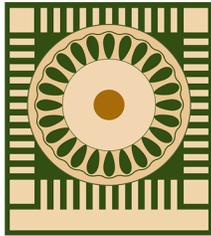


CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
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CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, December 17, 2019

7:00 PM

Council Chambers

City Council

4. [CONS 19-771](#) Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$200,000 in Grant Funding from the California Office of Traffic Safety for the Hayward Police Department

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Grant Agreement](#)

5. [CONS 19-813](#) Adopt Resolutions Authorizing the City Manager to Accept and Accept and Appropriate \$999,881 of Proposition 47 Funds and Amend Resolution 19-015 Authorizing the City Manager to Appropriate Up to \$3,192,339 for an Additional \$116,000 for the One-Year Operations of the Hayward Housing Navigation Center

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution to Appropriate Prop 47 Funds](#)
 [Attachment III Resolution to Amend Resolution 19-015](#)

6. [CONS 19-792](#) Adopt a Resolution Approving Policy on Discontinuation of Residential Water Service for Nonpayment

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III Policies & Guidelines](#)

7. [CONS 19-814](#) Adopt a Resolution Authorizing the City Manager to Execute an Operations and Maintenance Agreement with Engie Services U.S., Inc., for the First Phase (Phase IIA) of the Two-Megawatt Solar Photovoltaic Energy System at the Water Pollution Control Facility (WPCF)

Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)

8. [CONS 19-790](#) Adopt a Resolution Approving Final Map Tract 8482 (Eden Village II), Associated with the Previously Approved Vesting Tentative Map for five (5) Single Family Homes on a 0.51-Acre Site Located at 24763 Mohr Drive

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Vicinity Map](#)
[Attachment IV Tentative Map](#)
[Attachment V Final Map](#)

9. [CONS 19-822](#) Adopt Resolutions Authorizing the City Manager to Execute the Amended Joint Exercise of Powers Agreement for the East Bay Dischargers Authority and Approve a Fourth Amendment Extending the Current Agreement by Six Months (January 1, 2020-June 30, 2020)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution Amending JPA](#)
[Attachment III Resolution Executing 4th Amendment to JPA](#)
[Attachment IV EBDA Effluent Disposal System Map](#)
[Attachment V Amended JPA](#)
[Attachment VI Fourth Amendment to JPA](#)

10. [CONS 19-823](#) Adopt a Resolution Supporting the Proposal to Transform the Pacific Gas and Electric Company into a Customer-Owned Utility

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III 11/4/19 Letter to CPUC](#)
[Attachment IV Briefing Paper](#)
[Attachment V Customer Owned Utility Principles](#)

LEGISLATIVE BUSINESS

11. [LB 19-045](#) Update on Commercial Cannabis Permit Process and Program (Report from Development Services Director Simpson) (Continued from October 29, 2019)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)

12. [LB 19-046](#) Introduction of an Ordinance Increasing the Commercial Cannabis Tax Rate to 7% of Gross Sales (Report from City Manager McAdoo) (Continued from October 29, 2019)
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Ordinance](#)
13. [LB 19-055](#) Introduction of an Ordinance Revising the City's Park Impact Fees and Chapter 10, Article 16 of the Hayward Municipal Code (Report from Development Services Director Simpson)
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Ordinance - Redline](#)
 [Attachment III Ordinance - Clean](#)
 [Attachment IV Resolution](#)
 [Attachment V Nexus Study](#)
 [Attachment VI LOS Reduction Comparisons](#)
14. [LB 19-054](#) Adoption a of Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2020 (Report from Assistant City Manager Hurtado)
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Resolution](#)
 [Attachment III FY 2020 Salary Plan](#)

CITY MANAGER'S COMMENTS

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

COUNCIL REFERRALS

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

ADJOURNMENT

NEXT SPECIAL MEETING, January 14, 2020**PUBLIC COMMENT RULES**

Any member of the public desiring to address the Council shall limit her/his address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 19-149

DATE: December 17, 2019

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Minutes of the City Council Meeting on December 3, 2019

RECOMMENDATION

That the City Council approves the minutes of the meeting of the City Council Meeting on December 3, 2019.

SUMMARY

The City Council held a special meeting on December 3, 2019.

ATTACHMENTS

Attachment I Draft Minutes of 12/3/2019



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 3, 2019, 7:00 p.m.

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Lamnin.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lamnin, Wahab, Salinas
MAYOR Halliday
Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 6:00 p.m., regarding two items: 1) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding City of Hayward v. Russell City Energy Company, Alameda County Superior Court, No. RG 14752278; and 2) conference with legal counsel pursuant to Government Code 54956.9 regarding one anticipated litigation case. City Attorney Lawson noted there was no reportable action related to Item 1 and Mayor Halliday noted there was no reportable action related to Item 2. City Attorney Lawson noted the City Council unanimously approved, pursuant to Government Code 54954.2(b)(2) and with Council Member Mendall moving, Council Member Zermeño seconding and Council Member Wahab absent, to add one anticipated litigation case to the closed session agenda because the item came to the City's attention after the agenda was posted; and further noted there was no reportable action.

PUBLIC COMMENTS

Ms. Wynn Grcich, Hayward resident, expressed concern about the negative impact of 5G radiation on human health and the correlation between human remains disposal (AB967) and cancer.

Ms. Mary Boutté, Hayward resident, expressed concern about the extensive construction noise at the Leisure Terrace apartment complex and Reliant Group's lack of noticing to tenants; and issues with nonworking appliances and asbestos.

Ms. "Kay", Hayward resident, expressed concern about various issues at the Leisure Terrace apartment complex and the disrespectful treatment of tenants.

The City Council took a brief recess at 7:14 p.m., because someone in the Council Chambers collapsed. The meeting resumed at 7:20 p.m.

Ms. Kevah Maund, Hayward resident, expressed concern about continued delays with renovating her unit at the Leisure Terrace apartment complex and spoke about the inconvenience this has caused her.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about the delivery of smog checks, ethanol mandates, and global warming.

Consent Items 4, 7 and 10 were removed from the Consent Calendar for separate vote.

CONSENT

1. Minutes of the Special Joint Meeting of the City Council/ Hayward Housing Authority Board/Hayward Redevelopment Successor Agency Board/Hayward Public Financing Authority Board on November 19, 2019 **MIN 19-145**

It was moved by Council Member Mendall, seconded by Council Member Lamnin, and carried unanimously, to approve the minutes of the Special Joint Meeting of the City Council/ Hayward Housing Authority Board/Hayward Redevelopment Successor Agency Board/Hayward Public Financing Authority Board on November 19, 2019

2. Adoption of Ordinance Establishing a Fire Prevention Code for the City of Hayward; Adopting the California Fire Code, 2019 Edition, Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion; Providing for the Issuance of Permits and Collection of Fees; Providing for Penalties for Violation, and Repealing Ordinance No. 16-23, As Amended, and All Other Ordinances and Parts of Ordinances in Conflict Therewith **CONS 19-779**

Staff report submitted by City Clerk Lens, dated December 3, 2019, was filed.

It was moved by Council Member Mendall, seconded by Council Member Lamnin, and carried unanimously, to approve the following:

Ordinance 19-20, "An Ordinance Establishing a Building Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of Structures; Providing for the Issuance of Permits and Collection of Fees; Repealing Chapter 9 Article 1, and all Amendments Thereto"

3. Adoption of Ordinance Establishing a Building Code for the City of Hayward; Regulating the Construction, Alteration, Repair, and Maintenance of Structures; Providing for the Issuance of Permits and Collection of Fees; Repealing Chapter 9 Article 1, and all Amendments Thereto **CONS 19-780**

Staff report submitted by City Clerk Lens, dated December 3, 2019, was filed.



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 3, 2019, 7:00 p.m.

It was moved by Council Member Mendall, seconded by Council Member Lamnin, and carried unanimously, to approve the following:

Ordinance 19-21, “An Ordinance Establishing a Fire Prevention Code for the City of Hayward; Adopting the California Fire Code, 2019 Edition, Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion; Providing for the Issuance of Permits and Collection of Fees; Providing for Penalties for Violation, and Repealing Ordinance No. 16-23, as Amended, and all other Ordinances and Parts of Ordinances in Conflict Therewith”

4. Adopt Resolutions Authorizing the City Manager to Execute an Agreement with Silverado Contractors, Inc. in an Amount Not-to-Exceed \$3,901,150, for the Deconstruction of the City Center Building and Appropriate Funds **CONS 19-762**

Staff report submitted by Public Works Director Ameri, dated December 3, 2019, was filed.

In response to Council Member Wahab’s inquiry, City Manager McAdoo noted it was more cost effective to demolish the City Center building and rebuild. Council Member Wahab asked that there be community outreach to solicit input on the property.

Mayor Halliday opened the public comments section at 7:30 p.m.

Ms. Peggy Guernsey, Hayward resident, expressed concern about building on a fault zone and noted that prior developers/owners should have shared in the site expense caused by the transactions rather than the taxpayers.

Mayor Halliday closed the public comments section at 7:33 p.m.

Council Member Mendall noted that demolishing the building will enable the City to redevelop the property and benefit to the community.

It was moved by Council Member Mendall, seconded by Council Member Salinas, and carried unanimously, to approve the following:

Resolution 19-228, “Resolution Authorizing the City Manager to Negotiate and Execute a Contract with Silverado Contractors, Inc., for the City Center Building Deconstruction Project, Project No. 06911”

Resolution 19-229, “Resolution Amending the Fiscal Year 2020 Budget Resolution Related to an Appropriation of Funds from the

General Fund (Fund 101) to the Capital Fund (Fund 405) in the Amount of \$4,401,150 for the City Center Building Deconstruction Project, Project No. 06911”

5. Transmittal of the Annual Mitigation Fee Act Report (AB1600) **CONS 19-623**

Staff report submitted by Finance Director Claussen, dated December 3, 2019, was filed.

It was moved by Council Member Mendall, seconded by Council Member Lamnin, and carried unanimously, to approve the following:

Resolution 19-222, “Resolution Accepting the Report and Adopting Findings Related to Fees Collected for the Development Projects Subject to the Requirements of the Mitigation Fee Act”

6. Adopt a Resolution Authorizing the City Manager to Execute Three Agreements Related to the Bay Area Water Supply and Conservation Agency Pilot Water Transfer **CONS 19-759**

Staff report submitted by Public Works Director Ameri, dated December 3, 2019, was filed.

It was moved by Council Member Mendall, seconded by Council Member Lamnin, and carried unanimously, to approve the following:

Resolution 19-223, “Resolution Authorizing the City Manager to Execute Agreements Related to the Bay Area Water Supply and Conservation Agency Pilot Water Transfer”

7. Adopt a Resolution Authorizing the City Manager to Purchase the Tax-Delinquent Real Property Located at 1032 Central Boulevard and Enter into a Purchase and Sale Agreement with the County of Alameda **CONS 19-754**

Staff report submitted by Deputy City Manager Ott, dated December 3, 2019, was filed.

Mayor Halliday allowed public comments at 7:35 p.m.

Ms. Peggy Guernsey, Hayward resident, asked why the property at Central Boulevard was being purchased when it was her understanding that it was unable to be built upon.

Mayor Halliday closed the public comments section at 7:36 p.m.



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 3, 2019, 7:00 p.m.

Deputy City Manager Ott responded that the tax delinquent property was offered to the city by the county for only \$57,000, and that the lot will be worked into the Parcel Group 5 Bunker Hill project adjacent to it.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 19-230, "Resolution of the City Council of the City of Hayward Authorizing the City Manager to Object to Public Sale and Authorizing the City Manager to Enter into an Agreement to Purchase Fee Interest in Tax-Delinquent Real Property Located at 1032 Central Boulevard (APN 445-270-7-1) from the Alameda County Tax Collector's Office"

8. Adopt Resolutions Authorizing the City Manager to Execute a Professional Services Agreement with Black & Veatch Corporation to Prepare a Water System Risk and Resilience Assessment and Emergency Response Plan and Appropriate \$228,000 **CONS 19-761**

Staff report submitted by Public Works Director Ameri, dated December 3, 2019, was filed.

It was moved by Council Member Mendall, seconded by Council Member Lamnin, and carried unanimously, to approve the following:

Resolution 19-224, "Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Black & Veatch Corporation to Prepare a Water System Risk and Resilience Assessment and Emergency Response Plan, in an Amount not to Exceed \$198,000"

Resolution 19-225, "Resolution Authorizing Appropriation of \$228,000 from the Water System Replacement Fund to Prepare a Water System Risk and Resilience Assessment and Emergency Response Plan"

9. Adopt a Resolution Authorizing for the City Manager to Execute a Professional Services Agreement (PSA) with Pavement Engineering Inc., (PEI) for the Preliminary Cost Impact Estimate and the Preparation of the Plans, Specifications, and Final Estimates for the Old Highlands Homeowners Association (OHHA) Pavement Rehabilitation Project in an Amount Not-to-Exceed \$205,000 **CONS 19-763**

Staff report submitted by Public Works Director Ameri, dated December 3, 2019, was filed.

It was moved by Council Member Mendall, seconded by Council Member Lamnin, and carried unanimously, to approve the following:

Resolution 19-226, “Resolution Authorizing the City Manager to Execute a Professional Services Agreement (PSA) with Pavement Engineering Inc., (PEI) for the Preliminary Cost Impact Estimate and the Preparation of the Plans, Specifications and Final Estimates for the Old Highlands Homeowners Association (OHHA) Pavement Rehabilitation Project, not to Exceed \$205,000”

10. Adopt a Resolution Authorizing the City Manager to Enter into an Exclusive Negotiating Rights Agreement with Trumark Properties, LLC, for the Proposed Development of Parcel Group 5: Bunker Hill **CONS 19-772**

Staff report submitted by Deputy City Manager Ott, dated December 3, 2019, was filed.

Mayor Halliday opened the public comments section at 7:38 p.m.

Ms. Peggy Guernsey, Hayward resident, expressed she was not aware of any earthquake and safety regulations for the proposed property and was concerned about protections for the endangered species when building a trail and disrupting the natural asbestos.

Mayor Halliday closed the public comments section at 7:41 p.m.

Community Services Manager Davis responded the City conducted a preliminary geotechnical analysis, and the developer would conduct further analysis to ensure that any seismic issues are addressed before development, and that a biological analysis was approved as part of the plans previously approved by the City Council.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Resolution 19-231, “Resolution of the City Council of the City of Hayward Authorizing the City Manager to Negotiate and Execute an Exclusive Negotiating Rights Agreement between the City of Hayward and Trumark Properties, LLC for a Proposed Development Located on Parcel Group 5: Bunker Hill”

11. Adopt a Resolution Approving the Memorandum of Understanding between the City of Hayward and the Hayward Police Management Unit (HPMU) for the period of July 1, 2019 through June 30, 2023 **CONS 19-789**



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 3, 2019, 7:00 p.m.

Staff report submitted by Assistant City Manager Hurtado, dated December 3, 2019, was filed.

It was moved by Council Member Mendall, seconded by Council Member Lamnin, and carried unanimously, to approve the following:

Resolution 19-227, "Resolution Approving the Memorandum of Understanding between the City of Hayward and the Hayward Police Management Unit"

WORK SESSION

12. East Bay Dischargers Authority - Discussion of Amended and Restated Joint Exercise of Powers Agreement (Report from Public Works Director Ameri) **WS 19-062**

Staff report submitted by Public Works Director Ameri, dated December 3, 2019, was filed.

Public Works Director Ameri announced the report and introduced Assistant Director of Public Works Lee who provided a synopsis of the report.

There being no public comments, Mayor Halliday opened and closed the public comments section at 7:52 p.m.

Council Member Mendall was acknowledged for his service on the East Bay Dischargers Authority (EBDA) Board as the representative for the City of Hayward.

Discussion ensued among Council Members and City staff regarding capacity rights and the City's proposal to reduce its maximum flow rate capacity from 35.0 million gallons per day (MGD) to 15.0 MGD, and EBDA's costs apportioned to member agencies.

It was noted the East Bay Dischargers Authority Commission meets monthly the third Thursday at the Oro Loma Sanitary District in San Lorenzo. There was support for extending the current EBDA's Joint Exercise of Powers Agreement (JPA) by six months to align with the start of the fiscal year and extend through June 30, 2040.

PUBLIC HEARING

13. Adopt an Ordinance Approving an Amendment to the City of Hayward Contract with the California Public Employees Retirement System (CalPERS) for Local Safety – Police Employees and Authorize the City Manager to Execute the Contract (Report from Assistant City Manager Hurtado) **PH 19-096**

Staff report submitted by Assistant City Manager Hurtado, dated December 3, 2019, was filed.

Assistant City Manager Hurtado provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 8:20 p.m.

Mr. Victor Arellano, Hayward resident, asked how much the added benefit would cost taxpayers. Staff responded that the amended cost was \$143,000 annually, but the overall cost of the negotiated contract for Local Safety-Police Employees had net savings to the City over the five-year contract period.

Mayor Halliday closed the public hearing at 8:22 p.m.

Council Member Wahab noted the police force has a more difficult job, the officers safety is always at risk, their retirement age is different, and they are treated differently because they have different standards of work.

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried unanimously, to approve the following:

Ordinance 19-22, “An Ordinance Authorizing the Amendment of the Contract between the City of Hayward and the Board of Administration of the California Public Employees’ Retirement System”

LEGISLATIVE BUSINESS

14. Election of Mayor Pro Tempore for 2020 (Report from City Clerk Lens) **LB 19-053**

Staff report submitted by City Clerk Lens, dated December 3, 2019, was filed.

City Clerk Lens provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:10 p.m.

Council Member Zermeño was acknowledged for his service as Mayor Pro Tempore for year 2019.



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 3, 2019, 7:00 p.m.

It was moved by Council Member Zermeño, seconded by Council Member Márquez, and carried unanimously, to approve the following and elect Council Member Salinas as Mayor Pro Tempore for 2020:

Resolution 19-232, "Resolution Authorizing the Election of Mayor Pro Tempore of the City of Hayward for 2020"

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Márquez made three announcements: 1) the Light Up the Season holiday event on December 7, 2019 in downtown Hayward; 2) the Downtown Passport Shopping Program in downtown Hayward and encouraged all to shop locally; and 3) noted she will not attend the December 17, 2019 Council meeting due to a family commitment.

Council Member Salinas encouraged all to consider patronizing Erik's Deli Cafe on December 5, 2019 because a percentage of the proceeds earned that day will go to the Kids' Breakfast Club.

Council Member Zermeño noted the grand opening of Bon Mange on December 6, 2019; and recognized AC Transit Board Member Williams and a boy scout who were attending the meeting.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:34 p.m., in memory of Mr. John Sands.

Mr. John Sands was a longtime member of Hayward, was an active member of the Longwood community, taught at Tennyson High School, was a founding member of the Hayward Area Democratic Club and in July 2019 he, along with his wife and son, were recognized as Democrats of the Year for 2019. Mayor Halliday asked City staff to work with the Sands family to plant a tree in memory of John Sands.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 19-812

DATE: December 17, 2019

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Resignation of Ms. Christina Cabrera from the Keep Hayward Clean and Green Task Force, Effective November 22, 2019

RECOMMENDATION

That the Council adopts a resolution (Attachment II) accepting the resignation of Ms. Christina Cabrera from the Keep Hayward Clean and Green Task Force, effective November 22, 2019.

SUMMARY

Ms. Christina Cabrera was appointed to the Keep Hayward Clean and Green Task Force on September 10, 2019. Ms. Cabrera's resignation becomes effective November 22, 2019, per her resignation letter (Attachment III).

Ms. Cabrera's vacated position will be filled as part of the annual appointment process for the City's appointed officials to Commissions and the Keep Hayward Clean and Green Task Force.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Resignation Letter



DATE: December 17, 2019
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Resignation of Ms. Christina Cabrera from the Keep Hayward Clean and Green Task Force, Effective November 22, 2019

RECOMMENDATION

That Council adopts a resolution (Attachment II) accepting the resignation of Ms. Christina Cabrera from the Keep Hayward Clean and Green Task Force, effective November 22, 2019.

SUMMARY AND DISCUSSION

Ms. Christina Cabrera was appointed to the Keep Hayward Clean and Green Task Force on September 10, 2019. Ms. Cabrera's resignation becomes effective November 22, 2019, per her resignation letter (Attachment III).

Ms. Cabrera's vacated position will be filled as part of the annual appointment process for the City's appointed officials to Commissions and the Keep Hayward Clean and Green Task Force.

FISCAL IMPACT

There is no fiscal impact associated with this action.

STRATEGIC INITIATIVES

The agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION No. 19-

Introduced by Council Member _____

RESOLUTION ACCEPTING THE RESIGNATION OF CHRISTINA CABRERA FROM THE KEEP HAYWARD CLEAN AND GREEN TASK FORCE

WHEREAS, Ms. Christina Cabrera was appointed to the Keep Hayward Clean and Green Task Force on September 10, 2019;

WHEREAS, Ms. Christina Cabrera submitted a resignation letter on November 22, 2019.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignation of Christina Cabrera from the Keep Hayward Clean and Green Task Force; and commends her for her civic service to the City.

IN COUNCIL, HAYWARD, CALIFORNIA, December 17, 2019.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ATTACHMENT III

From: christinaclrn < >
Sent: Friday, November 22, 2019 4:52 PM
To: Kimberly De Land <Kimberly.DeLand@hayward-ca.gov>
Subject: Re: KHCG

Hi Kimberly,

With much regret, due to my complicated pregnancy, I will have to step off as one of the members of KHCG. I really thought I could attend to last night's meeting, sorry!

-Christina Cabrera



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 19-750

DATE: December 17, 2019

TO: Mayor and City Council

FROM: Deputy City Manager

SUBJECT

Adopt a Resolution Approving the Proposed Special Event Support and Grant Program Guidelines

RECOMMENDATION

That Council adopts a resolution (Attachment II) approving the proposed City of Hayward Special Event Support and Grant Program Guidelines and authorizes staff to issue a Notice of Funding for Special Event Grants.

SUMMARY

Since 2000, the Economic Development Division within the City of Hayward has provided financial support to special events that take place in the community. As the success of these events continues and new events are added each year, the financial support requested also has continued to increase. Due to the number of events and requests being made, and the limited resources available in the General Fund, City staff is recommending implementing new City of Hayward Special Event Support and Grant Program Guidelines.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Proposed Special Event Support and Grant Guidelines
Attachment IV	List of Existing Hayward Special Events
Attachment V	Special Event Support - Other City Comparisons



DATE: December 17, 2019

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Adopt a Resolution Approving the Proposed Special Event Support and Grant Program Guidelines

RECOMMENDATION

That Council adopts a resolution (Attachment II) approving the proposed City of Hayward Special Event Support and Grant Program Guidelines and authorizes staff to issue a Notice of Funding for Special Event Grants.

SUMMARY

Since 2000, the Economic Development Division within the City of Hayward has provided financial support to special events that take place in the community. As the success of these events continues and new events are added each year, the financial support requested also has continued to increase. Due to the number of events and requests being made, and the limited resources available in the General Fund, City staff is recommending implementing new City of Hayward Special Event Support and Grant Program Guidelines.

BACKGROUND

In 1998, the new City Hall and plaza construction was completed, and efforts to revitalize the downtown and B Street began. The Russell City Blues Festival was the first major event held in the downtown in 2000 and received financial support from the City to bring the event to Hayward. Over the years, the number of events that have received support have increased and include the Downtown Street Parties in the summer, the Vintage Alley Car Show, and the Zucchini Festival at Kennedy Park along with many others. Attachment III includes a list of events funded in 2018 and those that are requesting funding in 2019. During the past two years, several new events have been added to the calendar including Oktoberfest and the Latin Jazz Festival. Over the past 19 years, total annual event financial support ranged from \$24,300 to \$144,600, with individual events requesting financial support ranging from \$1,300 to \$35,000 each year. Additional fee-waiver support for these events is approximately \$3,000 for each event in which a street closure is required. In 2018, 11 events received special event encroachment permit fee waivers.

DISCUSSION

As the number of events requesting financial, fee-waiver, and in-kind support from the City has increased each year and General Fund resources are limited, staff determined that objective guidelines for awarding financial support and grants to special events was needed. To begin the process of creating a new program, staff evaluated other cities' programs to determine the best path forward to continue to support special events, while improving budget control. Staff reviewed special event funding policies from nine other cities in California, including: Sacramento, Livermore, Carlsbad, Monterey, Newport Beach, Ventura, Elk Grove, Culver City, and San Luis Obispo. In evaluating these other cities, staff looked at their application process, timing of applications, types of funding or support given to the events, funding levels, type of events funded, and ongoing funding of events. A summary of these cities' special event funding policies can be found as Attachment IV.

After the evaluation of current practices and review of other cities' special event funding programs, staff recommends the creation of a new Special Event Support and Grant Program. This new program would establish a more equitable, predictable, and transparent process for granting special events financial sponsorships, fee-waivers, and in-kind support. The new program would establish a single application period each year in which all special events seeking funding or fee-waiver support would submit an application. Those events seeking support would be objectively evaluated by staff and granted the appropriate support as outlined in the program guidelines.

The proposed program includes the following provisions:

Application Period

A single application period will be open each year in January in which all events seeking support from the City will submit their request. All applications will be due in March and will be evaluated. This single application period will allow for improved budget control and staff time associated with the events. Currently, requests are received throughout the year and are evaluated as each one is received. This creates increased staff time associated with processing these requests and creates uncertainty regarding the number of requests that will occur during the year.

Staff recognizes that new events may be proposed after the application period. Under the proposed program, if a new event approaches the City for support after the application period has closed, staff will evaluate the application and make a recommendation to the City Manager as to whether the event should be given funding. This maintains flexibility in encouraging new events to occur in the City.

Attachment III outlines the eligibility requirements and evaluation criteria in more detail. Eligible applications will be reviewed, evaluated, and ranked based on the following evaluation criteria:

1. The event directly or indirectly benefits the City of Hayward community, including businesses, cause-related, or non-profit organizations, offers educational, cultural, or arts experiences, or provides recreational or social activities.
2. The event encourages inclusion and celebrates diversity as identified in the Commitment for an Inclusive, Equitable, and Compassionate Community (CIECC) document.
3. The event benefits a City of Hayward based non-profit organization, community organization, or neighborhood association/organization.
4. The event serves, involves, calls attention to, and promotes the City of Hayward, its residents, youth, non-profits, schools, and/or organizations.
5. The event enhances the quality of life within the City of Hayward with cultural, social, recreational, or educational activities of interest to the community.
6. The event attracts visitors to the City of Hayward.
7. The quality of the promotion/marketing plan, budget, and performance measures.
8. The event calls attention to and promotes the City of Hayward as a highly desirable place to live, visit, work, play, and do business.
9. Priority will be given to requests pertaining to marketing and promotional efforts for the event in order to drive visitors and tourists to the City of Hayward.
10. Additional consideration will be given to organizations celebrating an anniversary or grand opening.

Financial Support - Existing Events

Under the proposed regulations, staff has recommended two levels of funding for events that have previously taken place. The first level is for Signature Events, which are events that have taken place less than five years. For these events, staff recommends that a maximum grant amount of \$5,000 be available for the event. Upon completion of the 5th consecutive year of an event, the event will then be classified as a Classic Event. Classic events are those that have previously been held at least five times prior to the current year. These events would be eligible for up to \$7,500 in grant funds to support growing the event into a larger, regional event.

Financial Support - New Events

In order to encourage new events to be held in the City and expand the community and cultural activity options for residents, a new event may receive up to \$10,000 in financial support for one year. A new event is defined as an event that has not previously been held within the City limits. All events that have previously received funding from the City will be considered existing events under the proposed program. Moving an event from one location to another location within the City limits does not make the event “new.” The new event support counts as one year towards the total five years of financial support available to events.

The proposed \$10,000 funding ceiling for a new event recognizes the additional costs associated with marketing and promoting a new event. Furthermore, most events can attract additional sponsor support after the first successful implementation of the event.

The money granted to either a new or existing event cannot be more than 20% of the total estimated budget for the event. Total costs shall include expenses to be paid directly by the organizer to third party vendors and may not include valuations for volunteer hours, in-kind city services, or applicant related costs such as office space or other operational expenses for the hosting organization. In addition, the applicant must prove that the event is not reliant on the financial support from the City for the event to take place.

On July 1, 2019, the Council Economic Development Committee reviewed the proposed funding guidelines and recommended that a provision be added that no ticketed events would be eligible for financial support. That provision has been added in the proposed guidelines under Subsection V – Ineligible Requests.

Fee-Waiver Support

In addition to the financial support that an event may receive from the city, each event granted funds will also receive a fee waiver for the event. The fee waiver only applies to the Street Event Permit fee. Direct costs including but not limited to staff time such as required police presence, city maintenance crews, etc. outside of the normal amount required for an event are not eligible for the fee waiver.

Special Event Agreement

All events that are approved to receive financial or fee-waiver support will be required to enter into a Special Event Agreement. This agreement requires that the event submit and receive approval of a Special Event permit and process and submit all necessary forms, including, but not limited to, business license, insurance, health permit, fire permits, and fees as required.

In addition, the event will be required to insert the City's logo as a sponsor of the event in all marketing materials and submit post event reports providing economic and social impact information for the event and media and advertising logs.

The Agreement will also establish a payment schedule for the event tied to specific milestones such as submission of marketing plans and materials and post-event attendance statistics.

In-kind Support

All special events that submit and are approved through this process receive additional in-kind support from the City that includes promotion of the event on City calendars and social media.

Outreach

Staff has contacted all previous event organizers regarding the proposed funding guidelines and discussed their specific events and the proposed funding. Two event organizers were present at the CEDC meeting in July. Staff also had one-on-one

conversations with the other major event organizers who were not present at the July meeting. All previous event organizers have received notice regarding this item on the City Council agenda.

Transparency and Conflict of Interest Principles

Transparency and conflict of interest principles prohibit impropriety, or the avoidance of impropriety, and in this regard, staff has examined the relationships between organizations granted City funds in the recent past and members of the City Council or senior staff. Staff is unaware of any relationship that would preclude any member of the Council from participating in and voting on the proposed guidelines recommended in this report. Further, staff are unaware of any relationship that precludes any member of senior staff from participating in the drafting of the staff report or formulating the recommended guidelines. In one case involving La Alianza, a co-sponsor with the City of the Cinco de Mayo festival, the Council adopted a resolution in 2017 exempting one member of the Council from any conflict of interest guidelines because there were no financial considerations in the member's involvement with the community-based organization. In another case involving the Stonebrae Country Club, of which a member of Council and a senior staff official are members, it has been determined the financial impact of the City's co-sponsorship with Stonebrae of a golf tournament is too remote to require the officials' recusal in the drafting, formulating of, or voting on the recommended guidelines. Any member of the Council with a possible conflict or concern should reach out to staff in advance of the report's discussion at an agenda meeting.

FISCAL IMPACT

In 2019, the City of Hayward received financial support requests from special event organizers totaling \$144,600. An additional \$30,000 in fee waivers were granted by the Development Services Department to events for the Special Event Encroachment Permits. The Special Event Encroachment Permit is envisioned to cover City costs associated with special events including permit review time, street closure costs, and police security at the event.

As the downtown area continues to become the cultural center of the community, staff anticipates that additional events will want to locate in Hayward and seek support. Based on the list of events that have historically taken place and accounting for potential new events, staff anticipates approximately \$105,000 would be allocated for the direct cash financial support, and an additional \$30,000 for fee waivers.

The cash granted as financial support for special events is allocated from the City's Economic Development budget, which is funded by the General Fund. The reduction in anticipated expenditures on special event funding going forward will be re-directed to supporting business attraction, retention, and expansion activities of the Economic Development division.

The waiving of fees is absorbed by the City departments from which the effort is provided to the events. As special events grow in frequency, location, attendee size, and duration,

the costs not currently captured through the Special Event Encroachment Permit Fee are likely to have the largest impact on the budgets of the Police Department and Maintenance Services Division as they absorb costs above and beyond the amount recovered in fees. Staff is planning to complete an analysis of the Special Event Encroachment Permit Fee to quantify the effort of the departments whose budgets are currently affected by non-recovery with the potential of adjusting the fee to recover all costs during the FY 2021 budget process. This will help the City better reflect the costs associated with the fee waivers.

STRATEGIC INITIATIVES

This agenda item does not directly relate to the Council's Strategic Initiatives.

NEXT STEPS

Following this meeting, staff will incorporate feedback from Council and begin the implementation of the program. This includes developing materials to explain the new program to previous event organizers, an application form, and releasing a Notice of Funding Availability for Grants for Special Events to be issued in January.

Prepared by: Catherine Ralston, Economic Development Specialist

Recommended by: Jennifer Ott, Deputy City Manager

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION ADOPTING THE NEW SPECIAL EVENT SUPPORT AND GRANT PROGRAM GUIDELINES AND AUTHORIZING THE ECONOMIC DEVELOPMENT DIVISION TO RELEASE A NOTICE OF FUNDING FOR GRANTS PER THE NEW GUIDELINES

WHEREAS, the City Council recognizes the social and economic benefits that may result from Special Events in the Community; and

WHEREAS, Special Events provide cultural enrichment, promote economic vitality, enhance community identity and provide funding opportunities for service organizations; and

WHEREAS, the City of Hayward has provided financial and in-kind support for Special Events in the community for many years, and

WHEREAS, the City has developed new Special Event Support and Grant Program Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward hereby approved the new Special Event Support and Grant Program.

BE IT RESOLVED that the Economic Development Division is hereby authorized to release a Notice of Funding for Grants for Special Event organizers.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

CITY OF HAYWARD
SPECIAL EVENT SUPPORT AND GRANT PROGRAM

I. Program Purpose

The City of Hayward recognizes the social and economic benefits that may result from special events. They can provide cultural enrichment, promote economic vitality, and enhance community identity. Special events may also provide funding opportunities for service organizations. Cooperation between the City, event organizers and sponsors, and the community is vital to successful events. As identified in the ¹[Commitment for an Inclusive, Equitable, and Compassionate Community \(CIECC\) document](https://www.hayward-ca.gov/sites/default/files/documents/CIECC_Accepted.pdf), the City of Hayward will support community events designed to encourage inclusion and celebrate diversity in the Hayward community.

To continue to encourage special events in the City, a Special Event Support and Grant Program has been established to support qualified events through an annual application, review and funding process. The purpose of the Special Event Support and Grant Program (herein referred to as the “Program”) is to provide funding support for qualified special events and to assist with the City fees associated with executing a special event in the City of Hayward. The Program is conducted once each fiscal year to align with the annual budget process. The Program is not intended to fund the entirety of a special event and Grant Awards shall not be awarded for the purpose of covering all a special event’s associated costs. The Program will result in a granting process that provides equal opportunity for all interested event organizers, and a reporting process that demonstrates transparency and accountability for public funds.

II. Program Overview

Funding for the Program is subject to annual budget allocations. Based on the limited amount of funding available, applications will be reviewed in consideration of all application submissions, and the submission of a complete application does not guarantee funding. The City reserves the right to accept or reject any or all applications received. Successful applicants will receive grant funds not to exceed a set amount based on the criteria established below.

