. Buchert and Robert W. Rathie) employed in the law offices of Attorney are duly licensed and authorized to practice law in the State of California.
2. Attorney and the above-listed attorneys employed by Attorney specialize in the field of local governmental agency and administrative law.
3. City requires the professional services of a city attorney in connection with the transaction of City business and operations, and is authorized by California Government Code Section 36505 to employ a city attorney.
4. City desires to engage the legal services of Attorney, and Attorney consents to provide such services, upon the terms and conditions hereinafter set forth.

Terms and Conditions

In consideration of the mutual promises contained herein, City and Attorney hereby agree to the following terms and conditions:

1. Employment of Attorney. City hereby retains and employs Attorney to provide city attorney services for City, and Attorney hereby accepts such employment and agrees to provide city attorney services, as hereinafter set forth.
2. City Attorney. George C. Thacher of Attorney's law offices is hereby appointed and designated as the City Attorney for the City of San Juan Bautista ("City Attorney" herein). Robert R. Wellington, Kenneth D. Buchert and Robert W. Rathie of Attorney's law offices are hereby appointed and designated as Assistant City Attorneys of the City of San Juan Bautista ("Assistant City Attorneys" herein).
3. Regular Legal Services. City Attorney shall attend all regular and special meetings of City's City Council, and any staff meetings or any other meeting as requested by the City



Council or City Manager; provide such oral or written legal advice and opinions as are requested by the City Council or City Manager relating to the normal day-to-day city business; prepare all ordinances, resolutions and rules and regulations required by City; review City legal documents and draft all ordinary contracts and other legal and business documents necessary to the regular operations of City, as well as any incidental correspondence regarding same; answer questions regarding City and its operations when requested by interested citizens; and engage in such normal legal research and study as is necessary to properly advise and protect the interests of City, its Council and employees. Provided, a) in the event City Attorney is on vacation, ill, or otherwise unavailable, Attorney may assign one of the Assistant City Attorneys to attend any of the meetings described herein, and b) Attorney may assign, as necessary, an Assistant City Attorney to perform, review, research, correspond, advise, or study matters as set forth above.

4. Monthly Retainer. For these above-described regular legal services, which are estimated for the purposes of this Contract to average approximately 15 to 20 hours each calendar month, City shall pay to Attorney the retainer sum of \$2,500.00 per month (*i.e.*, the equivalent of up to 20 hours of regular legal services shall be provided each month at the approximate average rate of \$130.00 per hour).

5. Extraordinary Services. Attorney shall also provide such special or extraordinary legal services as are necessary to City or as may be requested from time to time by the City Council or the City Manager, and which are defined as instituting, defending or representing City in any court litigation or administrative proceedings before a local, state or federal governmental agency; the negotiations for or the preparation of any complex legal document involving a matter outside the normal day-to-day business of City; or representing City in any eminent domain, labor negotiation, employee disciplinary, code or regulatory enforcement, lien or bond issuance proceedings. Prior to rendering any such extraordinary services, Attorney shall notify the City Manager of same. City may, at any time during the performance of extraordinary legal services hereunder, request that Attorney provide, to the extent possible, an estimate of the time and legal fees projected to be required for anticipated further extraordinary services on behalf of City, and, if also requested, some specification of the services to be rendered and explanation of the relative need for such services.

6. Hourly Fees. For such extraordinary legal services, and for all regular services in excess of 20 hours each month, City shall be billed at the rate of \$160.00 per hour for the services of City Attorney, \$160.00 per hour for Robert R. Wellington, \$150.00 per hour for Kenneth D. Buchert and \$140.00 per hour for Robert W. Rathie.

7. Monthly Billings. Attorney shall provide City with written statements or invoices each month specifying the all legal services, regular and extraordinary, rendered and the time expended thereon, calculated in one-tenth (1/10) of an hour increments. Travel time relating to meetings at the City offices will be charged at a flat rate of one hour per round trip. City agrees to pay any balances due within thirty days of billing.

8. Costs and Overhead. Attorney shall provide and pay for all of its own overhead and office costs, including secretaries, rent, office equipment, library expense, insurance and professional memberships and government lawyer associations. City agrees to pay or reimburse



Attorney for all out-of-pocket costs (such as filing fees, long distance telephone, photocopies, facsimile, special postage fees and out-of-area travel expenses) at actual cost, which shall be itemized in the monthly billing statements. No charges shall be made to City for clerical overtime, word processing or computerized legal research.

9. Associate Special Counsel. Attorney, with the prior consent of the City Council or City Manager, may retain or associate such other attorney or attorneys, *i.e.*, outside counsel, as may be necessary to assist City on any matter requiring special legal counsel.

10. Office Hours. City Attorney will have office hours in the San Juan Bautista City Hall for one-half day, two to four times per month, with the day and times to be determined by the City Manager.

11. Modification; Termination. This Contract may be revised and modified in writing by the mutual consent of the parties at any time. In addition, this Contract may be terminated by either party with or without cause at any time upon thirty (30) days' written notice to the other party. In the event of termination, City shall be responsible only for a pro rata portion of the retainer as well as for fees for additional services and costs incurred as of the effective date of the termination. If Attorney has any property in its possession belonging to City at the time of termination, Attorney shall account for same and shall dispose of it as directed by City. This Contract shall continue until termination or until modified in writing by the parties.

12. Independent Contractor. Attorney acknowledges that it and/or its attorneys are independent contractors and not employees of the City.

13. Assignment. This Contract cannot be assigned by either party for any reason whatsoever without the consent in writing of the other party.

14. Entire Contract. This Contract contains the entire agreement and understanding of the parties regarding their rights and obligations hereunder. Any alleged oral representations or modifications concerning this Contract and the subjects thereof shall have no force or effect unless reduced to a writing signed by both parties.

15. Effective Date. The effective date of this Contract shall be October 17, 2006, but it shall apply to any services previously rendered by Attorney to the City.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first written above.

CITY OF SAN JUAN BAUTISTA

By Priscilla [Signature]
Vice Mayor

WELLINGTON LAW OFFICES

By Robert R. Wellington [Signature]
Robert R. Wellington

And by [Signature]
Deputy City Clerk

3



SECOND AMENDMENT TO CONTRACT FOR EMPLOYMENT
FOR
CITY ATTORNEY

This SECOND AMENDMENT TO THAT CONTRACT FOR EMPLOYMENT FOR CITY ATTORNEY entered into on September 19, 2006, is made and entered into on February __, 2022, by and between the City of San Juan Bautista, a California city and Wellington Law Offices as follows:

Paragraph 2 is to be replaced with the following Paragraph 2:

2. City Attorney. Robert W. Rathie of Attorney's law offices is hereby appointed and designated as the City Attorney for the City of San Juan Bautista ("City Attorney" herein). Robert R. Wellington and George C. Thacher of Attorney's Law Offices are hereby appointed and designated as Assistant City Attorneys of the City of San Juan Bautista ("Assistant City Attorneys" herein).

Paragraph 6 is amended to remove the last clause "and \$140.00 per hour for Robert W. Rathie."

IN WITNESS WHEREOF, City and Wellington Law Offices by its duly authorized representative, have executed this Agreement on the date first hereinabove set forth at San Juan Bautista, California.

MAYOR FOR SAN JUAN BAUTISTA

WELLINGTON LAW OFFICES



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: Community Plan - Sphere of Influence Study
MEETING DATE: February 15, 2022
SUBMITTED BY: Brian Foucht, Community Development Director

RECOMMENDED ACTION:

Staff recommends that the City Council review the recommendation of the Planning Commission and Urban Growth Boundary Committee and adopt a resolution authorizing the City Manager to execute a contract with EMC Planning Group to prepare a Community Plan and Sphere of Influence Study for presentation to San Benito County and San Benito County LAFCO, as contained in Attachment 1.

BACKGROUND INFORMATION:

The Urban Growth Boundary (UGB) Committee (Scott Freels, Mary Edge, E.J. Sabathia, Luis Matchain, Jackie Morris - Lopez) reached consensus on a preliminary Sphere of Influence for San Juan Bautista, shown on the attached map. The concept of an Urban Growth Boundary is represented as a two-tiered SOI.

The Planning Commission reviewed this information and recommended that the City Council establish the concept as a starting point for evaluation as part of a Community Plan, as follows:

- The first of the two tiers (orange) are parcels generally adjacent to the existing City Boundary and represent logical areas for planned residential and commercial/industrial employment-generating land uses, including areas that are currently configured for a residential a Specific Plan. Some of these areas are subject to Williamson Act contracts. Note that these areas establish important concepts of contiguity, concentric growth around the City's commercial core, land use compatibility, circulation and open space objectives.
- The second tier (yellow) are areas wherein land uses would likely affect the viability of planning within the first tier and where resource conservation (e.g. agriculture, watershed, natural resource protection, and recreation) is key to the character of the City or to the protection of resources relied upon by the City. The City may wish to pre-designate open space or other existing land uses and limit the expansion of existing development until tier urban development potential is exhausted. The City may wish to include parcels that contain uses that are served by the City (e.g. True Leaf and Coke Farms) .



The attached graphic is established for the purpose of evaluation by the City, considering the current SJB General Plan, population growth and rate, jobs/housing balance, and anticipated municipal service capacity. (The bright green line delineates separate APNs owned by the same person or entity. Purple areas are those not considered within the proposed SOI.) This process may result in reconfiguration of the shape or extent of the tiers. In preparation for this evaluation, the map includes reference to typical land use constraints (Williamson Act, FEMA flood zone, fault rupture zone).

An interactive map has also been prepared which can be accessed at the link: <https://cosb.maps.arcgis.com/apps/View/index.html?appid=72dd937b3ddf40098583ead9062fc89b>. Open the link and click on any parcel in the prospective SOI. A window will open up with information about the parcel including Ag Preserve (Williamson Act) Flood Hazard Zone (FEMA) and the Fault Rupture Hazard zone (Alquist Priolo Act Zone) in addition to GP/Zoning and size, etc.)

2. Sphere of Influence

A sphere of influence is a planning boundary outside of an agency's legal boundary (such as the city limit line) that designates the agency's probable future boundary and service area. Factors considered in a sphere of influence review focus on the current and future land use, the current and future need and capacity for service, and any relevant communities of interest. With the passage of the CKH Act, spheres for all cities and special districts are reviewed every five years.

The purpose of the sphere of influence is to ensure the provision of efficient services while discouraging urban sprawl and the premature conversion of agricultural and open space lands by preventing overlapping jurisdictions and duplication of services. On a regional level, LAFCOs coordinate the orderly development of a community through reconciling differences between agency plans so that the most efficient urban service arrangements are created for the benefit of area residents and property owners.

Factors that LAFCO must consider in determining the sphere of influence of each governmental agency are:

- a) The maximum possible service area of the agency is based upon present and possible service capabilities of the agency.
- b) The range of services the agency is providing or could provide.
- c) The projected future population growth of the area.
- d) The type of development occurring or planned for the area, including, but not limited to, residential, commercial, and industrial development.
- e) The present and probable future service needs of the area.
- f) Local governmental agencies presently providing services to such area and the present level, range and adequacy of services provided by such existing local governmental agencies.

- g) The existence of social and economic interdependence and interaction between the areas within the boundaries of a local governmental agency and the area which surrounds it and which could be considered within the agency's sphere of influence.
- h) The existence of agricultural preserves in the area which could be considered within the agency's sphere of influence and the effect on maintaining the physical and economic integrity of such preserves in the event that such preserves are within a sphere of influence of a local governmental agency.

To begin the interagency coordination necessary to establish a SOI, the City is required to meet with the County prior to submitting an application to LAFCO under GC section 56425(b). If the two parties reach agreement, then the City submits the SOI update to LAFCO and the Commission is to place "great weight" on this agreement to the extent it is consistent with Commission policies. If the Commission's final action is consistent with the agreement, the City and County shall adopt their agreement at a noticed public hearing, and future decisions within the sphere shall be consistent with the agreement. The City will need to conduct a planning exercise at the General Plan level to conclude this overall process (see attached scope of work).

In recent discussions with the Commission about San Juan Bautista's MSR/SOI, the following steps have been identified:

- 1) City finish work on identifying the proposed SOI as outlined in the attached scope of work:
 - a. Discuss with San Benito County a prospective boundary with text, figures and acreages for various land use designations. The map would be accompanied by prospective land use designations, calibrated for 1.9% population growth over the life of the General Plan (2035), basic employment and services assumptions;
 - b. The City would pre-adopt GP designations and pre-zone the map to include new text, figures and acreages for the various land use designations;
 - c. City will adopt a related CEQA document to address these changes. As for CEQA, the General Plan has a fairly recent EIR, so it will be necessary to prepare a supplemental or subsequent EIR to address transport VMT requirements and various housing policies that may not have been addressed earlier will need to be addressed.
- 2) Once adopted by the City Council, the City will request that LAFCO process a SOI update and accompanying MSR update with corresponding processing fees. If the City goes after additional planning grant funding, it may be advisable to include these processing costs in the application.
- 3) The Commission will decide the final SOI boundary and contents of the MSR which may or may not match what was requested by the City. For this reason, it is good to keep LAFCO informed during the process so important issues can be addressed before final City Council action, if possible.

3. Municipal Service Review (MSR)

Government Code section 56430(a) states that the Commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the Commission in order to update a sphere of influence under Government Code section 56425. An updated MSR is required prior to adoption of a revised Sphere of Influence. The only MSR for San Juan Bautista was completed in 2007.

The MSR update relationship to the proposed SOI is to evaluate 7 factors (identified in the Government Code section) that have to do with:

- growth and population projections relying on General Plan growth projections and any related COG information;
- the location of any disadvantaged communities around the agency (and this would also include the agency "City" itself);
- the present and planned capacity of public facilities and related needs and deficiencies;
- the financial ability of the agency to provide those services;
- status and opportunity for shared facilities - such as the proposed sewer and water system connections and opportunities for shared fire and police services;
- accountability for community service needs including government structure (which has more to do with special districts); and
- any other matter related to effective and efficient service the Commission identifies by their own policy.