A Special Event is defined as any planned activity that requires the use of public property which is not within the normal and ordinary use of the property or which, by nature of the activity, may have a greater impact on City services or resources, neighborhoods, businesses or the community as a whole than would have occurred had the activity not taken place, including but not limited to, parades, gatherings,

¹ https://www.hayward-ca.gov/sites/default/files/documents/CIECC_Accepted.pdf

arts and crafts shows/fairs, festivals, and athletic events, car shows, musical or cultural events.

III. Funding

The City expects to receive more applications and/or requests for grant support amounts in excess of what it can provide. There is no guarantee that the City will be able to provide all, part, or any of the financial support requested by each applicant. Applicants should not make commitments based on the expectation of receiving City support. Recurring events do not automatically receive funding each year; event organizers of recurring events must apply each year to be considered.

The City of Hayward Special Event Support and Grant Program provides financial support to three categories of events. Events meeting the requirements listed below may receive funding for the identified category up to the identified category amount. In no case will grant award amounts exceed 20 percent (20%) of the total estimated event cost.

1. New Events – Up to \$10,000 cash Grant may be awarded to an event.
 - a. A new event may receive the new event amount for one year. This increased grant amount recognizes the need for a new event to have expanded marketing and promotion to attract attendees to the first-year events
 - b. A “New Event” is defined as an event that has been newly established and had been initially developed within no more than three years of the date of the first grant request to the City. An event previously located outside the City of Hayward but moving to a location within the City for the first time is considered a new event. A change of location within the City does not classify the event as “new” for the purposes of eligibility for this grant.
2. Classic Event – Up to \$7,500 cash Grant may be awarded to an event.
 - a. A “Classic Event” is defined as an event that has previously taken place at least five consecutive years from the current year of grant request.
3. Signature Event – Up to \$5,000 cash Grant may be awarded to an event.
 - a. A “signature Event” is defined as an event that has taken place less than five years from the current year of grant request.
 - b. Upon the completion of the 5th consecutive year of an event taking place, a Signature event will be reclassified as a Classic Event.

Fee Waivers – All events that are awarded funding through the Special Event Support and Grant Program will receive a fee waiver for the event.

1. Fee waivers apply to the Street Event Permit fee only.
2. Direct costs including but not limited to staff time such as required Police presence, City Maintenance crews, etc. outside of the normal amount

required for an event are not eligible for fee waiver or reduction under this policy.

IV. Eligibility Criteria

To be eligible to receive City of Hayward support, applicants must:

1. Apply by the deadline stated, in the format required, and are 100% complete. Applications that are late, incomplete, or do not fully comply with the instructions will be disqualified and will not be considered.
2. Application submittal packets shall include the following:
 - a. Include a copy of the complete event budget with an explanation of projected income and expenses.
 - i. Total estimated event costs shall not include valuations for volunteer hours for planning or implementing the event or in-kind city services and may not include payment or reimbursement for applicant-provided resources, such as office space, staff and other operational expenses. Total costs shall include expenses to be paid directly by the organizer to third party vendors.
 - b. Include Performance measures for the event such as:
 - i. Anticipated Attendance
 - ii. Anticipated Number of Hotel rooms booked
 - iii. Number of Volunteers and Volunteer hours
 - iv. Description of how the event meets the goals of the CIECC Commitment policy
 - c. Event Organizers must demonstrate:
 - i. Event takes place within the City of Hayward
 - ii. The event is not financially dependent upon receiving City of Hayward support. Organizers must include information in the event budget regarding other sources of income for the event. In no case will a City Grant award exceed 20 percent (20%) of the total estimated event costs.
 - iii. The event is accessible to the community/public.
 - iv. The event is a free event. Ticketed events will not receive City event grant support.
 - v. The event is scheduled to take place between the Fiscal Year granting period and the date(s), time(s) and location with the City have been determined.
 - vi. The applicant has no outstanding debt due to the City of Hayward at the time of the application period.
 - vii. The event organizers and organizations have fulfilled previous City support or special event MOU obligations.

3. Include non-profit name and tax ID number if event is organized by a non-profit.
4. Certify that the organization requesting funding does not discriminate on the basis of a person's race, color, religion, ethnicity, national origin, age, sex, sexual orientation, marital status, political affiliation, disability or medical condition.

V. Ineligible requests

The City of Hayward will not provide support to:

1. Ticketed Events (Events must be free to the public)
2. Individuals
3. Events that benefit for-profit enterprises
4. Events that serve a political purpose or are sponsored by political organizations.
5. Events that serve a religious purpose or are sponsored by religious organizations.
6. Event organizers and organizations that have not fulfilled previous City Support or special event obligations or have an outstanding debt to the City of Hayward at the time of the application period.
7. Invitation-only events that are not open to the general public.

VI. Application Process

All applicants must submit the appropriate documents during the designated application submittal period prior to the desired event date to be considered for this Program. Applicants will be notified as to the status of their Special Event Support application after the review period is completed.

1. Call for Applications – On the second Monday of January, the City shall open its annual Call for Applications for the Program for special events seeking program support from July 1 – June 30 of the upcoming fiscal year. During the first year of this new program, applications will also be accepted for those events taking place from January – July.
2. Final Application Submission – To qualify for consideration to receive City special event support, all applications must be submitted electronically by 11:59 pm (PST) March 31. All applications must include an event budget, cover letter and detailed information for the event for evaluation, based on the listed criteria below.
3. Award Recommendation – All applications will be reviewed by the Special Event Support and Grant staff committee based on the Evaluation Criteria established for the different Event Categories and will make funding and

support recommendations to the Deputy City Manager for review and approval. Final funding amounts will be dependent on the total number of requests received and available annual budget allocations.

VII. Evaluation criteria

New Events (Up to \$10,000)

Eligible applications in this category will be reviewed and evaluated based on the criteria below. Application will be ranked dependent upon how event organizers address these criteria in the submitted application.

1. The event directly or indirectly benefits the City of Hayward community, cause-related or non-profit organizations, offering educational, cultural or arts experiences, or providing recreational or social activities.
2. The event addresses the goals of the CIECC Commitment Policy
3. The event benefits a City of Hayward based non-profit organization or community or neighborhood association/organization.
4. The event serves, involves, call attention to and promotes the City of Hayward, its residents, youth, non-profits, schools and/or organizations.
5. The event enhances the quality of life within the City of Hayward with cultural, social, recreational or educational activities of interest to the community.
6. The event attracts visitors to the City of Hayward.
7. A Promotion and Marketing plan has been created the event.
8. The event budget for the event is included. Indicate the percentage of requested city funding in relation to other sponsors supporting the event.
9. Include a notification plan for residents and businesses located within and near the event enclosure.
10. Indicate performance measures to be collected and included in the post event report, such as attendance, incident logs, economic impact, hotel occupancy, local business feedback.
11. Additional consideration will be given to organizations celebrating an anniversary or grand opening.

Classic Events (Up to \$7,500) and Signature Events (Up to \$5,000)

Eligible applications in this category will be reviewed and evaluated based on the criteria below. Application will be ranked dependent upon how event organizers address these criteria in the submitted application.

1. The event directly or indirectly benefits the City of Hayward community, cause-related or non-profit organizations, offering educational, cultural or arts experiences, or providing recreational or social activities.

2. The event addresses the goals of the CIECC Commitment Policy
3. The event benefits a City of Hayward based non-profit organization or community or neighborhood association/organization.
4. The event serves, involves, call attention to and promotes the City of Hayward, its residents, youth, non-profits, schools and/or organizations.
5. The event enhances the quality of life within the City of Hayward with cultural, social, recreational or educational activities of interest to the community.
6. The event attracts visitors to the City of Hayward.
7. A Promotion and Marketing plan has been created the event. A focus of the plan should include driving visitors and tourists to the City of Hayward. How will the event promote the City of Hayward as a highly desirable place to live, visit, work, play and do business.
8. Include Event attendance numbers for past events.
9. The event budget for the event is included. Indicate the percentage of requested city funding in relation to other sponsors supporting the event.
10. Include a notification plan for residents and businesses located within and near the event enclosure.
11. Indicate performance measures to be collected and included in the post event report, such as attendance, incident logs, economic impact, hotel occupancy, local business feedback.

VIII. Other requirements

1. Grant Agreement if funding is awarded – If an event is awarded a Special Event Grant, the sponsoring organization will be required to enter into a Grant Agreement with the City of Hayward.
 - a. The payment schedule of grant awards will be stated in the Grant Agreement.
 - i. All Grant awards will include a minimum of a 10% hold back that cannot be issued until grantee has meet all post event requirements as listed in the Grant Agreement.
 - b. All grant agreements will include a requirement for grantees to follow the City's separate Special Event Permit process and submit all necessary forms, insurance and fees as required.
 - c. Applicants must obtain all other necessary permits including but not limited to business license, health permit, fire permit and liquor license.
 - d. Grant Awardees that do not meet the requirements and are not submitted within the specified deadlines as laid out in the Grant Agreement risk forfeiting their City Special Event Support and Grant.

- e. Should the event not be held, all grant money received from the City of Hayward for the event must be returned immediately.
2. Please note that integration of the City's logo and the City's support of the event are required in all marketing in order to receive grant funding. Grantees will be required to coordinate with the City's Community and Media Relations Division regarding use of the City's logo and to collaborate on marketing the event through City social media outlets.
3. The event applicant, if approved to receive funding and/or support from the City of Hayward, must provide a detailed post event reports within 30 days after the event for analysis by the City of Hayward. Analysis elements may include economic/and or social impact on the community, review of hotel occupancy levels, incident logs, financial summary with specifics on actual revenue and expenditures and the number of spectators attending the event. These requirements of the post event analysis will be identified in the Grant Agreement.
4. The event applicant is required to maintain a comprehensive media log and advertising affidavit for both paid and unpaid advertising.
5. Support for a special event may be revoked at any time if it is determined that the event does not fit within the Eligibility Criteria, or the event applicant falsified information provided to the Program.

City of Hayward Events 2018 – 2019

EVENT	ORGANIZER	WHEN	LOCATION	FUNDING AMOUNT REQUESTED	AMOUNT FUNDED/WHO FUNDED	FEE WAIVED?
Special Events						
Ellie Mae Classic PGA Tour	PGA Tour	First week of August	Stonebrae Golf Course	\$25,000	\$25,000 Economic Development	No fee required
2018 Movie Night	HARD/ED	Friday, June 29, 2018 (Nut Job 2)	City Hall Plaza	\$1,800	\$1,800/ED	Yes, City event
2018-2019 Downtown Street Parties	Chamber of Commerce	Third Thursday, June, July and August, 5:30-8:30pm	B Street b/t Watkins and Foothill and Main	\$30,000 - \$10,000 per Street Party	\$30,000/DBIA	Yes
19 th Annual Hayward Blues Festival	Bay Area Blues Society, Ronnie Stewart	July 7-8, 2018 11am-7pm (both days)	City Hall Plaza and Watkins Street	\$33,000	\$33,000/ED	No, Fee Paid
Hayward Zucchini Festival	South Hayward Lions Club, Rich Essi	August 18-19, 2018 10am-8pm both days	Southland Mall	\$5,000	\$5,000/ED	No fee required
5 th Annual Vintage Alley Car Show	Vintage Alley, Alfredo Rodriguez Jr.	Sat., Sept. 8, 2018 10am-5pm	B Street b/t Watkins and Foothill and Main	\$9,000	\$9,000/DBIA	Yes
2018 Mariachi Festival	Chamber of Commerce	Friday, Sept. 15, 2018 3-9pm	City Hall Plaza	\$1,500	\$1,500/DBIA	Yes

EVENT	ORGANIZER	WHEN	LOCATION	FUNDING AMOUNT REQUESTED	AMOUNT FUNDED/WHO FUNDED	FEE WAIVED?
2018 Oktoberfest	Hayward Business Association, Alfredo Rodriguez Jr	September 29, 2018	B Street b/t Watkins and Foothill and Main	\$10,000	\$10,000	Yes
Other Events with No Funding Support (may utilize Fee Waivers)						
Hayward Farmer's Market	Agricultural Institute of Marin	Every Saturday 9am-2pm	Watkins St. b/t B and C Streets	None	None	Yes
Martin Luther King Rally	MLK Committee	January		None	None	Yes
Beer Festival	The Bistro	February	Main Street	None	None	No
Fest Do Espirito Santo	I.D.E.S Hall	June	Parade on C Street	None	None	Yes
Tennyson All America Festival		June	Mt. Eden Mansion	None	None	No, not required
Palma Ceia Festival	Chabot College	July	Palma Ceia Park	None	None	No, Not Required
10K on the Bay	Hayward Shoreline Interpretive Center	August	Shoreline Trail	None	None	Yes
Hayward High School Rally	Hayward High School	October	Parade around Downtown	None	None	Yes
City Organized and Produced Event						
Light Up the Season	Chamber of Commerce	Saturday, Dec. 1, 2018, 3:30-6:30pm	B Street/City Hall Rotunda	\$16,500	\$16,000/COH \$500/DBIA	Yes

City of Hayward Events 2019 - 2020

Event	Organizer	When	Location	Funding Amount Requested	Amount Funded/Who Funded	Fee Waived?
Special Events						
Ellie Mae Classic PGA Tour	PGA Tour	First week of August	Stonebrae Golf Course	\$25,000	\$25,000 Economic Development	No, Not Needed
Cinco de Mayo Celebration	La Alianza de Hayward	Saturday, May 4, 2019	B Street b/t Watkins and Foothill and Main	\$10,000	\$2,000/ED	Yes
2019-2020 Downtown Street Parties	Chamber of Commerce	Third Thursday, June, July and August, 5:30-8:30pm	B Street b/t Watkins and Foothill and Main	\$15,000 - \$5,000 per Street Party	\$15,000/ED (Receiving an additional \$5,00 from DHIA)	Yes
20 th Annual Hayward Blues Festival	Bay Area Blues Society, Ronnie Stewart	July 13-14, 2019 11am-7pm (both days)	City Hall Plaza and Watkins Street	\$35,000	\$33,000/ED	No, Paid
Hayward Zucchini Festival	South Hayward Lions Club, Rich Essi	August 17-18, 2019 10am-8pm both days	Southland Mall	\$5,000	\$5,000/ED	No, Not Needed
6 th Annual Vintage Alley Car Show	Vintage Alley, Alfredo Rodriguez Jr.	Sat., Sept. 7, 2019 10am-5pm	B Street b/t Watkins and Foothill and Main	\$9,000	\$9,000/ED	Yes
2019 Mariachi Festival	Chamber of Commerce	Friday, Sept. 13, 2019 3-9pm	City Hall Plaza	\$1,000	\$1,000/ED \$500/DHIA	Yes

Event	Organizer	When	Location	Funding Amount Requested	Amount Funded/Who Funded	Fee Waived?
2019 Latin Jazz Festival	Hayward Business Association, Alfredo Rodriguez Jr	Saturday June 1, 2019	B Street b/t Watkins and Foothill and Main	\$15,000	\$12,00/ED	Yes
American Legion Anniversary Celebration (new)	American Legion/Alfredo Rodriguez Jr	September 28, 2019	B Street b/t Watkins and Foothill and Main	\$10,000	\$10,000	Yes
Other Events with No Funding Support (may utilize Fee Waivers)						
Hayward Farmer's Market	Agricultural Institute of Marin	Every Saturday 9am-2pm	Watkins St. b/t B and C Streets	None	None	Yes
Martin Luther King Rally	MLK Committee	January	Chabot College	None	None	Yes
Beer Festival	The Bistro	February	Main Street	None	None	No
Fest Do Espirito Santo	I.D.E.S Hall	June	Parade on C Street	None	None	Yes
Tennyson All America Festival		June	Mt. Eden Mansion	None	None	No, not required
Palma Ceia Festival	Chabot College	July	Palma Ceia Park	None	None	No, Not Required
10K on the Bay	Hayward Shoreline Interpretive Center	August	Shoreline Trail	None	None	Yes
Hayward High School Rally	Hayward High School	October	Parade around Downtown	None	None	Yes

Event	Organizer	When	Location	Funding Amount Requested	Amount Funded/Who Funded	Fee Waived?
City Organized and Produced Event						
Light Up the Season	Chamber of Commerce	Saturday, Dec. 7, 2019, 3:30-6:30pm	B Street/City Hall Rotunda	\$18,000	\$18,000/COH \$500/DBIA	Yes

CITY	APPLICATION PERIOD	FUNDING AMOUNT	FEE WAIVERS	LIMIT ON REQUESTS PER EVENT OR PER ORGANIZATION	OTHER REQUIREMENTS
Hayward (current)	Any point during the Year (at least 21 days prior to event)	Policy States \$1,000 per event, Actual funding \$1,800 - \$35,000 per event	All non-profit events get 50% fee waiver, City Sponsored events get 100% fee waiver	None	Open to the Public, Raise the profile of Hayward, high number of attendees, address Council Priorities, benefit Hayward residents
Sacramento	Any point during the Year	Cash funding with demonstrated need that exceeds City services support	Services provided by staff and/or departments	Three years of funding. May be extended if growth in event can be shown	Event must be located within the event district (downtown)
Livermore	Two times a year Mar. 1 and Sept. 1	Mini grant - \$1,000 Program Grant \$10,000 (requires 50% matching funds)	None	None	Must have an art component (performance, education, display etc.)
Carlsbad	Any point during the year (at least 60 days prior to event)	Not to exceed 20% of event budget – Max \$10,000	In kind city services	3 years of cash grants and 2 years of in-kind city services	Only one (1) grant per organization per year

CITY	APPLICATION PERIOD	FUNDING AMOUNT	FEE WAIVERS	LIMIT ON REQUESTS PER EVENT OR PER ORGANIZATION	OTHER REQUIREMENTS
Monterey	Once a Year January – March 1	Cash Funding depends on number of requests received and city fees due for event	No addition waivers above cash funding. Funding provided to cover city fees	None	Must prove event is not reliant on City support, must meet City goals, benefits a non-profit or a community/neighborhood organization or association
Newport Beach	Once a year – April	Signature Event – 10,000 - \$150,00 (no more than 25% of event budget)	Community event - \$100 - \$15,000 (equal to city fees)	None	Must prove event is not reliant on City support, must be sponsored by a Non-profit or community organization
Ventura	Once a year April 15 – May 28	None	Up to \$2,000 to cover City fees	None	Must be a non-profit or community organization
Elk Grove	Once a year Jan. 18 – March 1	Cash Funding depends on number of requests received	City facility fees and in-kind services	None	Must be a non-profit organization, Meet City goals, non-profit organization must be the primary organizer, manager and financial administrator
Culver City	Once a year Jan. 31 – April 12	Signature Event – no more than 25% of event budget	Community event - equal to city fees	None	Must prove event is not reliant on City support, must be sponsored by a non-profit or community organization

CITY	APPLICATION PERIOD	FUNDING AMOUNT	FEE WAIVERS	LIMIT ON REQUESTS PER EVENT OR PER ORGANIZATION	OTHER REQUIREMENTS
San Luis Obispo	Once a year Feb. 1 – March 15	Local event-\$3,000 County reach - \$7,500 Regional reach - \$12,000	None	Only one (1) grant per year per organization	Event organizer must be a non-profit,
Hayward (Proposed)	Once a year Jan 13 – Mar. 31	New event \$10,000 Signature event \$5,000 Classic Event \$7,500 Not to exceed 20% of event budget	Yes, fees associated with event permit and facilities fees	None	Event is not financially reliant on City funds, benefits Hayward residents, promotes the City and meets Council priorities Ticketed events not eligible



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 19-771

DATE: December 17, 2019

TO: Mayor and City Council

FROM: Chief of Police

SUBJECT

Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$200,000 in Grant Funding from the California Office of Traffic Safety for the Hayward Police Department

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate \$200,000 in grant funding from the California Office of Traffic Safety for the Hayward Police Department.

SUMMARY

The Hayward Police Department applied for and was awarded \$200,000 in grant funding from the California Office of Traffic Safety for the Hayward Police Department as part of a Selective Traffic Enforcement Program (STEP) grant. The funds will be used for educational and other programs including: impaired driving enforcement; enforcement focusing on distracted driving; seat belt enforcement; special enforcement encouraging motorcycle safety; enforcement and public education in areas with high bicycle/pedestrian collisions; and media outreach strategies designed to enhance public awareness.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution Authorizing Agreement
Attachment III	State of California Office of Traffic Safety Grant Agreement



DATE: December 17, 2019

TO: Mayor and City Council

FROM: Chief of Police

SUBJECT: Adopt a Resolution Authorizing the City Manager to Accept and Appropriate \$200,000 in Grant Funding from the California Office of Traffic Safety for the Hayward Police Department

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate \$200,000 in grant funding from the California Office of Traffic Safety for the Hayward Police Department.

SUMMARY

The Hayward Police Department applied for and was awarded \$200,000 in grant funding from the California Office of Traffic Safety for the Hayward Police Department as part of a Selective Traffic Enforcement Program (STEP) grant. The funds will be used for educational and other programs including: impaired driving enforcement; enforcement focusing on distracted driving; seat belt enforcement; special enforcement encouraging motorcycle safety; enforcement and public education in areas with high bicycle/pedestrian collisions; and media outreach strategies designed to enhance public awareness.

BACKGROUND AND DISCUSSION

The Hayward Police Department applied for and was awarded \$200,000 in grant funding from the California Office of Traffic Safety for the Hayward Police Department as part of a Selective Traffic Enforcement Program (STEP) grant. The California Office of Traffic Safety strives to eliminate traffic deaths and injuries by making grants available to local and state public agencies for programs that help them enforce traffic laws, educate the public in traffic safety, and provide varied and effective means of reducing fatalities, injuries, and economic losses from collisions.

The Hayward Police Department plans to use these funds to reduce the number of persons killed and injured in collisions involving alcohol and other collision causing factors. Strategies include the following:

- (a) Impaired driving enforcement.
- (b) Enforcement focusing on distracted driving.
- (c) Seat belt enforcement.
- (d) Special enforcement encouraging motorcycle safety.
- (e) Enforcement and public education in areas with high bicycle/pedestrian collisions.
- (f) Media outreach strategies designed to enhance public awareness, educate the public, and deter poor behavior.

FISCAL IMPACT

The Selective Traffic Enforcement Program (STEP) grant funds will not have an impact on the General Fund.

STRATEGIC INITIATIVES

The STEP Grant supports the Complete Streets Strategic Initiative. The purpose of the Complete Streets Strategic Initiative is to build and maintain streets that are safe, comfortable, and convenient for travel for everyone, regardless of age or ability; including motorists, pedestrians, bicyclists, and public transportation riders. This item supports the following goal and objective:

Goal 1: Prioritize safety for all modes of travel.

Objective 1: Reduce speeding and aggressive driving behavior through 4 E's i.e. Education, Enforcement, Empowerment, and Engineering.

NEXT STEPS

If the Council authorizes this action, staff will appropriate the funding into the Police Department's budget and administer the grant per the terms and conditions of the Office of Traffic Safety agreement.

Prepared by: Adam Lumia, Senior Management Analyst

Recommended by: Toney Chaplin, Chief of Police

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE \$200,000 IN FUNDING FROM THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE HAYWARD POLICE DEPARTMENT

WHEREAS, the State of California Office of Traffic Safety has agreed to award the City of Hayward Police Department \$200,000 to implement best practice strategies under the Selective Traffic Enforcement Program (STEP); and,

WHEREAS, the Hayward Police Department shall use these funds to reduce the number of persons killed and injured in traffic collisions involving alcohol and other primary collision factors under the provisions of the grant agreement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to accept and appropriate \$200,000 in funding from the California Office of Traffic Safety.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
402PT-20	20.600	0521-0890-101	2019	2019	BA/19	\$125,000.00
164 AL-20	20.608	0521-0890-101	2019	2019	BA/19	\$75,000.00
					AGREEMENT TOTAL	\$200,000.00
					AMOUNT ENCUMBERED BY THIS DOCUMENT \$200,000.00	
					PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT \$ 0.00	
OTS ACCOUNTING OFFICER'S SIGNATURE 			DATE SIGNED 10/1/19	TOTAL AMOUNT ENCUMBERED TO DATE \$200,000.00		

1. PROBLEM STATEMENT

Problem Statement:

Hayward is the 6th largest city in the San Francisco Bay area with the 3rd largest industrial region which increases our daily population to nearly 400,000 people. Hayward is also known as the "Heart of the Bay" due to its centralized proximity to major highways (SR 92 and 238) and interstate roadways (580/880) leading to and from the region, further adding to the number of vehicles traveling through the city daily. Hayward is also home to many large retail shopping centers including the Southland Mall, along with two schools of higher education; Chabot College and California State University, East Bay.

Hayward had recently adopted a multi-dimensional approach to traffic related issues known as a "Traffic Calming" strategy, adopting the well-known pillars of Education, Empowerment, Enforcement and Engineering. Through this approach our Traffic Bureau is becoming very involved with both the community and the Public Works Division to focus on shared goals and creating a safe environment for all conveyances and pedestrians alike. Additionally, our City Council has placed a priority on reducing traffic collisions as a goal during FY2018-2019. This STEP Grant will assist the Traffic Bureau in attaining that goal.

During the past three years we have experienced a near consistent number of fatal collisions; eight in 2015, four in 2016, eight in 2017, and six in 2018. Nearly half of those fatal collisions involved bicyclists and pedestrians, and many of those parties were determined to be "at-fault." According to the 2016 OTS collision rankings, among 58 similar sized cities, Hayward is ranked poorly for victims injured/killed when they are pedestrians and bicyclists. We also rank 19th for DUI related fatal and injury collisions when drivers are between the ages of 21-34.

As mentioned above, since our city is traveled heavily by commuters daily, we have a high number of motorcyclists using our roadways. Also contributing to the high number of collisions involving motorcyclists is the mild weather climate most of the year. This may explain why we have been ranked between 27rd and 10th out of 58 similar sized cities when incidents involve injuries or deaths to motorcycle riders (OTS Rankings, 2014-2016).

Monthly over the past three years, Hayward averaged between 75-100 documented injury and non-injury collisions. Of those incidents, about one-fourth of them involved unlicensed and suspended drivers or were a result of a hit-and-run misdemeanor or felony. The relationship between those two categories is undeniably related.

The current state of the economy coupled with low unemployment rates has resulted in more vehicles on our busy roadways which may explain the increasing number of traffic collisions, despite our best enforcement efforts combined with the supplemented Grant Enforcement deployments. I believe that these numbers would be even higher if not for the Grant award. The Traffic Officers are assigned to the high-collision intersections daily for several hours during their shift where they enforce the top-3 primary collision factors relevant to those areas. A common result of these enforcement efforts is an increase in collisions in the surrounding areas. We have a positive impact when concentrating on a specific area, but it appears that after the drivers pass by our location their driving habits revert to the top-3 PCF's. To combat this result and when staffing allows, Traffic Officers deploy out into the adjoining areas to increase the area of enforcement. This approach has been proven to be effective over time.

The Traffic Bureau is currently staffed with six Motorcycle Officers, one Sergeant, a secretary and a Community Service Officer. The Department has historically staffed the Traffic Unit with ten Motorcycle Officers but due to sworn vacancies, a priority has been placed on staffing the patrol division; however, the Department anticipates all sworn vacancies to be filled in mid-2019 and it is anticipated that they will add two additional Motorcycle Officers to the Traffic Unit. To help in achieving this goal and continuing to provide high enforcement activity, two additional motorcycles will be needed to be added to the unit. Studies have proven that officers deployed on motorcycles are significantly more efficient and effective than those who conduct traffic enforcement activity in vehicles. The addition of this equipment will allow the Traffic Unit to continue to grow and increase its ability to impact traffic needs and concerns in the city.

An increase in DUI directed enforcement has increased the number of DUI arrests and as a result, the lab cost due to the blood work needed to successfully investigate and prosecute the violators. The current cost for a blood draw and lab work to be completed is \$100. With the funding requested and using the statistics from previous DUI enforcement

patrols and checkpoints, it is expected that this funding will yield approximately 70 DUI arrests requiring 70 blood draws and lab work to take place, increasing our costs by \$7000.

Future grant funding for enforcement operations will assist with the reduction of fatal and injury collisions by allowing the Traffic Officers to supplement their enforcement with overtime shifts having some measurable improvement. The long-term goal of the Department is to fully staff the Traffic Unit with the intent to maximize the use of those resources in lieu of grant funding.

Strategies:

The Hayward Police Department's strategy to address the local and regional collision data listed in the Problem Statement is two-fold; first, we will use the grant funding to address the goals listed in the Performance Measures. The funding received from this grant will enable the Hayward Police Department to conduct specific enforcement operations on an overtime basis with the intent to directly impact the collision injury and fatality rates. Examples include funding DUI Enforcement Operations on the weekend nights where DUI's are prevalent and deploying officers to High Collision Intersections where they will provide enforcement of the Primary Collision Factors (PCF's) relevant to that area.

Secondly, as the City's economy strengthens, and the sworn vacancies are filled, the Hayward Police Department will be able to add staffing to the Traffic Bureau to continue with the enforcement strategies without the need for grant funds. The award of this grant will assist with ensuring safer roadways within the City of Hayward until staffing levels reach pre-economic crash levels.

In an alternative method from direct enforcement to increase roadway safety, the Traffic Bureau developed a free eight-hour motorcycle safety course to offer to the public we have named "Ride to Live." This past year we offered the course twice which received tremendous interest from local motorcycle riders. Both courses had 20 "Student" riders who were instructed on various turning and stopping movements with the goal of making them a more experienced and skilled motorcycle rider. Along with specific riding skill training, the course also touches on the safety basics of motorcycle riding which includes wearing the proper clothing and protective gear. We plan on offering three courses during the spring and summer of 2019. We would like to continue this course into the future and would like for OTS to support this highly successful and desired course in 2020. The personnel costs associated with each course is \$6,840.

Agency Qualifications:

The Hayward Police Department's Traffic Bureau consists of six Motorcycle Officers, a Community Service Officer, a Secretary and a Traffic Sergeant (also on a motorcycle). In the spring of 201 it is anticipated there will be an additional Motorcycle Officer added to our unit if additional sworn staffing increases due to recruitment strategies. The Traffic Bureau Sergeant will be the Grant Director for the entire term of this award. The fiscal staff, the Traffic Bureau Lieutenant and the Traffic Bureau Secretary will remain in their position as well to assist with the successful administration of the grant during its term.

During the past five years, the Hayward Police Department has successfully managed five OTS Grant Awards; STEP and AVOID. Our department was designated as the "host" agency for the Alameda County AVOID the 21 Grant for FOUR Years until that program ceased statewide after FY 2016/17. All audits and performance reviews of previous grants held by our agency were reported to be managed effectively and without deficiencies. Additionally, the quarterly and final reports and claims were submitted on a timely basis. Based on the proven track record of the Hayward Police Department, there are no anticipated hurdles which would prevent future grants from being managed and administered in the same professional manner.

Program Sustainability:

Since 2012, OTS has identified and funded the Hayward Police Department as being the "HOST" agency for the AVOID Grant for Alameda County. Our Department has sustained a record of good standing with OTS for the managing and facilitation of the AVOID grant in each of its years of administering it. The awards for those time periods are as follows:

2012/2013	\$275,000
2013/2014	\$223,000
2014/2015	\$203,855
2015/2016	\$240,000

Also, every year since 2012, OTS has identified and funded the Hayward Police Department for the Selective Traffic Enforcement Program (STEP) Grant. This grant has objectives like the AVOID grant such as providing DUI Saturation Patrols for both drivers of vehicles and motorcycles and conducting DUI/Driver's License Checkpoints. The advantage of having this grant is that the deployment of our resources can occur during NHTSA sponsored events such as the Winter and Summer Campaigns, as well as Distracted Driving and Click it or Ticket enforcement supplemented by a media outreach. It also broadens our operations and coverage to include enforcement as it relates to bicycle, pedestrians and motorcycles. Since one of the top-3 City Council Police Department Priorities is to reduce traffic collisions, the STEP grant has allowed, and continues to allow us to enforce the traffic laws at high collision intersections, concentrating on the primary collision factors. The STEP Grant awards for the time periods are as follows:

2012/2013	\$55,000
2013/2014	\$100,000
2014/2015	\$102,700
2015/2016	\$87,000
2016/2017	\$120,000
2017/2018	\$240,000
2018/2019	\$200,000

The Hayward Police Department's Traffic Bureau currently evaluates the High Collision Intersections on a quarterly basis and assigns resources to these "Hot Spots" daily, in addition to other areas of the city that need specific enforcement. As a result of using data driven model, the deployment of resources in the Traffic Bureau is now more closely managed and specific. The Traffic Officers have a clearer focus on how and where to spend their enforcement time. As the economy rebounds and the City of Hayward becomes more financially stable and sworn vacancies are filled, staffing within the unit will increase and provide the resources necessary to continue the enforcement strategies without the need for officers to work on an overtime basis using funds from a grant source such as that gained from the STEP.

Countywide, our DUI arrests have decreased while DUI related injury collisions have increased. The AVOID Grant is media focused and combines a multitude of Press Releases with DUI enforcement activities from a collaboration of 21 Allied Agencies in the county. Together these forces convey the dangers of drunk driving with the goal of preventing the occurrence of DUI related collisions; however, this grant program has seized statewide after FY2016/2017. Alameda County law enforcement agencies will need to use their own funding resources to field extra DUI patrol units in addition to relying on any other miscellaneous grant awards such as the STEP grant.

2. PERFORMANCE MEASURES

A. Goals:

1. Reduce the number of persons killed in traffic collisions.
2. Reduce the number of persons injured in traffic collisions.
3. Reduce the number of pedestrians killed in traffic collisions.
4. Reduce the number of pedestrians injured in traffic collisions.
5. Reduce the number of bicyclists killed in traffic collisions.
6. Reduce the number of bicyclists injured in traffic collisions.
7. Reduce the number of persons killed in alcohol-involved collisions.
8. Reduce the number of persons injured in alcohol-involved collisions.
9. Reduce the number of persons killed in drug-involved collisions.
10. Reduce the number of persons injured in drug-involved collisions.
11. Reduce the number of persons killed in alcohol/drug combo-involved collisions.
12. Reduce the number of persons injured in alcohol/drug combo-involved collisions.
13. Reduce the number of motorcyclists killed in traffic collisions.
14. Reduce the number of motorcyclists injured in traffic collisions.
15. Reduce hit & run fatal collisions.
16. Reduce hit & run injury collisions.
17. Reduce nighttime (2100 - 0259 hours) fatal collisions.
18. Reduce nighttime (2100 - 0259 hours) injury collisions.

B. Objectives:

Target Number

1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	1
2. Participate and report data (as required) in the following campaigns, National Walk to School Day, National Teen Driver Safety Week, NHTSA Winter Mobilization, National Distracted Driving Awareness Month, National Motorcycle Safety Month, National Bicycle Safety Month, National Click it or Ticket Mobilization, NHTSA Summer Mobilization, National Child Passenger Safety Week, and California's Pedestrian Safety Month.	10
3. Develop (by December 31) and/or maintain a “HOT Sheet” program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. Updated HOT sheets should be distributed to patrol and traffic officers monthly.	12
4. Send law enforcement personnel to the Drug Recognition Expert (DRE) training.	2
5. Conduct DUI/DL Checkpoints. A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the Summer Mobilization. To enhance the overall deterrent effect and promote high visibility, it is recommended the grantee issue an advance press release and conduct social media activity for each checkpoint. For combination DUI/DL checkpoints, departments should issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Signs for DUI/DL checkpoints should read "DUI/Driver's License Checkpoint Ahead." OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval will OTS fund checkpoints that begin prior to 1800 hours. When possible, DUI/DL Checkpoint screeners should be DRE- or ARIDE-trained.	3
6. Conduct DUI Saturation Patrol operation(s).	22
7. Conduct Traffic Enforcement operation(s), including but not limited to, primary collision factor violations.	52
8. Conduct highly publicized Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.	52
9. Conduct highly publicized Motorcycle Safety enforcement operation(s) in areas or during events with a high number of motorcycle incidents or collisions resulting from unsafe speed, DUI, following too closely, unsafe lane changes, improper turning, and other primary collision factor violations by motorcyclists and other drivers.	47
10. Conduct Nighttime (1800-0559) Click It or Ticket enforcement operation(s).	35
11. Conduct highly publicized pedestrian and/or bicycle enforcement operation(s) in areas or during events with a high number of pedestrian and/or bicycle collisions resulting from violations made by pedestrians, bicyclists, and drivers.	52
12. Conduct Traffic Safety educational presentation(s) with an effort to reach community members. Note: Presentation(s) may include topics such as distracted driving, DUI, speed, bicycle and pedestrian safety, seat belts and child passenger safety.	5

3. METHOD OF PROCEDURE

A. Phase 1 – Program Preparation (1st Quarter of Grant Year)

- The department will develop operational plans to implement the “best practice” strategies outlined in the objectives section.
- All training needed to implement the program should be conducted this quarter.
- All grant related purchases needed to implement the program should be made this quarter.
- In order to develop/maintain the “Hot Sheets,” research will be conducted to identify the “worst of the worst” repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The Hot Sheets may include the driver’s name, last known address, DOB, description, current license status, and the number of times suspended or revoked for DUI. Hot Sheets should be updated and distributed to traffic and patrol officers at least monthly.
- Implementation of the STEP grant activities will be accomplished by deploying personnel at high collision locations.

Media Requirements

- Issue a press release announcing the kick-off of the grant by November 15, but no earlier than October 1. If unable to meet the November 15 date, communicate reasons to your OTS Coordinator. The kick-off

press releases and any related media advisories, alerts, and materials must be emailed for approval to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, 14 days prior to the issuance date of the release.

B. Phase 2 – Program Operations (Throughout Grant Year)

The department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes.

Media Requirements

- Send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator. The following requirements are for grant-related activities and are different from those regarding any grant kick-off release or announcement.
- If an OTS-supplied, template-based press release is used, there is no need for pre-approval, however, the OTS PIO and Coordinator should be copied when at the same time as the release is distributed to the press.
- If an OTS-supplied template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead-time would be 10 days prior to the release distribution date, but should be no less than 5 working days prior to the release distribution date.
- Press releases reporting the immediate and time-valued results of grant activities such as enforcement operations are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press.
- Use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 30 days in advance, a short description of any significant grant-related traffic safety event or program so OTS has sufficient notice to arrange for attendance and/or participation in the event.
- Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
- Space permitting, include the OTS logo, on grant-funded print materials; consult your OTS Coordinator for specifics and format-appropriate logos.
- Contact the OTS PIO or your OTS Coordinator, sufficiently far enough in advance of need, for consultation when deviation from any of the above requirements might be contemplated

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

- Invoice Claims (due January 30, April 30, July 30, and October 30)
- Quarterly Performance Reports (due January 30, April 30, July 30, and October 30)
 - Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
 - Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
 - Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
 - Collect, analyze and report statistical data relating to the grant goals and objectives.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
402PT-20	20.600	State and Community Highway Safety	\$125,000.00
164 AL-20	20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated	\$75,000.00

COST CATEGORY	CFDA	TOTAL COST TO GRANT
A. PERSONNEL COSTS		
<u>Straight time</u>		\$0.00
<u>Overtime</u>		
DUI/DL Checkpoints	20.608	\$51,000.00
DUI Saturation Patrols	20.608	\$18,590.00
Traffic Enforcement	20.600	\$26,260.00
Distracted Driving	20.600	\$26,260.00
Motorcycle Safety	20.600	\$23,735.00
Night-time Click It Or Ticket	20.600	\$17,675.00
Pedestrian and Bicycle Enforcement	20.600	\$26,260.00
Traffic Safety Education	20.600	\$2,525.00
Category Sub-Total		\$192,305.00
B. TRAVEL EXPENSES		
In State Travel	20.600	\$2,285.00
		\$0.00
Category Sub-Total		\$2,285.00
C. CONTRACTUAL SERVICES		
		\$0.00
Category Sub-Total		\$0.00
D. EQUIPMENT		
		\$0.00
Category Sub-Total		\$0.00
E. OTHER DIRECT COSTS		
DUI Checkpoint Supplies	20.608	\$1,410.00
Phlebotomist	20.608	\$4,000.00
Category Sub-Total		\$5,410.00
F. INDIRECT COSTS		
		\$0.00
Category Sub-Total		\$0.00
GRANT TOTAL		\$200,000.00

BUDGET NARRATIVE	
PERSONNEL COSTS	QUANTITY
DUI/DL Checkpoints - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	3
DUI Saturation Patrols - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	22
Traffic Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	52
Distracted Driving - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	52
Motorcycle Safety - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	47
Night-time Click It Or Ticket - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	35
Pedestrian and Bicycle Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.	52
Traffic Safety Education - Overtime for grant funded traffic safety presentations or campaigns conducted by appropriate department personnel.	5
TRAVEL EXPENSES	
In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.	1
CONTRACTUAL SERVICES	
-	
EQUIPMENT	
-	
OTHER DIRECT COSTS	
DUI Checkpoint Supplies - On-scene supplies needed to conduct sobriety checkpoints. Costs may include 28" traffic cones, MUTCD compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS device supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies. Additional items may be purchased if approved by OTS. The cost of food and beverages will not be reimbursed.	1
Phlebotomist - To draw and collect blood samples from suspected DUI drivers on scene as evidence in support of DUI convictions in a court of law.	40
INDIRECT COSTS	
-	
STATEMENTS/DISCLAIMERS	
Program Income default statement:	

There will be no program income generated from this grant.

Enforcement Grant Quota Disclaimer:

Nothing in this "agreement" shall be interpreted as a requirement, formal or informal, that a particular law enforcement officer issue a specified or predetermined number of citations in pursuance of the goals and objectives here under.

CERTIFICATIONS AND ASSURANCES**HIGHWAY SAFETY GRANTS****(23 U.S.C. CHAPTER 4 AND SEC. 1906, PUB. L. 109-59, AS AMENDED)**

Failure to comply with applicable Federal statutes, regulations, and directives may subject Grantee Agency officials to civil or criminal penalties and/or place the State in a high-risk grantee status in accordance with 49 CFR §18.12.

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended
- 49 CFR Part 18—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Part 1300—Uniform Procedures for State Highway Safety Grant Programs

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

“During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding

recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and

- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and sub agreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

POLITICAL ACTIVITY (HATCH ACT)

(applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

- (1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

LAW ENFORCEMENT AGENCIES

All subrecipient law enforcement agencies shall comply with California law regarding profiling. Penal Code section 13519.4, subdivision (e), defines "racial profiling" as the "practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped." Then, subdivision (f) of that section goes on to provide, "A law enforcement officer shall not engage in racial profiling."



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 19-813

DATE: December 17, 2019

TO: Mayor and City Council

FROM: Deputy City Manager

SUBJECT

Accept and Appropriate \$999,881 of Proposition 47 Funds and Amend Resolution 19-015 Authorizing the City Manager to Appropriate Up to \$3,192,339 for an Additional \$116,000 for the One-Year Operations of the Hayward Housing Navigation Center

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to accept and appropriate \$999,881 of Proposition 47 funds for the Hayward Housing Navigation Center, and adopts a resolution (Attachment III) to amend Resolution 19-015 to authorize the City Manager to appropriate up to \$3,192,339 for an additional \$116,000 for the one-year operations of the Hayward Housing Navigation Center.

SUMMARY

This report provides Council with an update on the Hayward Housing Navigation Center (Navigation Center) and recommends adoption of a resolution to accept and appropriate \$999,881 of Proposition 47 (Prop 47) funds for the Navigation Center and adoption of a resolution to amend Resolution 19-015. To offset the operational costs of the Navigation Center, the City applied for and was successfully awarded nearly \$1 million in Prop 47 funds, made available through the Board of State and Community Corrections (BSCC).

On January 22, 2019, Council approved resolution 19-015, authorizing and appropriating up to \$3,076,340 for the one-year costs of the Navigation Center, including one-time construction expenses and first year operational expenses. Due to unforeseen site preparation and construction expenses primarily related to extraordinary and unanticipated electrical expenses, the year one costs are anticipated to exceed the budget by approximately \$96,000. Staff recommends that Council amend resolution 19-015 to increase the total year-one allowable expenditures for the Navigation Center from \$3,076,339 to \$3,192,339, to cover the \$96,000 in unforeseen expenses as well as provide \$20,000 in contingency for the remainder of the first year for a total increased budget of \$116,000.

File #: CONS 19-813

Despite the requested increase in the annual budget, there will be approximately \$384,000 in overall savings to the General Fund for this project due to the award of Prop 47 funds as well as a generous donation from the Hayward Rotary Club.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution to Appropriate Proposition 47 Funds
Attachment III	Resolution to Amend Resolution 19-015 to Appropriate Funds



DATE: December 17, 2019

TO: Mayor and City Council

FROM: Deputy City Manager

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Despite the requested increase in the annual budget, there will be approximately \$384,000 in overall savings to the General Fund for this project due to the award of Prop 47 funds as well as a generous donation from the Hayward Rotary Club.

BACKGROUND

On January 22, 2019, Hayward City Council took emergency action to implement the Hayward Housing Navigation Center (Navigation Center) to address the homeless shelter crisis in the City. As part of this emergency action, Council approved resolution 19-015, authorizing and appropriating up to \$3,076,339 for the one-year costs of the Navigation Center.¹ Staff had projected the initial start-up costs and a single year of operations at no more than the approved \$3,076,339. The estimated costs included \$500,000 in upfront one-time costs associated with site preparation and construction and \$2.5 million in annual operational expenditures for all expenses related to staffing for outreach, 24-hour on-site property management, housing navigation and case management, as well as utilities, food, and flexible funds for housing placement. The approved budget with funding sources can be found in TABLE 1.

TABLE 1: JANUARY 22, 2019 COUNCIL APPROVED ESTIMATED BUDGET

Funding Source	Amount
HEAP award	\$1,776,339
Sale Proceeds from 238 Parcels 1 & 10	<u>\$1,300,000</u>
Total projected cost	\$3,076,339

To offset the operational costs of the Navigation Center, the City applied for and was successfully awarded nearly \$1 million in Prop 47 funds, made available through the Board of State and Community Corrections (BSCC). California voters approved Prop 47 in November 2014 with the goal of lowering incarceration rates across the State by reclassifying certain classes of low-level, non-violent felonies as misdemeanors for individuals who do not have prior convictions for serious offenses. Each year, the state savings generated by the implementation of Prop 47 are placed into the Safe Neighborhoods and Schools Fund. Sixty-five percent of these savings are set aside annually for the Board of State and Community Corrections (BSCC) to administer a competitive grant program. Prop 47 required that these funds be awarded to public agencies to provide mental health services, substance use disorder treatment, and/or diversion programs for those in the criminal justice system. The City will partner with the Alameda County District Attorney's Office to use Prop 47 funds to divert individuals from the criminal justice system by connecting them to the Navigation Center and providing mental health and/or substance use disorder treatment services.

In addition to grant funding, staff have been seeking donations through private donors. One notable donation is from the Rotary Club of Hayward, who has committed to donating \$83,000 to purchase one of the existing residential modular units on the site. This generous

¹ Additional background information can be found online from the January 22, 2019 City Council meeting: <https://hayward.legistar.com/LegislationDetail.aspx?ID=3838800&GUID=89EC3945-8050-428A-881C-6180A91CBA9A&Options=&Search=>

contribution will help offset initial costs as well as ongoing annual expenditures in subsequent years.

DISCUSSION

Updates

On November 18, the City held a Ribbon Cutting and Open House ceremony to celebrate the opening of the Hayward Housing Navigation Center. Speakers included Mayor Barbara Halliday, City Manager Kelly McAdoo, District Attorney Nancy O'Malley, Senator Bob Wieckowski, and the Executive Director of BACS, Jamie Almanza. Over 140 people attended the ceremony and [photos of the ceremony can be found on the Navigation Center website.](#)²

Using the Council approved prioritization policy³, staff provided BACS with an initial list of 50 individuals from the downtown area that frequently interact with law enforcement, fire, and maintenance services staff and may be eligible for placement at the Navigation Center. BACS has attempted phone outreach with nearly all individuals on this list, with about 50% being responsive. BACS will follow-up with in-person outreach. To date, 10 individuals from this list have been placed at the Navigation Center.

Additionally, BACS was able to conduct outreach at the Maple & Main development site on November 29. BACS contacted six individuals, of whom three accepted immediate placement. BACS will be conducting a formal intake process with these individuals to offer placement at the Navigation Center.

Proposition 47

To offset the operational costs of the Navigation Center, the City applied for and was successfully awarded nearly \$1 million in Prop 47 funds. The City will partner with the Alameda County District Attorney's Office to use Prop 47 funds to divert individuals from the criminal justice system by connecting them to the Navigation Center and providing mental health and/or substance use disorder treatment services. Over 80% of the total grant will go directly to BACS, 5% towards data collection and evaluation, and about 10% will be allocated towards the City of Hayward's administration of Prop 47 funds. A breakdown of the funding allocation across the grant's four-year grant period can be found in **TABLE 2**.

TABLE 2: PROP 47 FUNDING BREAKDOWN

Budget Item	Prop 47 Funding Allocation	Percentage of Total Award
City Administration	\$132,480	13%
BACS Subcontract	\$817,401	82%
Data Collection and Evaluation	<u>\$50,000</u>	<u>5%</u>

² <https://www.flickr.com/photos/city-of-hayward/sets/72157711867218688/>

³ Additional background information can be found online from the July 9, 2019 City Council meeting: <https://hayward.legistar.com/LegislationDetail.aspx?ID=4056931&GUID=2D38C7B0-C7BF-4C35-84BF-CEE97008D399&Options=&Search=>.

Total	\$999,881	100%
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Prop 47 funds will be allocated across four years, with \$500,000 being allocated to BACS in year one and the remainder of funds will be dispersed in years two through four. City administration grant funds will be used in year one, and data collection and evaluation funds will be allocated across the grant period.

Budget

At the January 22, 2019 Council meeting, staff had estimated the first year expenses at no more than \$3,076,339. Site preparation and construction was estimated at \$500,000, and BACS' annual operational expenses were estimated at \$2.5 million. While staff had built in contingency, due to unforeseen expenses primarily related to extraordinary electrical expenses, the year one costs are anticipated to exceed the budget by approximately \$96,000, and with an added \$20,000 contingency, by a total of \$1,116,000. A breakdown of the major unanticipated expenses can be found below:

- Absorbing \$28,470 in expenses that staff had anticipated PG&E would incur. At the onset of this project, staff had anticipated PG&E to perform the utility work necessary to connect power to the site. Staff decided to incur extra costs in order to open the Navigation Center before the holidays and before the colder months.
- Underestimating the expense of pulling high voltage wire. Staff underestimated the cost of high voltage wire pulling, and the total cost came in at approximately \$150,000.

Due to these unforeseen larger expenses, the budget for the Navigation Center will exceed \$3,076,339. Despite the requested increase in the annual budget, there will be approximately \$384,000 in savings to the General Fund for this project, \$132,480 in administrative revenue due to the award of Prop 47 funds, and the \$83,000 donation from the Rotary Club of Hayward. At the January 2019 Council meeting, \$1.3 million in sale proceeds of the former 238 properties Parcels 1 and 10 was authorized and appropriated for use at the Navigation Center. Staff will spend no more than \$916,000 of this allocated funding, resulting in approximately \$384,000 in savings to the General Fund.

Staff recommends Council approve the following resolutions:

- Resolution to Appropriate \$999,881 of Proposition 47 Funds for the Hayward Housing Navigation Center across Fiscal Year 2019 through Fiscal Year 2023 (Attachment II)
- Resolution to Amend Resolution 19-015 to Authorize the City Manager to Appropriate up to \$3,192,339, for the One-Year Operation of the Hayward Housing Navigation Center (Attachment III)

FISCAL IMPACT

This item has a \$384,000 savings to the General Fund. While the overall year-one budget must be increased, Prop 47 and private donations will offset the operational costs, reducing the share of the City's General Fund contribution from \$1.3 million to \$916,000, resulting in

\$384,000 savings to the General Fund. A breakdown of the changes in funding source and allocation can be found in TABLE 3.

TABLE 3: 2019-2020 ANNUAL NAVIGATION CENTER BUDGET

FUNDING SOURCE	ORIGINAL ESTIMATE	UPDATED AMOUNT
HEAP award	\$1,776,339	\$1,776,339
Sale Proceeds from 238 Parcels 1 & 10	\$1,300,000	\$916,000
Prop 47 ⁴	\$0	\$500,000
Total Year-One Cost	\$3,076,339	\$3,192,339

Prop 47 funds will be allocated across four years, with \$500,000 being allocated to BACS in year one and the remainder of funds will be dispersed in years two through four. City administration grant funds will be used in year one, and data collection and evaluation funds will be allocation across the grant period.

NEXT STEPS

Staff continues to seek outside funding for the Navigation Center and will return to Council for authorization and appropriation of future additional funds. Staff will return to Council in June 2020 with a mid-year status report on the Navigation Center.

Prepared by: Jessica Lobedan, Management Analyst II

Recommended by: Jennifer Ott, Deputy City Manager

Approved by:



Kelly McAdoo, City Manager

⁴ Year one Prop 47 funding allocation

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROPRIATE \$999,881 OF PROPOSITION 47 FUNDS FOR THE HAYWARD HOUSING NAVIGATION CENTER

WHEREAS the City of Hayward desires to participate in the Proposition 47 Grant administered by the Board of State and Community Corrections (hereafter referred to as BSCC); and,

WHEREAS the City of Hayward was selected to receive a Proposition 47 Grant Award at the BSCC's June 2019 Board Meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to accept and appropriate up \$999,881 in Proposition 47 funds for the Hayward Housing Navigation Center.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

BE IT FURTHER RESOLVED that the CITY agrees to abide by the terms and conditions of the Grant Agreement as set forth by the BSCC.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROPRIATE UP TO \$3,192,339 MILLION FOR THE ONE-YEAR OPERATION OF THE HAYWARD HOUSING NAVIGATION CENTER

WHEREAS, the State of California made available \$500 million in one-time Homeless Emergency Aid Program funds, of which \$16,192,049 was awarded to the County of Alameda to be dispersed to cities within the County; and

WHEREAS, the Alameda County Board of Supervisors approved the City of Hayward's application for \$1,776,339 in Homeless Emergency Aid Program funds; and

WHEREAS, the Board of State and Community Corrections approved the City of Hayward's application for \$999,881 in Proposition 47 funds; and

WHEREAS, the sale proceeds of the former 238 properties Parcels 1 and 10 to William Lyon Homes resulted in \$916,000 in available funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to accept and appropriate up to \$3,192,339 for the one-year operation of the Hayward Housing Navigation Center.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 19-792

DATE: December 17, 2019

TO: Mayor and City Council

FROM: Director of Finance
Director of Public Works

SUBJECT

Adopt a Resolution Approving Policy on Discontinuation of Residential Water Service for Nonpayment

RECOMMENDATION

That Council adopts a resolution (Attachment II) adopting Policies and Guidelines on Discontinuation of Residential Water Service for Nonpayment.

SUMMARY

In September 2018, Governor Brown signed Senate Bill 998, the Water Shutoff Protection Act, into law to provide additional protections for residential water customers before the discontinuation of water service due to nonpayment of water bills. The new law requires all public water systems (with more than 200 connections) to have a written policy on discontinuation of residential water service, which includes adequate noticing and repayment options for low-income customers before shutting off water service. The written policy must be posted in multiple languages on the water purveyor's website. This report describes staff's efforts to update the City's existing policies and procedures related to delinquent accounts and discontinuation of water service to comply with SB 998 requirements by February 1, 2020.

On October 30, 2019, the Council Sustainability Committee recommended that Council consider adoption of the Policies and Guidelines on Discontinuation of Residential Water Service for Nonpayment. No public comments were made during the meeting.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Policies and Guidelines for Discontinuation of Residential Water Service for Nonpayment



DATE: December 17, 2019

TO: Mayor and City Council

FROM: Director of Public Works
Director of Finance

SUBJECT: Adopt a Resolution Approving Policy on Discontinuation of Residential Water Service for Nonpayment

RECOMMENDATION

That Council adopts a resolution (Attachment II) adopting Policies and Guidelines on Discontinuation of Residential Water Service for Nonpayment.

SUMMARY

In September 2018, Governor Brown signed Senate Bill 998, the Water Shutoff Protection Act, into law to provide additional protections for residential water customers before the discontinuation of water service due to nonpayment of water bills. The new law requires all public water systems (with more than 200 connections) to have a written policy on discontinuation of residential water service, which includes adequate noticing and repayment options for low-income customers before shutting off water service. The written policy must be posted in multiple languages on the water purveyor's website. This report describes staff's efforts to update the City's existing policies and procedures related to delinquent accounts and discontinuation of water service to comply with SB 998 requirements by February 1, 2020.

On October 30, 2019, the Council Sustainability Committee recommended that Council consider adoption of the Policies and Guidelines on Discontinuation of Residential Water Service for Nonpayment. No public comments were made during the meeting.

BACKGROUND

As declared by Section 106.3 of the Water Code, all Californians have the right to safe, accessible, and affordable water. In recent years, the State has become increasingly concerned with increasing water rates and the need to minimize the number of Californians who lose access to water service due to their inability to pay. On September 28, 2018, Governor Brown signed SB 998, the Water Shutoff Protection Act, into law to provide additional procedural protections for residential water customers with delinquent bills before the discontinuation

of water service. The new law applies to residential services, including single-family residences, multifamily residences, and mobile homes.

The Revenue Division of the Finance Department is tasked with the billing and collection of utility accounts from the Utilities Division of the Public Works Department. The Revenue Division has existing internal policies and guidelines regarding the collection of delinquent utility accounts for all types of customers within the legal framework of the Hayward Municipal Code and the State of California Public Utilities Code. Staff considers and reviews requests for extensions of payment due-dates or for other payment arrangements for all accounts. The review includes an examination of past payment history, current medical or financial considerations, or any other pertinent factors in determining both the customer's ability to pay and the severity of harm that would be caused by the disruption of water service. When appropriate, extended payment terms of up to 12 months are regularly offered. Staff works with customers to develop payment arrangements that are fair and equitable and will only move to discontinue residential water service as a last resort. In 2018, out of about 29,000 active residential utility accounts, an estimate of 750 (2.6%) shutoffs occurred due to delinquency. Of those shutoffs, about 80% are restored within the same business day, and 19% are restored within one week. The remaining 1% are usually properties that have been vacated and the water service remains discontinued until a new customer takes residence at the property.

Multi-family properties with a landlord as the customer of record never have the water service discontinued due to non-payment. Per Hayward Municipal Code, unpaid charges are added as an assessment on the property owner's county tax bill. A tenant of a multi-family property will never have their utility service discontinued due to the delinquency of a landlord.

In the case of single-family rental properties, unpaid bill amounts are not added as an assessment to the property's county tax bill. When the property owner of a single-family rental home is a Hayward water customer, the tenant is usually unaware of the delinquency status of the account until the final shutoff notice is delivered directly to the property. In these cases, staff works with the tenant to contact the property owner to formulate a payment arrangement with the property owner to avoid discontinuation of the water service. In cases where the property owner cannot be contacted, staff work to formally transfer the water service account to the tenant.

DISCUSSION

SB 998 requires all public water systems with more than 200 connections to have a written policy on discontinuation of residential water service and for that policy to be available in multiple language and posted on the water purveyor's website. Among other things, SB 998 mandates:

- Water systems may not discontinue residential water service due to delinquent payment until payments are delinquent for at least 60 days. After that time, the water system must attempt to provide notice to customers by telephone or in writing, and provide information about appeals, extensions, and alternative repayment options.

- Water systems may not discontinue residential water service if all the following take place:
 - 1) a primary care provider certifies that the discontinuation of water service will pose a serious or potentially fatal threat to a resident,
 - 2) the customer demonstrates inability to pay; and
 - 3) the customer is willing to enter into an alternative payment arrangement.
- Water systems must limit certain low-income customers' reconnection fees to no more than \$50 during regular business hours, and \$150 during non-regular hours.
- Water systems must attempt to provide notice to renters and mobile home residents that their service may be discontinued due to delinquent payments by their landlords, and that the residents have the right to become customers of the water system without paying the past-due amounts on the landlords' accounts.
- Water systems must annually post on their websites the number of times the system has discontinued service due to inability to pay

Staff has reviewed the City's existing policies and procedures relating to delinquent accounts and discontinuation of water service. A comparison of the City's current Policy and SB 998 requirements is provided in Table 1.

Table 1. Comparison of Current Internal City Policy and SB 998 Requirements

Current Internal City Policy	SB 998 Policy Requirement
Written Policy on Discontinuation of Residential Water Service	
Internal use only	<ul style="list-style-type: none"> • Posted on website • Six languages (English, Spanish, Chinese, Tagalog, Korean, Vietnamese), and any other language spoken by 10% of the service area • Policy must contain: <ol style="list-style-type: none"> a) Plan for deferred or reduced payments b) Alternative payment schedule c) Formal mechanism to appeal or contest a bill
New or Expanded Procedural Protections	
Utility service is not discontinued until account is at least 52 days past due	Utility service cannot be discontinued until account is 60 days past due
Final Shut-Off notices:	Final Shut-Off notices:

Current Internal City Policy	SB 998 Policy Requirement
<ul style="list-style-type: none"> a) Written in English only b) Hand-delivered to the service address c) Delivered anytime between 5 -7 days before discontinuation of utility service d) Information included: <ul style="list-style-type: none"> 1. Customer's name 2. Amount of delinquency 3. Payment due date 4. Payment options 	<ul style="list-style-type: none"> a) Must be in English, Spanish, Chinese, Tagalog, Korean, and Vietnamese b) Mailed to the customer c) Delivered at least 7 days prior to discontinuation of utility service d) Information included: <ul style="list-style-type: none"> 1. Customer's name 2. Amount of delinquency 3. Payment or arrangement due date 4. A description on how to appeal for bill review 5. A description of the process to apply for an extension of time to pay 6. A description of procedure to request for a deferred, reduced, or alternative payment schedule

Current Internal City Policy	SB 998 Policy Requirement
Special Medical or Financial Circumstances	
<p>Staff considers and reviews requests for extensions of payment due-date or for other payment arrangements for all accounts. The review includes an examination of:</p> <ul style="list-style-type: none"> • past payment history • current medical or financial considerations • factors determining customer's ability to pay and the severity of harm that would be caused by the disruption of water service <p>When appropriate, extended payment terms of up to 12 months are regularly offered.</p> <p>Multi-family properties with a landlord as the customer of record never have the water service discontinued due to the delinquency of a landlord.</p>	<p>Offering payment arrangements and an alternative payment schedule is mandated by SB 998.</p> <p>Water service cannot be discontinued if a customer meets <u>all</u> three conditions:</p> <ol style="list-style-type: none"> 1. Submits certification from a primary care provider that discontinuation of service would be life threatening to the resident; 2. Provides proof of participation in CalWorks, CalFresh, Medi-Cal, SSI, general assistance, or the household income is less than 200% of the poverty level to demonstrate they are financially unable to pay within the normal billing cycle; and 3. Is willing to enter into a payment arrangement and comply with such arrangement for 60 days or more. <p>In all cases, customers are required to pay water charges with extended timeline or other payment arrangement. It should result in repayment of the outstanding balance in no more than 12 months.</p>
Miscellaneous Provisions	
<p>No formal policy for customers to appeal or contest a utility bill.</p>	<p>A formal appeal procedure; Utility service cannot be discontinued while appeal is pending.</p>
<p>1% interest rate charged on all accounts</p>	<p>No interest will be charge on residential accounts for customers under 200% Federal Poverty Level.</p>
<p>Service restoration charges:</p> <ul style="list-style-type: none"> • \$40 standard fee • \$72 after-hours fee (\$112 total) 	<p>Service restoration charges:</p> <ul style="list-style-type: none"> • Capped at \$50 standard fee

Current Internal City Policy	SB 998 Policy Requirement
	<ul style="list-style-type: none"> • Capped at \$150 after-hours fee (no more than cost recovery)
No reporting requirements	Must report number of service disconnections due to nonpayment annually to both the State Water Resources Control Board and on the City's website

Staff has drafted the attached Policies and Guidelines for Discontinuation of Residential Water Service for Nonpayment (Attachment III) that complies with SB 998 requirements. Where the City's policies are more permissive or more lenient towards nonpaying customers than the SB 998 requirements, staff recommends leaving the existing City policies in effect.

COUNCIL SUSTAINABILITY COMMITTEE REVIEW

On October 30, 2019, Council Sustainability Committee recommended to Council the adoption of the Policies and Guidelines on Discontinuation of Residential Water Service for Nonpayment. No public comments were made during the meeting.

ECONOMIC IMPACT

It is expected this law will offer Hayward Water System customers greater flexibility in making payment arrangements and help minimize water shutoffs due to nonpayment of water bills.

FISCAL IMPACT

SB 998 provides for certain extended timelines for collection of unpaid water charges. However, these charges would ultimately still be collected and therefore staff expects minimal impacts to the Water Operating Fund. SB 998 also requires water agencies to refund interest charges to low-income customers on an annual basis. Due to system limitations in determining and tracking which customers would be eligible for an interest refund based upon income status, staff recommends discontinuing the assessment of interest on all delinquent utility accounts. FY 19 interest charges collected were \$22,486. Since the water system is a self-sufficient Enterprise Fund, like any other expenses, all costs must be recovered through the rates so that the overall revenues meet the approved budgeted revenues. There will be no impact to General Fund.

STRATEGIC INITIATIVES

This item does not directly relate to one of the Council's Strategic Initiatives.

SUSTAINABILITY FEATURES

Social equity is a key component of social, economic, and environmental sustainability. This agenda item will help ensure that Hayward water customers, including those that are financially vulnerable, continue to have access to safe and affordable water supplies in accordance with State law by minimizing the number of customers who could potentially lose access to water service due to their inability to pay on time.

PUBLIC CONTACT

The public had an opportunity to comment on the City's draft policy for Discontinuation of Residential Water Service for Nonpayment at the Sustainability Committee meeting on October 30, 2019. No public comments were received at the meeting. In compliance with SB 998, the updated written policy would be posted on the City's website for the public to review.

NEXT STEPS

The requirements mandated by SB 998 must be implemented by February 1, 2020. If approved, staff will proceed with finalizing a draft of the City's written policy on Discontinuation of Residential Water Service for Nonpayment in order to meet the February 1, 2020 deadline for posting the written policy on the City's website.

Prepared by: Michael Barnes, Acting Revenue Manager
Elli Lo, Management Analyst

Recommended by: Dustin Claussen, Director of Finance
Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD ADOPTING
THE POLICIES AND GUIDELINES FOR DISCONTINUATION OF RESIDENTIAL
WATER SERVICE FOR NONPAYMENT

WHEREAS, Senate Bill 998 (codified as “The Water Shutoff Protection Act”) places additional requirements on water systems prior to discontinuing residential water service for nonpayment; and

WHEREAS, Senate Bill 998 requires adoption of a formal written policy regarding the discontinuation of residential water service due to nonpayment of charges; and

WHEREAS, the written policy must be made available on the City’s website, and must be available in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by 10 percent or more of the City’s population; and

WHEREAS, the City does not currently have a formal written policy satisfying the requirements of Senate Bill 998;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Council approves of the adoption of the Policies and Guidelines for Discontinuation of Residential Water Service for Nonpayment and directs staff to post the adopted policy on the City’s website for public viewing.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

POLICIES AND GUIDELINES FOR DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NONPAYMENT

The Revenue Division of the Finance Department is tasked with the billing and collection of utility accounts of the Hayward Water System. Hayward Municipal Code Chapter 11 Article 2 and Article 3, and the State of California Public Utilities Code establish the legal framework for the provision of utility services by the Hayward Water System to its customers. Additionally, the “Water Shutoff Protection Act” (California Health and Safety Code Division 104 Part 12 Chapter 6) has established specific requirements for water systems to follow when discontinuing residential water service due to nonpayment of usage charges. City Council has established the following policies and guidelines for the collection of delinquent residential utility accounts within this legal framework.

In addition to English, this policy will be made available in Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by at least 10% of the people (currently no other language meets this criteria) residing in the Hayward Water System service area. It will also be posted on the City of Hayward website.

To discuss options for averting discontinuation of service for nonpayment, please call the City of Hayward at (510) 583-4600. Our normal business hours are 8 AM – 6 PM Monday – Thursday, and 8 AM-12 PM Friday.

Collection Timeline

1. Per Hayward Municipal Code §11-2.36, utility bills are delinquent 15 days after the billing date. Both billing date and the delinquent date are printed on the bill sent to the account owner.
2. If the utility bill remains unpaid 35 days after the bill date, a late fee of \$5 will be added to the unpaid balance, and a “Late Payment Notice” will be mailed to the account owner. No interest charges will be added to delinquent residential utility accounts. This notice will request that payment be made within 21 days from the date printed on the notice.
3. If the utility bill remains unpaid 21 days after the “Late Payment Notice” was sent to the account owner, telephonic contact with the account owner will be attempted and a “Final Notice” will be hand-delivered to the service address. This notice will require payment to be made within 7 days from the delivery date. If payment is not received, the utility service may be discontinued.

Payment Arrangements, Deferred Payments and Alternative Payment Schedules

Upon receipt of a “Late Payment Notice” an account owner can request a payment arrangement, a temporary deferment or reduction of the payment amount or an alternative

schedule to make the required payment. The City may choose which payment arrangement to accept as long as the outstanding balance is paid within a 12-month period.