4. Tax Sharing Agreement

Regarding the tax sharing agreement, this is not a requirement at the SOI stage. It is required for future annexations under Revenue and Taxation Code section 99. Yet, typically, a city and county would want to know how revenues are split as they discuss SOI agreements. Revenue-generating development becomes attractive to both a city and county and good land use planning and efficient service delivery often becomes secondary to going after the tax revenues.

In San Juan Bautista's case there is a tax sharing agreement in place, but the terms probably lead to the need for a Mello-Roos District or other special funding measure to adequately cover City service costs for a typical project. For comparison, the City of Hollister reached a new revenue sharing agreement for residential projects which splits County's share of property taxes 50/50 with the City. Commercial and Industrial projects are negotiated on a project-by-project basis. LAFCO does not play a direct role, but can be a valuable resource in understanding implications of LAFCO annexation boundary and service issues that may impact assumptions built into an agreement.

Attachments:

1. Resolution
2. Proposal – Community Plan Sphere of Influence Study (EMC – January 2022)

RESOLUTION 2022-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA AUTHORIZING EXECUTION OF A
CONTRACT WITH EMC PLANNING GROUP IN AN AMOUNT
NOT TO EXCEED \$259,457.56**

WHEREAS, following adoption of the 2035 General Plan in 2016 a Sphere of Influence coordinated with General Plan growth assumptions was not established. Accordingly, the City Council established the Urban Growth Boundary Committee (UGBC) to recommend a preferred Urban Growth Boundary/Sphere of Influence configuration as a means of initiating the Sphere of Influence discussion with San Benito County and LAFCO; and

WHEREAS, On September 17, 2019, the City Council approved Resolution 2019-44, and authorized staff to submit a SB 2 Grant Application to the California State Department of Housing and Community Development (HCD) in the amount of \$160,000 to prepare an Area Plan for South San Juan Bautista that could potentially accelerate housing production; and

WHEREAS, on April 8, 2020, the City was awarded the \$160,000 and executed an agreement with HCD to implement the approved project; however, that amount was deemed insufficient to complete the study and a revised scope of work with a budget of \$210,521.00 was established, anticipating land owner funding for the balance of the planning cost; and

WHEREAS implementation of the South Area Plan would first require planning and adoption of a Sphere of Influence for San Juan Bautista; and

WHEREAS, on January 18, 2022 HCD approved modification to the SB 2 Grant Scope of Work that is contained in the EMC Planning Group (EMC) scope of work dated January 12, 2022 to blend the South San Juan Bautista Area Plan and the San Juan Bautista Sphere of Influence Study; and

WHEREAS, on February 8, 2022 the Planning Commission reviewed the recommendation of the UGBC and recommended that the City Council approve a contract for services to evaluate the recommended preliminary Sphere of Influence referenced in the January 12, 2022 EMC Planning Group scope of work;

WHEREAS the City wishes to combine evaluation of a Sphere of Influence with planning for the South San Juan Bautista Area and also wishes to enlist the services of the EMC and Blue Zones to develop a Community Plan sufficient to present to San Benito County for agreement; and

WHEREAS, the Community Plan will accomplish the following:

1) revise the City of San Juan Bautista 2035 General Plan to accommodate new growth boundaries and ensure consistency between the new potential growth areas and the General Plan;

- 2) identify South San Juan Area land use designations and related zoning districts and conceptual circulation;
- 3) utilize existing documentation on water and sewer services, biological resources, flooding and fire hazards, and protection of prime agricultural lands to support land use changes;
- 4) develop design guidelines for the South San Juan area that are consistent with Blue Zones community design principles; and
- 5) prepare a Community Plan, a General Plan level document, that incorporates the City's updated Sphere of Influence boundary, the Active Transportation Plan effort, and the area located south of Highway 156, known as the South San Juan area.

WHEREAS, the total budget for the revised Scope of Work is \$259,457.56; the SB 2 grant will pay for \$160,000 of the total project budget; and the City will establish a fee schedule to reimburse the remaining approximately \$100,000 cost of the Community Plan (Capital Budget Project # 21.11 and 12, respectively);

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Juan Bautista hereby authorizes the City Manager, or designee, to execute a contract agreement with EMC Planning Group for professional, land use consulting, technical analysis and design services to develop and prepare a General Plan – level Community Plan incorporating a South San Juan Area Plan and Sphere Of influence study in an amount not to exceed \$259,457.56 as outlined in the attached EMC Scope of Work dated January 12, 2022.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager or designee to alter the tasks, responsible parties, and timeline represented in the EMC Scope of Work dated January 12, 2022 consistent with the budget and intent of the SB2 grant and those portions of the program additionally funded by the City.

THE FOREGOING RESOLUTION was adopted by the City Council of the City of San Juan Bautista at its regular meeting held on the 15th day of February 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor Leslie Jordan

Trish Paetz, Deputy City Clerk





Planning for Success.

January 12, 2022

Brian Foucht, AICP
Assistant City Manager and Director of Community Development
311 2nd Street
P.O. Box 1420
San Juan Bautista, CA 95045

Re: Community Plan- incorporating the South San Juan Area (3rd Revision)

Dear Brian:

Per our most recent phone conversation (12-23-21), EMC Planning Group has prepared a scope of work and budget for a San Juan Bautista Community Plan, intended to incorporate the current City work effort on the "Urban Growth Boundary or City Sphere of Influence", the "Active Transportation Plan", and the planning effort for the "South San Juan area". It is intended that the South side planning effort provide the City with additional residential development area to assist in meeting the City's RHNA Allocation. We propose to team with Dan Burden and the Built Environment Team at Blue Zones, LLC who would lead the public participation effort, collaborate on design guidelines, and ensure that a strong emphasis is placed on creating a healthy, livable environment in the new City growth areas and connection those new growth areas to the communities urban corp. The team has expertise in building collaboration through community-informed processes, and bringing together diverse stakeholders to embrace healthy community design principles. *In the work program presented below, tasks that include Blue Zones participation are in blue lettering.* We also propose to bring in AMBG Consulting, a Colorado firm that specializes in online engagement, to lead the online engagement effort. In our current and ongoing pandemic environment, this online engagement piece has become essential.

Using the guidance provided in San Juan Bautista's SB2 Grant application, EMC Planning Group has developed a Phase 1 scope of work that would: 1) revise the *City of San Juan Bautista 2035 General Plan* to accommodate new growth boundaries and ensure consistency between the new potential growth areas and the General Plan; 2) identify

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A LAND USE PLANNING & DESIGN FIRM

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www.emcplanning.com

land use designations and zoning districts, with wide acceptance from the community that help create the General Plan Amendment and inform the Community Planning effort; 3) utilize technical existing documentation on water and sewer services, biological resources, flooding and fire hazards, and protection of prime agricultural lands to support land use changes; 4) develop design guidelines for the South San Juan area that are consistent with Blue Zones community design principles; and 5) prepare a Community Plan document, that incorporated the City's updated Sphere of Influence boundary, the Active Transportation Plan effort, and the approximately 585-acre area located south of Highway 156, known as the South San Juan area.

Completion of this Phase 1 scope of work would create the necessary foundation for work to be undertaken in a subsequent phase to complete a Municipal Services Review (MSR), pre-zone the Community Plan potential growth areas, conduct environmental documentation for the Community Plan, including the South San Juan area and undertake the LAFCO Sphere of Influence update, property tax transfer agreement, and annexation process, which would be required by LAFCO to "plan for services" and a "fiscal impact study." Below, EMC Planning Group provides a statement regarding its understanding of the project and then sets forth its work program, schedule, and budget.

PROJECT UNDERSTANDING

The proposed boundaries of the South San Juan area encompass approximately 90 acres of undeveloped land that lie immediately south of the existing city limits but within the planning area and sphere of influence established by the *City of San Juan Bautista 2035 General Plan*.

The EMC Planning Group understands that the City of San Juan Bautista desires to create a Community Plan that provides a "General Plan level" planning document for those areas outside the City's current City Limits and incorporates the City's updated Urban Growth Boundary or City Sphere of Influence, the Active Transportation Plan and the South San Juan area. This Community Plan document will establish the land use framework for future City growth, agricultural preservation, and identification of future residential growth areas to achieve compliance with the City RHNA allocation. This framework, in the form of a Community Plan, will set the direction for pre-zoning lands outside the City limits, preparation of an MSR, CEQA document, and proceedings with LAFCO for a Sphere of Influence update and eventual annexation of lands to the City boundary.

The Area Plan area includes the following San Juan Bautista General Plan land use designations:

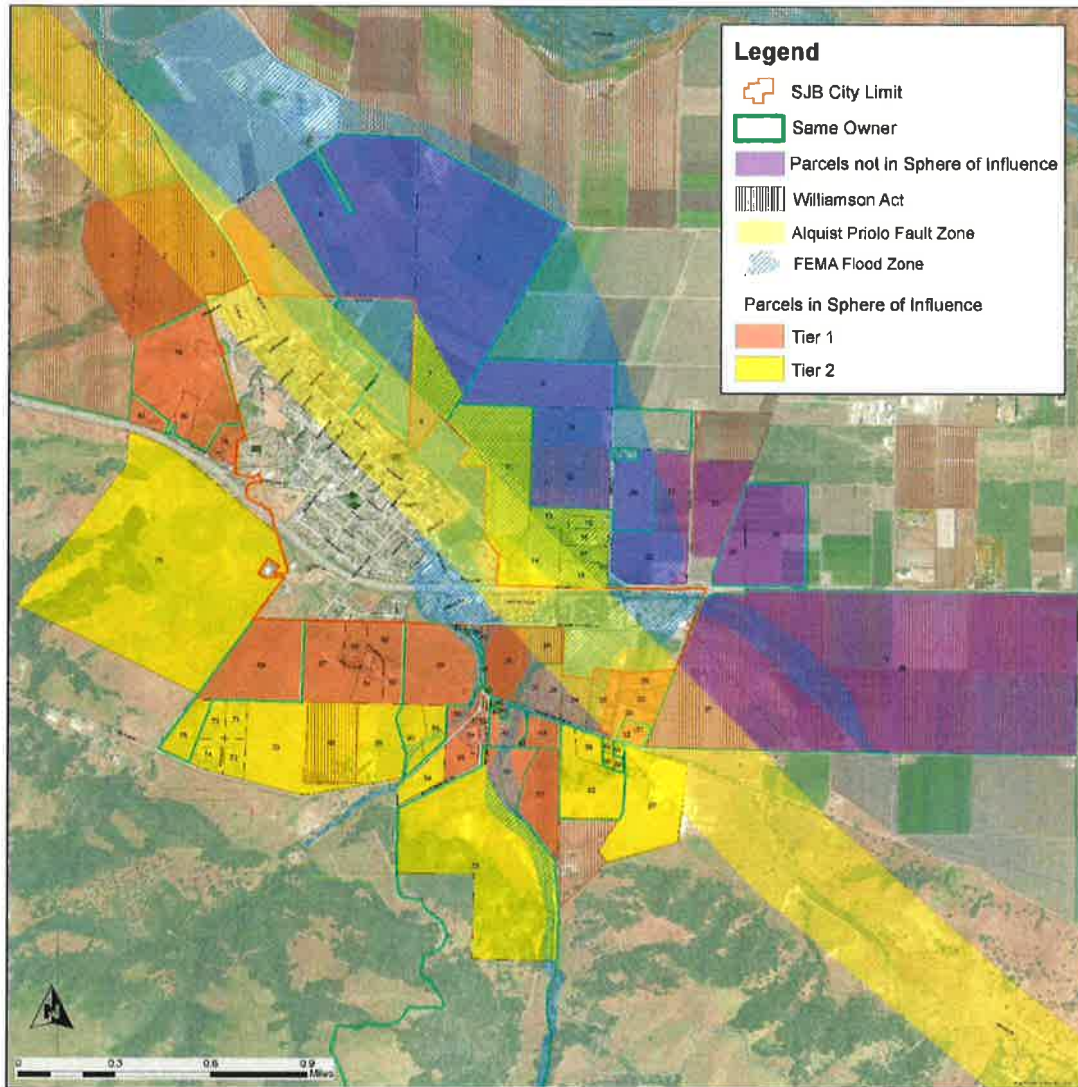
- Low-Density Residential (12.4 acres),
- Medium-Density Residential (3.6 acres),
- High-Density Residential (5.3 acres),
- Industrial (7.3 acres), and
- Undesignated (62.7 acres)

Per anticipated development densities in General Plan Table 6.4, (four units per acre for low density, 16 units per acre for medium density and 24 units per acre for high density), new residential development within the Area Plan would be expected to yield about 50 low-density residential units, 58 medium-density residential units, and about 127 high-density residential units.

The goal of planning for this area is to re-configure land uses to increase housing potential in the area and explore the potential for achieving some of the desired housing units through a mix of uses or a well-planned combination of residential and commercial uses. The south side area is constrained by the San Andreas Fault and Federal Emergency Management Agency designated flood zones, and these constraints will affect the number of residential units actually realized within the South San Juan area. Overall, planning for this South Side of San Juan Bautista is expected to significantly increase the potential for housing development in the community.

Figure 1 shows the area identified by the Urban Growth Boundary Committee (UGB) for the future City Sphere of Influence boundary changes, including the South San Juan area. The Tier 1 and Tier 2, shown in this figure have an approximate land area of 796 acres on the south side of Highway 156, and Tier 1 and Tier 2 land area north of Highway 156 consists of approximately 342 acres.

Figure 1: Study Area



WORK PROGRAM

This section sets forth the team's proposed scope of work for the project.

Task 1 Communications and Administration

- 1.1 Project Kick-off Meeting.** Discuss project goals, issues, availability of reference materials, work product expectations, communications protocols, and public outreach logistics. Blue Zones will attend the kick-off meeting remotely. AMBG

will also attend the meeting to understand the broader needs and approach for virtual engagement tools to serve the community. The team will also want to utilize previous public engagement outputs that were realized by preparation of the recent Housing Element, the Urban Growth Boundary Committee (UGB), and the parallel track Active Transportation Plan (ATP), expected to kick-off in February 2022. Access and coordination to information from all these entities can help prevent duplication and assist the community plan team structure their community outreach approach.

- 1.2 **Meetings with City Staff and Stakeholders.** Meet with City staff, other agencies' staff, health and community-based organizations, and public officials to gather information, strategize on solving problems, and to present information as it is developed. (limit to 4 meetings- assumed as virtual meetings).
- 1.3 **Progress Teleconferences.** Once a month, participate in a check-in call to report on progress and to discuss current project issues. Each call will conclude with a re-cap of resulting action items. Each call is estimated to last one hour, with an additional half-hour of preparation and summary time for each.
- 1.4 **Project Management.** EMC Planning Group will act as overall project manager for the effort and be responsible for overseeing and coordinating the project team. This management responsibility includes coordinating closely with Blue Zones as it develops and provides leadership for the public participation effort and ensuring that City Staff, EMC Planning Group, and Blue Zones communicate effectively throughout the process. EMC Planning Group will be the first point of contact for City Staff.
- 1.5 **Management of Online Presence.** EMC Planning Group, in coordination with AMBG Consulting (<https://www.ambgconsulting.com/>) will be responsible for developing, operating, and coordinating the content of the online platform/website to be used throughout the process to involve the public in area plan preparation. AMBG Consulting will develop the website with two revisions, using the Bang the Table Engagement HQ. EMC Planning Group/AMBG Consulting will be responsible for posting content on the online platform Engagement HQ website, including existing and available information from the Urban Growth Committee, Blue Zones work on ATP, and other appropriate and relevant information to support the Community Plan effort. EMC Planning Group/AMBG will not be responsible for developing content for or about any of these related projects. Additionally, *the City will be responsible for procuring a domain name associated with the project, as well as paying for any licensure needed through Bang the Table. If it is seen as an asset, AMBG can*

create a final toolkit or video instructions for City to manage a long-term Engagement HQ Website.

AMBG Consulting will also lead in synthesizing data collected from online surveys, maps, and other website-based engagement tools into an accessible format (i.e., infographics, graphs, etc.) and display this data on the website on an ongoing basis.

- 1.6 General Administration.** This task includes opening and managing project files, background research, invoicing, and similar project administration tasks.

Task 2 Public Outreach and Input

- 2.1 Outreach.** Work with City staff to confirm a list of stakeholder and organizations to coordinate with during the plan preparation process and to include in workshop invitations. This effort will include outreach to tribal representatives, as the project is intended to result in a General Plan Amendment. It will also include contacting organizations and persons on the list developed with City staff to solicit input on the plan preparation process. AMBG will work with the rest of the Consulting Team to identify potential stakeholders to include in the process.
- 2.2 Community engagement strategy and program management.** Blue Zones will lead in developing the community engagement strategy, overseeing the onsite engagement processes, and supporting the development of the online engagement forum to ensure integration of feedback into plan development.
- 2.3 In-Person Charrettes with Virtual engagement complement.** There will be collaborative multiday charrettes to gather community feedback and discuss plan development and design. Portions of the public participation effort will be conducted through *Bang the Table*, an online engagement forum. The project team will coordinate with concurrent related projects (e.g. Urban Growth Boundary committee, Active Transportation Plan, etc.), working with partners to achieve complementary scheduling with engagement related to those projects.

On-Site Activities: Led by Blue Zones and attended and assisted by EMC Planning Group, the initial on-site events will include:

- a. **First On-Site Community Charrette:** The first public engagements will serve to both inform the public of the Community Plan effort, and to actively listen to comments, concerns, and suggestions, to include the following activities over two days:

- Presentation of the Engagement Plan to showcase both in-person and interactive methods that will be used for collecting stakeholder input throughout plan development;
 - Community presentation on the overview of project and process, healthy land use planning concepts, to include principles and best practices;
 - Receive input from the Urban Growth Committee on specific direction to City staff and principles and objectives to be considered for the Community Plan;
 - Receive input from the ATP Team regarding progress and input to date;
 - Interactive mapping opportunities to identify opportunities, challenges and concerns;
 - Meetings with key stakeholders to discuss key issues; and
 - The first Planning Commission/City Council joint study session, as further described in Task 2.4.
- b. **Second On-Site Community Charrette:** At the second public set of events, Blue Zones, with assistance from EMC Planning Group will present emerging findings and recommendations to the public, City and County staff, and key stakeholders. This two-day event will provide an opportunity to review and comment on input and ideas to date that will inform the draft plan elements, to include:
- Community presentation on the emerging opportunities, plan development progress, plan principles, and industry best practices;
 - Meetings with key stakeholders to discuss emerging issues;
 - An open-house for residents, elected officials, city and county staff, organizational representatives, and other key stakeholders to provide comment on input and ideas that will inform the draft plan elements; and
 - The second Planning Commission/City Council joint study session, as further described in Task 2.4.

On-site activities will be complemented with virtual technologies, managed by AMBG and EMC Planning Group.

2.4 Planning Commission/City Council Study Sessions. This task includes preparing for and attending two (2) joint study sessions with the Planning Commission and City Council to discuss healthy, walkable, compact neighborhood design, Smart Growth principles, their application and other planning concepts to be applied in the areas outside the City limits, and how those principles and concepts can be coordinated and connect with the current City urban framework.

These sessions will include:

- a. An overview of healthy, walkable, compact, community-development concepts, including,
 - Presentation of the Engagement Plan to showcase both in-person and interactive methods that will be used for collecting stakeholder input throughout plan development, ensuring inclusive, community-centered engagement;
 - A foundational focus on community health, equity, locational efficiency, and relevant design tools; and
 - Inclusion of Smart Growth principles, applying the right scale and patterns, mix of uses, affordable housing, livable streets, greening, and other relevant tools aligned with the context.
- b. Reviewing stakeholder feedback and plan development; and
- c. Offering interactive opportunities with the Commission and Council to identify priorities, concerns, opportunities, and to gather feedback.

Task 3 Technical Input and Land Use Update

3.1 Technical Input. Provide technical input on biological resources and fire and flooding hazards to support land use changes.

3.2 Integration of Walkable, Healthy, Smart Growth Principles. Blue Zones, LLC, will review the Community Plan development to identify opportunities to integrate walkable community, Smart Growth principles, and transportation elements to shape land use changes.

- 3.3 **Land Use and Zoning Designations.** Prepare maps and text describing revised land use designations and zoning based on the analysis undertaken in previous tasks and subtasks.
- 3.4 **Land Use Diagram Amendment.** Prepare draft amendments to the 2015 General Plan Land Use Diagram to achieve consistency with proposed Community Plan changes. This would include revised land use designations and urban growth area boundaries, including a proposed Sphere of Influence (SOI) and Urban Service Area Boundary. This could likely be the Tier 1 Urban Service Boundary and Tier 2 SOI boundary.

Task 4. Urban Design, Development Standard, and Design Guideline Support

- 4.1 **Administrative Draft Design Guidelines.** Blue Zones will guide efforts to integrate community input, walkable community and Smart Growth principles, and staff insights into the design guidelines.
- 4.2 **Public Review Draft Design Guidelines.** Revise Administrative Draft Design Guidelines based on comments from City Staff.

Task 5 Draft Community Plan Document and General Plan Amendments

- 5.1 **Community Plan Document Overview.** An area plan document will be prepared that compiles all the work undertaken in previous tasks. The Community Plan is intended to plan for a new Urban Growth Boundary, provide land use designations for these proposed City expansion areas, integrate walkable community and smart growth principles, incorporate the Active Transportation Plan work, and provide a focus to City expansion and uses in South San Juan Bautista, the plan will also include planning for employment to assure a balanced approach to jobs-housing. The Community Plan document would contain the following main chapters (as may be modified in coordination with City staff):
 - a. Introduction, background, and purpose;
 - b. Land use, development standards, and design guidelines;
 - c. Mobility (block form, street connectivity, complete streets planning, street sections and vehicular access, non- motorized mode planning, transit planning, etc.);
 - d. Parks, open spaces and trails;

- e. Plan level infrastructure and public facilities (water, sewer, and storm drainage) (this task assumes the City Engineer would provide inputs on both existing services and services needed for Community Plan buildout); and
- f. Plan Implementation (plan amendments, subsequent approvals, etc.).

Blue Zones will review chapters, collaborate with the EMC Planning Group, and ensure stakeholder feedback is integrated, advising on any recommendations and concepts specifically in the following sections:

- a. Land Use, Development Standards, and Design Guidelines;
- b. Mobility;
- c. Parks, Open Space and Trails; and
- d. Plan Implementation.

5.2 Administrative Draft Area Plan. Prepare an Administrative Draft Community Plan document that is organized as outlined above.

Deliverable: Three (3) hardcopies and one electronic copy of the Administrative Draft Community Plan will be submitted to the City for review and comment. It is assumed that City comments will be consolidated into one set, with internal consistency of comments verified before delivery to the EMC Planning Group team. [The Blue Zones team will review this document and provide comment.](#)

5.3 Proof Draft Area Plan. Prepare a Proof Draft Community Plan document that incorporates the City's feedback. This version will again be reviewed by City staff to verify its concurrence with the modifications made in response to the City's set of consolidated comments.

Deliverable: Three (3) hardcopies and one electronic copy of the Proof Draft Community Plan will be submitted to the City for review and comment. It is assumed that City comments will be consolidated into one set, with internal consistency of comments verified before delivery to the EMC Planning Group team.

NOTE: It is possible, with City Staff approval, that this task (5.3) could be eliminated to create a cost savings.

5.4 Final Public Review Draft Community Plan. Prepare a Final Public Review Draft Community Plan document that incorporates comments on the Proof

Draft Community Plan received from the City. This is the version of the Community Plan that will be made available for public review and that will be studied by the Planning Commission and City Council.

Deliverables: Three (3) hard copies of the public review Community Plan and one electronic copy. City staff will be responsible for posting the document online for public access, and it will also be responsible for making hard copies/CDs for public distribution, if it chooses to provide more than a downloadable file online.

Task 6 Conceptual Acceptance by the Planning Commission and City Council of the Community Plan

This task includes preparing for and attending two (2) joint public hearings with the Planning Commission and City Council to discuss the Draft Community Plan. The purpose of this task is to obtain approval in concept or acceptance of the Community Plan document as it has been presented. This would result in the stable project description needed for the CEQA analysis to be undertaken in Phase II (not part of this scope of work), as well as future tasks as follows:

- County of San Benito Agreement with Plan boundaries;
- Municipal Services Review (MSR);
- Pre-zoning lands for annexation;
- Revise or update the property tax transfer agreement;
- Prepare a Plan for Services;
- Prepare a Fiscal Impact Analysis; and
- Prepare and apply to LAFCO for a SOI Amendment and Annexation of Areas within the City's proposed Urban Service Boundary (the above bullet points are future tasks and not a part of this scope of work and budget).

The Conceptual approval hearings anticipated for this step in accepting the Community Plan are as follows:

- 6.1 Public Hearings.** Prepare for and attend two (2) joint public hearings with the Planning Commission and City Council to discuss the Public Review Draft Community Plan. The Blue Zones team will assist in the development of these presentations and will take part in these meetings.

Deliverables: One staff report for the first joint Planning Commission/City Council; one supplemental memo for the second meeting describing changes suggested by the Planning Commission and incorporating City Council changes for acceptance of the Community Plan; and PowerPoint presentation for the initial meeting.

- 6.2 Final Community Plan.** Prepare a Final Community Plan document that incorporates agreed upon revisions to the Draft Community Plan as directed by the Planning Commission and City Council.

Deliverables: Community Plan.

SCHEDULE

The proposed scope of work is estimated to take approximately 9 months to deliver. It is understood by the City and EMC Planning Group Team that this is a shortened and constrained schedule, primarily due to grant deadline, and that both parties will do what they can to meet this deadline. Table 1 outlines the rough timeframe within which the scope of work would be delivered to the City.

Table 1: Project Schedule

Task	Timeframe
Task 1: Communications and Administration	February 2022 – October 2022
Task 2: Public Engagement Plan	February 2022 – May 2022
Task 3: Technical Analysis and Land Use Update	February 2022 -- June 2022
Task 4: Design Guidelines	June 2022 -- July 2022
Task 5: Draft Area Plan Document	June 2022 -- September 2022
Task 6: Conceptual Approval	September 2022 – October 2022

COMPENSATION

The following budget reflects the scope items described herein. Costs not included in the budget include: Fees for the Bang the Table platform, City costs, as well as fees of other agencies; Federal, state, regional and local agency permits, permit processing, or associated technical reports required; other technical reports that may be required, and are not include herein, including a formal Plan for Services, a Fiscal Impact Assessment and an updated MSR; assistance with LAFCO annexation proceedings; CEQA documentation; costs for City staff time; costs for consultants retained by the City; and other costs not expressly included in this scope and budget.

Project Costs

The total proposed budget to deliver the scope of work outlined above is \$259,457, and this includes \$72,420 for Blue Zones, LLC and \$34,230 for AMBG. Table 2 shows the budget details, and Table 3 shows a breakdown of the Blue Zones budget.