Customers with Special Medical and Financial Circumstances

Utility service shall not be discontinued for nonpayment if ALL of the following conditions are met:

- a. The customer, or tenant of the customer, submits the certification of a primary care provider that discontinuation of service will be life threatening or pose a serious threat to the health and safety of a resident of the premise where service is provided, AND
- b. The customer demonstrates that they are financially unable to pay for residential service within the normal billing cycle. (Customer is deemed unable to pay if any member of the household is a current recipient of CalWORKS, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.) AND
- c. The customer is willing to enter into payment arrangements, temporary deferred or reduction of payments, or alternative payment schedules consistent with this policy.

The City may choose which payment option to offer and accept. It should result in repayment of the outstanding balance in no more than 12 months. Payment arrangements longer than 12 months may be granted if the City finds that a longer period is necessary to avoid undue hardship on the customer based on the circumstances of the individual case.

If for 60 days or more, the customer fails to comply with the payment plan or the customer does not pay their current charges while under the payment plan, then residential water service shall be discontinued no sooner than 5 business days after a final notice to discontinue service is posted at the property.

Landlord Customers of Single-Family Residential Properties

When the customer is a landlord and the account is delinquent and subject to discontinuation of service, the City shall make every good faith effort to inform the residential occupants, by means of written notice, that service will be terminated at least 7 days prior to the termination. The notice shall also inform the occupants that they have the right to become customers without being required to pay any amount that may be due on the delinquent account. The water system may require the tenant to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. The water system is not required to make service available to the tenants unless they agree to the terms and conditions of service.

Landlord Customers of Multi-Family Residential Properties

When the account services a multi-family residential building, the City will not discontinue service for non-payment of utility charges. Pursuant to Hayward Municipal Code §11-2.48, unpaid utility charges on residential multi-family buildings will continue to be added as a special assessment to the owner's Alameda County property tax bill. No resident of a multi-family residential building will have their services discontinued due to the delinquency of a property owner.

Procedure for Customers to Contest or Appeal a Utility Bill

A customer who desires to dispute the accuracy of the charges on a utility bill shall, no later than 30 days from the date of the original bill, submit a written request to the City's Revenue Manager, or designated representative, for a review of the bill. The Revenue Manager, or designee, is authorized to correct an erroneous bill. The customer shall be given written notification of the decision regarding the dispute. The Revenue Manager, or designee, will investigate claims relating to the accuracy of the amount billed, but will not review claims concerning service, general level of rates, pending rate changes, source of water, or similar matters.

If a customer disagrees with the decision of Revenue Manager, or designee, the customer may appeal that decision to the Director of Public Works, or designee. The Director of Public Works, or a designated representative, may review the accuracy of the amount billed, but will not review appeals under this procedure concerning service, general level of rates, pending rate changes, source of water and similar matters.

Any customer who contests water consumption shown on a bill, and has initiated a complaint or requested an investigation, shall not have service discontinued for nonpayment during the pendency of an investigation by the City of the Customer's dispute or complaint, provided the customer also keeps current the account for services as charges accrue in each subsequent billing periods.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 19-814

DATE: December 17, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Authorizing the City Manager to Execute an Operations and Maintenance Agreement with Engie Services U.S., Inc., for the First Phase (Phase IIA) of the Two-Megawatt Solar Photovoltaic Energy System at the Water Pollution Control Facility (WPCF)

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a 20-year Operations and Maintenance (O&M) Services Agreement with Engie Services U.S., Inc., to perform maintenance services for the Phase IIA 600 kilowatt (kW) solar photovoltaic energy system installed at the Water Pollution Control Facility (WPCF).

SUMMARY

On March 6, 2018, Council approved construction of a new two-megawatt solar photovoltaic facility at the WPCF. The approved project was for construction of the entire facility supplying the electricity generated to two recipients - East Bay Community Energy (EBCE) and Pacific Gas & Electricity (PG&E). Staff began conversations with EBCE to purchase the power under the municipal feed-in-tariff or MuniFIT program. When it became clear that the timing and availability of the FIT program was uncertain and had significant implications on the construction schedule of the solar facility, staff presented three scenarios to the Council Sustainability Committee that would allow the project to proceed. The Committee's preferred approach was to build the project in a single phase with a portion to be provided to PG&E through RES-BCT and a portion to EBCE through the FIT program. Staff continued talks with EBCE but were unable to successfully negotiate terms of an economically viable power purchase agreement with EBCE. Subsequently, in November of this year, Council approved a phased approach beginning with the first phase (Phase IIA), which is the portion of the project that will generate power for the City facilities. Construction of the Phase IIA solar photovoltaic energy system is nearing completion and an on-going O&M services agreement is needed to maintain the equipment warranty and to ensure the system operates properly.

File #: CONS 19-814

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: December 17, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute an Operations and Maintenance Agreement with Engie Services U.S., Inc., for the First Phase (Phase IIA) of the Two-Megawatt Solar Photovoltaic Energy System at the Water Pollution Control Facility (WPCF)

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a 20-year Operations and Maintenance (O&M) Services Agreement with Engie Services U.S., Inc., to perform maintenance services for the Phase IIA 600 kilowatt (kW) solar photovoltaic energy system installed at the Water Pollution Control Facility (WPCF).

SUMMARY

On March 6, 2018, Council approved construction of a new two-megawatt solar photovoltaic facility at the WPCF. The approved project was for construction of the entire facility supplying the electricity generated to two recipients – East Bay Community Energy (EBCE) and Pacific Gas & Electricity (PG&E). Staff began conversations with EBCE to purchase the power under the municipal feed-in-tariff or MuniFIT program. When it became clear that the timing and availability of the FIT program was uncertain and had significant implications on the construction schedule of the solar facility, staff presented three scenarios to the Council Sustainability Committee that would allow the project to proceed. The Committee's preferred approach was to build the project in a single phase with a portion to be provided to PG&E through RES-BCT and a portion to EBCE through the FIT program. Staff continued talks with EBCE but were unable to successfully negotiate terms of an economically viable power purchase agreement with EBCE. Subsequently, in November of this year, Council approved a phased approach beginning with the first phase (Phase IIA), which is the portion of the project that will generate power for the City facilities. Construction of the Phase IIA solar photovoltaic energy system is nearing completion and an on-going O&M services agreement is needed to maintain the equipment warranty and to ensure the system operates properly.

BACKGROUND

On March 6, 2018, Council¹ approved a two megawatt (MW) solar project for the WPCF. As described in the March 6 Council report, 600 kilowatts (kW) of the power will be used to further offset the power demands of City facilities through PG&E's Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT) program to help the City get closer to meeting its goal of zero net energy for its municipal facilities, with the remaining 1,400kW exported to EBCE as clean, renewable, locally produced energy. Under the RES-BCT regulations, the City is authorized to produce up to five MW of power and export its excess energy to a limited number of other City facilities. Due to the existing 1.0 MW solar and 1.13 MW cogeneration facilities at the WPCF, the RES-BCT tariff allows for the addition of only 600 kW of solar energy.

On July 16, 2018, the Council Sustainability Committee considered a staff report² about a potential feed-in-tariff (FIT) program that might be offered by EBCE. The report noted that the FIT program would enable the City to sell power to EBCE, but that the timing of the availability of the FIT program was uncertain and had significant implications on the construction schedule of the solar facility. The report presented three different scenarios:

1. Build in a Single Phase. Transmit a portion to City facilities through PG&E using RES-BCT, and a portion to EBCE through FIT program.
2. Build in Two Phases. The EBCE portion would have to start within 180 days of the Notice to Proceed. The additional cost for building in two phases is estimated to be up to \$169,293. Pricing beyond 180 days cannot be guaranteed by the contractor.
3. Build in Single Phase and sell all excess energy to PG&E.

The Committee expressed a preference for Scenario 1 because it had the shortest payback period and the Committee voted unanimously to support Scenario 1.

Following the Council Sustainability Committee meeting, staff continued conversations with EBCE following release of its draft Local Development Business Plan (LDBP). The draft LDBP included recommendations for a municipal feed-in-tariff or MuniFIT program, which would offer a fixed price for power with a 20-year contract. The final LDBP approved by the EBCE Board on July 18, 2018, included less specificity about the MuniFIT program and suggested that the program could be implemented with a collaborative procurement that would involve several or possibly all member jurisdictions. EBCE staff had been working with the City with the understanding that the Council-approved 2 MW solar project for the WPCF needs to proceed prior to a collaborative procurement, but staff were not able to reach tentative terms of an economically viable agreement to allow the city to recover its costs in a reasonable length of time.

Per the authorization granted by Council on March 6, 2018, staff was ready to execute a contract with the contractor (Engie) for this design build project assuming all 2 MW would be constructed

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=3361904&GUID=5FA0A52F-BE9D-4266-BFA2-E186DC901EEF&Options=&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=3551023&GUID=4F0D14F4-3B3B-4557-8FA2-166E0074593E&Options=&Search=>

in a single phase. Staff successfully obtained PG&E approval for interconnection of the RES-BCT portion of the project contingent on the RES-BCT portion being constructed and interconnected to PG&E by the end of 2019. Not meeting the December 31, 2019 deadline would result in a lower rate offered by PG&E. Due to the uncertainty associated with selling 1,400 kW to EBCE, and because of the deadline for completion of the PG&E portion of the project, staff recommended that the project be built in two phases. On November 27, 2018, Council approved the phased construction and award of the first phase of the project for the 600kW RES-BCT portion of the solar facility.

DISCUSSION

Per the authorization granted by Council on November 27, 2018, the City Manager executed a contract for the Phase IIA 600kW RES-BCT portion of the project. Notice to proceed was issued on January 11, 2019, and interconnection with PG&E and a permit to operate is anticipated to be completed mid-December 2019. Under the terms of the contract with Engie, the solar facility has an energy production guarantee that is honored so long as Engie performs the Operations and Maintenance of the facility during the 20-year guarantee period. Staff negotiated an agreement for the maintenance of the facility that includes a twice a year solar panel washing in the amount of \$10,341/year with a 3% annual escalation in cost over the 20-year period.

The negotiated maintenance cost of \$10,341/year includes labor and materials for routine maintenance for the solar facility. In addition, parts of the system are warranted for ten-years including the solar generating system components (photovoltaic modules and inverters), per the design-build contract. Following expiration of the one-year warranty, any repairs (other than on the solar generating system components) are repaired on a time and materials basis. An allowance of up to \$10,000/year is estimated for miscellaneous service/repairs.

Annual or semi-annual maintenance is required for mowing and weed abatement to ensure the area around the panels are kept clear of growth that would otherwise shade the panels and reduce the solar production. Staff were unable to negotiate a reasonable rate for mowing from Engie. In addition, it is expected to be economically advantageous to combine the mowing of both the 1 MW solar field with the newly expanded solar field. Staff expect the annual or semi-annual mowing and weed abatement to cost about \$15,000/year.

The total O&M cost will vary each year depending on the actual repairs that are needed and are estimated to be approximately \$35,000/year.

ECONOMIC IMPACT

The energy produced by the first phase of the new facility would almost exclusively be used for export to either other City buildings or facilities to help the City meet its ZNE goal. While the financial variables are numerous and hard to precisely predict at this time, staff believes the project's impact on City residents and businesses to be neutral.

FISCAL IMPACT

Staff estimates the O&M costs during the first year to be \$25,000. The first year cost is less than in subsequent years due to the entire system being covered under the one-year warranty period following completion of construction. The annual operating and maintenance costs will be paid for out of the Wastewater Operating Fund. In future years, staff will account for any additional O&M costs as part of the annual Operating Budget process.

STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structure, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. This item addresses the following goal and objective:

Goal: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective: Create resilient and sustainable neighborhoods.

By producing more renewable energy free from greenhouse gas emissions, this project will improve the community's sustainability and in a small measure contribute to the health and wellbeing of our residents throughout the City.

SUSTAINABILITY FEATURES

Future implementation of the second phase of the project is contingent on reaching an agreement with EBCE. In addition, staff are pursuing other opportunities including building the second phase and leasing the energy to a neighboring utility (Union Sanitary District). Under this kind of arrangement, the District would lease the solar facility and purchase the energy from the City until such time as the WPCF's energy needs increase such that the additional solar produced can be used at the WPCF. The installation of additional solar PV in municipal facilities would allow the City to work towards producing local, GHG-free electric energy, from renewable sources. This project will get the City a step closer to meeting the Council's stated ZNE goal for City municipal services by 2025. The City is currently producing more than 50 percent of its electric energy from renewable sources and purchases just over 8,000 megawatt hours from PG&E. This project can potentially produce an additional 4,806 megawatt hours and get the City substantially closer to meeting its municipal ZNE goal. In addition, if the City is able to initiate a new energy purchase agreement with EBCE in the near future, or enter into an agreement with a neighboring utility, the second phase of this project will enable the City to generate and sell clean, renewable, locally produced electricity for local communities and or nearby utilities.

PUBLIC CONTACT

As noted in the March 6 Council report, the California Environmental Quality Act (CEQA) Initial Study and Draft Mitigated Negative Declaration were circulated and posted for public review and comment.

NEXT STEPS

The revised estimated schedule for remaining work of this project is summarized as follows:

Permit to Operate from PG&E	December 2019
Complete Construction Contract	January 2020

Staff will continue to work with EBCE to negotiate the terms of a power purchase agreement for the remaining 1,400 kW of the project. Once tentative terms of an agreement are reached, staff will present them to Council. Upon Council approval of this item, the City Manager will execute the O & M agreement.

Prepared by: Suzan England, Senior Utilities Engineer

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH ENGIE SERVICES U.S., INC., FOR THE OPERATIONS AND MAINTENANCE AGREEMENT FOR THE FIRST PHASE OF A TWO-MEGAWATT SOLAR PHOTOVOLTAIC ENERGY SYSTEM AT THE WATER POLLUTION CONTROL FACILITY (WPCF)

WHEREAS, on March 6, 2018, Council approved a two megawatt (MW) solar project for the WPCF and authorized staff to negotiate and execute a contract with Engie Services U.S., Inc., for the design, construction and operation/maintenance of the project; and

WHEREAS, 600 kilowatts (kW) of the power will be used to further offset the power demands of City facilities through PG&E's Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT) program and the remaining 1,400 kW was intended for export to EBCE as clean, renewable, locally produced energy; and

WHEREAS, staff has not been able to successfully negotiate terms of an economically viable power purchase agreement with EBCE; and

WHEREAS, an approved loan from the California Energy Commission and PG&E's interconnection approval both require the 600kW portion of the project to be constructed by December 31, 2019; and

WHEREAS, the operations and maintenance agreement with Engie is required as part of the 20-year Guaranteed Electrical Production negotiated as part of the design build contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to negotiate and execute a contract with Engie Services U.S., Inc., for the operations and maintenance of the first phase of the two-megawatt solar photovoltaic energy system to be located at and interconnected with the Water Pollution Control Facility's PG&E service meter, in an amount not to exceed \$10,341 per year with a 3% per annum increase over a 20-year warranty period.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 19-790

DATE: December 17, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Adopt a Resolution Approving Final Map Tract 8482 (Eden Village II), Associated with the Previously Approved Vesting Tentative Map for five (5) Single Family Homes on a 0.51-Acre Site Located at 24763 Mohr Drive

RECOMMENDATION

That Council adopts a resolution (Attachment II) approving Final Map Tract 8482, finding it in substantial conformance with the approved Vesting Tentative Tract Map 8482 and the Conditions of Approval thereof, and authorizing the City Manager to take other administrative actions and execute a Subdivision Agreement and such other documents as are appropriate to effectuate the required improvements for the development located at 24763 Mohr Drive.

SUMMARY

The Applicant, Nuvera Homes, has submitted a Final Map and Improvement Plans that has been reviewed and has been determined to be in substantial compliance with the approved Vesting Tentative Map for Tract 8482 by the City Engineer. City Council's approval of the attached resolution would approve the Final Map and authorize the City Manager to execute a Subdivision Agreement between the City and Applicant for the construction of improvements and other obligations required per conditions of approval of the Vesting Tentative Tract Map.

If the City Council approves the Final Map, the applicant will have the final map recorded, obtain construction permits, and commence the construction of improvements shown on the approved Improvement Plans.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Vicinity Map
Attachment IV	Tentative Map

File #: CONS 19-790

Attachment V Final Map



DATE: December 17, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Adopt a Resolution Approving Final Map Tract 8482 (Eden Village II), Associated with the Previously Approved Vesting Tentative Map for five (5) Single Family Homes on a 0.51-Acre Site Located at 24763 Mohr Drive

RECOMMENDATION

That Council adopts a resolution (Attachment II) approving Final Map Tract 8482, finding it in substantial conformance with the approved Vesting Tentative Tract Map 8482 and the Conditions of Approval thereof, and authorizing the City Manager to take other administrative actions and execute a Subdivision Agreement and such other documents as are appropriate to effectuate the required improvements for the development located at 24763 Mohr Drive.

SUMMARY

The Applicant, Nuvera Homes, has submitted a Final Map and Improvement Plans that has been reviewed and has been determined to be in substantial compliance with the approved Vesting Tentative Map for Tract 8482 by the City Engineer. City Council's approval of the attached resolution would approve the Final Map and authorize the City Manager to execute a Subdivision Agreement between the City and Applicant for the construction of improvements and other obligations required per conditions of approval of the Vesting Tentative Tract Map.

If the City Council approves the Final Map, the applicant will have the final map recorded, obtain construction permits, and commence the construction of improvements shown on the approved Improvement Plans.

BACKGROUND

Per State law, Tentative Tract and Final maps are required for all subdivisions creating five or more parcels. A Tentative Tract Map is required to ensure that any proposed development complies with the Subdivision Map Act, the California Environmental Quality Act, Planned Development guidelines, the City Subdivision Ordinance, Zoning Ordinance, Building Regulations, the Hayward General Plan and Neighborhood Plans, and the site-specific requirements of the Development Services, Public Works, Fire, and Police Departments.

After the Tentative Map is approved, the Applicant submits the Final Subdivision Map and Improvement Plans for review and approval by the City Engineer (and subsequent recordation of the Final Map after Council review and approval) before proceeding with obtaining building permits.

On October 29, 2019, Council approved the Vesting Tentative Tract Map and other discretionary approvals to subdivide the property and construct five (5) single family homes. The Vesting Tentative Map will expire on October 29, 2022.

On November 7, 2019, the Applicant submitted Improvement Plans and the Final Map for Tract 8482 to the City Engineer for review and approval. Council approved the Final Map for the previous phase of the project, Eden Village (Tract 8151) on September 18, 2018 and construction is currently underway for that thirteen (13) single family home development.

DISCUSSION

Eden Village 2, Tract 8482, is located on one (1) 0.51-acre lot with address 24763 Mohr Drive. (see Attachment III - Vicinity Map) and the subdivision will result in five (5) lots for future single family homes and one (1) lot to be reserved for common open space. This subdivision is the second and last phase of the previously approved Eden Village project, which is currently under construction. As a whole, Eden Village will result in at total of eighteen (18) single family homes.

The Final Map (Attachment V) was reviewed by the City Engineer and were found to be in substantial compliance with the Vesting Tentative Map (Attachment IV) and in conformance with the Subdivision Map Act and Hayward's subdivision regulations. Improvement Plans for the first phase of the project have been revised to include the improvements necessary to support Eden Village 2.

The City Council's approval of the Final Map shall not become effective until and unless the developer enters into a Subdivision Agreement with the City for the construction of improvements and other obligations required per conditions of approval of the Vesting Tentative Tract Map.

On October 29, 2019, the Hayward City Council adopted an Environmental Consistency Checklist with the approval of Vesting Tentative Map Tract 8482. No additional environmental review is required for approval of the Final Map for the project.

ECONOMIC AND FISCAL IMPACT

The approval of the Final Map will not have any fiscal or economic impacts other than those identified during the original project approvals.

STRATEGIC INITIATIVES

This agenda item supports the Complete Streets Strategic Initiatives. The purpose of the Complete Streets Initiative is to build streets that are safe, comfortable, and convenient for travel for everyone, regardless of age or ability, including motorists, pedestrians, bicyclists, and public transportation riders. This item supports the following goal and objective:

Goal 2: Provide Complete Streets that balance the diverse needs of users of the public right-of-way.

Objective 1: Increase walking, biking, transit usage, carpooling and other sustainable modes of transportation by designing and retrofitting streets to accommodate all modes.

This agenda item also supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. This item supports the following goal and objectives:

Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

Objective 2: Facilitate the development of diverse housing types that serves the needs of all populations

Objective 3: Conserve and improve the existing housing stock

PUBLIC CONTACT

A public hearing is not required for the filing and approval of the Final Maps for Tract 8482. Public hearings were already conducted as part of the approval of the Vesting Tentative Map for Tract 8482.

NEXT STEPS

If the City Council approves the Final Map, the applicant will have the final map recorded and may proceed with submitting building permits.

Prepared by: Allen Baquilar, PE, Senior Civil Engineer

Recommended by: Laura Simpson, Development Services Director

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-_____

Introduced by Council Member _____

RESOLUTION APPROVING FINAL MAP FOR TRACT 8482 AND AUTHORIZING
THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT

WHEREAS, Vesting Tentative Tract Map No. 8482, Eden Village, was approved by the Hayward City Council on October 29, 2019; and

WHEREAS, The Final Map for Tract 8482 has been presented to the City Council of the City of Hayward for development of five (5) Single Family Homes, located on 24763 Mohr Drive; and

WHEREAS, The City Engineer reviewed the Final Map and found it to be in substantial compliance with the approved Vesting Tentative Tract Map, the Subdivision Map Act and the City of Hayward regulations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby find that the Final Map for Tract 8482 is in substantial compliance with the approved Vesting Tentative Tract Map and does hereby approve the Final Map for Tract 8482, subject to the subdivider entering into a subdivision agreement for the construction of improvements and other obligations, as required by the conditions of approval of the Vesting Tentative Tract Map for Tract 8482, and that the approval of the Final Map for Tract 8482 shall not be effective until and unless such agreement is entered into.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized for and on behalf of the City of Hayward to negotiate and execute a subdivision agreement in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Vicinity Map



Approval of Final Map Tract 8482 - Eden Village Phase 2



LEGEND		DESCRIPTION
EXISTING	PROPOSED	SUBDIVISION BOUNDARY
		RIGHT-OF-WAY
		PROPERTY LINE
		PUBLIC UTILITY EASEMENT
		FENCE
		SIDEWALK
		SPOT ELEVATIONS
		LOT NUMBER
		TRAFFIC DIRECTION
		STORM DRAIN
		SANITARY SEWER
		WATER
		SANITARY SEWER MANHOLE
		STORM DRAIN MANHOLE
		CATCH BASIN
		FIELD INLET
		FIRE HYDRANT
		POWER POLE
		RETAINING WALL

ABBREVIATIONS	
BD	BOUNDARY
BRC	BACK OF ROLLED CURB
BW	BACK OF WALK
CB	CATCH BASIN
CL	CENTER LINE
EP	EDGE OF PAVEMENT
EX	EXISTING
FC	FACE OF CURB
FL	FLOWLINE
FS	FINISHED SURFACE
GB	GRADE BREAK
HP	HIGH POINT
INV	INVERT
LP	LOW POINT
LS	LANDSCAPE
P	PAD
PL	PROPERTY LINE
PP	POWER POLE
PUE	PUBLIC UTILITY EASEMENT
R/W	RIGHT-OF-WAY
SD	STORM DRAIN
SS	SANITARY SEWER
SW	SIDEWALK
TC	TOP OF CURB
TCD	THRU CURB DRAIN
TG	TOP OF GRATE
W	WATER

SHEET INDEX	
TM.1	EXISTING PROPERTY
TM.2	SITE & CIRCULATION PLAN
TM.3	GRADING PLAN
TM.4	UTILITY PLAN
TM.5	STORMWATER MANAGEMENT PLAN

CONTACTS	
1. OWNER/DEVELOPER/ARCHITECT:	NUVERA HOMES 7041 KOLL CENTER PARKWAY, SUITE 170 PLEASANTON, CA 94566 (925) 309-8888 CONTACT: JEFF LAWRENCE CONTACT: ARCHIE ANGULO
2. CIVIL ENGINEER:	CARLSON, BARBEE & GIBSON, INC. 2633 CAMINO RAMON, SUITE 350 SAN RAMON, CA 94583 (925) 866-0322 CONTACT: LEE ROSENBLATT, RCE #65469
3. SOILS ENGINEER:	SILICON VALLEY SOIL ENGINEERING 2391 ZANKER ROAD, SUITE 350 SAN JOSE, CA (408) 324-1404 CONTACT: SEAN DEIVERT

I, JEFFREY LAWRENCE, AGREE TO THE FILING OF SAID MAP AND TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

BY: _____ DATE: _____

I, LEE ROSENBLATT, CERTIFY THAT THIS TENTATIVE MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT COMPLIES WITH THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT.

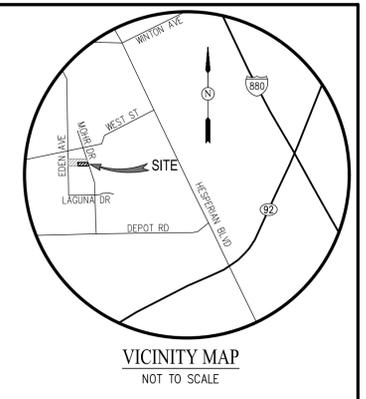
BY: _____ DATE: _____
LEE ROSENBLATT, RCE #65469

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY SILICON VALLEY SOIL ENGINEERING ENTITLED "UPDATED GEOTECHNICAL INVESTIGATION", DATED JUNE 13, 2018, WHICH HAS BEEN FILED WITH THE CITY OF HAYWARD.

BY: _____ DATE: _____
ALAN S. BORIS, RCE #155

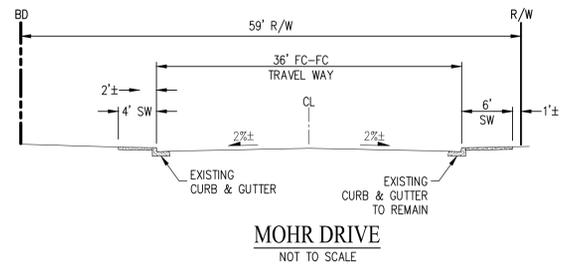
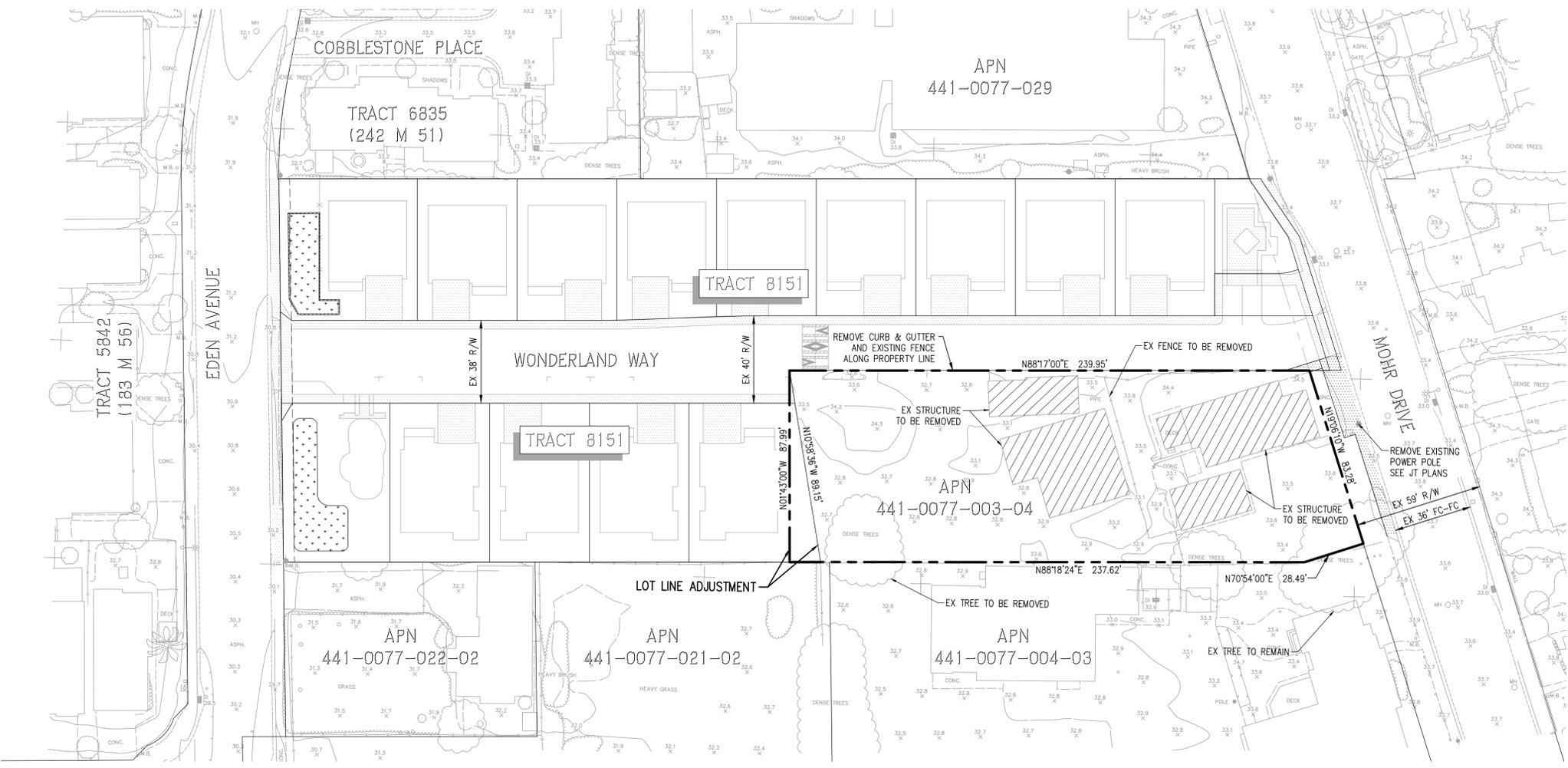
I, MARK H. WEBER, A LICENSED LAND SURVEYOR IN THE STATE OF CALIFORNIA, HEREBY STATE THAT THIS TENTATIVE MAP IS BASED UPON A SURVEY UNDER MY DIRECT SUPERVISION AND THAT IT COMPLIES WITH THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT.

BY: _____ DATE: _____
MARK H. WEBER



NOTE
TRACT 8482 IS PHASE 2 OF APPROVED TRACT 8151

- GENERAL NOTES:**
- ASSESSORS PARCEL NO: 441-0077-003-04
 - SITE ADDRESS: 24763 MOHR DRIVE, HAYWARD, CA 94545
 - SITE AREA: 0.51± AC (POST-LOT LINE ADJUSTMENT WITH LOT 13 [TRACT 8151])
 - GROSS DENSITY: 9.8 UNITS/AC
NET DENSITY: 11.4 UNITS/AC
 - EXISTING ZONING: SINGLE-FAMILY RESIDENTIAL B4
PROPOSED ZONING: PLANNED DEVELOPMENT
 - EXISTING USE: SINGLE-FAMILY DWELLING
PROPOSED USE: SINGLE FAMILY RESIDENTIAL; 5 SINGLE FAMILY LOTS, 2 PARCELS
 - MINIMUM SINGLE FAMILY LOT SIZE: 46± X 73± (3,357 SF±)
 - BENCHMARK: THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CITY OF HAYWARD BENCHMARK INTERSECTION OF WEST STREET AND MOHR DRIVE ELEVATION: 32.612 FEET (NGVD 29)
 - EXISTING STRUCTURES: ALL EXISTING BUILDINGS, PAVEMENT, AND TREES WITHIN BOUNDARY TO BE REMOVED
 - STREETS: ALL STREETS WITHIN THE DEVELOPMENT WILL BE PUBLIC STREETS WITH AND WILL BE OWNED AND MAINTAINED BY THE CITY OF HAYWARD. THE MINIMUM LONGITUDINAL SLOPE OF ALL STREETS WILL BE 0.50%
 - STREET TREES: STREET TREES ALONG STREETS WITHIN THE DEVELOPMENT WILL BE PROVIDED AS REQUIRED BY THE CITY OF HAYWARD AND WILL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. LOCATION AND SPECIES TO BE SHOWN ON FUTURE LANDSCAPE CONSTRUCTION DOCUMENTS IN CONFORMANCE WITH PROJECT CONDITIONS OF APPROVAL.
 - STREET LIGHTS: ALL EXISTING STREET LIGHTS ALONG MOHR DRIVE TO BE RELOCATED (AS NEEDED). ALL STREET LIGHTS ALONG MOHR DRIVE TO BE MAINTAINED BY THE CITY OF HAYWARD. ALL STREET LIGHTS WITHIN THE DEVELOPMENT WILL BE PRIVATE AND PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
 - FENCING: ALL EXISTING FENCING WITHIN THE DEVELOPMENT LIMIT TO BE REMOVED.
 - PUBLIC UTILITIES: PROPOSED ONSITE WATER AND SANITARY SEWER FACILITIES WILL BE PUBLIC AND WILL BE OWNED AND MAINTAINED BY THE CITY OF HAYWARD.
 - PRIVATE UTILITIES: PROPOSED ONSITE STORM DRAIN FACILITIES WILL BE PRIVATE AND PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
 - LANDSCAPE: ALL LANDSCAPE AREAS WITHIN PARCEL C AND ADJACENT TO STREET A INCLUDING THE FRONT YARD OF EACH LOT WILL BE PRIVATE AND PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
 - FLOOD ZONE: ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN REFER TO: FLOOD INSURANCE RATE MAP PANEL 06001C0288G (AUGUST 3, 2009)
 - ONSITE WELLS: NONE
 - WATER: CITY OF HAYWARD
 - SANITARY SEWER: CITY OF HAYWARD
 - STORM DRAIN: ALL ONSITE STORM DRAIN FACILITIES WILL BE PRIVATE AND PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
 - GAS & ELECTRIC: PG&E
 - TELEPHONE: AT&T
 - CABLE TV: COMCAST CABLE
 - DIMENSIONS: ALL DIMENSIONS ARE PRELIMINARY AND SUBJECT TO FINAL MAP
 - EASEMENTS: ALL EXISTING EASEMENTS TO REMAIN



EXISTING PROPERTY VESTING TENTATIVE MAP

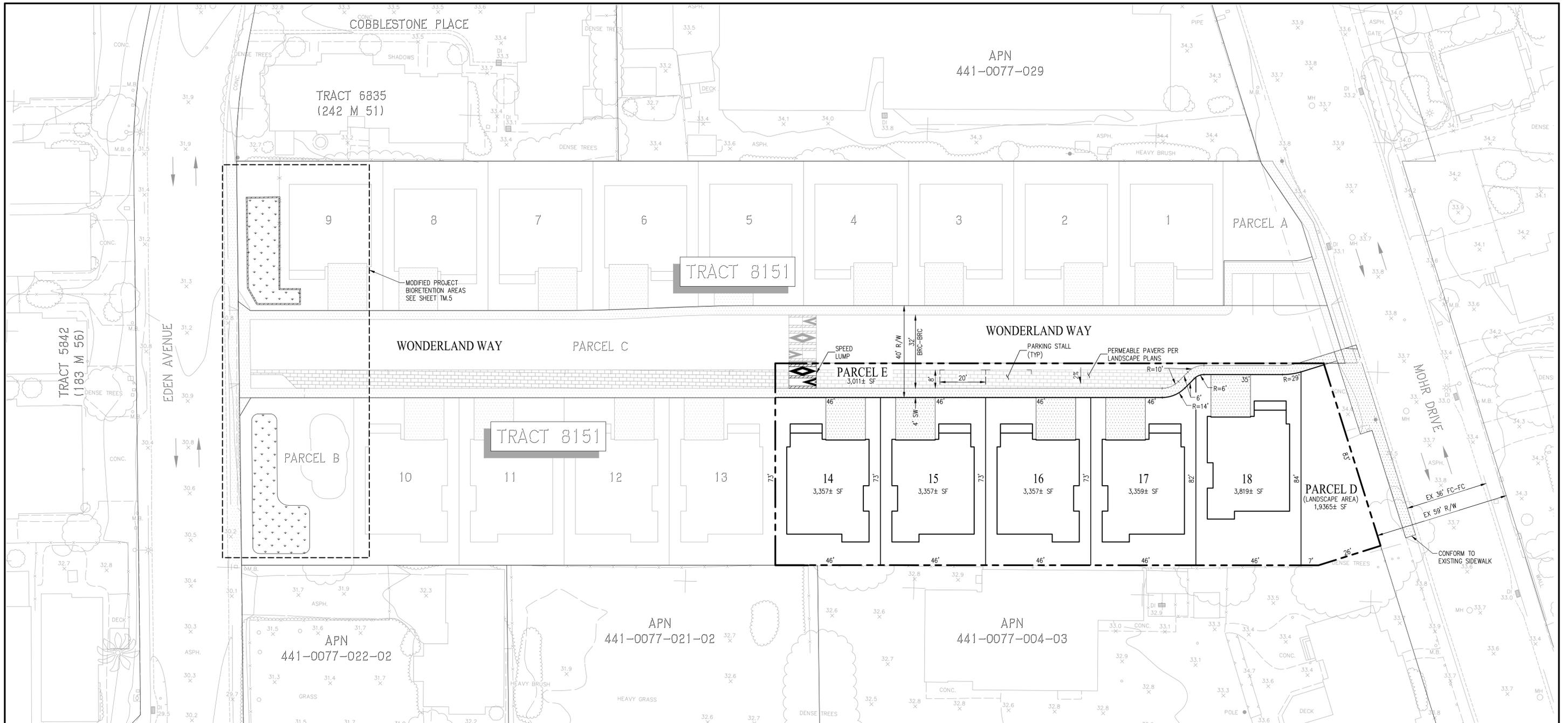
EDEN VILLAGE - TRACT 8482

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

SCALE: 1" = 30'

DATE: FEBRUARY, 2019

<p>Carlson, Barbee & Gibson, Inc. CIVIL ENGINEERS • SURVEYORS • PLANNERS</p> <p>2633 CAMINO RAMON, SUITE 350 SAN RAMON, CALIFORNIA 94583</p> <p>(925) 866-0322</p>	<p>SHEET NO.</p> <p>TM.1</p> <p>OF 21 SHEETS</p>
	<p>G:\2180-010ACAD\TM1.MXD</p>



PARKING SUMMARY

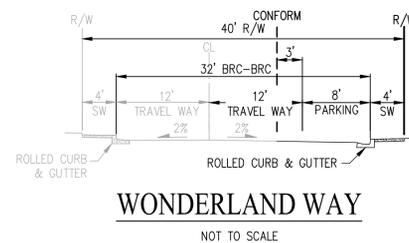
PARKING TYPE	PARKING REQUIRED*		PARKING PROVIDED	
	RATIO	NUMBER OF SPACES	RATIO	NUMBER OF SPACES
GARAGE	2 SPACES/DU	10 SPACES	2 SPACES/DU	10 SPACES
ON-STREET/DRIVEWAY	2 SPACE/DU*	4 SPACES	2 SPACES/DU	4 SPACES
GUEST	0.10 SPACE/DU	1 SPACES	0.4 SPACE/DU	2 SPACES
TOTAL	-	15 SPACES	-	16 SPACES

* PER CITY OF HAYWARD OFF-STREET PARKING STANDARDS FOR SINGLE-FAMILY DWELLINGS
 ** OFF-STREET CURB PARKING ON MOHR DRIVE IS NOT COUNTED IN SUMMARY

PAVEMENT DESIGN CHART

STREET	TI	R	ASPHALTIC CONCRETE (AC)	CALTRANS CLASS 2 AGGREGATE BASE (AB)	TOTAL PAVEMENT THICKNESS
WONDERLAND WAY	5.5	5	4"	9.0"	13.0"

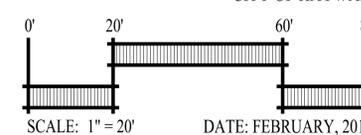
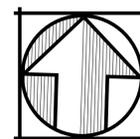
NOTES:
 1. R-VALUE TO BE FINALIZED BY GEOTECHNICAL ENGINEER WITH FINAL DESIGN.



NOTE
 TRACT 8482 IS PHASE 2 OF APPROVED TRACT 8151

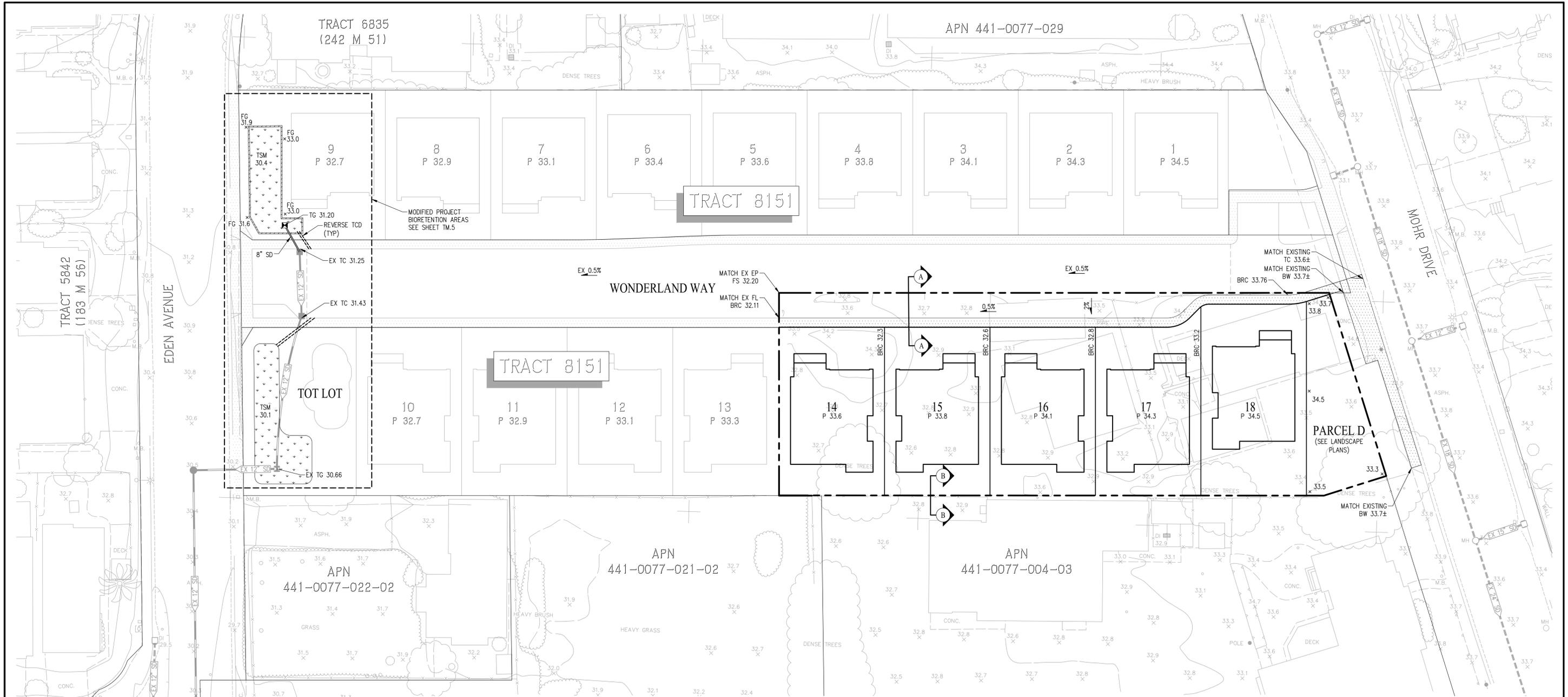
SITE & CIRCULATION PLAN
VESTING TENTATIVE MAP
EDEN VILLAGE - TRACT 8482

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

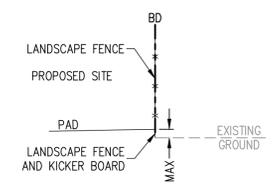
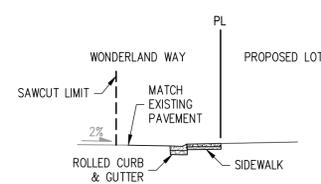


cbg Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 2833 CAMINO RAMON, SUITE 350
 SAN RAMON, CALIFORNIA 94583 (925) 866-0322

SHEET NO.
TM.2
 OF 21 SHEETS



NOTES
 1. PAD GRADES FOR LOTS 1-13 ARE BASED ON THE LATEST APPROVED IMPROVEMENT PLANS PREPARED BY MID-VALLEY ENGINEERING, INC. AND ARE SUBJECT TO CHANGE.



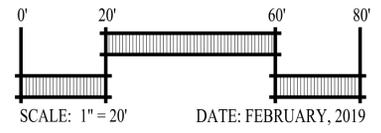
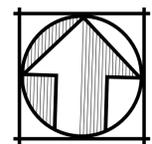
NOTE
 TRACT 8482 IS PHASE 2 OF APPROVED TRACT 8151

GRADING PLAN

VESTING TENTATIVE MAP

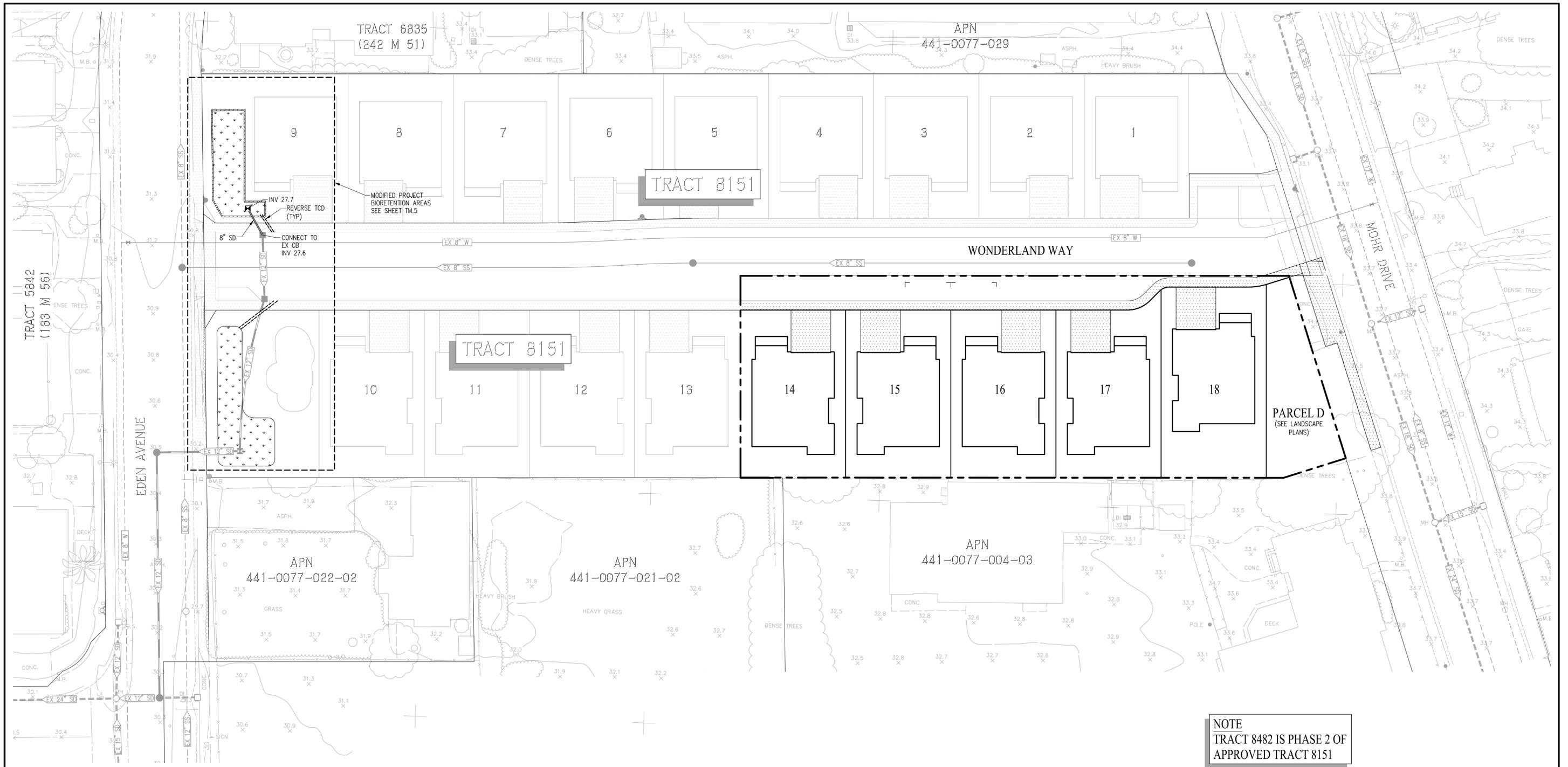
EDEN VILLAGE - TRACT 8482

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



cbg Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 2633 CAMINO RAMON, SUITE 350
 SAN RAMON, CALIFORNIA 94583 (925) 866-0322

SHEET NO.
TM.3
 OF 21 SHEETS



NOTE
TRACT 8482 IS PHASE 2 OF
APPROVED TRACT 8151

UTILITY NOTES:

1. EXISTING UTILITIES: ALL EXISTING UTILITIES WITHIN THE BOUNDARY TO BE REMOVED UNLESS OTHERWISE NOTED. ALL EXISTING OVERHEAD POWER LINES/UTILITIES ALONG THE FRONTAGE OF MOHR DRIVE WILL BE UNDERGROUND PER JOINT TRENCH PLANS. WATER AND SEWER SERVICES TO BE CONNECTED TO NEW SEWER AND WATER MAINS PER TRACT 8151 IMPROVEMENT PLANS.
2. PUBLIC UTILITIES: PROPOSED ONSITE WATER AND SANITARY SEWER FACILITIES WILL BE PUBLIC AND WILL BE OWNED AND MAINTAINED BY THE CITY OF HAYWARD. SERVICES SHALL CONNECT TO NEW WATER AND SANITARY SEWER MAINS PER TRACT 8151 IMPROVEMENT PLANS.
3. PRIVATE UTILITIES: PROPOSED ONSITE STORM DRAIN FACILITIES WILL BE PRIVATE AND PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
4. STORM DRAIN: ONSITE STORM DRAIN FACILITIES WILL BE PRIVATE AND PRIVATELY MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. MINIMUM SLOPE OF PROPOSED STORM DRAIN PIPE = 0.003.
5. SANITARY SEWER: ALL SANITARY SEWER FACILITIES TO BE CONSTRUCTED PER CITY OF HAYWARD STANDARDS. MINIMUM SLOPE OF PROPOSED SANITARY SEWER PIPE = 0.005.
6. WATER: ALL WATER FACILITIES TO BE CONSTRUCTED PER CITY OF HAYWARD STANDARDS.
7. GAS & ELECTRIC: PG&E
8. TELEPHONE: AT&T
9. CABLE TV: COMCAST CABLE
10. UTILITIES: UTILITIES SHOWN ARE TO BE USED AS A GUIDE AND MAY CHANGE DURING FINAL DESIGN. DESIGN SHALL ADHERE TO CITY OF HAYWARD STANDARDS.

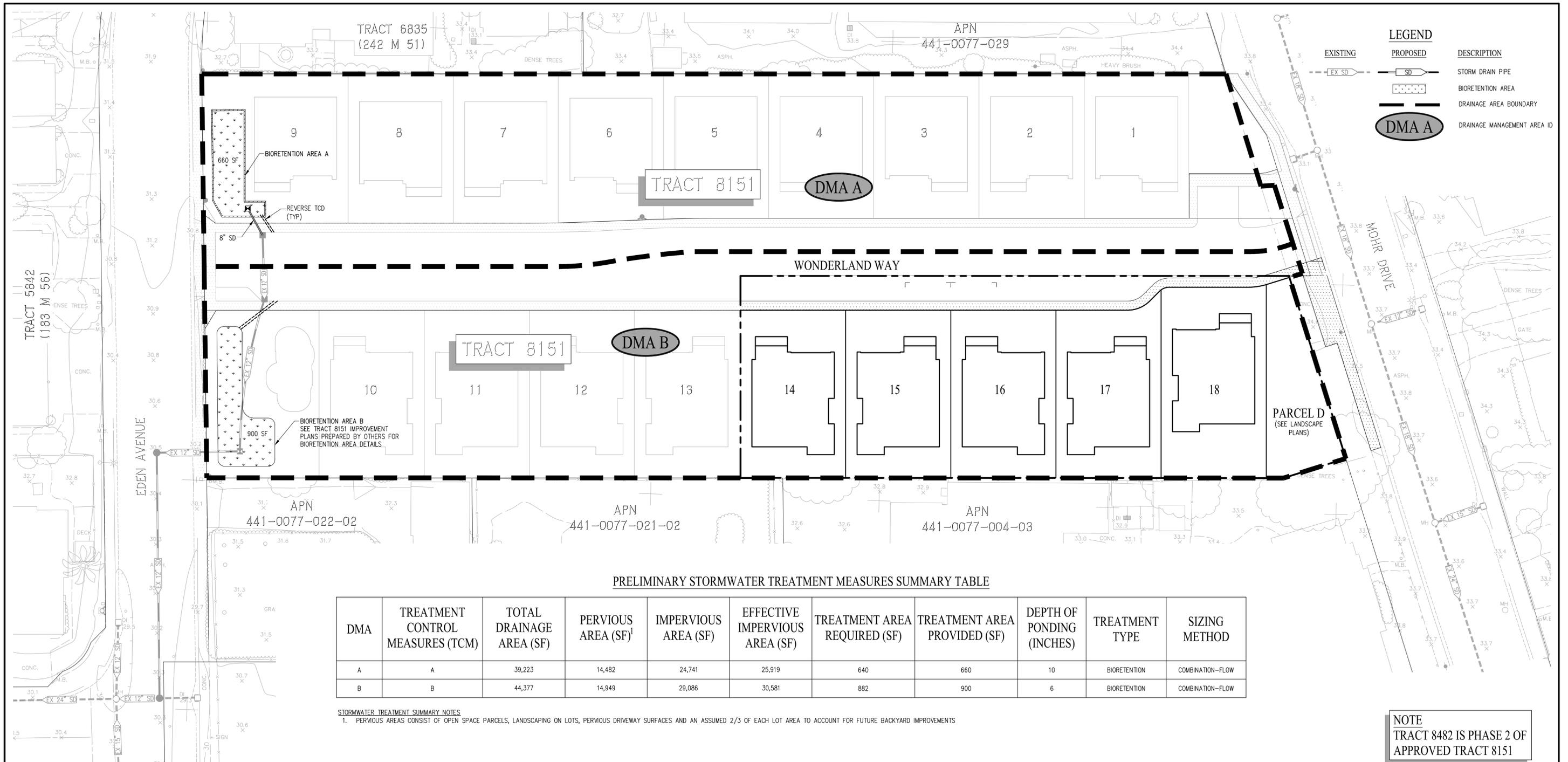
UTILITY PLAN
VESTING TENTATIVE MAP
EDEN AVENUE - TRACT 8482

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA




SCALE: 1" = 20' DATE: FEBRUARY, 2019

 Carlson, Barbee & Gibson, Inc. CIVIL ENGINEERS • SURVEYORS • PLANNERS 2633 CAMINO RAMON, SUITE 350 SAN RAMON, CALIFORNIA 94583 (925) 866-0322	SHEET NO. TM.4 OF 21 SHEETS
	G:\2180-010ACAD\TM4.DWG 3/20/2019 10:16 PM



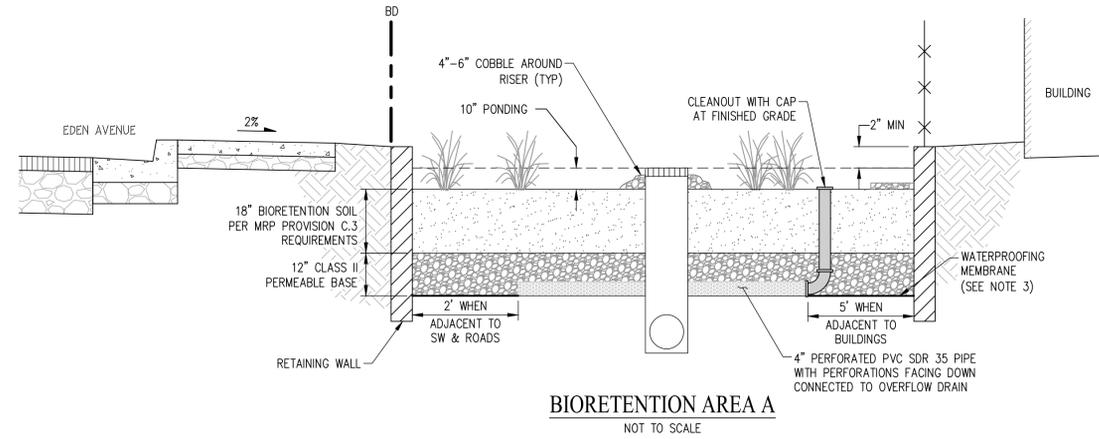
LEGEND		DESCRIPTION
EXISTING	PROPOSED	
EX SD	SD	STORM DRAIN PIPE
		BIORETENTION AREA
		DRAINAGE AREA BOUNDARY
		DRAINAGE MANAGEMENT AREA ID

PRELIMINARY STORMWATER TREATMENT MEASURES SUMMARY TABLE

DMA	TREATMENT CONTROL MEASURES (TCM)	TOTAL DRAINAGE AREA (SF)	PERVIOUS AREA (SF) ¹	IMPERVIOUS AREA (SF)	EFFECTIVE IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)	DEPTH OF PONDING (INCHES)	TREATMENT TYPE	SIZING METHOD
A	A	39,223	14,482	24,741	25,919	640	660	10	BIORETENTION	COMBINATION-FLOW
B	B	44,377	14,949	29,086	30,581	882	900	6	BIORETENTION	COMBINATION-FLOW

STORMWATER TREATMENT SUMMARY NOTES
 1. PERVIOUS AREAS CONSIST OF OPEN SPACE PARCELS, LANDSCAPING ON LOTS, PERVIOUS DRIVEWAY SURFACES AND AN ASSUMED 2/3 OF EACH LOT AREA TO ACCOUNT FOR FUTURE BACKYARD IMPROVEMENTS

NOTE
 TRACT 8482 IS PHASE 2 OF APPROVED TRACT 8151



STORMWATER MANAGEMENT PLAN VESTING TENTATIVE MAP EDEN AVENUE - TRACT 8482

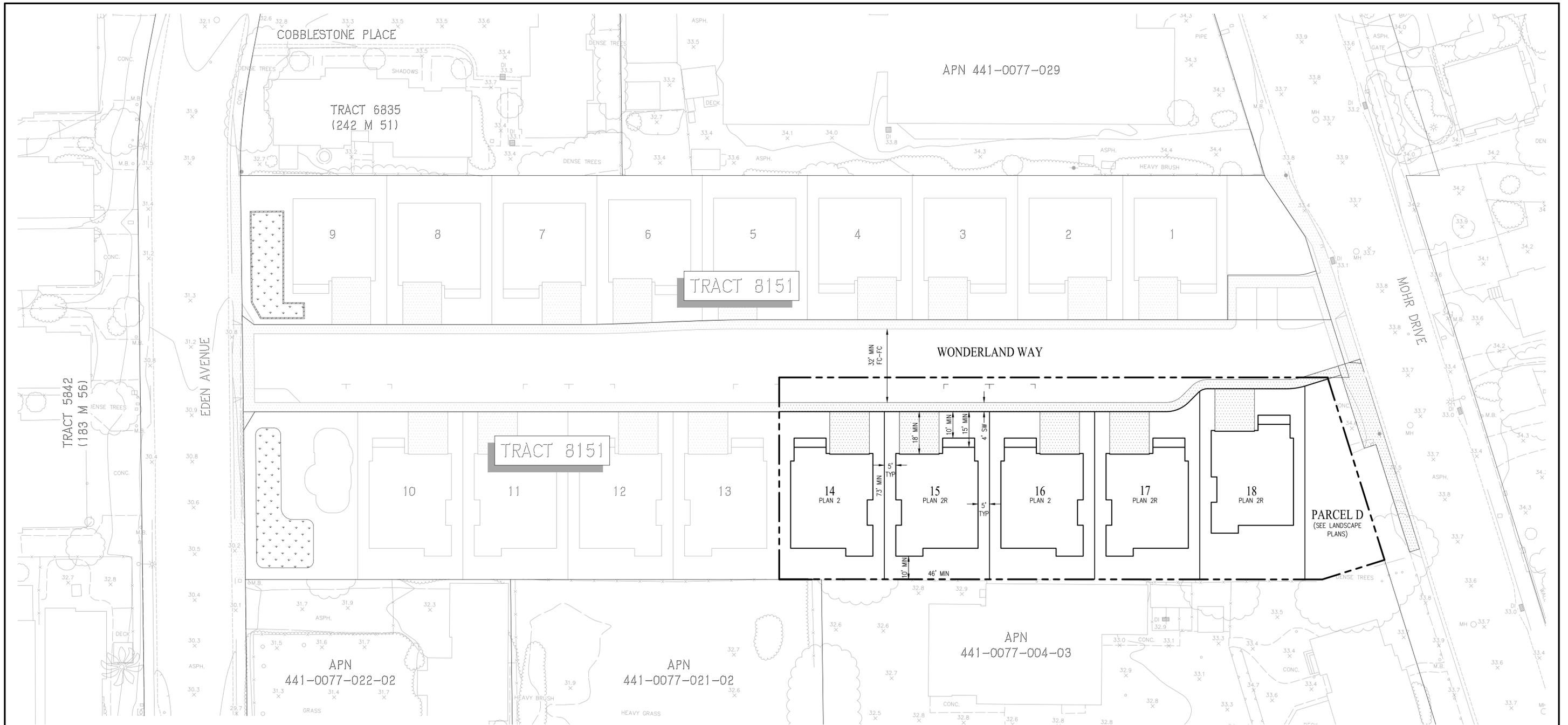
CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

cbg Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS

2633 CAMINO RAMON, SUITE 350
 SAN RAMON, CALIFORNIA 94583 (925) 866-0322

SCALE: 1" = 20' DATE: MARCH, 2019

SHEET NO. TM.5 OF 21 SHEETS



TYPICAL BUILDING & LOT SIZE

PLAN	PLAN TOTAL	PLAN MIX (% TOTAL)	MIN LOT AREA, SF	BUILDING FOOTPRINT, SF	MAX LOT COVERAGE
2	2	40%	3,357	1,554	46%
2R	3	60%	3,357	1,554	46%
TOTAL	5	100%			

NOTE:
1. TYPICAL SETBACKS AS SHOWN ON THIS SITE PLAN INDICATE THE MOST RESTRICTIVE ALLOWABLE SETBACKS.

SITE DENSITY

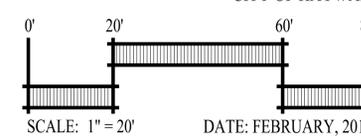
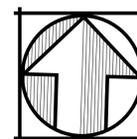
GROSS DENSITY	NET DENSITY
9.8 DU/AC	11.4 DU/AC

NOTE:
1. NET DENSITY EXCLUDES SIDEWALK AND PORTIONS IN THE RIGHT OF WAY AND PARCEL D

NOTE
TRACT 8482 IS PHASE 2 OF APPROVED TRACT 8151

PLANNED DEVELOPMENT SITE PLAN EDEN VILLAGE - TRACT 8482

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



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CIVIL ENGINEERS • SURVEYORS • PLANNERS
2833 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583 (925) 866-0322

SHEET NO.
C.1
OF 21 SHEETS

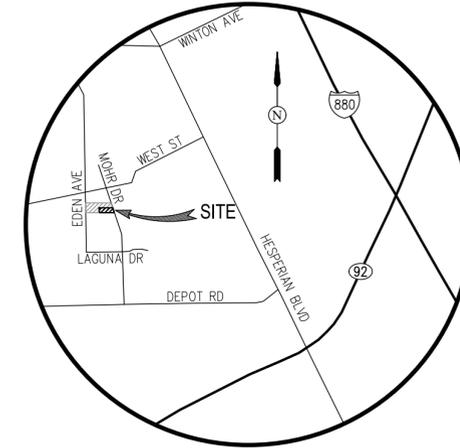
TRACT 8482 EDEN VILLAGE PHASE 2

CONSISTING OF 3 SHEETS
BEING A SUBDIVISION OF THE NEW LIU PARCEL AS SHOWN AND
DESCRIBED IN LOT LINE ADJUSTMENT 19-02, DOC. NO. _____
OF OFFICIAL RECORDS
CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA



CIVIL ENGINEERS ■ SURVEYORS ■ PLANNERS
NOVEMBER 2019

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



VICINITY MAP
NOT TO SCALE

OWNER'S STATEMENT

THE UNDERSIGNED, CURTISS MINNESOTA DEVELOPMENT LLC, DOES HEREBY STATE THAT THEY ARE THE OWNERS OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREIN EMBODIED MAP ENTITLED "TRACT 8482, EDEN VILLAGE PHASE 2", CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA" CONSISTING OF 3 SHEETS, THIS STATEMENT BEING ON SHEET ONE (1) THEREOF; THAT SAID UNDERSIGNED ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THAT GRANT DEED RECORDED

_____, AS INSTRUMENT NUMBER _____, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, AND THAT SAID UNDERSIGNED HAS CAUSED SAID MAP TO BE PREPARED FOR RECORD; AND THAT SAID UNDERSIGNED CONSENTS TO THE PREPARATION AND FILING OF THIS MAP;

AND THE UNDERSIGNED DO HEREBY DEDICATE TO THE PUBLIC FOREVER, EASEMENTS WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF APPLICABLE STRUCTURES AND APPURTENANCES UNDER, UPON AND OVER ANY AREA OR STRIP OF LAND DESIGNATED AS "PUE" (PUBLIC UTILITY EASEMENT), AS DELINEATED WITHIN THE EXTERIOR BOUNDARY OF THIS MAP; AND THAT SAID AREAS OR STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS OR STRUCTURES OF ANY KIND, EXCEPT APPLICABLE UTILITY STRUCTURES, DRAINAGE FACILITIES, SEWER FACILITIES, WATER FACILITIES, IRRIGATION SYSTEMS, APPURTENANCES, AND LAWFUL FENCES;

AND THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE CITY OF HAYWARD FOR PUBLIC USE, THE AREAS DESIGNATED AS "WLE" (WATER LINE EASEMENT) FOR INGRESS AND EGRESS, CONSTRUCTION AND MAINTENANCE OF WATER SYSTEM FACILITIES INCLUDING WATER LINES AND APPURTENANCES THERETO; MAINTENANCE OF SAID WATER SYSTEM FACILITIES, WATER LINES AND APPURTENANCES THERETO SHALL BE THE RESPONSIBILITY OF THE CITY OF HAYWARD;

AND THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE CITY OF HAYWARD FOR PUBLIC USE, THE AREAS DESIGNATED "SSE" (SANITARY SEWER EASEMENT) FOR SANITARY SEWER PURPOSES, INCLUDING INGRESS AND EGRESS, CONSTRUCTION AND MAINTENANCE OF IMPROVEMENTS, STRUCTURES, AND APPURTENANCES, WHETHER COVERED OR OPEN AND FOR THE CLEARING OF OBSTRUCTIONS AND VEGETATION; MAINTENANCE OF SAID SEWER IMPROVEMENTS, STRUCTURES AND APPURTENANCES THERETO SHALL BE THE RESPONSIBILITY OF THE CITY OF HAYWARD;

AND THE UNDERSIGNED DO HEREBY DEDICATE EASEMENTS TO THE PUBLIC SOLELY FOR EMERGENCY VEHICLE ACCESS OVER, UPON AND ACROSS THOSE AREAS DESIGNATED "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT);

AND THE UNDERSIGNED DO HEREBY RESERVE THE PARCEL LABELED PARCEL D FOR ACCESS, OPEN SPACE, UTILITY, DRAINAGE, WALL/FENCE MAINTENANCE, STORM WATER TREATMENT, AND LANDSCAPING PURPOSES. SAID PARCEL SHALL BE OWNED AND MAINTAINED IN ACCORDANCE WITH COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACTS 8151 & 8482.

AND THE UNDERSIGNED DO HEREBY RESERVE THE PARCEL LABELED PARCEL E FOR THE PURPOSES OF PRIVATE STREET, PARKING AND DRIVEWAYS; SAID PARCEL HEREBY CONSTITUTES PRIVATE ACCESS EASEMENT (PAE) AND PRIVATE STORM DRAINAGE EASEMENTS (PSDE) FOR THE BENEFIT OF ALL THE LOTS AND PARCELS WITHIN THIS MAP AS WELL AS FOR THE ADJOINING TRACT MAP NO. 8151, EDEN VILLAGE; MAINTENANCE OF SAID PARCEL SHALL BE THE RESPONSIBILITY OF SAID HOMEOWNER'S ASSOCIATION IN ACCORDANCE WITH THE RESTRICTIONS GOVERNING THIS SUBDIVISION; SAID PARCEL IS NOT OFFERED FOR DEDICATION TO THE PUBLIC.

THIS MAP SHOWS ALL EASEMENTS ON THE PREMISES, OR OF THE RECORD, UNLESS OTHERWISE NOTED.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS CAUSED THIS STATEMENT AND THESE DEDICATIONS TO BE EXECUTED THIS _____ DAY OF _____, 20_____.

AS OWNER: CURTISS MINNESOTA DEVELOPMENT LLC

BY: _____

BY: _____
(AUTHORIZED PERSON)
(TITLE)

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ } SS.
COUNTY OF _____ }

ON _____, BEFORE ME, _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

SURVEYOR'S STATEMENT

I, MARK H. WEHBER, HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF CURTISS MINNESOTA DEVELOPMENT LLC, IT IS BASED UPON A FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECTION IN JULY, 2019, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE, AND IS TRUE AND COMPLETE AS SHOWN. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP (IF ANY) AND APPROVED AMENDMENTS THEREOF, I ALSO HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2022, AND THAT THE MONUMENTS ARE, OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. THE GROSS AREA WITHIN THIS MAP IS 0.51 ACRES, MORE OR LESS.