Table 2: Project Budget

San Juan Bautista Community Plan Budget (Includes South San Juan area)									
Task	EMC Planning Group Inc.							Total Hours	Total Cost
	Senior Principal	Principal	Principal Planner	Senior Biologist	Associate Planner	Graphics	Admin/ Production		
Billing Rate (Per Hour)	\$250.00	\$225.00	\$200.00	\$190.00	\$150.00	\$125.00	\$125.00		
Task 1: Communications and Administration	16.0	24.0	17.0	0.0	0.0	7.0	5.0	69.0	\$14,300.00
Task 2: Public Engagement Plan	12.0	36.0	8.0	0.0	0.0	35.0	2.0	93.0	\$17,325.00
Task 3: Technical Input and Land Use Update	4.0	10.0	45.0	20.0	8.0	15.0	2.0	104.0	\$19,375.00
Task 4: Design Guidelines	5.0	5.0	15.0	0.0	0.0	10.0	4.0	39.0	\$7,125.00
Task 5: Draft Community Plan	15.0	35.0	48.0	10.0	25.0	20.0	50.0	253.0	\$46,875.00
Task 6: Conceptual Acceptance / Prepare Plan*	15.0	30.0	45.0	0.0	0.0	5.0	15.0	110.0	\$22,000.00
Subtotal (Hours)	67.0	190.0	178.0	30.0	33.0	92.0	78.0	Total Hours	Total Cost
Subtotal (Cost)	\$16,750.00	\$42,750.00	\$35,600.00	\$5,700.00	\$4,950.00	\$11,500.00	\$9,750.00	658.0	\$127,000.00

Subconsultants and Other Additional Costs	
Blue Zones	\$72,420.00
Bang the Table**	\$8,000.00
AMBG Consulting	\$34,230.00
Victor Gomez	\$8,000.00
Production Costs	\$2,000.00
Travel Costs	\$1,500.00
Administrative Overhead 5%	\$6,307.50
Total	\$132,457.50

Total Costs	\$259,457.50
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Notes: *Attendee at two (2) hearings, plus prep time
 ** The City has the option of using this budget to contract with Bang the Table directly



Table 3: Blue Zones Budget Breakdown

Task	Budget
Task 1: Project Kickoff/Project Management	\$3,760
Task 2: Public Engagement Strategy & On-Site Delivery	\$35,168
Task 3: Technical Analysis and Land Use Update	\$6,860
Task 4: Design Guidelines	\$12,020
Task 5: Draft Area Plan Document	\$10,620
Task 6: Plan Hearings	\$3,992
All tasks (Includes direct expenses)	\$72,420

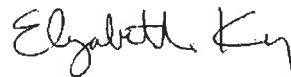
CONCLUSION

We are happy to meet to clarify any scope or budget issues and to facilitate executing contracts. Again, thank you for bringing us on board to help make the project a reality.

Sincerely,



Michael J. Groves, AICP
President



Elizabeth King
Principal Planner

Attachment: Blue Zones Team Qualifications



BLUE ZONES™

BLUE ZONES BUILT ENVIRONMENT TEAM

DAN BURDEN, the Director of Innovation and Inspiration at Blue Zones, has more than 40 years of experience in the built environment and has helped more than 3,500 communities, all 50 states, more than 40 MPOs and 6 Canadian provinces and territories become more livable, bicycle friendly and walkable. Dan's well-rounded work across most built environment disciplines brings a holistic approach to community and transportation planning and urban design. Dan specializes in active transportation, complete streets, healthy streets, walkability studies, bicycle and trails systems planning, safe routes to school, traffic calming, and traffic management. Dan is a trainer for national, regional, state and local courses in context sensitive solutions, traffic calming, bicycling, walkability, urban design and land use development, bicycle/pedestrian law enforcement and safety. Dan's diversity of interests and experiences across many platforms helps bring together the disciplines of engineering, planning, landscape architecture and community development.

DANIELLE SCHAEFFNER, the Director of Planning and Projects at Blue Zones, brings years of active transportation experience and leadership at the local, regional, state, and national level to her work. Danielle is passionate about creating policy, systems, and environmental change to increase access to multimodal options for all ages, races, incomes, and abilities. Danielle's work has included a range of active transportation efforts, including comprehensive and mode-specific planning, Health Impact Assessment (HIA), and built environment policy and project guidance. At Blue Zones she oversees various built environment efforts, develops community-based active transportation strategies, and coordinates and collaborates with diverse partners on projects across the country; she has also contributed to equity and built environment-focused reports and guidance documents.

SARAH BOWMAN, Resource Development Lead, Blue Zones, has twenty years of experience as a public engagement specialist, serving as project manager for efforts in more than 1,200 communities in the United States, Canada, and Ireland. This includes multi-year planning and design efforts, as well as the development of educational tools and resources for the U.S. Department of Transportation, U.S. Environmental Protection Agency, AARP, Federal Highway Administration, Transportation Research Board, Honolulu Department of Transportation Services, the University of Notre Dame, Trinity College Dublin, Dublin City Council, Blue Zones, and others. Sarah served as a Planning Commissioner for the City of Port Townsend, Washington, from 2011 – 2014. Sarah specializes in developing tools and resources to engage seldom-heard populations, such as people with learning disabilities, intellectual disabilities, and cognitive impairment.

TONY HULL, Built Environment Expert for Blue Zones, has over two decades of experience in planning, designing, and evaluating active transportation projects. Tony's nationally recognized work includes leading planning and research studies, facilitating workshops and trainings, and providing technical expertise for wide-ranging active transportation projects. This expertise includes pedestrian and bicycle facility design, accessibility, safety analysis, data collection and evaluation, traffic calming, community engagement, and social equity. Tony is a graduate of the Ohio State University, serves on the TRB Committee on Pedestrians and is a long-time member of the Association of Pedestrian and Bicycle Professionals (APBP).



CITY OF SAN JUAN BAUTISTA CITY COUNCIL

AGENDA TITLE: **AMEND RESOLUTION 2021-16 AND THE
MEMORANDUM OF UNDERSTANDING FOR
“CARES ACT” COMMUNITY DEVELOPMENT
BLOCK GRANT (“CDBG”) – V1,” FUNDS,
EXPANDING SUBSISTENCE PAYMENTS TO
LOW INCOME RESIDENTS FOR UTILITY
PAYMENTS FROM JUST CITY RESIDENTS, TO
ALL COUNTY RESIDENTS IN AN EFFORT TO
EXPEND FUNDS BEFORE THE MAY 2022
DEADLINE**

MEETING DATE: February 15, 2022

SUBMITTED BY: Don Reynolds, City Manager

RECOMMENDED ACTION:

It is recommended that the City Council adopt the attached Resolution and authorize the City Manager and City Attorney to amend the Memorandum of Understanding between the City, San Benito County and City of Hollister, by expanding the use of funds for Subsistence Payments to Low Income Residents for Utility Payments from just eligible City residents, to all eligible County residents, in an effort to expend the funds before the May 2022 deadline.

BACKGROUND:

Community Development Block Grant (“CDBG”) funds are a federal resource for local governments administered through the Department of Housing and Urban Development (“HUD”) to improve low-income neighborhoods, assist with affordable housing, and serve low-income citizens. Council was briefed about these programs in December 2019. They are complicated to administer.

The CARES Act made CDBG funds available to all cities. In June 2020, HUD released a Notice of Funding Availability, (“NOFA”) and the City was made aware of an allocation of \$23,500, that was amended and increased to \$63,558. The simplest and most effective way to use this small amount of grant funds is to combine it with the County and City of Hollister, into a rent payment and utility payment assistance program for persons experiencing a loss of income due to job loss



or work reduction caused by the pandemic. On August 18, the City Council adopted Resolution 2020-43, agreeing to enter into a Memorandum of Understanding (“MOU”) where the County would use its existing CDBG administrative support system to execute the program on the City’s behalf to help City residents. This program now needs to be amended.

Subsequent federal allocations allowed the State to initiate its own rental assistance program, making the use of the County’s CDBG CV1 ineligible. On April 13, 2021, the City amended the resolution making available for subsistence payments to low income for utility payments to City residents.

DISCUSSION

The City has been informed of the status of the use of these federal funds periodically over the past six-months. There is a general concern that San Juan Bautista’s contribution of \$52,805 would not be spent before the May 2022 deadline. Last fall, the City and County increased its outreach with fairly good success. County staff is coming to the City every Thursday to help with applications. Two notices have been sent in the City’s utility bills. The City now been able to distribute approximately \$11,100, leaving a balance of \$41,701.

The second attachment is a summary of the three jurisdictions and their status. The question on the table is “how to use these funds quickly, to avoid returning them if not spent by the May 2022 deadline?” The collective balance is \$105,307 (refer to the attached summary- since January 31, 2022, Hollister’s funds have all been distributed). A meeting between City, Hollister and County staff occurred February 9th to discuss the best quickest way to use the remaining utility payment funds. It was agreed to seek an amendment from the three elected bodies to allow these funds to be used County-wide, rather than being restricted to use in each jurisdiction.

Specifically, the MOU would be amended broadening the use of San Juan Bautista “CDBG V1” funds from just City residents to all County residents. Outreach in the City will continue and become more focused on those households that are currently in arrears (14 or so households). City residents will be encouraged to re-apply if they have already received funds and receive a second payment if eligible. But Hollister and County residents are also able to apply for this collective “pool” of funds.

Once again, despite all efforts to promote this program, San Juan Bautista is in a corner to use federal funds quickly. It makes sense that keeping the funds to assist low-income persons on the County is a better result than returning the funds to the State Department of Housing and Community Development for use in another County. The attached proposed Resolution recommends this action to be taken as soon as possible in a best effort to disburse all funds before the deadline.

Attachments:

Proposed Resolution
Program Summary February 9, 2022



RESOLUTION 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AMENDING THE MEMORANDUM OF UNDERSTANDING APPROVED BY RESOLUTION 2021-16 RELATED TO THE USE OF FEDERAL "CDBG-CV1" FUNDS FOR SUBSISTENCE PAYMENTS FOR UTILITY COSTS FOR THE RESIDENTS OF SAN JUAN BAUTISTA, AND EXPANDING THIS ASSISTANCE TO ALL COUNTY RESIDENTS TO EXPEDITE THE USE OF ALL FUNDS BEFORE THE MAY 2022 DEADLINE

WHEREAS, the federal government delegated a portion of its CARES Act relief funds to its various departments, and the Department of Housing and Urban Development ("HUD") received a generous allocation as part of its Community Development Block Grant program, referred to as "CDBG-CV1"; and

WHEREAS, typically the City of San Bautista, being a city with a population below 50,000 residents, has to compete for CDBG funds through a program administered by the State Department of Housing and Community Development ("HCD"), but due to the State of Emergency caused by the pandemic, HCD has allocated \$63,558 to the City; and

WHEREAS, seventeen percent of the funds (\$10,805) can be used to administer this grant, most larger cities have experienced staff already practicing the federal administrative procedures and processes dictated by the CDBG regulations, but even with this contribution, the City does not have the capacity to efficiently administer this CDBG program; and

WHEREAS, HCD recommends that smaller jurisdictions partner with larger jurisdiction to make efficient use of the funds and to assure compliance with the federal regulations, and requires applications to be received no later than August 31, 2020; and

WHEREAS, the City, City of Hollister and the County executed a memorandum of understanding for each elected body to consider, and staff is proposing that the "MOU" be agreed upon, authorizing the County to administer the CDBG -CV1 grant on behalf of the City (\$63,558), that the administrative costs allowed by the Grant (\$10,805) would pay for County staff to work in San Juan Bautista promoting the program and assuring that City residents receive the benefits intended for them (a net benefit of \$52,750); and

WHEREAS, Resolution 2020-43 signed August 18, 2020 established an MOU between the three jurisdictions for a rental assistance and utility payment program for those adversely impacted by the Pandemic;

WHEREAS, the use of the CDBG funds for rental assistance became ineligible after the State initiated its own rental assistance program, so the MOU was amended by Resolution 2021-16 April 13, 2021, causing the cities of Hollister and the County to amend its CDBG -CV1 funds and MOU for subsistence utility assistance only; and

WHEREAS, as of January 31st 2022, of the \$52,753 budgeted for City residents, \$11,051.56 has been disbursed, leaving a balance of \$41,701.44; and

WHEREAS, in the past three months, the City and County have worked hard to promote the program, and interest has increased, but not a rate that will exhaust the funds before the May deadline;

WHEREAS, if the City funds are not used by the end of May, they will be returned to the State Housing and Community Development Department for use in another County; and

WHEREAS, an amendment to the Resolution 2021-16 that broadens the eligibility for utility assistance from just San Juan Bautista residents to all County residents, will reduce the risk of losing these funds; and

WHEREAS, City residents will continue to be strongly encouraged to take advantage of this opportunity and apply for assistance; and

WHEREAS, amending the MOU by opening San Bautista CARES Act CDBG-CV1 funds to all County residents is the quickest and best way to use these funds within the next 60-days before their use expires in May, and keep the funds in the County rather than returning them to the State for use elsewhere.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

SECTION 1. That the above recitals are true and correct.

SECTION 2. The City Council of the City of San Juan Bautista, hereby agrees to amend the MOU terms and conditions consistent with the intention of this Resolution to administer a broader subsistence payment for utility assistance program with this CDBG-CV1 allocation from just City residents, to all County residents.

SECTION 3. The City Council directs and authorizes the City Manager to prepare and execute an amended MOU as soon as possible to expedite the use of the funds before they expire.

PASSED, APPROVED AND ADOPTED this 15th day of February, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTESTED:

Leslie Q. Jordan, Mayor

Trish Paetz, Deputy City Clerk

MEETING WITH HOLL, SJB & SBC

February 9, 2022

Time: 3:30 p.m.