DATE



MARK H. WEHBER, P.L.S.
L.S. NO. 7960

COUNTY RECORDER'S STATEMENT

FILED FOR RECORD, THIS _____ DAY OF _____, 20_____, AT _____ IN BOOK _____ OF MAPS, AT PAGE _____, AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.

MELISSA WILK
COUNTY RECORDER IN AND FOR THE
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY RECORDER

TRACT 8482 EDEN VILLAGE PHASE 2

CONSISTING OF 3 SHEETS
BEING A SUBDIVISION OF THE NEW LIU PARCEL AS SHOWN AND
DESCRIBED IN LOT LINE ADJUSTMENT 19-02, DOC. NO. _____
OF OFFICIAL RECORDS
CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA



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

CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS
NOVEMBER 2019

CITY SURVEYOR'S STATEMENT

I, DAN S. SCOTT III, CITY SURVEYOR HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY SURVEYOR OF THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT 8482, EDEN VILLAGE PHASE 2", CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA:

I AM SATISFIED THAT THE SURVEY DATA SHOWN THEREIN IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20_____.

DAN S. SCOTT III, PLS 7840
CITY SURVEYOR, CITY OF HAYWARD
ALAMEDA COUNTY, STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT

I, ALEX AMERI, INTERIM CITY ENGINEER OF THE CITY OF HAYWARD, DO HEREBY STATE THAT THE HEREIN EMBODIED FINAL MAP, ENTITLED "TRACT 8482, EDEN VILLAGE PHASE 2", CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA, CONSISTING OF 3 SHEETS, THIS STATEMENT BEING ON SHEET 2 THEREOF; HAS BEEN EXAMINED AND THAT THE SUBDIVISION, AS SHOWN UPON SAID MAP, IS SUBSTANTIALLY THE SAME AS SAID SUBDIVISION APPEARED ON THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP AND ANY APPROVED AMENDMENTS THEREOF; AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND AMENDMENTS THERETO, AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20_____.



ALEX AMERI RCE NO. 40155
INTERIM CITY ENGINEER, CITY OF HAYWARD
ALAMEDA COUNTY, STATE OF CALIFORNIA

CITY CLERK'S STATEMENT

I, MIRIAM LENS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF HAYWARD, ALAMEDA COUNTY, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE HEREIN EMBODIED FINAL MAP ENTITLED, "TRACT 8482, EDEN VILLAGE PHASE 2", CONSISTING OF 3 SHEETS, THIS STATEMENT BEING ON SHEET 2 THEREOF, WAS PRESENTED TO SAID COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING HELD ON THIS _____ DAY OF _____, 20_____, AND THAT SAID COUNCIL DID THEREUPON, BY RESOLUTION NUMBER _____, PASSED AND ADOPTED AT SAID MEETING, APPROVED SAID MAP AND ACCEPTED ON BEHALF OF THE PUBLIC THE EASEMENTS OFFERED FOR DEDICATION AS "PUE" (PUBLIC UTILITY EASEMENT), "WLE" (WATER LINE EASEMENT), "SSE" (SANITARY SEWER EASEMENT), AND "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT).

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20_____.

MIRIAM LENS, CITY CLERK AND
CLERK OF THE COUNCIL OF THE CITY OF HAYWARD,
ALAMEDA COUNTY, STATE OF CALIFORNIA

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY, AS CHECKED BELOW THAT:

[] AN APPROVED BOND HAS BEEN FILED WITH THE SUPERVISORS OF THE SAID COUNTY AND STATE IN THE AMOUNT OF \$ _____, CONDITIONED FOR PAYMENT OF ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES, WHICH ARE NOT A LIEN AGAINST SAID LAND OR ANY PART THEREOF BUT NOT YET PAYABLE AND WAS DULY APPROVED BY SAID BOARD IN SAID AMOUNT.

[] ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID AS CERTIFIED BY THE TREASURER-TAX COLLECTOR OF THE COUNTY OF ALAMEDA.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20_____.

ANIKA CAMPBELL-BELTON
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF ALAMEDA, CALIFORNIA

BY: _____
DEPUTY CLERK

SOIL / GEOTECHNICAL REPORT NOTE

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY SILICON VALLEY SOIL ENGINEERING, PROJECT/FILE NO. SV1773 DATED JUNE 13, 2018, WHICH HAS BEEN FILED WITH THE CITY OF HAYWARD.

PRELIMINARY

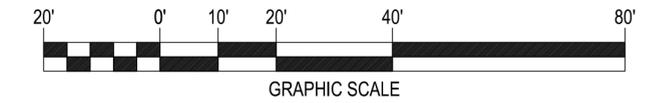
TRACT 8482 EDEN VILLAGE PHASE 2

CONSISTING OF 3 SHEETS
BEING A SUBDIVISION OF THE NEW LIU PARCEL AS SHOWN AND
DESCRIBED IN LOT LINE ADJUSTMENT 19-02, DOC. NO. _____
OF OFFICIAL RECORDS
CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA



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

CIVIL ENGINEERS SURVEYORS PLANNERS
SCALE: 1" = 20' NOVEMBER 2019



BASIS OF BEARINGS:

THE BASIS OF BEARINGS IS THE MONUMENT LINE OF WONDERLAND WAY, BEING N88°17'00"E PER TRACT MAP NO. 8151, EDEN VILLAGE (357 M 74).

LEGEND

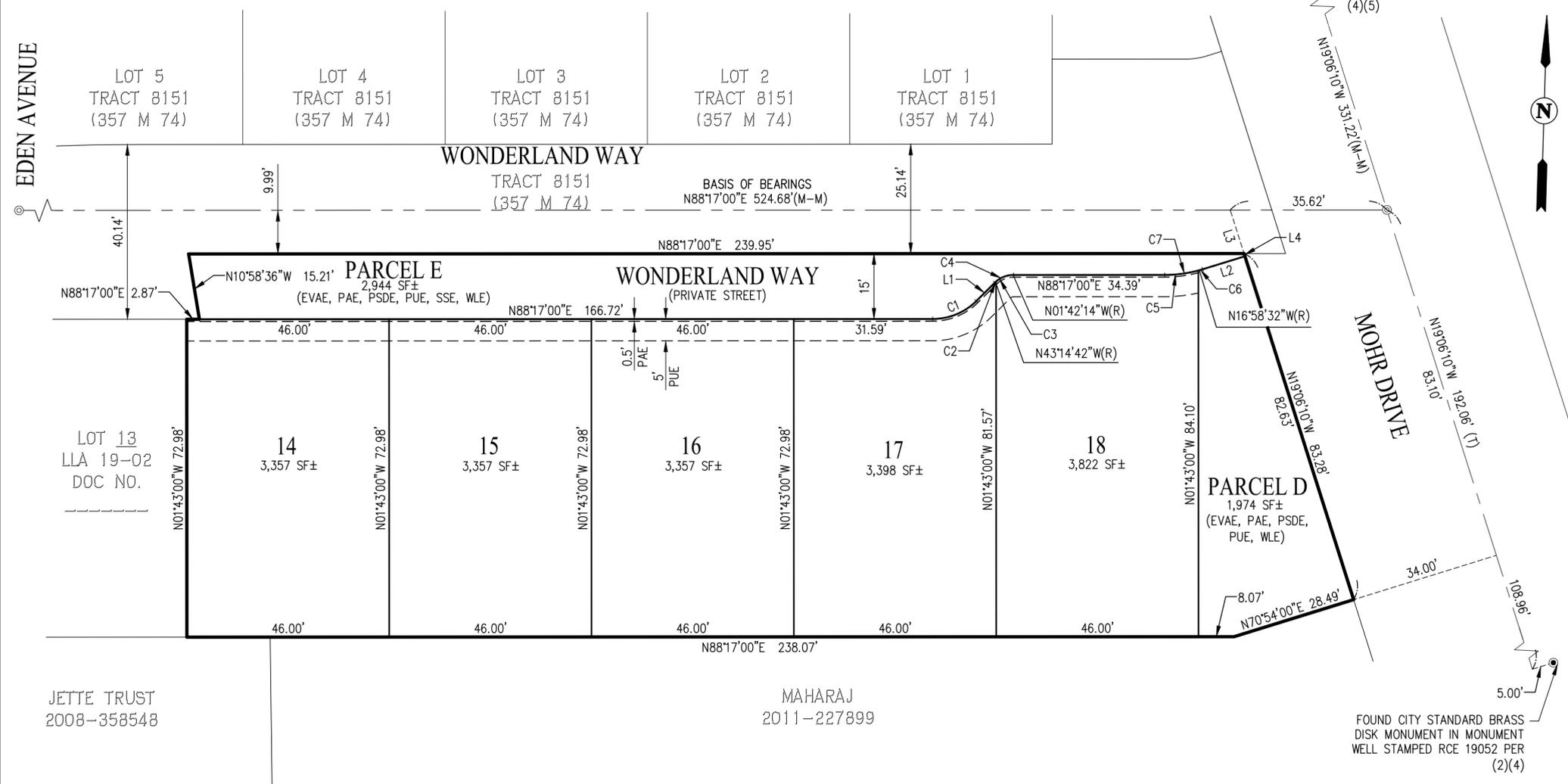
- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- (R) RADIAL BEARING
- (T) TOTAL DISTANCE
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- FOUND STANDARD STREET MONUMENT
- STANDARD STREET MONUMENT STAMPED LS 7960 TO BE SET PER TRACT 8151 (357 M 74) AND CERTIFICATE OF CORRECTION. DOC NO. _____
- PAE PRIVATE ACCESS EASEMENT
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- SSE SANITARY SEWER EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- WLE WATER LINE EASEMENT

REFERENCES:

- (#) INDICATES REFERENCE NUMBER
- (1) LOT LINE ADJUSTMENT 19-02, DOC. NO. _____
- (2) TRACT MAP NO. 8151, EDEN VILLAGE (357 M 74)
- (3) GRANT DEED DOC. NO. 2009-178821
- (4) TRACT 6213 (220 M 25)
- (5) TRACT 4871 (136 M 3)

NOTE:

- 1. THE AREA WITHIN THE SUBDIVISION BOUNDARY LINE IS 0.51 ACRES±.
- 2. DISTANCES SHOWN HEREON ARE FEET AND DECIMALS THEREOF AND ARE "GROUND" DISTANCES.



LINE TABLE		
NO	BEARING	LENGTH
L1	N43°17'00"E	6.00'
L2	N71°03'23"E	10.07'
L3	N19°06'10"W	11.13'
L4	N19°06'10"W	0.65'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	14.00'	45°00'00"	11.00'
C2	6.00'	3°28'18"	0.36'
C3	6.00'	41°32'27"	4.35'
C4	6.00'	45°00'45"	4.71'
C5	29.00'	15°15'32"	7.72'
C6	29.00'	1°58'04"	1.00'
C7	29.00'	17°13'36"	8.72'



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 19-822

DATE: December 17, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt Resolutions Authorizing the City Manager to Execute the Amended Joint Exercise of Powers Agreement for the East Bay Dischargers Authority and Approve a Fourth Amendment Extending the Current Agreement by Six Months (January 1, 2020-June 30, 2020)

RECOMMENDATION

That Council adopts resolutions (Attachments II and III) authorizing the City Manager to execute 1) the Amended and Restated Joint Exercise of Powers Agreement (JPA) for the East Bay Dischargers Authority and 2) a six-month extension of the current JPA (January 1, 2020-June 30, 2020).

SUMMARY

The East Bay Dischargers Authority (EBDA) was formed in 1974, by a Joint Exercise of Powers Agreement (JPA) entered into by the City of Hayward, City of San Leandro, Oro Loma Sanitary District, Castro Valley Sanitary District, and Union Sanitary District. The purpose of EBDA is to provide for the safe and efficient discharge of wastewater produced by its member agencies into San Francisco Bay. The current JPA expires on January 1, 2020.

The member agencies have negotiated an Amended and Restated (or “new”) JPA that would supersede the current agreement if approved by the governing bodies of all five member agencies. The new JPA is a twenty-year agreement that would take effect on July 1, 2020 to coincide with the beginning of a fiscal year. Significant changes in the new agreement include: revised capacity rights for certain member agencies, which changes the allocation of fixed annual costs and capital costs among the member agencies; changes to the voting structure to require a majority of Commissioners and a majority of agency capacity weighted votes to approve most actions; and transfer of certain risks and liabilities for certain EBDA facilities to member agencies.

File #: CONS 19-822

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution - Amended JPA
Attachment III	Resolution - Executing 4th Amendment to JPA: 6 Month Extension
Attachment IV	EBDA Effluent Disposal System Map
Attachment V	EBDA JPA
Attachment VI	EBDA JPA Agreement Fourth Amendment



DATE: December 17, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt Resolutions Authorizing the City Manager to Execute the Amended Joint Exercise of Powers Agreement for the East Bay Dischargers Authority and Approve a Fourth Amendment Extending the current Agreement by Six Months (January 1, 2020 – June 30, 2020)

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BACKGROUND

The East Bay Dischargers Authority (EBDA) was formed in 1974, by a Joint Exercise of Powers Agreement (JPA) entered into by the City of Hayward, City of San Leandro, Oro Loma Sanitary District, Castro Valley Sanitary District, and Union Sanitary District. The purpose of EBDA is to provide for the efficient disposal of wastewater produced by its member agencies. EBDA owns and operates four effluent pump stations, a dichlorination facility, pipelines, and a deep-water outfall system that allows for the discharge of treated wastewater from member agency service areas into the San Francisco Bay (see Attachment IV). The JPA was last amended in 2007 and is effective through January 1, 2020.

At the December 3, 2019 work session¹, the City Council reviewed the key terms of the Amended and Restated JPA, which would provide for the continued discharge of effluent from the member agencies for another twenty years. The work session staff report provides background on the East Bay Dischargers Authority (EBDA), current JPA, and negotiations for the new JPA.

DISCUSSION

On October 29, 2019, the EBDA Commission adopted the EBDA Amended and Restated JPA (Attachment V). If approved by the governing body of each member agency, the Amended and Restated JPA would take effect on July 1, 2020 and would supersede the previous agreement and all amendments.

A summary of the key terms for the Amended and Restated JPA is provided below:

- **Term:** The term of the new JPA would be twenty years, with no unilateral opt out or ability for member agencies to adjust capacity rights downward during the term of the agreement. While reducing capacity rights reduces a member agency's costs, most of that cost savings would be re-distributed to other members. The new JPA would provide for member agencies to increase capacity rights during the term of the agreement, if the increased capacity is available in the EBDA system and subject to other specified terms and conditions.

If approved, the new JPA would take effect on July 1, 2020, to be coincident with the start of the fiscal year and extend through June 30, 2040.

- **Capacity Rights:** Capacity rights are based on maximum flow rate capacities and are used to allocate fixed annual costs and capital costs. The new JPA includes provisions for assessing fees for agencies that exceed their capacity rights. As summarized in the table below, the new JPA includes revised maximum flow rate

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4263968&GUID=C2F89A58-DF30-48EA-8B68-4BCA16D0C38A&Options=&Search=>

capacities for most of the member agencies. The City is proposing to reduce its maximum flow rate capacity from 35.0 million gallons per day (MGD) under the current JPA to 15.0 MGD under the new JPA.

Member Agency	Maximum Flow Rate Capacity, MGD (Current JPA)	Maximum Flow Rate Capacity, MGD (New JPA)
San Leandro	22.3	14.0
Oro Loma/Castro Valley	69.2	30.0
Hayward	35.0	15.0
Union Sanitary District	42.9	42.9

The revised maximum flow rate capacity of 15.0 MGD was determined based on staff's analysis of flow data and cost information and the desire to avoid paying for unused flow capacity in the EBDA system. The City plans to utilize City-owned storage ponds to manage peak wet weather flows and stay below its new capacity right of 15.0 MGD. Based on operational experience and growth projections, the City may need to increase its maximum flow rate capacity in the future. As discussed previously, the new JPA provides for member agencies to increase their capacity right during the term of the new agreement, if needed.

- Governance:** The new JPA makes changes to the governance structure. The current JPA requires unanimous approval for most actions, including adoption of the budget, which effectively allows a single agency to prevent an action from passing. In addition, the current governance structure gives equal weight to each agency's vote, regardless of cost or risk allocation. The new JPA would require approval from both a majority of the agencies (three) and a majority of weighted votes that would be calculated based on each agency's share of capacity rights to approve most actions. Certain decisions (e.g. amendments to the JPA) would require unanimous approval of the Commission.
- Cost Allocation:** Except for the City of San Leandro, the formula for allocating fixed and variable annual costs and capital costs for pump stations would remain the same as the current JPA. Fixed annual costs are allocated based on capacity rights selected by each agency and variable annual costs are based on total annual flow. In the new JPA, San Leandro would be fully responsible for annual and capital replacement costs associated with the pump station and pipeline that solely serves San Leandro in exchange for only sharing in annual costs for the facilities that are used by all five member agencies. San Leandro will not share in the cost of facilities that the city does not use.

Capital costs for pipelines would be shared by all agencies, excluding San Leandro, up to a cumulative total of \$325,000 during the term of the new JPA. Based on past experience, this amount should be sufficient for the term of the new JPA. If and when this maximum threshold has been reached, capital replacement costs for pipelines would be shared by the agencies using the pipeline segment based on capacity rights. The City of Hayward's overall costs are anticipated to remain basically the same under the new JPA once costs are allocated using the revised capacity rights for member agencies.

- **Infrastructure Risk and Liability.** The new JPA shifts most of the risk and liability for pipelines to the member agencies based on which agencies use specific pipeline segments. For example, the City of Hayward and Union Sanitary District would have shared liability for the pipeline from Hayward to Oro Loma Sanitary District (see Attachment IV). EBDA would still retain ownership of the pipelines and be responsible for performing emergency repairs to the pipeline system in the event of a failure of the pipeline system. However, the member agencies using the specific pipeline segment would be responsible for any permanent repairs, environmental, or third-party liability costs that exceed a cumulative total of \$1.25 million over the term of the new JPA. Pipeline failure costs below the \$1.25 million threshold would be shared by all member agencies, excluding San Leandro. Under the new JPA, Hayward's overall risk exposure for pipeline failure is anticipated to decrease since Union Sanitary District would have the primary responsibility for the segment between Union Sanitary District and Hayward (see Attachment IV), which is the longest pipeline segment in the EBDA system.

Except for the City of San Leandro, EBDA would retain ownership and liability for the pump stations throughout the term of the new JPA, but the terms of the new JPA shift ownership of the Hayward and Union Sanitary District pump stations to the respective agencies at the end of the twenty-year term. San Leandro would assume ownership and liability of the pump station serving San Leandro at the start of the new JPA.

- **Termination.** The new JPA includes a process for beginning negotiations for renewing the JPA at Year 15 for member agencies desiring to continue using the system beyond Year 20. If the agencies cannot reach agreement, the Amended and Restated JPA would terminate at the end of the twenty years. As discussed above, the City of Hayward would take ownership of the Hayward pump station when the new JPA terminates. Other facilities would be disposed of and assets would be liquidated, and retirement obligations allocated based on 2020 capacity rights.

Six-month Extension of Current JPA

As previously discussed, the current JPA expires on January 1, 2020. The member agencies have negotiated an Amended and Restated JPA that would supersede the current agreement and take effect until July 1, 2020 to be coincident with the start of the fiscal year. Therefore, the member agencies have agreed on a Fourth Amendment to the current JPA (Attachment VI) to extend the current JPA by six months in order to allow for this fiscal year alignment and prevent a lapse in the agreement.

ECONOMIC IMPACT

Approval of the Amended and Restated JPA is not expected to impact Hayward's sewer rates.

FISCAL IMPACT

The City currently pays approximately \$1 million annually to EBDA, which accounts for approximately 5 percent of the Wastewater Enterprise's budget. For a typical account, this is less than \$2 per month. The City's costs are anticipated to remain basically the same under the new JPA. No fiscal impacts to the City Wastewater Enterprise Fund are anticipated as a result of approving the Amended and Restated JPA. There are no General Fund impacts.

STRATEGIC INITIATIVES

This agenda item does not directly relate to one of Council's Strategic Initiatives.

SUSTAINABILITY FEATURES

The Amended and Restated JPA provides for the safe and efficient discharge of wastewater produced by its member agencies into San Francisco Bay. The new JPA includes language supporting the development and use of recycled water as a more sustainable alternative to disposal of effluent through EBDA facilities.

PUBLIC CONTACT

In 2014, the EBDA Commission formed an Ad Hoc Committee that met monthly to discuss issues related to the new JPA. Both the monthly EBDA Commission and Ad Hoc Committee meetings are publicly noticed. In addition, the EBDA Commission held four workshops in 2019 that focused on the new JPA and provided opportunities for public comment.

NEXT STEPS

The other four EBDA member agencies have already approved the Amended and Restated JPA. If the Council approves the JPA, it would take effect on July 1, 2020 and would supersede the previous agreement and all amendments.

Prepared by: Jan Lee, Assistant Director of Public Works - Utilities

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS
AGREEMENT OF THE EAST BAY DISCHARGERS AUTHORITY

WHEREAS, the East Bay Dischargers Authority (“EBDA”) is a Joint Powers Authority of which the City of Hayward is currently a member; and

WHEREAS, the JPA was formed in 1974 by a Joint Exercise of Powers Agreement (“JPA”) entered into by the City of Hayward, City of San Leandro, Oro Loma Sanitary District, Union Sanitary District, and Castro Valley Sanitary District; and

WHEREAS, EBDA provides a transport system and outfall to collect wastewater from its Member Agencies in the East Bay, treats the collected wastewater to remove chlorine and any associated toxicity, and provides sufficient dilution so that water discharged into the San Francisco Bay is protective of water quality; and

WHEREAS, the JPA has been amended and supplemented at various times since its adoption, most recently on February 15, 2007; and

WHEREAS, adoption of the fourth amendment extending the term of the JPA through June 30, 2020 will be considered coincident with consideration of this Amended and Restated Joint Exercise of Powers Agreement; and

WHEREAS, significant changes in the Amended and Restated Joint Exercise of Powers Agreement include reductions in capacity rights for several Member Agencies and reapportionment of certain costs accordingly, revision to the voting structure, and transfer of certain risks and liabilities among the member agencies; and

WHEREAS, the Authority’s Member Agencies have negotiated this Amended and Restated Joint Powers Agreement and each agency's legal counsel has had the opportunity to review and revise the Amended and Restated Joint Exercise of Powers Agreement; and

WHEREAS, the Commission of the East Bay Dischargers Authority approved this Amended and Restated Joint Exercise of Powers Agreement on October 29, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward hereby approves the East Bay Dischargers Authority Amended and Restated Joint Exercise of Powers Agreement.

BE IT FURTHER RESOLVED, that the City Council of the City of Hayward hereby authorizes the City Manager to execute the East Bay Dischargers Authority Amended and Restated Joint Exercise of Powers Agreement for and on behalf of City of Hayward, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE
FOURTH AMENDMENT TO THE JOINT EXERCISE OF POWERS
AGREEMENT OF THE EAST BAY DISCHARGERS AUTHORITY

WHEREAS, the East Bay Dischargers Authority (“EBDA”) is a Joint Powers Authority of which the City of Hayward is currently a member; and

WHEREAS, EBDA was formed in 1974 by a Joint Exercise of Powers Agreement (“JPA”) entered into by the City of Hayward, City of San Leandro, Oro Loma Sanitary District, Union Sanitary District, and Castro Valley Sanitary District (each a “Member Agency”); and

WHEREAS, EBDA provides a transport system and outfall to collect wastewater effluent from its Member Agencies in the East Bay, treats the collected wastewater to remove chlorine and any associated toxicity, and provides sufficient dilution so that water discharged into the San Francisco Bay presents no harm to water quality; and

WHEREAS, the JPA has been amended and supplemented at various times since its adoption, most recently on February 15, 2007; and

WHEREAS, the term of the JPA extends through January 1, 2020; and

WHEREAS, the Authority’s Member Agencies have negotiated an Amended and Restated Joint Exercise of Powers Agreement that will take effect on July 1, 2020 to coincide with the beginning of the fiscal year; and

WHEREAS, the Member Agencies wish to extend the current JPA through June 30, 2020, to prevent a lapse in the agreement; and

WHEREAS, the Commission of the East Bay Dischargers Authority approved this Fourth Amendment to the JPA on October 29, 2019.

NOW, THEREFORE, BE IT RESOLVED, that, the City Council of the City of Hayward hereby approves the Fourth Amendment to the Joint Exercise of Powers Agreement of the East Bay Dischargers Authority.

BE IT FURTHER RESOLVED, that, the City Council of the City of Hayward hereby authorizes the City Manager to execute the Fourth Amendment to the Joint Exercise of Powers Agreement of the East Bay Dischargers Authority for and on behalf of the City of Hayward, in a form approved by the City Attorney.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

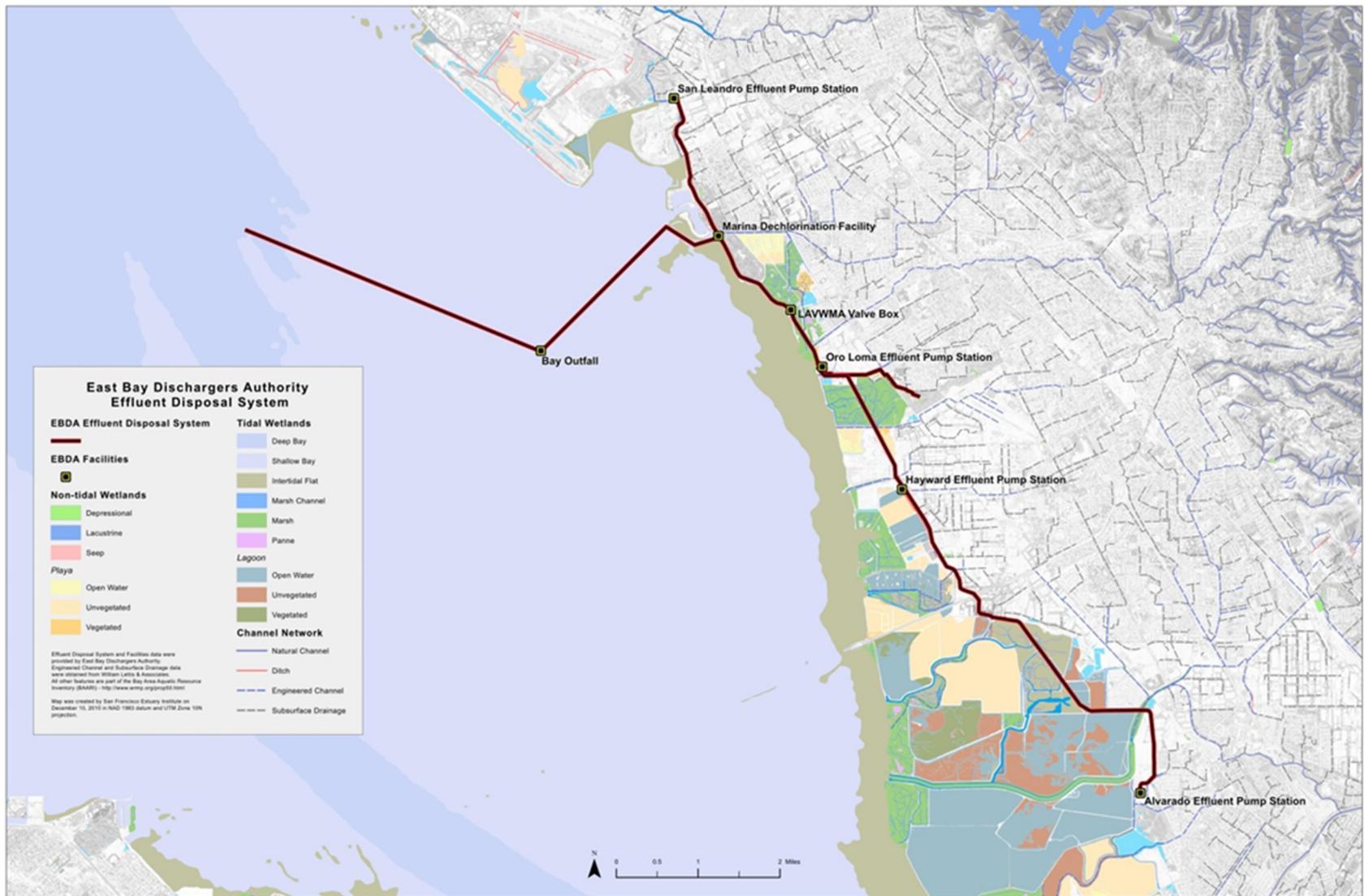
ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

East Bay Dischargers Authority Effluent Disposal System



EAST BAY DISCHARGERS AUTHORITY
AMENDED AND RESTATED

JOINT EXERCISE OF POWERS AGREEMENT

Supersedes

Joint Powers Agreement	February 15, 1974
First Amended JPA	January 3, 1978
Supplement No. 1	October 5, 1981
Supplement No. 2	February 15, 1983
Supplement No. 3	April 26, 1983
Supplement No. 4	April 26, 1983
Second Amended JPA	February 11, 1986
Third Amended JPA	February 15, 2007
Fourth Amended JPA	_____

EAST BAY DISCHARGERS AUTHORITY
2651 Grant Avenue
San Lorenzo, California 94580
(510) 278-5910

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EAST BAY DISCHARGERS AUTHORITY

AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT

THIS AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT, dated for convenience as of July 1, 2020, is made and entered into by and between the CITY OF HAYWARD, a municipal corporation, hereinafter referred to as "Hayward"; CITY OF SAN LEANDRO, a municipal corporation, hereinafter referred to as "San Leandro"; ORO LOMA SANITARY DISTRICT, a public corporation, hereinafter referred to as "Oro Loma"; CASTRO VALLEY SANITARY DISTRICT, a public corporation, hereinafter referred to as "Castro Valley"; and UNION SANITARY DISTRICT, a public corporation, hereinafter referred to as "Union"; each duly organized and existing in the County of Alameda under the constitution and laws of the State of California, and amends and restates that Fourth Amended Joint Exercise of Powers Agreement dated _____, duly entered into by said Agencies, as follows:

WITNESSETH:

WHEREAS, each of the Agencies hereto has power to plan for, acquire, construct, maintain, manage, operate, and control facilities for the collection, transmission, treatment, reclamation, sale and disposal of wastewater; and the Agencies propose by this Agreement to exercise said powers jointly for the purpose of providing for the more efficient disposal of the wastewater produced in each Agency, all to the economic and financial advantage of each Agency and otherwise for the benefit of each Agency; and each of the Agencies is willing to plan with the other Agencies for joint wastewater facilities which will protect all of the Agencies;

WHEREAS, the Agencies first entered into a Joint Exercise of Powers Agreement on February 15, 1974; amended such Agreement on January 3, 1978; supplemented such Agreement on October 5, 1981, February 15, 1983, and twice on April 26, 1983; and amended such Joint Exercise of Powers Agreement on February 11, 1986, February 15, 2007 and [], 2019;

WHEREAS, the Agencies desire that this Amended and Restated Joint Exercise of Powers Agreement supersede and supplant all previous iterations of this Agreement as set forth above;

WHEREAS, Union and the East Bay Dischargers Authority (“Authority”) entered into a Memorandum of Understanding, dated December 13, 2010 addressing the Hayward Marsh and related capacity issues (“Hayward Marsh MOU”), specific provisions of which are relevant to this Agreement and substantively addressed herein; and

WHEREAS, although the Livermore-Amador Valley Water Management Agency (“LAVWMA”) is not a party to this Agreement, on the date this Amended and Restated Joint Exercise of Powers Agreement was approved by its member Agencies, there was a separate agreement between the Authority and LAVWMA, in particular the Master Agreement, dated April 26, 2007, as that agreement may have been amended or extended, which established certain standards as to the scope and conditions under which LAVWMA may export wastewater to and through Authority Facilities, including but not limited to the rights of the Authority to interrupt the discharge of wastewater from LAVWMA through the Authority Facilities, subject to certain rights of individual Agencies under the Master Agreement. By entering into this Amended and Restated Joint Exercise of Powers Agreement, no Agency with individual rights under the Master Agreement intends to waive, and each such Agency intends to preserve fully, its rights under the Master Agreement and under any separate agreement with LAVWMA; and

WHEREAS, on the date this Amended and Restated Joint Exercise of Powers Agreement was approved by its member Agencies, there were separate agreements between Castro Valley and LAVWMA (and others), in particular, and without limitation: Agreement Between the County of Alameda and the Castro Valley, dated July 25, 1999; Agreement [Right of Entry] Between Castro Valley and LAVWMA, dated June 21, 2000; Agreement [Improvements with Castro Valley Sanitary District] Between Castro Valley and LAVWMA, dated June 21, 2000; Settlement Agreement Between Castro Valley and LAVWMA, dated June 21, 2000; and Encroachment Agreement for Castro Valley Reach of LAVWMA’s Export Pipeline Facilities Project, dated July 25, 2000; as well as other separate agreements between Castro Valley and LAVWMA (collectively, “the Castro Valley-LAVWMA Agreements”) and between Castro Valley and others not party to the Amended and Restated Joint Powers Agreement (“the Third Party Agreements”). By entering into this Amended and Restated Joint Exercise of Powers Agreement, Castro Valley does not intend to waive, and expressly preserves fully, its rights under the Castro Valley-LAVWMA Agreements and/or the Third Party Agreements.

NOW THEREFORE, Hayward, San Leandro, Oro Loma, Castro Valley, and Union, for and in consideration of the mutual promises and agreements herein contained, do agree as follows:

Section 1. Definitions

Unless the context otherwise requires, the terms defined in this Section will, for all purposes of this Agreement, have the meanings herein specified.

Agency and Agencies

The term "Agency" means either Hayward, San Leandro, Oro Loma, Castro Valley, or Union. The term "Agencies" will mean two or more of these entities.

Agreement

The term "Agreement" means this Amended and Restated Joint Exercise of Powers Agreement.

Auditor

The term "Auditor" means that individual designated by the Commission to assure proper expenditure and accountability of funds and who is responsible for auditing and reporting of the accounts and records of the Authority.

Authority

The term "Authority" means the joint powers agency, known as the East Bay Dischargers Authority, which was created by the Joint Exercise of Powers Agreement dated February 15, 1974.

Capital Cost

The term "Capital Cost" means the cost of projects, involving construction, reconstruction, erection, alteration, renovation, painting, waterproofing, improvement, demolition or major repair work on the Facilities.

Commission

The term "Commission" means the East Bay Dischargers Authority Commission, being the governing body of the Authority.

Facilities

The term "Facilities" or "Authority Facilities" means those facilities owned and operated by the Authority, as more specifically identified in Schedule A, attached hereto and incorporated by this reference.

Failure

The term "Failure" means a state in which the Transport System is no longer able to convey flows reliably without spilling.

Fiscal Year

The term "Fiscal Year" means the period commencing on July 1 to and including the following June 30.

General Manager

The term "General Manager" means the person designated by the Commission to administer the construction and operation of the Authority or his or her duly authorized representative.

Income from Operations

The term "Income from Operations" means all income from Authority operations, including, without limitation, income from the sale of recycled water or other substances arising out of the operation of the Facilities, interest income, income from lease of capacity rights, income from connection fees, income from sale of services and income from sale of assets.

Maximum Flow Rate Capacity

The term "Maximum Flow Rate Capacity" means each Agency's capacity and right to discharge to the Authority Facilities based on a 3-hour average, as set forth in Schedule F.

Operation and Maintenance Costs

The term "Operation and Maintenance Costs" means all costs directly associated with the operation, maintenance and routine repair of the Facilities, including labor, materials, supplies, power, chemicals, utilities, professional or contractual services, research and monitoring, tools and equipment, other necessary expenses to keep the Facilities in proper operating condition and maintain their useful life, and general administrative expenses attributable to such activities.

“Operation and Maintenance Costs” does not include “Capital Costs” or “Planning and Special Studies Costs.”

Planning and Special Studies Costs

The term "Planning and Special Studies Costs" means those costs associated with advanced planning, facilities planning, feasibility studies, research and development, environmental evaluations and studies as related to the overall Facilities or of general interest or benefit to all Agencies. Such costs will include, but not be limited to, reclamation/reuse studies and that portion of Bay water monitoring and research not directly related to pre-discharge or post-discharge monitoring of the Bay Outfall; and allocated general administrative expenses attributable to such activities. The term “Planning and Special Studies Costs” does not include costs associated with fines, studies or other requirements imposed by regulatory agencies, or other liabilities arising out of the Transport System.

Policies and Procedures

The term "Policies and Procedures" means all those certain rules and regulations adopted by the Commission from time to time for carrying out all the business of the Authority. Nothing in Policies and Procedures may contradict the terms of this Agreement. In the event of any conflict between the terms of this Agreement and the terms of any Policies and Procedures, this Agreement will control.

Transport System

The term "Transport System" means the pipelines and related structures, excluding any pump stations, used to transport effluent from the Union Effluent Pump Station to the Marina Dechlorination Facility, as shown in Schedule G.

Treasurer

The term "Treasurer" means that individual designated by the Commission to have custody of, and control disbursements of, all funds of the Authority.

Section 2. Authority and Purpose

This Agreement is made under the authority of and pursuant to the Joint Exercise of Powers Act, Chapter 5 of Division 7 of Title 1 of the California Government Code (commencing with Section 6500 et seq.) (the “Act”), relative to the joint exercise of powers common to all Agencies

and as otherwise granted by the Act. The purpose of the Agreement is to provide for the more efficient disposal (discharge to San Francisco Bay as well as reclamation or reuse of wastewater) of the wastewater produced in each Agency's jurisdiction, all to the economic and financial advantage of each Agency and otherwise for the benefit of each Agency.

Section 3. Term

This Amended and Restated Agreement will become effective on July 1, 2020 and will continue in full force and effect until June 30, 2040, unless sooner terminated by mutual agreement as set forth in Section 20.

Section 4. Creation of Authority

The Authority will exercise the powers as hereinafter set forth. The Authority is a public entity separate from the Agencies. No debt, liability, or obligation of the Authority will constitute a debt, liability, or obligation of any Agency, except as expressly provided for herein.

Section 5. Powers

(a) General Powers

The Authority will exercise, in the manner herein provided, the powers which are common to each Agency, or as otherwise permitted under the Act, and all incidental, implied, expressed, or necessary powers to accomplish the purposes of this Agreement. The Authority will have power to plan for, acquire, construct, manage, maintain, operate, and control facilities for the collection, transmission, treatment, reclamation, sale and disposal of wastewater and to enter into contracts to provide services to other governmental or non-governmental entities within or outside its boundaries.

(b) Specific Powers

The Authority is hereby authorized, in its own name, to perform all acts necessary for the exercise of said powers, as allowed by law, including but not limited to any or all of the following:

- (a) to make and enter into contracts;
- (b) to employ agents and employees;

- (c) to apply for and accept grants, advances and contributions;
- (d) to make plans and conduct studies;
- (e) to acquire, construct, manage, maintain, or operate, any building, works, or improvements;
- (f) to acquire, hold or dispose of property;
- (g) to sue and be sued in its own name;
- (h) to incur debts, liabilities, or obligations, subject to limitations herein set forth;
- (i) to issue indebtedness;
- (j) to establish rates, tolls, fees, rentals, or other charges in connection with the Facilities and services provided by the Authority;
- (k) to develop and adopt Policies and Procedures for the conduct of business of the Authority;
- (l) to plan for, acquire land or rights of way for, construct, operate, or maintain facilities owned by an Agency when necessary to meet joint discharge requirements, subject to the provisions of Section 16 hereof; and
- (m) to enter into joint exercise of powers agreements pursuant to the Act.

For the purposes of California Government Code Section 6509, the powers of the Authority will be exercised subject to the restrictions upon the manner of exercising such powers as are imposed on the City of Hayward, a charter city.

Section 6. Boundaries

The boundary of the Authority will be the consolidated boundaries of all Agencies, as may be amended from time to time.

Section 7. Organization

(a) East Bay Dischargers Authority Commission

The Authority will be governed by a five-member Commission, which will exercise all powers and authority on behalf of the Authority.

(b) Members

The Commission will consist of five members, one from each Agency (“member” or “commissioner”). Each Agency will appoint one person to act as its representative as a member of the Commission and one person as an alternate member to serve in the absence of the Agency's member. Each member and alternate will hold office from the first meeting of the Commission after their appointment by the Agency which they represent until their successor is selected. Each member and alternate will serve at the pleasure of the Agency which they represent and may be removed at any time, with or without cause, in the sole discretion of the Agency's governing body.

Each member and alternate must be a member of the governing body of the Agency which they represent. Each Agency will be empowered to vote through its designated member or alternate, but only the member or the alternate may vote on a given action.

(c) Voting

Approval by: (a) three or more commissioners; and (b) greater than fifty percent of the weighted votes based on Maximum Flow Rate Capacity is required to adopt any action, except as set forth in subsections (2) and (3) below.

(1) Commissioner and Weighted Voting Calculations

Every action will be subject to two vote calculations. The first is a calculation of the commissioners' votes, and each commissioner is allocated one vote. The second is a calculation of weighted votes based on the Maximum Flow Rate Capacity, and the commissioners will be allocated votes as set forth in Schedule E.

In the event that one or more Agencies' Maximum Flow Rate Capacity is increased pursuant to Section 11(d), the General Manager will recalculate the percentages set forth in Schedule E and such revisions will be automatically incorporated in this Agreement.

(2) Actions Requiring Unanimous Approval

Notwithstanding the foregoing, the following actions require unanimous approval of the entire membership of the Commission:

1. Amendment of this Agreement;
2. Termination during the Term;
3. Approval of modifications to, or extension of, the Master Agreement between the Livermore-Amador Valley Water Management Agency ("LAVWMA") and the Authority, dated April 26, 2007;
4. Approval of any agreement that would result in the utilization of the Facilities to dispose of brine pursuant to Section 23(b)(1);
5. Changes to the ownership of Authority Facilities; and
6. Approval of the Authority Policies and Procedures regarding purchasing and brine.

(3) Other Actions

For the purpose of Commission actions related to effluent violations addressed in Section 16(b), the unanimous vote requirement will not include the violating Agency(ies) and the commissioner from the violating Agency(ies) will not be permitted a vote.

(d) Principal Office

The principal office of the Authority will be located within the boundaries of the Authority and will be established by the Commission. The Commission is hereby granted full power and authority to change said principal office from one location to another, provided at least fifteen days' notice is given to each Agency, the Regional Water Quality Control Board and to such agencies or offices as required by law.

(e) Officers

The Authority will have the following officers: Chair, Vice-Chair, General Manager, Treasurer, and Auditor (the positions of Treasurer and Auditor may be held by a single individual). The members of the Commission will select from the Commission a Chair and Vice-Chair who will hold office for a period of one year, commencing July 1 of each and every Fiscal Year; provided, however, that in the event that an Agency removes from the Commission a member serving as an officer or an officer resigns his or her position, the Commission will select

a member of the Commission to fill that vacant office for the remainder of that Fiscal Year. The positions of General Manager, Treasurer, and Auditor may be filled by any qualified person, except with regard to the Treasurer and Auditor as provided in Section 6(g)(1).

(f) General Manager

The Commission will employ or contract for the services of a General Manager. The General Manager may be a staff member of one of the Agencies.

(1) Duties

The Commission will prescribe the duties, compensation, and terms and conditions of employment of the General Manager. At a minimum, the General Manager will coordinate the business and operations of the Authority, attend Commission meetings, prepare, distribute and maintain minutes of Commission meetings and official actions of the Authority, and carry out other duties as may be assigned by the Commission. The General Manager will make monthly reports to the Commission and the Treasurer, if the General Manager is not also serving as the Treasurer, of all expenditures for the preceding month. The General Manager serves at the pleasure of the Commission.

(2) Delegated Authority

The General Manager will have the full power and authority to employ and discharge employees of the Authority; prescribe the duties of employees; and fix and alter the compensation of employees, within the Commission adopted budget and Compensation Plan. Once the Commission adopts a budget, the General Manager also has delegated authority to take actions consistent with the approved budget and Policies and Procedures, pursuant to Section 8(e).

(g) Treasurer and Auditor

(1) Appointment

The Commission may at any time appoint one or more qualified persons to either or both of the positions of Treasurer or Auditor as provided in the Act, Section 6505.6. In the event such appointment is not made, the treasurer and auditor of Alameda County, respectively, are designated the Treasurer and Auditor of the Authority with the powers, duties, and responsibilities specified in the Act, including, without limitation, Sections 6505 and 6505.5 thereof. Current

Agency staff members or elected officials are not eligible to serve as Treasurer or Auditor of the Authority.

(2) Accountability

There will be strict accountability of all Authority funds and report of all receipts and disbursements and compliance with the Act.

(h) Bonding Persons having Access to Property

As provided in Section 6505.1 of the Act, the Treasurer and General Manager are hereby designated as the persons who have charge of, handle, and have access to the property of the Authority. The Commission may require such persons to file an official bond in an amount to be fixed by the Commission. If required, cost of said bond will be paid by the Authority.

(i) Officers, Employees and Agents; Compatible Offices; Compensation

Except as provided herein, any officer, employee, or agent of the Authority may also be an officer, employee, or agent of any Agency, provided that the Commission or General Manager determines that the two positions are compatible.

All privileges and immunities from liability, all exemptions from laws, ordinances and rules, and all pension, relief, disability, worker's compensation, and other benefits which apply to the activities of officers, agents, or employees of an Agency when performing their respective functions will apply to them to the same degree and extent while engaged in the performance of any of the functions and other duties under this Agreement.

None of the officers, agents, or employees directly employed by the Authority will be deemed, by reason of their employment by the Authority, to be employed by any Agency or to be subject to any of the requirements of any Agency. Charges for the services of the General Manager and other administrative or operating personnel supplied by any Agency will be jointly agreed upon with the Agency or Agencies furnishing the services.

(j) Rules of the Commission

The Commission will adopt, and from time to time amend, the Rules of the Commission as necessary or convenient in the determination of the Commission to achieve or facilitate the purposes hereof.

Section 8. Meetings; Budget and Contributions

(a) Regular Meetings

The Commission will hold at least one regular meeting each year. The date upon which, and the hour and place at which each such regular meeting will be held, will be fixed by resolution of the Commission.

(b) Special Meetings

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

(c) Notice And Conduct of Meetings

All meetings of the Commission will be held subject to the provisions of the Ralph M. Brown Act, Section 54950 et seq. of the California Government Code, and other applicable laws of the State of California.

(d) Quorum

A majority of the members (or, in the absence of a member, that member's alternate) of the Commission will constitute a quorum.

(e) Budget; Contributions; Delegation of Authority

(1) Budget

The Commission will adopt an annual or biennial budget for the ensuing Fiscal Year(s) prior to July 1. The budget will include sufficient detail to constitute a fiscal control guideline, specify cash flow requirements from each Agency, grant reimbursements, and cash receipts and expenditures to be made for Operation and Maintenance Costs, Planning and Special Studies Costs, and Capital Costs for the Facilities, and other necessary and appropriate expenditures.

(2) Contributions; Delegation of Authority

Approval of the budget by the Commission will constitute authority for the General Manager to bill the Agencies for their contributions, expend funds after appropriate award of contract and for the purposes outlined in the approved budget, and receive grant funds.

Additionally, the Authority may bill the Agencies for any Capital Costs approved by the Commission.

Section 9. Elections

For the purpose of holding any election within the Authority's boundaries, the Commission may call and hold an election to submit propositions to the electors of the Authority in the same manner as the board of supervisors of a county may call and hold county elections, and the electors of the Authority will have the right to petition for referendum on any ordinance enacted by the Commission in the same manner as the electors of a county, except that all computations referred to in those sections and the officers of the county mentioned in those sections will be construed to refer to comparable computations and officers of the Authority. For the purposes of any such election or referendum petition, the electors residing within the boundaries of the Authority who would be qualified to vote for candidates for Governor at any general election will be the electors of the Authority.

Section 10. Ownership of Authority Facilities; Responsibility for Failure of the Transport System

(a) Ownership of Authority Facilities.

The Authority will own and hold title to the Authority Facilities, as specifically outlined in Schedule A. Each Agency will own an undivided portion of the Authority Facilities proportional to each Agency's Maximum Flow Rate Capacity as set forth in the Fixed Operation and Maintenance Costs allocation in Schedule B. Except as set forth below, the Authority will be responsible for all costs and expenses related to the operation, maintenance, and repair of Authority Facilities.

(b) Transfer of Ownership of the Pump Stations.

At the end of the Term, or upon earlier termination pursuant to Section 20, the Oro Loma Effluent Pump Station will become the joint property of all Agencies, except San Leandro, in proportion to each Agency's Maximum Flow Rate Capacity at the time of termination; the Hayward Effluent Pump Station will become the sole property of Hayward; and the Union Effluent Pump Station will become the sole property of Union, unless transferred sooner as set

forth in this subsection 10(b). Upon termination or expiration of the Agreement, the Authority Facilities (excluding the pump stations) will be disposed of as set forth in Section 20.

In the event Union relocates the Union Effluent Pump Station from its location as of the effective date of this Agreement, ownership of the pump station will transfer to Union at that time. Union and the Authority agree to execute any and all documents necessary to effectuate such transfer. At such time, the General Manager will update Schedule A and the revised Schedule A will be automatically incorporated in this Agreement. Operation and Maintenance costs of the Union Effluent Pump Station will continue to be allocated as outlined in Schedule B for the duration of the Term, irrespective of ownership.

(c) Responsibility for Failure of the Transport System.

(1) State or Federal Reimbursement.

In the event of Failure of the Transport System, the Authority will be the applicant for the purposes of any state or federal reimbursement, if applicable.

(2) Determination of Failure.

The General Manager is responsible for determining whether a Failure has occurred, in accordance with applicable Policies and Procedures. In the event of such determination, the Authority will provide written notice of the Failure to the Agency(ies) using the relevant segment of the Transport System affected by the Failure within 24 hours of the determination. The General Manager's determination may be appealed to the Commission in accordance with applicable Policies and Procedures.

(3) Temporary and Emergency Repair.

In the event of Failure, the Authority will be responsible for performing any required temporary and emergency repair reasonably necessary to prevent further harm to the Transport System, to other Authority Facilities, or to third parties or the environment, and to promptly restore the function of that portion of the Transport System that failed.

(4) Permanent Repair.

In the event of Failure of the Transport System, the Agencies currently using the relevant segment of the Transport System affected by the Failure may determine whether or not to: (a) undertake a permanent (20-years or more) repair to the Transport System in order to

restore or maintain the functionality of the Transport System, or (b) permanently abandon the relevant segment and, if needed, which Agency should manage the project. Such decision must be unanimous among the Agencies using the relevant segment of the Transport System, and must be evidenced by written notification from such Agencies' general managers or city managers. If the Authority does not receive such correspondence within 90 days of the notice from the Authority regarding the initial Failure, the Authority will repair the Transport System. At the request of one or more of the Agencies using the relevant segment of the Transport System, the Authority may extend the 90 day period. If the Agency(ies) currently using the relevant segment of the Transport System determines not to undertake a permanent repair, the failed segment of the Transport System must be permanently isolated, and the abandonment of the segment may not render other parts of the Transport System inoperable.

Any decision not to repair a segment of the Transport System will not impact an Agency's Maximum Flow Rate Capacity rights and obligations, as set forth in Section 11.

(5) Allocation of Costs of Repairing Failure of the Transport System or Abandoning a Segment of the Transport System.

The costs associated with all Failure(s) of the Transport System, including costs related to any repairs, whether such repairs are performed by the Agencies or the Authority and whether such repairs are temporary emergency repairs or permanent repairs, or abandonment of one or more segments of the Transport System, as well as costs associated with environmental liability or third party claims arising from such Failure(s), will be allocated as set forth herein. The first One Million Two Hundred and Fifty Thousand Dollars (\$1,250,000) in aggregate costs for all Failures will be allocated based on the table set forth in Schedule H. All costs over One Million Two Hundred and Fifty Thousand Dollars (\$1,250,000) will be allocated based on the table set forth in Schedule G.

Depending on the extent of the Failure, it is likely that the Authority will not have sufficient funds in its reserve to pay for the repairs or abandonment and will require funds from the financially responsible Agencies, based on the allocations set forth above, in advance of performing any repair or abandonment. The Authority need not exhaust its reserve before requiring advance payment as described in this subsection.

(6) Failures Arising from the Acts Authority Employees or Third-Party Contractors.

The Authority may engage its own staff, or the staff of an Agency or a third-party contractor, to perform construction and maintenance projects on the Transport System. If in the implementation or performance of such project there is a Failure caused by the negligent, reckless, or willfully wrongful acts of those Authority-engaged personnel, any costs to address the Failure, including costs associated with environmental and third party claims, will be reimbursed by such party's insurance or as agreed to in the required indemnification provisions described in this subsection 10(c)(6). The Authority will maintain insurance to cover its potential liabilities under this subsection as may be approved by the Commission and will require any Agency or third-party contractor performing work on the Authority's behalf to indemnify the Authority, in a form to be approved by the Commission, against all losses that may arise out of the performance of the work. The Authority will require that any Agency or third-party contractor performing such work on behalf of the Authority maintain insurance in such types and amounts as the Authority may from time to time establish and naming the Authority and the Agencies as additional insureds. The Authority will adopt Policies and Procedures to implement these requirements. Any costs not covered by such insurance or indemnity provisions will be borne by the Authority and will be allocated according to Schedule H.

Section 11. Capacity Rights

(a) Capacity Rights; Volume

Each Agency has acquired, subject to the terms and conditions of the Agreement, the capacity and right to discharge to the Authority Facilities at that Agency's Maximum Flow Rate Capacity. All effluent which is discharged to the Hayward Marsh by Union pursuant to the Hayward Marsh MOU, will not be counted toward Union's Maximum Flow Rate Capacity.

With the exception of Union Effluent Pump Station, all pump stations will be designed and maintained to manage the capacities set forth in Schedule F with any single pump out of service. Per the Hayward Marsh MOU, the Union Effluent Pump Station may be designed and maintained to manage Union's capacity set forth in Schedule F, plus the flow that Union is approved to discharge to the Hayward Marsh, with any single pump out of service.

(b) Temporary Capacity Exceedance

Should any Agency exceed its Maximum Flow Rate Capacity it will make best efforts to reduce its flows to within its allocated capacity. Capacity exceedance fees will be calculated as follows:

(1) First Exceedance:

No charge for an Agency that exceeds its Maximum Flow Rate Capacity, based on a 3-hour average, the first time in a Fiscal Year. An Agency's first exceedance will not exceed twenty-four hours, and after such 24 hour period, any continuing exceedance will be considered a second exceedance.

(2) Subsequent Exceedances:

Any Agency that exceeds its Maximum Flow Rate Capacity, based on a 3-hour average, for the second and each subsequent exceedance in a Fiscal Year, will be charged \$0.005/gallon of exceeded flow. The Authority will calculate an exceedance based on the formula set forth in Schedule D.

Notwithstanding the foregoing, any discharge by Union to the Hayward Marsh pursuant to the Hayward Marsh MOU, will be subtracted from Union's total flow for the purposes of determining whether Union has exceeded its Maximum Flow Rate Capacity. All capacity exceedance fees will be applied to, and reduce the total of, the fixed operating costs due from the non-exceeding Agencies' fixed operating costs for that or the following Fiscal Year.

Any costs related to an unpermitted discharge or other violation due to the exceedance of one or more Agencies will be allocated as set forth in Section 16(a).

(c) Temporary Capacity Exceedance at the Request of the Authority.

Notwithstanding the foregoing, the Authority may request that one or more Agencies temporarily exceed their Maximum Flow Rate Capacity in order to preserve the Agency(ies)' capacity in storage, in accordance with approved Policies and Procedures. Agencies complying with an Authority request to exceed their Maximum Flow Rate Capacity will not be charged capacity exceedance fees, nor will any such exceedance count as an Agency's first exceedance under Section 11(b) above. In no event will any Agency be required to comply with any Authority request to temporarily exceed its Maximum Flow Rate Capacity. Authority requests to

temporarily exceed an Agency's Maximum Flow Rate Capacity will not be a basis for permanently increasing an Agency's Maximum Flow Rate Capacity without following the process set forth in Section 11(d). Any Authority request to exceed an Agency's Maximum Flow Rate Capacity will not be to the detriment of, or harm, any Agency.

(d) Increase of Maximum Flow Rate Capacity and Notice Procedures

(1) Notice of Intent to Increase Maximum Flow Rate Capacity.

If an Agency desires to increase its Maximum Flow Rate Capacity, it must notify the Authority on or before January 1 in order for the increase to take effect on July 1 of the following Fiscal Year. An Agency may not increase its Maximum Flow Rate Capacity more than once in a Fiscal Year. In the event no Agency provides such notice in any given year, there will be no change in any Maximum Flow Rate Capacity.

(2) Opportunity for Agencies to Respond to a Notice of Intent to Increase Maximum Flow Rate Capacity.

Upon notification by the Authority that an Agency desires to increase its Maximum Flow Rate Capacity as set forth in subsection 11(d)(1), all other Agencies will have ninety (90) days to notify the Authority of an Agency's desire to increase its Maximum Flow Rate Capacity at the same time. Once the ninety (90) day period is complete, the Authority will notify all Agencies of the revised Maximum Flow Rate Capacity of each Agency.

(3) Allocation of Costs Associated with Modifications to Accommodate an Increase.

Any Agency seeking to increase its Maximum Flow Rate Capacity will bear the full cost and expense of any engineering and modifications to Facilities that may be required to accommodate such additional flows. If more than one Agency seeks to increase its Maximum Flow Rate Capacity, the Agencies increasing their Maximum Flow Rate Capacities will each bear (A) the full cost and expense of any engineering and modifications to Facilities that may be required to accommodate only that Agency's additional flows; and (B) the proportionate cost and expense of any engineering and modifications to Facilities that are required to accommodate more than one Agency's additional flows, based on the proportionate increase in Maximum Flow Rate Capacities. The General Manager, in consultation with the general managers and city

managers, or designee, from each of the Agencies, will make the preliminary determination of the need for any modifications. In the event an Agency(ies) disagrees with the General Manager's determination, the Authority will engage a professional engineer to evaluate the need for engineering and modifications. If the Agency(ies) seeking Maximum Flow Rate Capacity increase disagrees with the General Manager's determination, the cost of engaging a professional engineer will be borne solely by that Agency(ies). If a non-increasing Agency(ies) disagrees with the General Manager's determination, the cost of engaging a professional engineer will be divided equally between the Agency(ies) seeking the increase and the non-increasing Agency(ies) that disagrees with the General Manager's determination. Further disputes related to the need for modifications will be resolved pursuant to the dispute resolution procedures set forth in Section 19.

(e) No Reductions in Maximum Flow Rate Capacity During the Term.

No Agency may reduce its Maximum Flow Rate Capacity during the Term. Once an Agency has taken action set forth in subsection 11(d) to increase its Maximum Flow Rate Capacity, it may not thereafter reduce its revised Maximum Flow Rate Capacity during the Term.

Section 12. Allocation of Operation and Maintenance Costs, Capital Costs, and Planning and Special Studies Costs.

(a) Allocation of Operation and Maintenance Costs.

Operation and Maintenance Costs will be allocated to each Agency as set forth in Schedule B.

Meters will be used to measure the discharge of effluent from the treatment facilities of Union, Hayward, the combined facilities of Oro Loma and Castro Valley, and San Leandro for the purposes of determining flow under Schedule B and for other purposes, including but not limited to, regulatory reporting.

(b) Allocation of Capital Costs.

(1) Capital Costs related to the pump stations which exceed a total cost of \$10,000 per project, plus allocated general administrative expenses attributable to such Capital

Cost activities, will be allocated based on Maximum Flow Rate Capacity as set forth in Schedule H, which excludes San Leandro.

(2) Capital Costs related to the Transport System which exceed a total cost of \$35,000 per project, plus allocated general administrative expenses attributable to those Capital Cost activities, will be allocated: (i) based on Maximum Flow Rate Capacity as set forth in Schedule H, which excludes San Leandro, until a total of three hundred and twenty-five thousand dollars (\$325,000) has been expended for projects not approved as of July 1, 2020, and thereafter (ii) based on each Agency's use of the segment of pipeline as set forth in Schedule G; provided, however, that any unexpended portion of the \$325,000 limit will be adjusted annually to reflect any increase in the cost of construction of similar projects as established by the Engineering News-Record 20-City Building Cost Index using July 1, 2020 as the baseline. Notwithstanding the above, costs associated with Failures will be allocated as set forth in Section 10.

(3) Capital Costs related to the Bay Outfall, the Operations Center, and the Marina Dechlorination Facility which exceed a total cost of \$10,000 per project, plus allocated general administrative expenses attributable to such Capital Cost activities will be allocated based on Maximum Flow Rate Capacity for all Agencies, as set forth in the Fixed Operation and Maintenance Costs allocation in Schedule B.

(c) Allocation of Planning and Special Studies Costs.

Planning and Special Studies Costs will be allocated to each Agency as set forth in Schedule C.

(d) Capital Costs Allocated as Operation and Maintenance Costs.

Except as otherwise provided herein, Capital Costs for Facilities other than Union Effluent Pump Station that total less than \$10,000 per project (for non-Transport System projects) or less than \$35,000 (for Transport System projects) will be allocated in the same fashion as Operation and Maintenance Costs under Section 12(a) of this Agreement. The Authority may not divide work into small projects for the purpose of allocating project costs as Operation and Maintenance Costs, rather than as Capital Costs.

(e) Management of Capital Costs for the Union Effluent Pump Station.

In fiscal years from 2020/21 through 2029/30, the Authority will pay Union a total of Four Million, Two-Hundred Thousand dollars (\$4,200,000), divided in ten equal and annual installments, as a credit toward their annual budget contribution for Operation and Maintenance Costs, for all Capital Costs associated with the Union Effluent Pump Station during the Term of the Agreement. These Capital Costs will be allocated based on Maximum Flow Rate Capacity, excluding San Leandro, as set forth in Schedule H. Union will undertake control and responsibility of all Capital Costs for the Union Effluent Pump Station, in consultation with the Authority. Any Capital Costs for the Union Effluent Pump Station in excess of the amount set forth above will be borne by Union.

(f) Renewal and Replacement Fund.

The Authority has established a Renewal and Replacement Fund to provide funding for the Capital Costs of rehabilitation and replacement of Authority Facilities. Each Agency will fund the Renewal and Replacement Fund in such amounts as may be determined by the Commission, taking into account the foregoing Capital Cost allocations.

(g) Authority Cost Allocation Summary

For convenience of reference, Schedule I includes a summary of the above listed costs and the respective allocation and schedule.

Section 13. Payment of Operation and Maintenance and Capital Costs

Not later than March 1st of each year, the Authority will provide each Agency with an estimate of its allocated share of the projected Operation and Maintenance Costs and Capital Costs for the forthcoming Fiscal Year. Each Agency hereby agrees to include in each annual budget approved by the governing body of such Agency amounts estimated to be sufficient to pay all such charges and to pay to the Authority within thirty days of receipt of a statement of the Agency's allocated share of the actual Operation and Maintenance Costs and Capital Costs for the billing period. The billing period will be determined by the Commission. The Authority is hereby authorized to take any or all legal actions necessary and permitted by law to enforce the collection of such charges or any other compliance with this Agreement, including, but not limited to, actions or proceedings in mandamus to require each Agency to include the amounts

estimated to be necessary in each such estimated annual budget, or to collect such charges from the taxpayers, landowners, or users of any of the Facilities.

Section 14. Records and Accounts

The Authority will cause to be kept accurate and correct books of account, showing in detail the costs and expenses of any construction and the maintenance, operation and administration of the Facilities and all financial transactions of the Agencies relating to the Facilities, which books of account will correctly show any receipts and also any costs, expenses, or charges to be paid by all or any of the Agencies hereunder, and also records of the effluent flow from each of the Agencies. Time records and books of account will be open to inspection at all times by any representative of any of the Agencies, or by any accountant or other person authorized by any Agency to inspect said books of account.

Section 15. Income from Operations

Income arising out of the operation of the Facilities, including the sale of recycled water, will be retained as part of the fund balance in the fund in which it is earned. Any interest earned on the fund balance will also be retained in the fund. The fund balance may be used as an operating reserve or, upon approval of the Commission, to fund additional study, design or construction, or upon approval by the Commission may be refunded to the Agencies on the basis of the Fixed Operation and Maintenance Costs allocation in accordance with Schedule B.

Income from the lease of capacity rights, sale of services or assets, or connection fees will be deposited in the Renewal and Replacement Fund.

Section 16. Failure to Meet Discharge Requirements

(a) Capacity Exceedance.

If the Authority experiences an unpermitted discharge or other violation due to high flows caused by one or more Agencies' exceedance of the Maximum Flow Rate Capacity as detailed in Section 11(b), any fines or other sanctions or costs imposed on the Authority will be allocated to the exceeding Agency(ies) based on an instantaneous (defined as a 5-minute) exceedance. The General Manager will be responsible for determining which Agency(ies)

caused the unpermitted discharge or violation and the General Manager's determination is subject to appeal to the Commission in accordance with applicable Policies and Procedures.

(b) Effluent Violation.

The Authority will cause the combined effluent of all Agencies, as well as the receiving water of the combined discharge, to be monitored to determine whether or not federal and/or state discharge requirements are being met. In addition, the Authority will cause the effluent of each Agency to be monitored. If the combined effluent of all Agencies at the point of ultimate discharge into the receiving water fails to meet discharge requirements, the Agency or Agencies responsible for the violations will be solely responsible for any fines levied or criminal sanctions imposed. Upon notification of such violation, the Agency or Agencies must take prompt, corrective action as necessary to meet said discharge requirements.

If any Agency fails to take such action, the Authority, by unanimous vote of the Commission (excluding those members of the Commission who are representatives of the Agency or Agencies who are in violation of the discharge requirements), may elect to do either one or both of the following:

- (1) Undertake the operation of existing facilities or construction and operation of additional treatment facilities as necessary to meet said discharge requirements at the cost and expense of the violating Agency(ies).
- (2) Impose a prohibition on additional connections to the collection system of the Agency(ies) in violation.

In the event that one or more Agencies are obligated to provide additional levels of treatment to meet waste discharge requirements for the combined effluent, all Agencies requiring the additional levels of treatment will participate in the costs of such treatment based on their proportionate contribution of waste characteristics to be treated and the costs of providing such treatment. Nothing in this Section will preclude one or more Agencies from providing additional levels of treatment to ensure compliance with waste discharge requirements for the combined effluent.

(c) Indemnification.

To the extent permitted by law, the Agency(ies) that fail to meet discharge requirements will indemnify, keep and save harmless the Authority and the other non-violating Agencies and

their respective directors, officers, agents, and employees against any and all liability, demands, loss, damage, settlement expenses, suits, claims, or actions (including, without limitation, attorney fees, expert witness fees, investigation costs, all legal costs and fees) arising from the violation. In the event two or more Agencies are responsible for a violation as above provided, the Agencies responsible for the violation will be jointly and severally responsible to the Authority and to the other non-violating Agencies. The Agency(ies) responsible for the violation further agrees to defend any and all such suits, claims, or actions, with counsel acceptable to the Authority in its reasonable discretion, and pay all charges of attorneys and all other costs and expenses of defenses as they are incurred. If any judgment is rendered, or settlement reached against the Authority or the other non-violating Agencies, or any of the individuals enumerated above in any such action, the responsible Agency(ies), will at its expense, satisfy and discharge the same. This indemnification will survive the termination or expiration of this Agreement.

Section 17. Future Projects

It is understood that it may be in the interest of the Agencies for the Authority to acquire and construct additional Authority Facilities. This Agreement is subject to modification in the event all Agencies desire to do so.

Section 18. Contributions, Payments and Advances, Use of Personnel, Equipment or Property; Exchange of Services

It is hereby agreed that:

- (a) Contributions from an Agency's treasury may be made for the purpose set forth in this Agreement.
- (b) Payments of public funds of an Agency may be made to defray the cost of such purpose.
- (c) Each of the Agencies may make advances of public funds, to be repaid as set forth in this Agreement.
- (d) Subject to approval of the General Manager, personnel, equipment, or property may be used in lieu of other contributions or advances.

- (e) The Agencies may exchange services without payment of any consideration other than such services; or an Agency may agree to provide all or any portion of such services to another Agency.
- (f) The Commission may provide for the repayment or return to an Agency of all or any part of any contributions, payments, or advances made by that Agency.

Section 19. Dispute Resolution

In the event of any dispute, the parties will promptly meet and confer, first at a staff level and then elevated to a meeting of Commissioners, in a good faith attempt to resolve the dispute. In connection with such negotiations, the party asserting the dispute must provide the other with a written description of the nature of the dispute, along with reasonable supporting documentation. If a dispute cannot be resolved by the parties independently, they may agree to submit such dispute to non-binding mediation by a mutually agreed-upon neutral third party with offices in the San Francisco Bay Area. The cost of mediation will be shared equally. In the alternative, a party may choose to resolve questions or disputes arising under this Agreement through arbitration or judicial determination.

Section 20. Termination; Expiration; Disposition of Assets

The Agencies agree to the following procedures for the disposition of the Authority's assets and obligations. Unless terminated sooner pursuant to this Section 20, this Agreement will expire at the end of the current Term. In the event of such expiration or earlier termination, the Agencies will dispose of the Authority's assets and obligations as set out below and authorized by law. In the alternative, at the end of the Term, the Agencies may choose to waive this provision and select a different method for disposition of assets and obligations, provided such agreement is in writing and adopted in accordance with the Amendments procedures in Section 21. No Agency may withdraw from the Authority prior to the end of the Term.

(a) Termination during the Term.