In Attendance: Enrique Arreola, Nora Jimenez, Brett Miller, Don Reynolds, Daisy Caceres, Renee Perales

1. CDBG CV 1 Update: Utility Assistance- Expenditures

Jurisdiction	Grant Amount	Balance remaining per Jurisdiction
SBCo	\$ 84,272.00	\$ 62,538.06
SJB	\$ 52,753.00	\$ 41,701.44
COH	\$ 125,477.00	\$ 1,067.90
Total Balance Remaining		\$ 105,307.40

Services Per City

City	All	▼
Agency	All	▼
Program	CDBG Programs	▼
Year	2020	▼
Service	All	▼
Service Status	All	▼
Date From	1/1/2020	▼
Date To	2/9/2022	▼

Filter

City	Service	Number of Services
Aromas	Utility DepPymt	4
Hollister	Utility DepPymt	49
San Juan Bautista	Utility DepPymt	10
Tres Pinos	Utility DepPymt	1
Aromas	Utility-Garbage	2
Hollister	Utility-Garbage	79
San Juan Bautista	Utility-Garbage	11
Aromas	Utility-Water & Sewer	2
Hollister	Utility-Water & Sewer	122
San Juan Bautista	Utility-Water & Sewer	14
Tres Pinos	Utility-Water & Sewer	2

Services by Category Summary

Program	CDBG Programs	▼
Service Category	All	▼
Year	2020	▼
Funding	All	▼
Date From	1/1/2020	▼
Date To	2/9/2022	▼

Filter

Service Category	# Of Services	Cost	# of Units	Program
Employment				
Education				
Income Management				
Housing				
Emergency Services				
Utility-Water & Sewer	140	388357.00	80357.00	CDBG Programs
Nutrition				
Linkages				
Self-Sufficiency				
Health				
Other				
Utility DepPymt	64	334963.09	34965.09	CDBG Programs
Utility-Garbage	92	522370.69	22370.69	CDBG Programs
Total Services Provided	296	\$145692.76	145692.76	

Services by Category Summary

Program	CDBG Programs	▼
Service Category	All	▼
Year	2020	▼
Funding	2020 - CDBG-CV1-City of Hollister (CDE	▼
Date From	1/1/2020	
Date To	2/9/2022	

Filter

Service Category	# Of Services	Cost
Employment		
Education		
Income Management		
Housing		
Emergency Services		
Utility-Water & Sewer	116	\$73396.25
Nutrition		
Linkages		
Self Sufficiency		
Health		
Other		
Utility Dep/Pymt	42	\$24411.66
Utility-Garbage	74	\$20016.83
Total Services Provided	232	\$117624.74

Services by Category Summary

Program	CDBG Programs	▼
Service Category	All	▼
Year	2020	▼
Funding	2020 - CDBG-CV1-San Juan Bautista (C	▼
Date From	1/1/2020	
Date To	2/9/2022	

Filter

Service Category	# Of Services	Cost
Employment		
Education		
Income Management		
Housing		
Emergency Services		
Utility-Water & Sewer	14	\$7307.01
Nutrition		
Linkages		
Self Sufficiency		
Health		
Other		
Utility Dep/Pymt	10	\$2675.25
Utility-Garbage	11	\$1069.30
Total Services Provided	35	\$11051.56

Services by Category Summary

Program	CDBG Programs	▼
Service Category	All	▼
Year	2020	▼
Funding	2020 - CDBG-CV1-San Benito County (C	▼
Date From	1/1/2020	
Date To	2/9/2022	

Filter

Service Category	# Of Services	Cost
Employment		
Education		
Income Management		
Housing		
Emergency Services		
Utility-Water & Sewer	10	\$7653.82
Nutrition		
Linkages		
Self Sufficiency		
Health		
Other		
Utility Dep/Pymt	12	\$7876.10
Utility-Garbage	7	\$1284.46
Total Services Provided	29	\$16816.46

Summary of Outreach Conducted- CDBG CV-1

San Juan Bautista	Flyers posted in various places in SJB x2
	Jovenes de Antano - flyer distribution for SJB/Aromas seniors
	Mi Escuelita - email and flyers sent
	Mission SJB - email and flyers sent, requesting it be added to newsletter
	Mission Village Voice newspaper
	Posted on next door in SJB by R. Eagen - SJB Library Tech
	Posted on the SJB City website
	Posted on the SJB Library website
	Posted on Instagram
	Presentation to SJB Council at their Nov meeting by R. Eagen
	Recology - Will inform customers who require assistance
	SJB School - email to migrant facilitator also serving Aromas School.
	SJB Water -Provided flyers which were mailed to all water customers 2x's
	Thursday on site outreach at SJB Library
VFW SJB email and flyers sent	
Aromas	Aromas Water Board - outreach by Email/Andi & Nora
	Aromas Grange - email and flyer
	Neighbors Helping Neighbors food distribution 1/18/22
San Benito Co Water District	SBCWD - email and flyers, plus office visit
	They will be providing envelopes with client addresses for us to mail
Sunnyslope Water District	Sunnyslope Water District- email and flyers, office visit
	Posted on SWD website
	Will be sending out flyers in their mailings in Jan 2022
Tres Pinos	TP Water District- email, flyers, and office visit
	Provided flyers to be mailed to all their water customers. 2x's
	Flyers posted
Hollister	City of Hollister -Emailed and provided flyers to be mailed to water customers
	Behavioral Health
	CAP 60 mailings
	Catholic Church email and flyer
	Co of Ed letter and flyer
	El Nopal Bakery both locations
	Emailed flyers to HSD Migrant Program
	Emailed flyers to SBHSD Migrant Program
	First Five Program
	Flyers posted at various Hollister sites (i.e., laundry mats)
	Food Bank
	Go Kids
Head Start Program	

HHSA
Hollister Prep School
Postings on Social Media-Facebook- covered all jurisdictions
San Benito Foods
SBCo Health Dept
Veterans program in Hollister & SJB serving all areas
Villa de Jerez Restaurant

Average amount spent per service for ALL jurisdictions: \$407.67

<u>Jurisdiction</u>	<u>Average per Service (Water/Sewer, Garbage, PG&E)</u>
• San Benito County	\$579.87
• San Juan Bautista	\$315.75
• City of Hollister	\$502.21

Action Items

- a. Due to low expenditures for SBC and SJB and the fact that the grant expires in May, SBC to submit a request to modify the Scope of Work to allow the use of funding for all areas.
 - b. City Councils & BOS to approve an amended MOU to include language for the use of funds for all jurisdictions. SJB=Feb. 15; Hollister=March 2; SBC = March 8
2. CDBG CV 2/3- Collaborative Proposal Approved. 😊 \$1,150,872
- Public facilities: Shelter Rehab- Roof, interior painting, interior floors, parking lot.
 - The Contract was received 2 weeks ago and submitted to HCD yesterday.
 - We should receive the executed contract in about a month
 - RMA will lead the capital project.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: ESTABLISH A COVID-19 SICK-LEAVE POLICY OF UP TO EIGHTY HOURS FOR EMPLOYEES ABSENT DUE TO EXPOSURE TO COVID-19

MEETING DATE: February 15, 2022

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION:

It is recommended that the City Council adopt the attached Resolution establishing a COVID-19 sick-leave program consistent with RULE X: LEAVE Section 2 of its Personnel Policies, and authorize the City Manager to approve the use of up to 80-hours of sick leave for COVID related employee illnesses.

BACKGROUND INFORMATION:

The City's personnel policies address the definition, verification and general use of Sick-Leave consistent with the State's Healthy Workplace, Healthy Families Act of 2014. It authorizes the City Manager to approve and regulate the use of sick-leave by employees in the City.

Cal OSHA in its COVID Prevention Plan describes paid sick leave for employees who are exposed on the job. The City adopted its CPP January 18, 2022. But the State laws regarding any exposure for employees, expired in 2021, as did the federal laws.

Returning to work from the holidays was confusing and concerning, due to the fast-spreading effects of the Omicron variant of COVID 19. CDC protocols regarding quarantine, vaccinated and unvaccinated protocols, all made the response to any COVID 19 issue a complicated mess. During that time, one city employee became ill and tested positive for COVID 19. That employee has very little accrued leave on the books. He has returned to work, but there remains very little accrued leave available should he or close family become ill.

DISCUSSION:

At the January 21, 2022 Monterey Bay Area City Manager's Group discussion, several local jurisdictions reported that they had taken it upon themselves to establish a COVID 19 sick leave program. Some are limited to 40-hours, and others 80-hours. On Monday February 7, 2022, the

Legislature passed a law re-establishing COVID Sick-Leave for up to 80-hours between January 1, and September 30, 2022. On Wednesday February 9 2022, the Governor signed it into law, following the same 2014 theme of “Healthy Workplace, Healthy Families.” Like the Cal-OSHA CPP program, this new law applies to employees larger than San Juan Bautista. But also, like the CPP, the City can afford to provide this extra safety net for its employees.

Staff is presenting a Resolution to stand-up for its employees during the ongoing difficult time of the Pandemic. Staff recommends establishing a COVID 19 sick leave program of up to 80-hours between January 1, and September 30, 2022.

FISCAL IMPACT:

The fiscal impact of this policy is estimated to cost less than \$10,000, and be spread among several different funding sources including the General Fund, Special Districts and Enterprise Funds, and will be shared between two fiscal years.

ATTACHMENTS:

Proposed Resolution Establishing a COVID 19 Sick Leave Program

RESOLUTION NO. 2021- XXX

A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA ESTABLISHING A COVID-19 SICK LEAVE PROGRAM AND AUTHORIZE THE CITY MANAGER TO APPROVE UP TO EIGHTY-HOURS OF SICK LEAVE FOR COVID-19 RELATED ILLNESS

WHEREAS, the State’s “Healthy Workplace, Healthy Families Act of 2014” generally requires all employers to provide sick leave to their employees; and

WHEREAS, the City Personnel Policies “RULE X: LEAVE Section 2 Sick Leave” defines in Section 2.3 when employees are eligible to use their accrued sick leave, and in Section 2.4 defines use of sick leave to care for sick family members, Section 2.5 requires the City Manager’s authorization, and 2.7 describes how to verify the illness; and

WHEREAS, the City is fortunate that it has been able to maintain a steady work-force despite being in the State of Emergency caused by the highly contagious virus COVID-19, and on January 18, 2022, approved its COVID Prevention Plan, (“CPP”) in-line with Cal-OSHA requirements; and

WHEREAS; in 2021, both the State and Federal governments have enacted special leave provisions for paid sick leave when caused by COVID-19, and many of these policies have expired; and

WHEREAS, other cities in the region have also established a special COVID-19 sick leave program, and authorized city managers to approve up to 80-hours of paid sick leave due to COVID 19, consistent with their CPP in an effort to promote a safe working environment and healthy families, and these principals apply to San Juan Bautista employees as well; and

WHEREAS, on February 9, 2022, the Governor signed legislation re-establishing paid sick leave due to COVID-19 related illness for businesses that employ more than 25-employees between January 1, 2022 and September 30, 2022; and

WHEREAS, recently, during the outbreak of the COVID-19 Omicron variant, City employees have become ill or have required extra leave to care for sick family members and some of these employees do not have adequate accrued sick-leave to cover their absence; and

WHEREAS it is recommended that San Juan Bautista also establish a special COVID-19 sick-leave program, consistent with the provisions in its RULE X: LEAVE Section 2 of its Personnel Policies, and authorize the City Manager to approve the use of up to 80-hours of sick leave for COVID related illness.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.

2. It agrees that due to the current fast spread of COVID 19, that a special use of sick leave be established for up to eighty-hours of leave to be applied using the same parameters as those defined in RULE X: LEAVE Section 2 (et, all) of the City's Personnel Policies.
3. Authorize the City Manager to approve the use of the COVID-19 Sick Leave for employees up to 80-hours, between January 1, 2022, and September 30, 2022.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 15th day of February, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Q. Jordan, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: STRATEGIC PLAN UPDATE DISCUSSION

MEETING DATE: FEBRUARY 15, 2022

DEPARTMENT HEAD: DON REYNOLDS, CITY MANAGER

RECOMMENDED ACTION(S):

It is recommended that the City Council receive this report describing the status of its Strategic Plan and provide staff input and direction for Fiscal Year 22/23.

BACKGROUND INFORMATION:

In February 2020, the City met with a facilitator and conducted a Town Hall meeting at the Library, creating and adopting its first Strategic Plan in many years for FY 20/21. On March 23, 2021, the City Council approved Resolution 2021-15, and adopted its second Strategic Plan for FY 21/22.

The five focus areas from 2020 remain and include:

- 1) Create, promote, and nurture partnerships within our community,
- 2) Preserve, protect, and promote our community assets and economic vitality while maintaining historical and cultural charm;
- 3) Invest, maintain, strengthen, plan and renew our vital infrastructure;
- 4) Promote public amenities; and
- 5) Quality of life.

Each of the five strategies were greatly expanded in 2021. Attached is the actual adopted Strategic Plan. A review of each section provides room for removing some tasks already accomplished, and adding new ones.

Focus area 1 is about Partnerships, and this work occurs daily and is on-going. Some of these listed are redundant and staff will clean it up to make it more specific.

Focus area 2 has been mostly fulfilled and continues to grow. Last year at this time, the City Council approved the new Assistant City Manager position and Brain Foucht was appointed last spring. Since this time, we have worked hard on current planning efforts, to stream-line and upgrade our systems. He has brought forward a proposed sphere of influence, that is the beginning



of a General Plan Update. He has established the City's diverse Economic Development Advisory Committee and launched standing committee to guide the City's economic future. He is focused on long-term planning activities guided by several grants that have updated the City's Accessory Dwelling Unit policies and reviewed the Inclusionary Housing policies. He has put a community-based group together to discuss a cultural trail system in the City. He is also working on historic preservation grants (more to follow).

Focus area 3 is all about infrastructure. The focus continues to be water and wastewater as the City Manager is working hard to fully fund improvements for both systems. Work on seven streets targeted as high-priorities in the Pavement Management System will be bid this spring, and start this summer. Reducing greenhouse gasses with solar systems independent of the grid is a work in progress, and moving slowly at best right now. Stormwater issues have focused on Rancho Vista development. Facility improvements are being bid now for the City Council Chambers and soon to occur at the Community Hall. The Active Transportation Plan is the \$180,000 grant being implemented now to establish a city-wide cultural trail system (also reference in #2 above).

Focus area 4 "promoting public amenities" includes parks. Franklin Park and Verutti Park are well underway. Having completed the master Plan for Luck Park, grant funds are being sought to implement it. American Rescue Plan funds were budgeted at the Mid-Year, with the majority of these funds set-aside to improve recreation opportunities in the City. The City and School District have come up with a plan to secure the school buildings and allow access by the public when school is not in session. Washington Park is still on the horizon. The trail system referenced in Focus areas 2 and 3 is being planned. Focus area items "C" – "D" all pertain to recreation, and are all matters for future discussion.

Focus area 5 is about the "Quality of Life. "Items "A" and "B" are in motion with a well-established Public Safety Ad-Hoc Committee. Recommendation to assign a sheriff deputy to the City has been approved by the City Council and recruitment is underway. The City is better at communication between the Sheriff, private security and code enforcement. This is demonstrated by the good work done during the 4th of July, and to enforce compliance with health orders related to COVID-19. Nurturing diversity and removing inequities are a constant City effort, and part of everyday 's work. Resiliency is growing with improved water and wastewater systems in the works, and well-funded reserves.

The Sheriff and Fire Chief both made presentations to the Public Safety Ad-Hoc Committee in January. Fire Chief Bob Martin-Del Campo provided an annual report and he will make this same presentation to the City with this report (slides are attached). The newly assigned Lieutenant Tomas Corral provided an update on several policy and staffing changes happening at the Sheriff Department. The Sheriff (or delegate) has accepted this invitation to provide the City Council with an update.

This is the time of year to ask: "can the city take actions to address those parts of the Strategic Plan not yet addressed?" The Public Safety Ad-Hoc Committee is determined to get security cameras

installed in the City, and allocate all or a portion of the \$100,000 budgeted for this focus for that purpose. The General Plan Update will need a CEQA study and other consulting services to effectively be approved by the City and County, and then by LAFCO. The Third Street Master Plan is not quite on the radar for the newly formed Economic Development Advisory Committee. These three challenges are just beginning to materialize.

DISCUSSION:

For the upcoming fiscal year, the City is in a solid position to expand its operations. The insecurities surrounding the impact of the Pandemic have begun to settle down. The increases in Sales and Use Taxes, combined with property tax revenues from the recently completed Rancho Vista and Copperleaf developments, are all positive and stable. The City's Reserve Policy sets the standard General Fund Reserve at 2.5 months of General Fund expenses. In the Mid-Year Budget report staff referenced the unreserved balance is closer to 18-months of General Fund reserve. The City can afford to expand its operations. Are there new initiatives or new programs to consider, and if so, does the current staff have the capacity to deliver?

The three initiatives funded last year (Public Safety, Sphere of Influence ("SOI")/General Plan Update, and Third Street Master Plan) are only now materializing. Each is funded with \$100,000 seed money from last year's General Fund savings. Very little of these funds have been encumbered. But each one will require substantially more funding this next fiscal-year to reach the goals set forth by these community-led efforts.

Public Safety Budget

The dedicated Sheriff Deputy assigned to the City is expected to have a lot of impact recommending changes and improvements to the Public Safety services in our City. Along with these recommended changes may include new budget considerations. Staff has suggested different organizational concepts to the City Council and Public Safety Committee, and not much traction has resulted. The role of private security and code enforcement are (in the City Manager's mind) an unanswered question. The City continues to use its code enforcement officer at the elevated 30-hours per week, as established during the State of Emergency. Before July 1, this assignment should be reviewed and reconsidered. The dedicated Deputy can help with that too.

If the City moves toward security cameras, after talking with King City and others, this could be done in phases, and will cost more than \$500,000 when completed. But it needs to be coordinated with Etheric's new high-speed connectivity through wireless connections. Etheric is about to initiate installation after long delays due to micro-chip supply chain issues.

Are there other capital investments that can be made to improve Public Safety Services? The Fire Station 4 has had two CIPs budgeted now for two years: new doors on the Polk Street Bay, and Emergency Generators. There are Office of Traffic Safety ("OTS") Grants that can be sought to

improve traffic safety in the City and enforcement of traffic laws. The City may also decide to invest in disaster preparedness training and facility readiness.

Sphere of Influence/General Plan Update

The drafted SOI map is heading to the City Council on this Agenda. If the concepts are approved, the next step will be to begin to prepare for land-use pre-designations and property tax sharing negotiations with the County. This will require detailed data to be collected and organized most likely by consulting firms that are experts in these issues. The City will also be required to work with LAFCO and prepare a Municipal Services Report that describes how any new development may be best served by existing and planned resources. The City's Water and Wastewater Master plans are critical base-line components for this conversation. It is hopeful that the City can amend the 2016 environmental work completed for the General Plan, or it will have to create a new study that meets the CEQA requirements. The City will have to invest more than \$100,000 in its future.

Third Street Master Plan

The Economic Development Advisory Committee established in Fiscal Year 21/22, and its Technical Advisory Committee will be the best team to lead the Third Street Master Plan in Fiscal Year 22/23. It is the time to launch this critical study of the City's downtown and historic district. Next fiscal staff will conduct a Request for Qualifications to establish a design team. This most likely to become an 18-month effort, and cost between \$150,000 and \$200,000. This Plan can then be used to leverage grant funding for construction. These concepts will then be taken to the development stage, that will require additional funds for construction plans to be drawn, and to complete the CEQA analysis.

Recreation- Youth and Senior Services

If the City were to consider a new initiative, it might be in the area of recreation and activities for both seniors and children under 18-years old. This was discussed with the City Council in August upon receipt of the American Rescue Act funds, and reconfirmed at the Mid-Year Budget conversation January 18, 2022. The Community Hall is being renovated to improve its acoustics as specifications are being drawn now. It will be better suited for hosting senior activities. The joint use of school property is being pursued now to help expand youth recreation access to playgrounds and basketball.

In the past, the Strategic Planning committee helped to organize a Youth Commission with a skilled, credentialed, teacher acting as a volunteer advisor. The City's planner scheduled the meetings and took notes. It all ended with COVID-19.

To start a new Youth Commission, it needs to be staffed and led by City employees. This makes take shape as a part-time "recreation coordinator." This new position would head a commitment from the City to address the needs of youth in San Juan Bautista. In addition to working with a

Youth Commission, the part-time recreation coordinator would work with other youth organizations and manage City recreation facilities. Little League, soccer, and summer programs could be developed. This position may also be able to help with social media, and help organize new special events.

One special event that seems to have potential is a live theater attraction co-hosted with local stakeholders. Other theater companies would be hosted by the City and join a week-long festival much like a “Shakespearean” event, but consistent with San Juan Bautista’s culture and be ethnically diverse.

There is a volunteer effort in the works to initiate or re-start a senior citizen community center and related activities. There are a wide variety of senior activities that can be hosted locally, from weekly lunch programs, to health and Yoga classes, and legal and financial advice and assistance. Trips to visit many of the local interests. If the City was to support this project, the Community Hall would be the first place to start.

Staffing senior activities could include either a second part time recreation coordinator, or one full-time coordinator to serve all of the City’s recreation interests as suggested above. The cost of this full-time position would range between \$75,000 and \$90,000. If the City decides to start smaller, a part-time position could be hired, and later be expanded to a full-time position. A part-time recreation coordinator would start closer to \$40,000 to \$50,000 per year. This operational change will be an on-going commitment from the City.

If growth in recreational programming is the City Council’s favored initiative for FY 22/23, it is recommended that staff capacity be increased.

Other Budget Considerations

This is the time to start thinking about the City and its strategies that; improve the quality of life, preserve and protect its assets, culture, and history, invest in infrastructure and build new partnerships. This has to be considered in-light of the economic projections that include high-inflation, and continued supply shortages. The City Operational Budget will have to grow to keep pace, without adding any new programs or activities.

Currently the City is facing major staffing changes. In one month, its City Clerk, City Engineer and City Attorney have all retired. The City Engineer and City Attorney are positions held by private professional service contractors. They are both over due to be re-bid (every three years). The three-year Private Security contract ends in July and will also be re-bid and awarded before June 30, 2022. The City will be seeking bids from landscape maintenance providers for its two Community Facilities Districts and its Landscape and Lighting District. The Water and Wastewater systems need to be re-bid as well, but these systems are currently in a state of flux. Once construction on the two systems has begun, the two projects will be re-bid in time for the ribbon cutting.



The State's Chief Economist reported to the city managers last week that the economy is in full recovery mode, but not full "equity." The gap between "have" and "have nots" has grown during the Pandemic. State budget analysts took these factors into consideration in its proposed Budget with a \$45 billion surplus in January. Half of that surplus has to go to schools, but the other half is discretionary. The analysts have great optimism that the economy will continue to grow, and the job market will be strong. That means that labor costs will increase as supply is outweighed by higher demand. The City will continue to seek grants and other dividends that come from these prosperous times at the State level.

This year's Strategic Plan overlaps a general election in November. Three seats of the City Council will be open. A year from now, a facilitator is recommended to help the new City Council get together and discuss the common interests that they have for the City's future. But for this year, the City Council may wish to schedule a special Town Hall meeting on the Strategic Plan in March, to set the tone for its Budget Town Hall meetings in April and May.

ATTACHMENTS:

Strategic Plan 21/22

Fire Department Annual Report

Updated Strategic Plan 9 "red-line"

STRATEGIC PLAN MARCH 23, 2021

From February 15, 2020, as Amended February 23, March 16, and March 23rd, 2021
(Resolution 2021-15)

- 1) Create, promote, and nurture partnerships within our community
 - a. Public
 - b. Private
 - c. Arts and Culture
 - d. Community based
 - e. Governmental and Public Safety
 - f. Non-profit
 - g. Business
 - h. Schools, Community Colleges, and Universities
 - i. Agriculture
- 2) Preserve, protect, promote our community assets and economic vitality while maintaining historical and cultural charm.
 - a. Expand Community Development Services
 - b. Amend the and update the General Plan, (to include a new Sphere of Influence)
Focus on the City's advanced planning and preserve its historic assets and small-town charm
 - c. Create a Housing and Economic Development Division within Community Development Department
 - d. Adopt the City's Climate Action Plan
- 3) Invest, maintain, strengthen, plan and renew, our vital infrastructure:
 - a. Regionalize the Source of Water, and discharge of Waste Water
 - b. Invest in the new Water and Waste Water Master Plans
 - c. Fund the priorities in the Pavement Management Plan
 - d. Reduce Greenhouse Gasses, develop sustainable independent Power grids
 - e. Stormwater, inflow and infiltration
 - f. Facilities
 - g. Open Space and Active Transportation Plan
- 4) Promote public amenities:
 - a. Parks – Complete Verutti Park and Franklin Park, implement the Luck Park Master Plan, begin the master plan for Washington Street Park
 - b. Trail system
 - c. Recreation
 - d. Cultural Arts and Activities (El Teatro Campesino and Credo Studios)
 - e. Establish a Parks, Recreation and Library Sub-Committee

5) Quality of Life

- a. Enforce ordinances maintaining quality of life, promoting health and safety for the community.**
- b. Establish a Public Safety Sub Committee to review contracts and services, identify gaps in service (traffic enforcement, emergency preparedness, crime prevention, crime investigation).**
- c. Build resiliency into the City's quality of life by building closer communications, closer relationships, by listening to our neighbors and friends.**
- d. Nurture diversity, remove inequities, and celebrate the strength in the community that comes from a strong and diverse community.**



Hollister Fire Department

Est. 1875

Annual Report For the Hollister Fire Department



The mission of the Hollister Fire Department is to enhance the quality of life in the City and our area of coverage pertaining to contractual agreements with the County of San Benito and the City of San Juan Bautista. The Fire Department is working cooperatively with the community to prevent fire, enforce the fire code, and provide for a safe environment.





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Hollister Fire Department

Est. 1875



Message from the Fire Chief

The Hollister Fire Department is pleased to present the 2021 annual Fire Report. This report will provide you statistical information of calls per area, breakdown of call type, and services provided by your Fire Department. 2021 brought the Fire Department a multitude of challenges with state strike team assignments, local weather events, Department of Defense assignment, and the COVID Pandemic. Through it all we have continued our operational continuity. The HFD's upcoming goals consist of a community based strategic plan, County fire facility, renewal of Auto-aid agreements.

*Bob Martin Del Campo
Fire Chief, Hollister Fire Department*



Introduction

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The Hollister Fire Department is an all hazard emergency response agency that covers 1,400 square area miles of the County of San Benito. The objective of our department is preparedness and emergency response to natural and manmade disasters. The department must evaluate the communities vulnerabilities through risk assessments and anticipate the communities needs for service. It is the Hollister Fire Departments obligation to ensure that we are prepared and properly equipped to deploy and deliver emergency service.



We are in the process of purchasing Fire Apparatus to be completed later 2022 and early 2023. The Department has completed a Fire Academy, promoted fire personnel and responded to over 4039 calls.

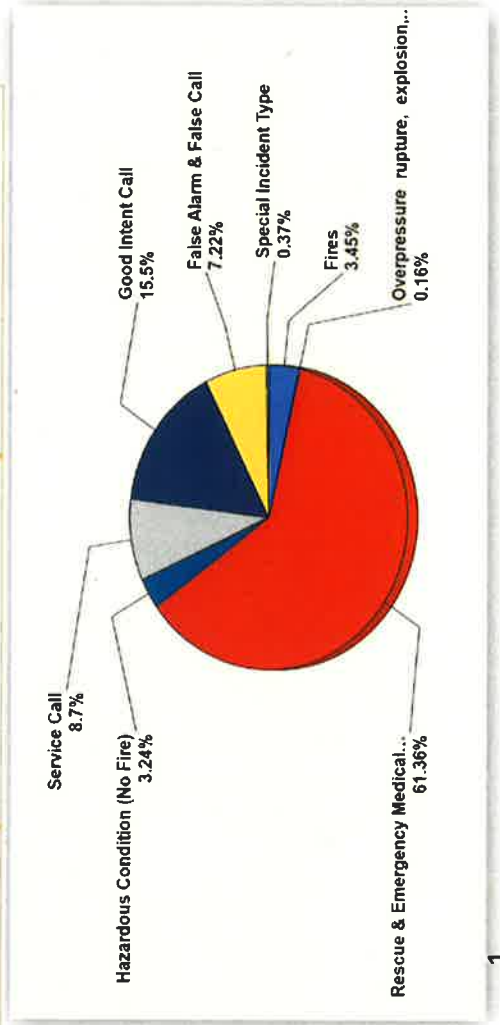
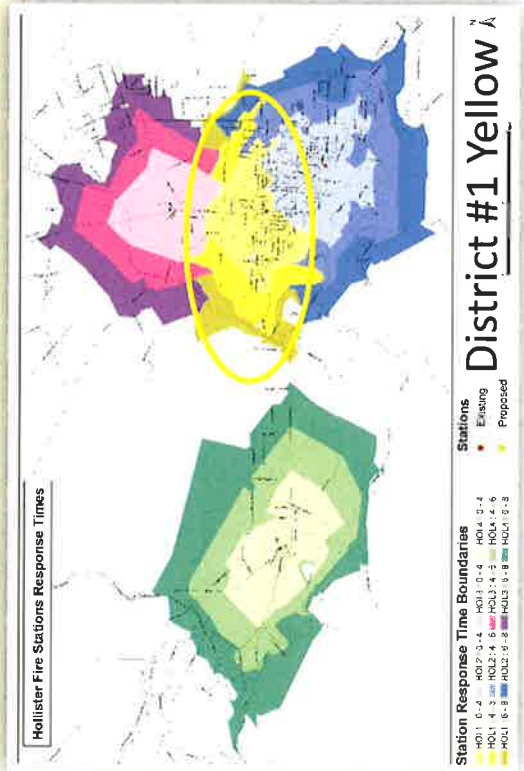




District #1

Est. 1875

MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	65	3.45%
Overpressure rupture, explosion, overhear - no fire	3	0.16%
Rescue & Emergency Medical Service	1156	61.36%
Hazardous Condition (No Fire)	61	3.24%
Service Call	164	8.7%
Good Intent Call	292	15.5%
False Alarm & False Call	136	7.22%
Special Incident Type	7	0.37%
TOTAL	1884	100%

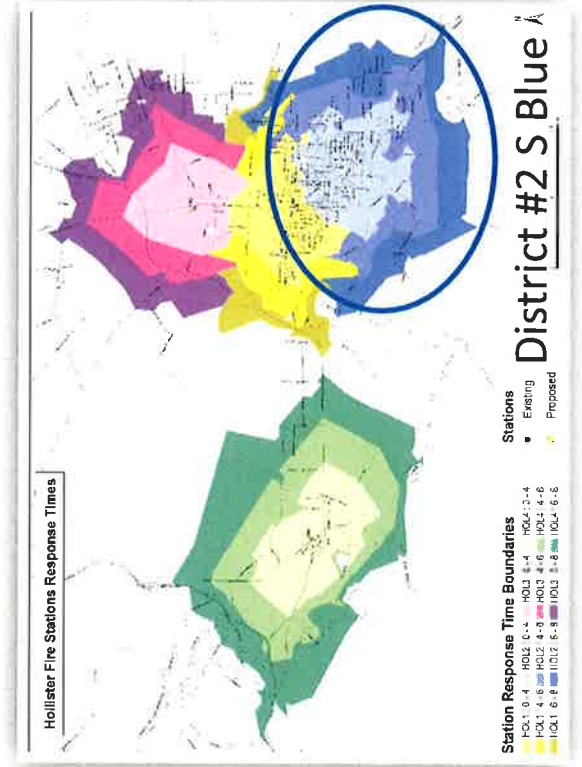
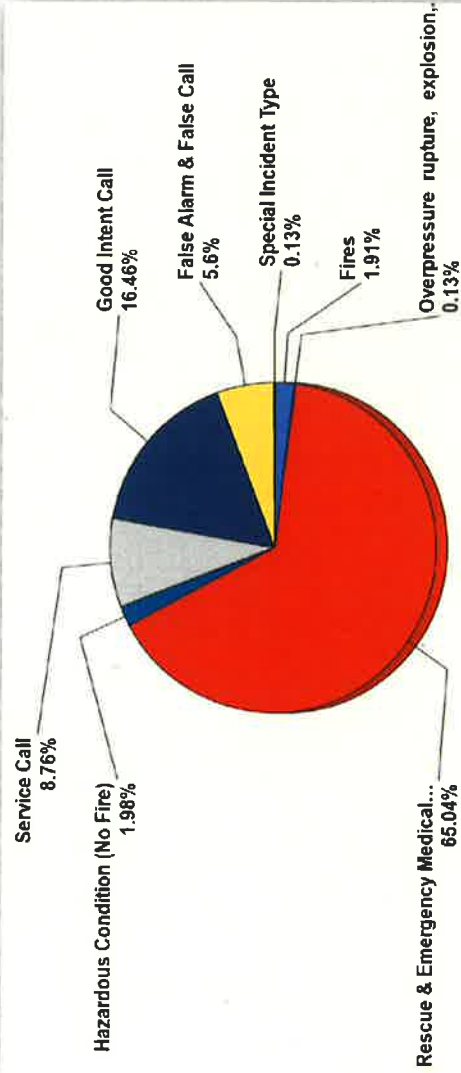




District #2 south

Est. 1875

MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	29	1.91%
Overpressure rupture, explosion, overhear - no fire	2	0.13%
Rescue & Emergency Medical Service	988	65.04%
Hazardous Condition (No Fire)	30	1.98%
Service Call	133	8.76%
Good Intent Call	250	16.46%
False Alarm & False Call	85	5.6%
Special Incident Type	2	0.13%
TOTAL	1519	100%

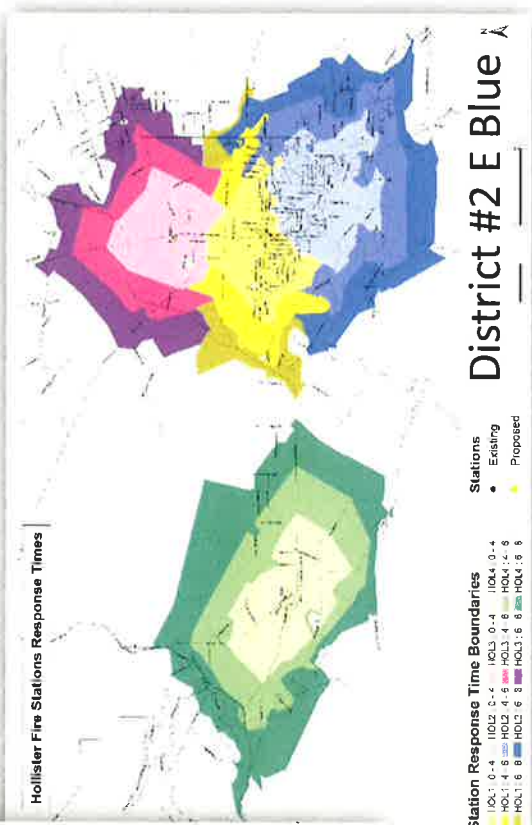
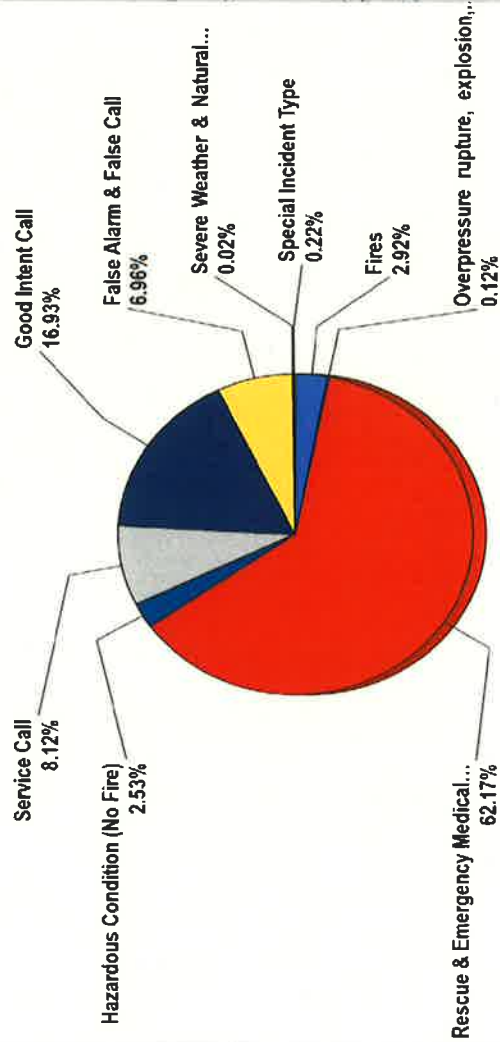




District #2 east

Est. 1875

MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	2	10%
Rescue & Emergency Medical Service	9	45%
Hazardous Condition (No Fire)	1	5%
Good Intent Call	7	35%
False Alarm & False Call	1	5%
TOTAL	20	100%

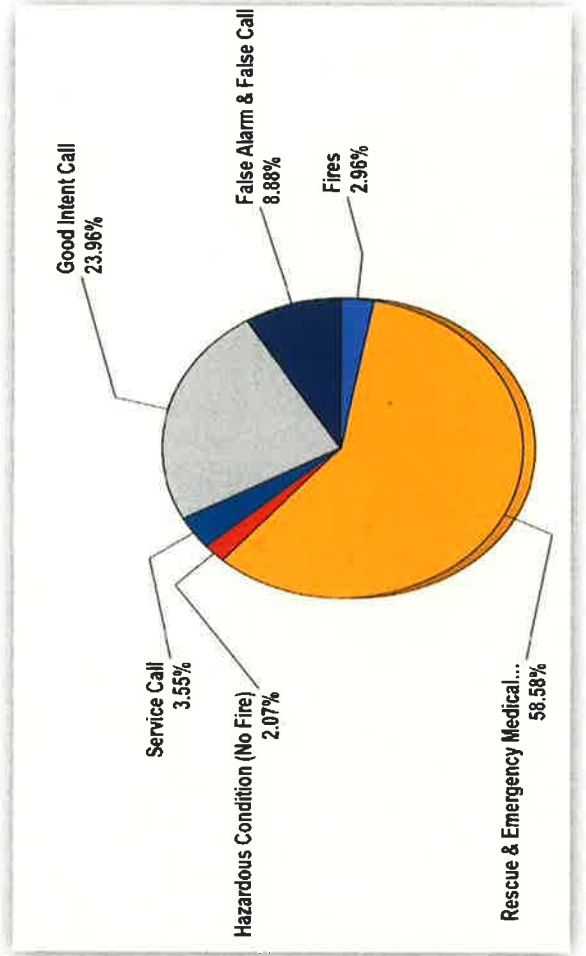
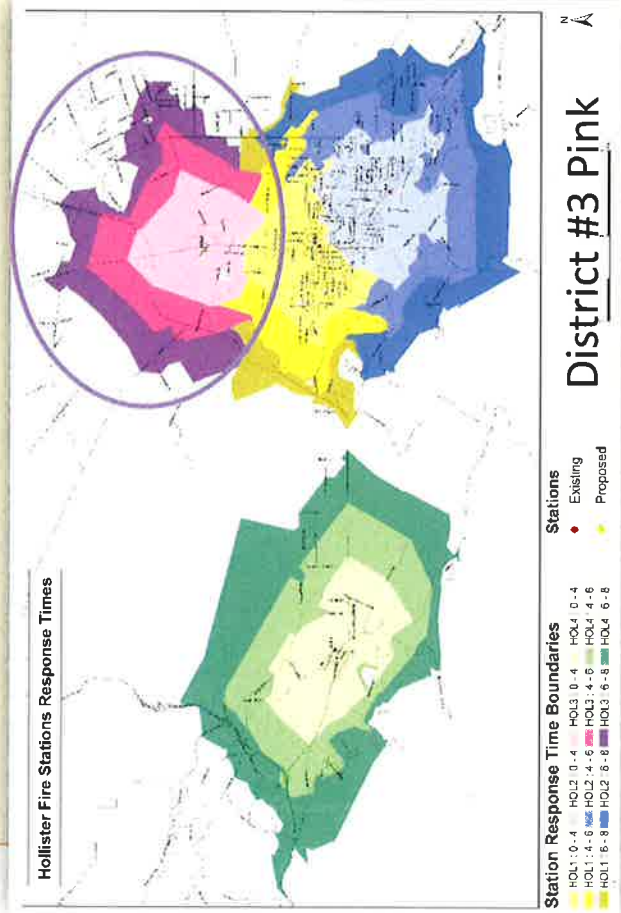




District #3

Est. 1875

MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	10	2.96%
Rescue & Emergency Medical Service	198	58.58%
Hazardous Condition (No Fire)	7	2.07%
Service Call	12	3.55%
Good Intent Call	81	23.96%
False Alarm & False Call	30	8.88%
TOTAL	338	100%

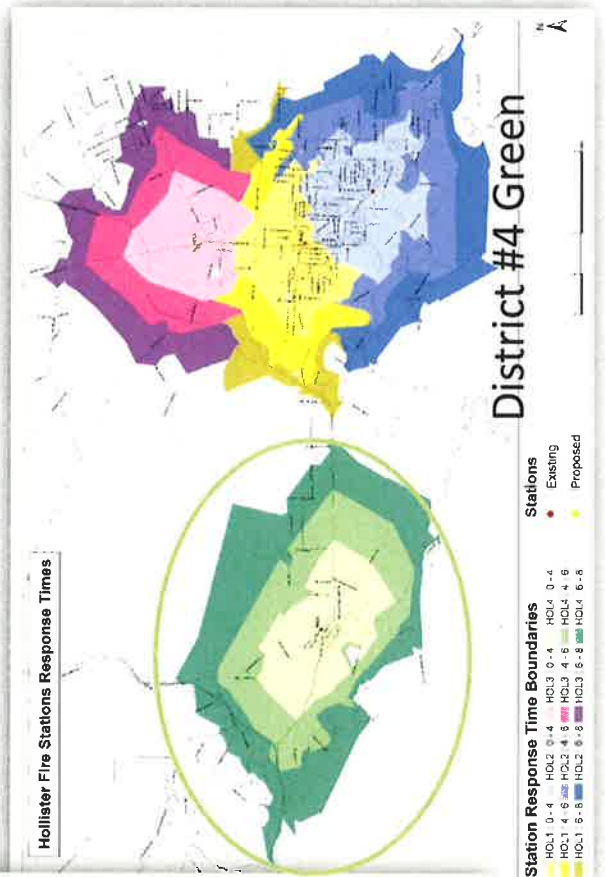
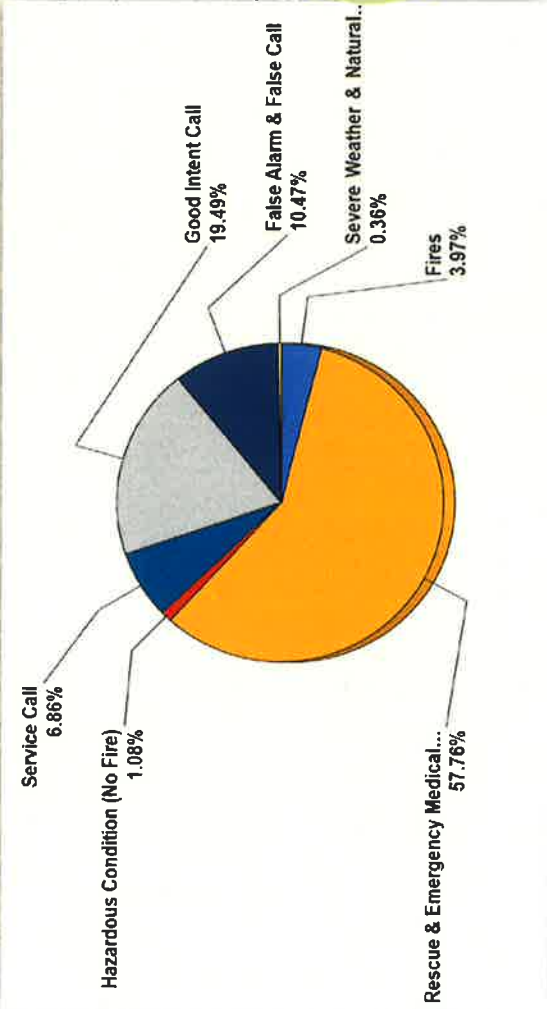




District #4

Est. 1875

MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	11	3.97%
Rescue & Emergency Medical Service	160	57.76%
Hazardous Condition (No Fire)	3	1.08%
Service Call	19	6.86%
Good Intent Call	54	19.49%
False Alarm & False Call	29	10.47%
Severe Weather & Natural Disaster	1	0.36%
TOTAL	277	100%





All Districts

Est. 1875

64,209

TOTAL POPULATION



436

**FACILITIES THAT REQUIRE
FIRE AND LIFE SAFETY INSPECTIONS SB-1205**



1,400

SQUARE AREA MILES



4,039

TOTAL INCIDENTS



2,511

**RESCUE & EMERGENCY
MEDICAL SERVICES INCIDENTS**



Accomplishments

Est. 1875

Outreach: CPR/First aid training, Safe Kids coalition

Fleet Management :

County Type 1 ETA August 2022

Type 6 ETA June 2022

4x4 Water Tender **Delayed by COVID**

Type 3 Apparatus **Delayed by COVID**

1.5 Million Budget approved for ladder truck

OES Type 6 in-service



Battalion Chief Rodney Dover

Office of Traffic safety Grant 3 sets of Electric Rescue tools to serve outlying stations

Software upgrades for paper less apparatus checks, and inventory system accessible by all Firefighters by phone app

Strike team deployments:
Dixie Fire 5 Deployments,
increment Weather pre-positioning



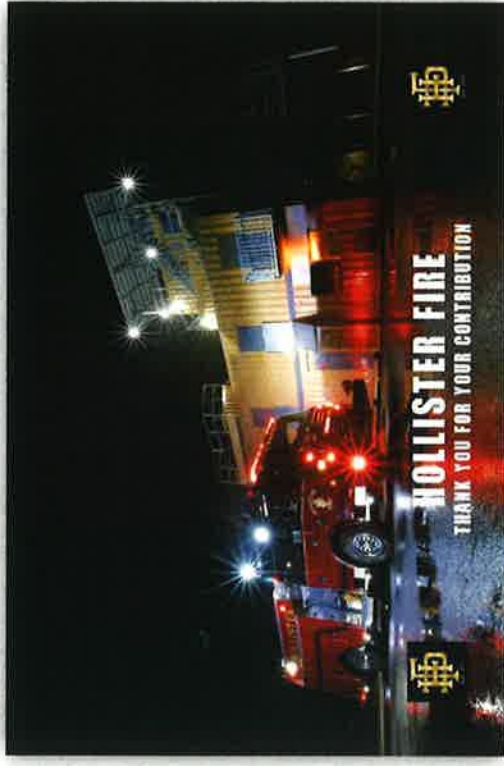


Training

Est. 1875



Battalion Chief Phil Rossi



Fire Operations		69
EMS		30
Technical Operations		39
Department Operations		22
Administrative Mandated Training		11
Driver Operator		23
HAZMAT		21
Prevention		32
Annual Hours		214





Fire Prevention

Est. 1875



Battalion Chief Carlos Bedalla

The Fire Prevention Bureau conducts over 1,700 fire and life safety inspections a year. In addition through State Senate Bill 1205 mandate, we will conduct fire and life safety inspections on all designated structures annually. Inspections are conducted throughout the entire San Benito County.



Alicia Corpus

Multi-Jurisdictional Arson Task Force: continuous training Hollister Fire, Hollister Police, San Benito Sheriff staff



FY 20/21 Inspections					
	COH	SJB	SBCo	TOTAL	
*Hotel/Motels	6	2	2	10	
*Apartments	344	19	0	363	
*Schools	19	3	11	33	
*Jails	0	0	0	0	
*Total State Mandated	374	27	9	406	
**Other Inspections	811	77	459	1347	
***Overall Total	1185	104	468	1757	

7/1/2021-12/31/2021					
COH	SJB	SBCo	TOTAL		
6	2	2	10		
374	19	0	393		
17	3	12	32		
1	0	2	3		
398	24	16	438		
570	10	105	685		
968	34	121	1123		

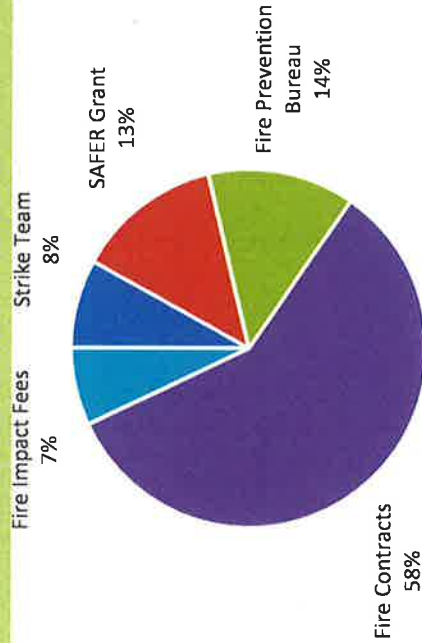




HFD 2021 Funding Sources

Est. 1875

FIRE DEPARTMENT REVENUE - FISCAL YEAR 2020 - 2021



Outside Funding Sources

The HFD works diligently to research, apply and obtain grants as an effort to relieve the burden of cost to the City of Hollister. Over 1/3 of the HFD budget is generated from outside funding sources.

- Strike Team
- SAFER Grant
- Fire Prevention Bureau
- Fire Contracts
- Fire Impact Fees

■	Fire Contract	\$2,260,852.00
■	Fire Impact Fees – AB1600	\$272,577.00
■	FEMA Safer Grant	\$514,195.00
■	Strike Team	\$308,783.00
■	Fire Prevention Cost Recovery	\$520,282.00
	Total	\$3,876,689.00





Hollister Fire Department

Est. 1875



Fire Chief Bob Martin Del Campo



Delia Raman

The Hollister Fire Department provides a multi-jurisdiction shared service agreement with the Cities of Hollister, San Juan Bautista and the County of San Benito. Resulting in one Fire Administration managing three fire service areas.

This jurisdictional partnership capitalizes on a shared services model where the fire authority delivers an essential service efficiently and effectively throughout the community. This partnership is designed to eliminate a duplication of services, redundancy of mandated requirements, and establish a single line of effort, while consolidating several funding sources into a single budget.





Summary

Est. 1875



Battalion Chief Kenny Melin

The Fire Department functions through four divisions and one bureau; Operations, Planning, Logistics, Administration, and the Fire Prevention Bureau. Our department responsibility has increased in geography, population, assignment, jurisdictional accountability and calls for service. Each division provides an essential component for the delivery of service.

Operations

Training

Planning

Logistics

Administration

Fire Prevention Bureau





Hollister Fire Department

Est. 1875

Bob.martindelcampo@hollister.ca.gov

(831) 636-4325



RESOLUTION NO. 2021-15

A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA ADOPTING ITS STRATEGIC PLAN FOR FISCAL YEAR 2021/22

WHEREAS, a strategic plan is a vital tool for cities to ensure that the priorities set by the City Council are conveyed in the organization's goals, that strategies are clearly developed to meet the goals, and that overall city government is accountable to meeting community needs; and

WHEREAS, the approved Strategic Plan marks the first step towards the new City budget, and helps staff to recommend funding to achieve the City's vision and implement its strategies for the new fiscal year; and

WHEREAS, on February 15, 2020, the City Council held a special Town Hall meeting to discuss its new Strategic Plan; and

WHEREAS; the Town Hall meeting was well attended and facilitated by a retired City Manager, who first interviewed each Councilmember before the meeting began; and

WHEREAS, following this Town Hall meeting, in less than a month, the City found itself in an unpredictable state of emergency, that continues to this day, and has tested the City to its core; and

WHEREAS, of the five priorities listed, its first priority, "*Create, promote, and nurture partnerships within our community,*" grew to an even higher and important priority as public and private resources were tapped beyond capacity in unexpected ways to weather the unpredictable pandemic's impact causing a storm of economic and health uncertainty; and

WHEREAS, with the exception of fixing its water and waste water infrastructure, many of the other priorities had to be pushed to the back seat while the City, County and State worked together to save lives; and

WHEREAS, at the Special Meeting held Tuesday February 23, 2021, the City Council revisited these priorities with a focus on expanding its efforts as they relate to maintaining the City's small-town charm and preserving its history and culture, and identifying and closing the gaps in services that promote, preserve and maintain the quality of life; and

WHEREAS, the City Manager returned to the City Council at the first meeting in March to reconfirm the Strategic Plan for the new fiscal year, and enhance and amend it based on feedback received on February 23, March 16, and at a special meeting held March 23rd, 2021, where a final draft Strategic Plan was completed.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.

2. It agrees that the Strategic Plan attached hereto reflects an accurate update of the City's vision and priorities for the new fiscal year, and adopts this plan as its guide for Fiscal Year 2021/22.
3. The City Manager is authorized to draft a new budget that reflects and funds the initiatives referenced in the new Strategic Plan.


PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a special meeting held on the 23rd day of March 2021, by the following vote:

AYES: Jordan, Freeman, Freels, Flores, Edge

NOES: None


ABSENT: None

ABSTAIN: None



Leslie Q. Jordan, Mayor

ATTEST:



Trish Paetz, Deputy City Clerk

STRATEGIC PLAN _____, 2022

- 1) Create, promote, and nurture partnerships within our community
 - a. Arts and Culture
 - b. Community based Non-Profits
 - c. Governmental and Public Safety
 - d. State Park
 - e. Archdiocese (Mission)
 - f. Housing partners
 - g. Economic Development partners (City Economic Development Citizen Advisory Committee, San Benito County EDC Comprehensive Economic Development Strategy)
 - h. Local, Regional and State transportation partners
 - i. Business
 - j. Schools, Community Colleges, and Universities
 - k. Agriculture
- 2) Preserve, protect, promote our community assets and economic vitality while maintaining historical and cultural charm.
 - a. Continue to expand Community Development Services
 - b. Initiate the General Plan Amendment to include a new Sphere of Influence.
 - c. Focus on the City's advanced planning and preserve its historic assets and small-town charm; maintain the City's CLG status
 - d. Create a Housing and Economic Development Division within Community Development Department
 - e. Further develop the recommendations from the City's Economic Development Advisory Committee
 - f. Begin the Third Street Master Plan
 - g. Adopt the City's Climate Action Plan
- 3) Invest, maintain, strengthen, plan and renew, our vital infrastructure:
 - a. Build a new Source of Water, and build the force main to Hollister for the discharge of Wastewater
 - b. Continue to Invest in the infrastructure prioritized in the Water and Waste Water Master Plans
 - c. Continue to fund the priorities in the Pavement Management Plan
 - d. Reduce Greenhouse Gasses, develop sustainable independent Power grids
 - e. Stormwater, inflow and infiltration
 - f. Update and modernize City Facilities
 - g. Open Space and Active Transportation Plan
- 4) Promote public amenities:
 - a. Parks- complete Verrutti Park and Franklin Park, Implement the Luck Park Master Plan, begin the master plan for Washington Street Park



- b. Fund and build Trail system
- c. Expand Recreational opportunities through partnerships (schools)
- d. Consider special events to highlight the heritage of Cultural Arts and Activities in the City (El Teatro Campesino and Credo Studios)
- e. Establish a Parks, Recreation and Library Sub-Committee
- f. Consider staffing recreation programs, youth commission and new recreation/libraries committee

5) Quality of Life

- a. Enforce ordinances maintaining quality of life, promoting health and safety for the community.
- b. Implement recommendations from the Public Safety Sub Committee to include security cameras, contract staffing alignment, code enforcement and private security.
- c. Participate in the County Emergency Preparedness efforts, and work with the County and City of Hollister to make certain the latest Hazard Mitigation Plans include the City and work for the region.
- d. Build resiliency into the City's quality of life by building closer communications, closer relationships, by listening to our neighbors and friends.
- e. Nurture diversity, identify and remove inequities, and celebrate the strength that comes from a strong and diverse community.