The Agencies may terminate the Agreement prior to the end of the Term by agreement of all the Agencies in writing, such agreement being authorized by the governing body of each of the Agencies.

(b) Disposition of Assets and Obligations Upon Termination or Expiration of the Agreement.

(i) Disposition of Certain Authority Facilities

As set forth in Section 10(b), certain Authority Facilities (pump stations), will transition ownership at the end of the Term, or any earlier termination.

(ii) Disposition of Remaining Authority Facilities

In the event that all Agencies do not reach an agreement to extend the term of the Agreement or to renew, revise, replace or terminate the Agreement pursuant to subsection (c) below, the Authority will dispose of the remaining Authority Facilities not already disposed of pursuant to subsection (b)(i) and Section 10(b). The cost of such disposal will be borne by the Authority prior to the disposition of all remaining assets as set forth in subsection (b)(iii).

(iii) Disposition of All Remaining Assets

After the discharge of all enforceable liabilities, the remaining Authority assets will be liquidated and will be divided among the then parties to this Agreement based on each Agency's Maximum Flow Rate Capacity as of July 1, 2020.

(iv) Disposition of Retirement Obligations

In terminating this Agreement, the Agencies agree to apportion the Authority's retirement obligations among all Agencies based on each Agency's Maximum Flow Rate Capacity as of July 1, 2020. All Agencies will comply with all legal requirements related to the Authority's pension liabilities and obligations as specified in the Act and the Public Employees Retirement Law (California Government Code Section 20000 *et seq.*).

(c) Negotiations to Extend the Term of the Agreement

Five years before the end of the Term, the Agencies will enter into good faith negotiations to determine whether it is appropriate to renew, extend, revise, replace or terminate the Agreement. Such negotiations may include matters such as the process by which Agencies may leave the Authority prior to and following any renewal, extension, revision or replacement of the Agreement and the related disposition of assets and obligations, the ownership of Facilities, and whether Agencies will be permitted to reduce their Maximum Flow Rate Capacities. In the event all Agencies are unable to reach agreement prior to the end of the Term, the Agreement will terminate.

(d) Disposition of Obligations Imposed After Termination or Expiration of the Agreement.

The Agencies acknowledge that it is possible obligations arising out of or related to the Agreement may remain following termination of, or be imposed on the Authority after termination of, the Agreement, for which events giving rise to such obligations arose during the Term of the Agreement. Such obligations may include the decommissioning or disposal of Facilities, if ordered by a regulatory agency or other entity. In the event such post-termination or post-expiration obligations remain or are imposed, the costs related to such obligations will be apportioned to all Agencies based on each Agency's Maximum Flow Rate Capacity as of July 1, 2020.

(e) Survival of Obligations

The Agencies' obligation to fund post-termination or post-expiration obligations referenced in subsections (b)(iv) and (d), above, will survive termination or expiration of this Agreement.

(f) Post-Termination Notices

Upon termination of this Agreement, the Authority will designate a contact name and address for any post-termination or post-expiration notices.

Section 21. Amendments

This Agreement may be amended only by an agreement approved and executed in writing by the governing bodies of all of the Agencies. In the event another governmental entity adopts a law or regulation, which materially impacts the manner in which the Authority functions, it is anticipated that amendment or termination of this Agreement will be required.

Section 22. Authority Use of Agencies' Emergency Outfalls and Flow Equalization Storage

During the Term, all Agencies will continue to permit the Authority to utilize Agency owned and operated outfalls for emergency relief as detailed in approved Policies and Procedures. In no event will Union be required to comply with any Authority request to temporarily utilize its outfall. Further, the Authority may request that one or more Agencies utilize Agency owned and operated flow equalization storage facilities in order to manage wet weather flows or facilitate maintenance activities, in accordance with approved Policies and Procedures. In no event will any Agency be required to comply with any Authority request to temporarily utilize its flow equalization storage.

Section 23. Brine Disposal and the Development and Use of Recycled Water

(a) Development and Use of Recycled Water.

The Authority and the Agencies support the development and use of recycled water. The volume of flow that an Agency recycles that does not utilize any Authority Facilities will not be included in the effluent flow reported by the Agency for the purposes of calculating O&M Variable Costs. To the extent that recycled water is conveyed or pumped using Authority Facilities, it will be included in the Agency's reported effluent flow. Water recycling by the Authority and by any Agency will be conducted in accordance with the Authority's Water Recycling Policy, as it may be updated from time to time.

(b) Disposal of Brine.

The Authority and the Agencies acknowledge that use of the Authority's Bay Outfall may provide an environmentally beneficial and cost-effective method of disposing of brine. The Agencies desire that both volume and pollutant loading capacity in the Facilities be available for disposal of brine generated from an Agency's production of recycled water.

(1) Non-Agency Generated Brine

Any project or activity that results in utilization of the Facilities to dispose of brine generated outside the Authority's boundaries or from source water not already treated by an Agency will be conducted in accordance with the Authority's Brine Policy, as it may be updated from time to time, and any other relevant Policies and Procedures. The Brine Policy will include a provision that the Commission unanimously approve any agreement that results in utilization of the Facilities for disposal of such brine, including any agreement to which the Authority may not be a party. Such approval will not be unreasonably withheld. The purpose of such approval is, among other things, to ensure that acceptance of brine from non-Agency sources does not limit an Agency's right to a share of capacity, both volume and pollutant loading, in the Authority Facilities to develop recycled water projects and dispose of brine. Such agreements may also provide for the Authority to receive appropriate revenue from disposal of brine, assurances that the discharge will not lead to effluent violations, and appropriate indemnification against liability resulting from such disposal.

(2) Agency-generated Brine that is not Treated Through an Agency's Full Secondary Treatment Process

Utilization of the Facilities to discharge brine that is generated by an Agency that is not treated through an Agency's full secondary treatment process will be conducted in accordance with the Authority's Brine Policy, as it may be updated from time to time, and any other relevant Policies and Procedures. The Brine Policy will provide a framework that encourages development of recycled water while addressing the possible impacts of Agency brine discharges on other Agencies, the Facilities, and the Authority's regulatory compliance. The requirement for Commission approval in subsection 23(b)(1) does not apply to brine generated by an Agency.

(3) Agency-generated Brine Treated through an Agency's Full Secondary Treatment Process

Brine generated by an Agency that is treated through an Agency's full secondary treatment process will not be subject to approval by the Authority. The requirement for Commission approval in subsection 23(b)(1) does not apply to wastewater treated by an Agency.

Section 24. Notices

Except for the notices required by Sections 10(c)(2) and 10(c)(4), any notices which any Agency or the Authority may give to another Agency or the Authority in connection with this Agreement will be given in writing and will be sent by (i) personal delivery, (ii) United States registered or certified mail, return receipt requested, postage prepaid, addressed as set forth below, or (iii) Federal Express or other equivalent overnight delivery system, addressed to the party for whom intended, and addressed to the Agency at its address given below or to the Authority at its principal office, as the case may be, or to such other address as any Agency or the Authority may designate from time to time by written notice given as provided in this paragraph. Service of notice pursuant to this paragraph will be deemed complete on the day of actual delivery.

Section 25. Successors: Assignment

This Agreement will be binding upon and will inure to the benefit of the successors of the Agencies. In the event of the consolidation of some, but less than all, of the Agencies, the consolidated Agency will retain all of the rights and responsibilities of the former individual Agencies which consolidated.

No Agency may assign any right or obligation hereunder without the consent of the others.

Section 26. Severability

Should any part, term, or provision of this Agreement be decided by a final judgment of a court to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions will not be affected thereby.

Section 27. Section Headings

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

Section 28. Incorporation of Schedules

Schedules A through I, referred to herein, are incorporated in and made part of this Agreement.

Section 29. Governing Law

This Agreement will be governed by, and construed and enforced in accordance with, the laws of the State of California, without giving effect to conflict of law provisions.

Section 30. Jurisdiction

Any lawsuits between the parties arising out of this Agreement will be brought and concluded in the State of California, which will have exclusive jurisdiction over such lawsuits. With respect the venue, the parties agree that this Agreement is made in and will be performed in Alameda County, unless otherwise agreed to by the parties to the dispute or pursuant to California Code of Civil Procedure Section 394.

Section 31. Joint Drafting

All Agencies participated in the drafting of this Agreement and the Agreement will not be construed against any Agency as the drafter.

Section 32. References to Laws

All references in this Agreement to laws and regulations will be understood to include such laws and regulations as they may be subsequently amended or recodified, unless otherwise specifically provided. In addition, references to specific governmental agencies will be understood to include agencies that succeed to or assume the functions they are currently performing.

Section 33. Counterparts

Execution of this Agreement may be accomplished by execution of separate counterparts by each signatory. The separate executed counterparts, taken together, shall constitute a single agreement.

Section 34. No Escalation of Dollar Amounts

The Agencies agree that all dollar figures in the Agreement are fixed for the term of the Agreement, unless specifically designated as being subject to adjustment for inflation.

Section 35. Third Party Beneficiaries

This Agreement will not create any right or interest in any non-party or in any member of the public as a third party beneficiary.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed and attested by their respective officers, duly authorized to so act, on the dates set forth.

SIGNATURE BLOCKS ON FOLLOWING PAGES

UNION SANITARY DISTRICT
A Public Corporation

By: _____

Date: _____

(SEAL)
Attest:

Secretary

CITY OF HAYWARD
A Municipal Corporation

By: _____

Date: _____

(SEAL)
Attest:

City Clerk

CITY OF SAN LEANDRO
A Municipal Corporation

By: _____

Date: _____

(SEAL)
Attest:

City Clerk

ORO LOMA SANITARY DISTRICT
A Public Corporation

By: _____

(SEAL)
Attest:

Date: _____

Secretary

CASTRO VALLEY SANITARY DISTRICT
A Public Corporation

By: _____

(SEAL)
Attest:

Date: _____

Secretary

SCHEDULE A
AUTHORITY FACILITIES

A. Upon its formation in 1974, the Authority was responsible for overseeing construction of the “Phase I Project,” which was funded by a Clean Water Grant. The Phase I Project included construction of facilities to be owned by the Authority, as well as facilities to be owned by the Agencies. As such, the original Joint Powers Agreement defined Joint and Sole Use Facilities to delineate those Joint facilities to be owned and operated by the Authority and Sole Use Facilities to be owned and operated by the Agencies. In this Amended and Restated Agreement, those facilities owned and operated by the Agencies are deemed no longer relevant to the Agreement, and therefore those Sole Use Facilities have been removed from this Schedule. Those facilities owned and operated by the Authority have been renamed Authority Facilities or Facilities and are enumerated below.

B. Authority Facilities or Facilities are:

1. Control System
2. Operations Center
3. Bay Outfall
4. Marina Dechlorination Facility (MDF)
5. Oro Loma Dechlorination Facility
6. Oro Loma Effluent Pump Station (OLEPS)
7. Marina to Oro Loma Force Main
8. Oro Loma to Hayward Force Main
9. Hayward Effluent Pump Station (HEPS)
10. Hayward to Union Force Main
11. Union Effluent Pump Station (UEPS)
12. Skywest Irrigation Project
14. Other such additional facilities as determined by the Commission to be Authority Facilities

SCHEDULE B

ALLOCATION OF OPERATION AND MAINTENANCE COSTS

Operation and Maintenance Costs for Authority Facilities will be divided into, and allocated based on, the following categories:

1. Fixed Costs include all Operation and Maintenance Costs not defined below as "Variable Costs." The total Fixed Costs, less any amounts received by the Authority to offset Fixed Costs, will be apportioned to the Agencies based on their current Maximum Flow Rate Capacity (as shown in Schedule F) normalized out of 100 as follows:

San Leandro	13.74%
Oro Loma	19.44%
Castro Valley	10.30%
Hayward	14.72%
Union	42.10%

In the event one or more Agencies adjusts its Maximum Flow Rate Capacity as set forth in Section 11, this schedule will be adjusted to reflect the same.

Notwithstanding the foregoing, San Leandro will not share in any fixed Operation and Maintenance Costs for the Oro Loma Effluent Pump Station, Hayward Effluent Pump Station, or Union Effluent Pump Station, nor will it share in Operation and Maintenance Costs for the Transport System.

2. Variable Costs will be deemed to be costs of energy used for pumping, chemical costs used in operation of the Facilities, and maintenance, and repair charges incurred in the operation and maintenance of the system. Variable Costs will be allocated to the Agencies based on total effluent flow for a one year period as set forth in Policies and Procedures. Union's total effluent flow for the purposes of the calculation of Variable Costs will include any flow discharged to the Hayward Marsh pursuant to the Hayward Marsh MOU.

The volume of flow that an Agency recycles that does not utilize any Authority Facilities will not be included in the effluent flow reported by the Agency for the purposes of calculating Variable Costs. To the extent that recycled water is conveyed or pumped using Authority Facilities, it will be included in the Agency's reported effluent flow for the purposes of calculating Variable Costs.

Notwithstanding the foregoing, San Leandro will not share in any variable Operation and Maintenance Costs for the Oro Loma Effluent Pump Station, Hayward Effluent Pump Station, or Union Effluent Pump Station, nor will it share in Operation and Maintenance Costs for the Transport System.

SCHEDULE C
DISTRIBUTION OF PLANNING
AND SPECIAL STUDIES COSTS

Distribution of Planning and Special Studies Costs for the Facilities will be in proportion of Average Dry Weather Design Flows as set forth in the Final Supplement to the Project Report dated August, 1976, and will be as follows:

San Leandro	13%
Oro Loma	18%
Castro Valley	6%
Hayward	30%
Union	33%

Planning and Special Studies Costs for other than Authority Facilities and at the request of and solely benefiting one or more Agencies will be borne exclusively by the Agency or Agencies requesting such studies, including an allocation of general administrative expenses to be agreed upon by the Agency (or Agencies) and Authority when said service is requested.

Other Costs Charged to the Authority: The Authority incurs additional costs related to the operation of the Facilities (e.g. NPDES fees, Regional Monitoring Program fees, watershed permit fees). These costs will be allocated among the Agencies as set forth in Policies and Procedures.

SCHEDULE D

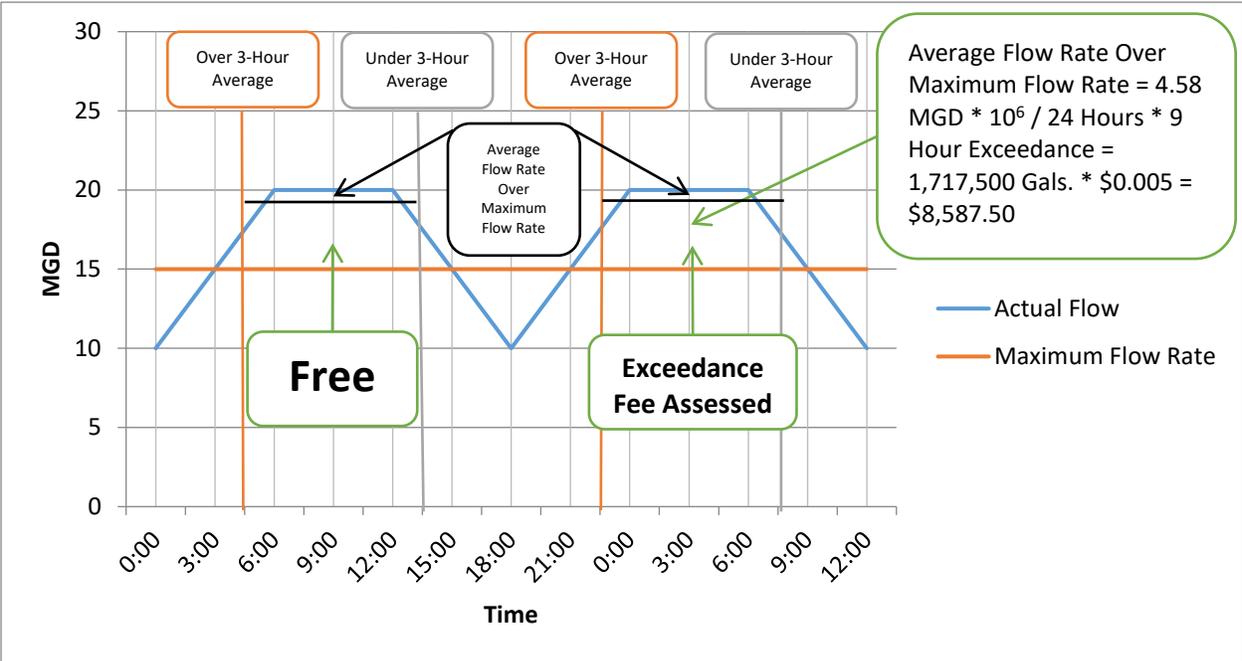
MAXIMUM FLOW RATE CAPACITY EXCEEDANCE CALCULATION

Fees associated with temporary exceedance of an agency's Maximum Flow Rate Capacity will be assessed according to the following formula:

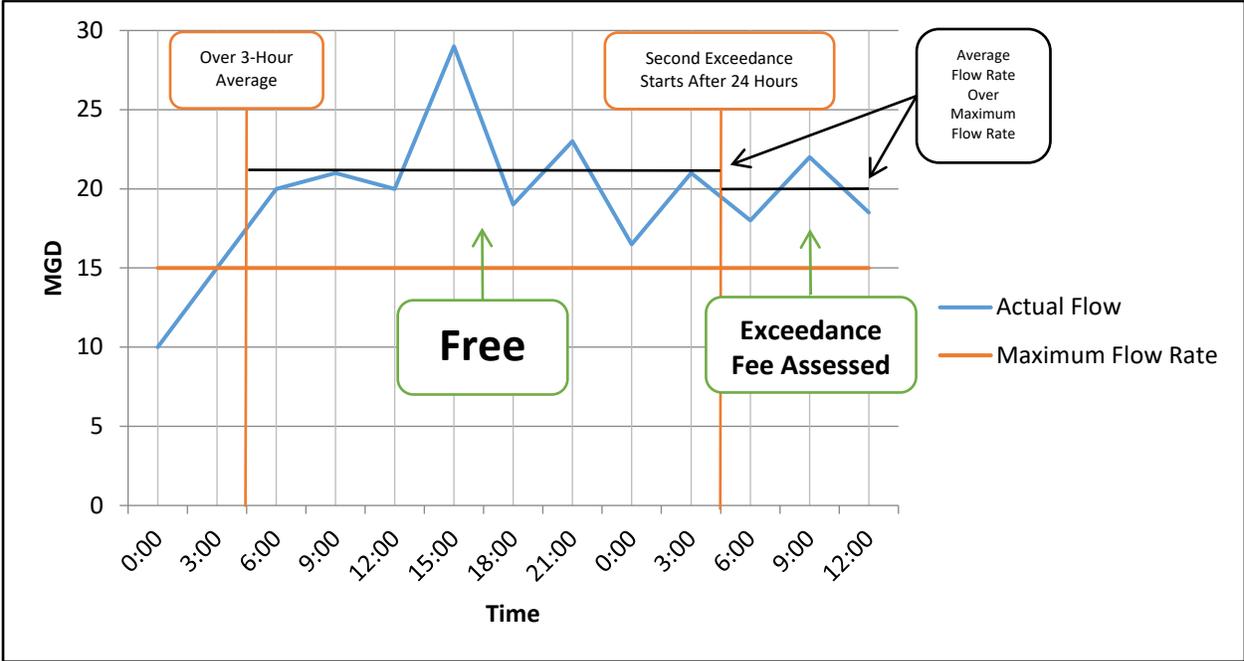
Fee = (Average actual flow rate for the period of exceedance in MGD - Maximum Flow Rate Capacity in MGD) * 10^6 gal ÷ 24 hrs * hrs of exceedance * \$0.005/gallon

Fees will be assessed when a 3-hour rolling average exceeds the Maximum Flow Rate Capacity. No fees will be assessed for the first exceedance in a given Fiscal Year. The first exceedance will end when an Agency's 3-hour average first drops back below its Maximum Flow Rate Capacity. If the Agency's 3-hour average stays above its Maximum Flow Rate Capacity, the first exceedance will end after 24 hours. The start of a new 24-hour period will be considered the start of a new exceedance. Notwithstanding the foregoing, any discharge by Union to the Hayward Marsh pursuant to the Hayward Marsh MOU, will be subtracted from Union's flow for the purposes of assessing a capacity exceedance fee.

EXAMPLE 1



EXAMPLE 2



SCHEDULE E
WEIGHTED VOTING

<u>Agency</u>	<u>Votes</u>
Union	42.10
Oro Loma	19.14
Castro Valley	10.30
Hayward	14.72
<u>San Leandro</u>	<u>13.74</u>
Total =	100

In the event one or more Agencies adjusts its Maximum Flow Rate Capacity as set forth in Section 11, this schedule will be recalculated based on the following formula:

$$\text{Agency Votes} = \text{Agency Maximum Flow Rate Capacity} \div \text{Total Maximum Flow Rate Capacity}$$

After such recalculation, a revised Schedule E will be automatically incorporated in this Agreement.

SCHEDULE F
MAXIMUM FLOW RATE CAPACITY

San Leandro	14.0 million gallons per day
Oro Loma/Castro Valley	30.0 million gallons per day*
Hayward	15.0 million gallons per day
Union	42.9 million gallons per day**

*For the purposes of individual Agency cost and vote allocations, 65% of this capacity is allocated to Oro Loma and 35% is allocated to Castro Valley.

**Any effluent discharged to the Hayward Marsh by Union pursuant to the Hayward Marsh MOU, will be subtracted from Union's total flow when determining whether Union has exceeded its Maximum Flow Rate Capacity.

In the event one or more Agencies adjusts its Maximum Flow Rate Capacity as set forth in Section 11, this schedule will be adjusted to reflect the same.

For purposes of maintaining a historical record, prior capacities are noted below. This historical record will be updated as the above table is updated.

Maximum Flow Rate Capacity for the Period February 15, 1974 – June 30, 2020:

San Leandro	22.3 million gallons per day
Oro Loma/Castro Valley	69.2 million gallons per day
Hayward	35.0 million gallons per day
Union	42.9 million gallons per day

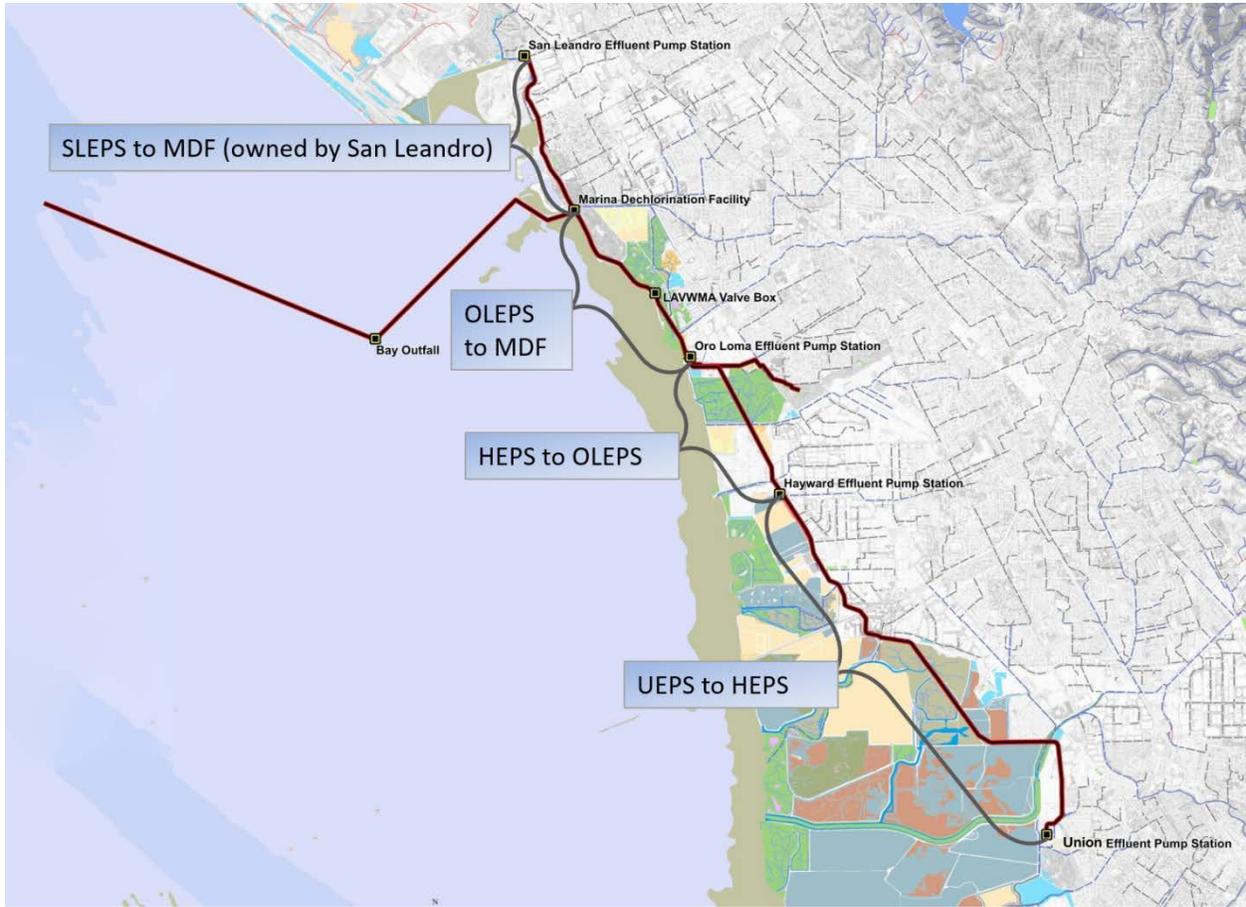
SCHEDULE G
TRANSPORT SYSTEM AGENCY SEGMENT ALLOCATION

Segment	Agency	Allocation
OLEPS to MDF	Union	49%
	Hayward	17%
	Oro Loma	23%
	Castro Valley	11%
HEPS to OLEPS	Union	74%
	Hayward	26%
UEPS to HEPS	Union	100%

In the event an Agency adjusts its Maximum Flow Rate Capacity as set forth in Section 11, this schedule will be recalculated based on the following formula:

Agency Segment Allocation = Agency Maximum Flow Rate Capacity ÷ Total Maximum Flow Rate Capacity for that segment

The following Transport System diagram is provided for reference in delineating the segments outlined in the above table:



SCHEDULE H

MAXIMUM FLOW RATE CAPACITY NORMALIZED OUT OF 100 -- EXCLUDING SAN LEANDRO

Union	48.8%
Oro Loma	22.2%
Castro Valley	11.9%
Hayward	17.1%

In the event an Agency adjusts its Maximum Flow Rate Capacity as set forth in Section 11, this schedule will be recalculated based on the following formula:

Agency Allocation = Agency Maximum Flow Rate Capacity ÷ (Total Maximum Flow Rate Capacity – San Leandro Maximum Flow Rate Capacity).

SCHEDULE I
AUTHORITY COST ALLOCATION SUMMARY

Budget Element	Cost Allocation Basis	Associated Schedule
O&M Variable Cost (energy, chemicals, labor)	Total annual flow	Schedule B
O&M Fixed Cost (other O&M)	Maximum Flow Rate Capacity	Schedule B (Note table is the same as Schedule E)
Capital Cost: Transport System (projects > \$35,000*)		
- First \$325,000** cumulative	Maximum Flow Rate Capacity, excluding San Leandro	Schedule H
- Once \$325,000** has been exceeded	Segment Use	Schedule G
Capital Cost: Pump Stations (projects >\$10,000*)	Maximum Flow Rate Capacity, excluding San Leandro	Schedule H
Capital Cost: Bay Outfall, Operations Center, and MDF (projects >\$10,000*)	Maximum Flow Rate Capacity	Schedule B
Special Studies	Average Dry Weather Design Flows per 1976 Project Report or other as determined on a case by case basis	Schedule C

* Projects under listed threshold will be allocated as O&M costs.

**As escalated pursuant to the Engineering News-Record 20-City Building Cost Index.

EAST BAY DISCHARGERS AUTHORITY
FOURTH AMENDMENT TO
THE JOINT EXERCISE OF POWERS AGREEMENT

This FOURTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT ("Amendment") is entered into effective as of January 1, 2020 ("Effective Date") by the CITY OF HAYWARD, a municipal corporation; CITY OF SAN LEANDRO, a municipal corporation; ORO LOMA SANITARY DISTRICT, a public corporation; CASTRO VALLEY SANITARY DISTRICT, a public corporation; and UNION SANITARY DISTRICT, a public corporation ("Agencies"); each duly existing and organized in the County of Alameda under the Constitution and laws of the State of California.

WHEREAS, the Agencies first entered into a Joint Exercise of Powers Agreement on February 15, 1974; amended such Agreement on January 3, 1978; supplemented such Agreement on October 5, 1981, February 15, 1983, and twice on April 26, 1983; and further amended the Joint Exercise of Powers Agreement on February 11, 1986, and February 15, 2007; and

WHEREAS, the Agencies have negotiated an Amended and Restated Joint Exercise of Powers Agreement which, if executed, will take effect on July 1, 2020; and

WHEREAS, to allow for uninterrupted service, the Agencies desire to extend the term of the February 15, 2007 Amended Joint Exercise of Powers Agreement through June 30, 2020.

NOW, THEREFORE, the Third Amended Joint Exercise of Power Agreement, dated February 15, 2007, is amended as follows:

1. **Section 3 "Term"** is deleted in its entirety and replaced with the following:

"This Fourth Amended Agreement shall become effective upon execution by all Agencies and, provided all Agencies have approved this amendment on or before January 1, 2020, the effective date will be January 1, 2020. It will continue in force and effect until June 30, 2020, unless sooner terminated by mutual agreement."

2. Except as expressly modified by this Fourth Amendment, all terms and conditions in the Third Amended Joint Exercise of Powers Agreement dated February 15, 2007 shall remain in full force and effect.

3. Execution of this Fourth Amendment may be accomplished by execution of separate counterparts by each signatory. The separate executed counterparts, taken together, shall constitute a single agreement.

IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the Effective Date.

UNION SANITARY DISTRICT
A Public Corporation

By: _____

Date: _____

(SEAL)
Attest:

Secretary

CITY OF HAYWARD
A Municipal Corporation

By: _____

Date: _____

(SEAL)
Attest:

City Clerk

CITY OF SAN LEANDRO
A Municipal Corporation

By: _____

Date: _____

(SEAL)
Attest:

City Clerk

ORO LOMA SANITARY DISTRICT
A Public Corporation

By: _____

(SEAL)
Attest:

Date: _____

Secretary

CASTRO VALLEY SANITARY DISTRICT
A Public Corporation

By: _____

(SEAL)
Attest:

Date: _____

Secretary



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 19-823

DATE: December 17, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt a Resolution Supporting the Proposal to Transform the Pacific Gas and Electric Company into a Customer-Owned Utility

RECOMMENDATION

That Council adopts a resolution (Attachment II) supporting the proposal to transform the Pacific Gas and Electric Company into a customer-owned utility.

SUMMARY

This resolution supports the proposal, initially brought forward by San Jose Mayor Sam Liccardo, which seeks to transform Pacific Gas and Electric (PG&E) to a customer-owned utility.

ATTACHMENTS

- | | |
|----------------|---|
| Attachment I | Staff Report |
| Attachment II | Resolution |
| Attachment III | 11/4/19 letter to the California Public Utilities Commission |
| Attachment IV | Briefing Paper: The Basics: Converting PG&E to a Customer-Owned Utility |
| Attachment V | Customer Owned-Utility Operating Principles |



DATE: December 17, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Supporting the Proposal to Transform the Pacific Gas and Electric Company into a Customer-Owned Utility

RECOMMENDATION

That Council adopts a resolution (Attachment II) supporting the proposal to transform the Pacific Gas and Electric Company into a customer-owned utility.

SUMMARY

This resolution supports the proposal, initially brought forward by San Jose Mayor Sam Liccardo, which seeks to transform Pacific Gas and Electric (PG&E) to a customer-owned utility.

BACKGROUND

PG&E's January 2019 bankruptcy filing presents an opportunity to consider new solutions to ensure a fiscally and socially responsible energy entity serving Hayward and other northern California residents. However, the two proposals currently before the bankruptcy court – one from PG&E and the other from a group of its creditors - do little to resolve this crisis. As an investor-owned utility, PG&E currently operates primarily for the benefit of its shareholders, which with its shareholder-first financial focus has prompted a series of decisions that have severely undermined the safety and reliability of its service, to the detriment of its 16 million customers. A broad coalition of mayors and other local leaders, representing millions of PG&E customers, has proposed a totally new approach: converting PG&E into a customer-owned utility.

On November 4, 2019, a letter¹ signed by 22 Mayors, including Mayor Halliday, and six representatives of county boards of supervisors was sent to the California Public Utilities Commission (CPUC) requesting that PG&E be converted to a customer-owned utility. The letter is included as Attachment III.

DISCUSSION

Proponents present two primary reasons to support a customer-owned utility as the best path forward: 1) it would provide access to capital at the lowest cost to pay creditor claims to exit bankruptcy, rebuild the company, and operate the utility; and 2) it would re-align PG&E's financial interests with the public's interest. Proponents have provided two documents in support of the proposal – a briefing paper titled *The Basics: Converting PG&E to a Customer-Owned Utility* (Attachment IV) and a document titled *Customer Owned-Utility Operating Principles* (Attachment V).

ECONOMIC IMPACT

A customer-owned utility is expected to have a moderating effect on future rate increases due to its access to lower cost capital and the absence of shareholders.

FISCAL IMPACT

This proposal is not expected to have a fiscal impact to the City.

STRATEGIC INITIATIVES

This agenda item does not directly relate to one of Council's three Strategic Initiatives.

SUSTAINABILITY FEATURES

A customer-owned utility would be subject to all State requirements for clean energy procurement, and energy efficiency initiatives, etc. as they relate currently to the investor-owned utilities. A customer owned utility would support local efforts to administer and implement public purpose programs such as energy efficiency and renewable energy programs funded through the public goods charge, which is a fee applied to a utility bill to fund public-interest programs related to that utility service.

PUBLIC CONTACT

There has been no public outreach regarding this item.

¹ https://www.kqed.org/news/11784972/22-mayors-want-pge-to-become-a-customer-owned-co-op?utm_medium=Email&utm_source=ExactTarget&utm_campaign=20191104News_News%2520Daily_Newsletter&mc_key=003i00000UMoG0AAL

NEXT STEPS

If Council adopts the attached resolution, staff would share the signed resolution with the CPUC and interested parties. As the proposal moves forward, staff will keep the Council informed as to next steps and potential impacts on Hayward residents and businesses.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION SUPPORTING THE PROPOSAL TO TRANSFORM THE PACIFIC GAS AND ELECTRIC COMPANY INTO A CUSTOMER-OWNED UTILITY

WHEREAS, Californians have experienced a dystopia of alternating wildfires and blackouts that have displaced hundreds of thousands of residents, and disrupted the daily lives and livelihoods of millions more; and

WHEREAS, devastating blazes such as the Kincade Fire and the Camp Fire appear to have resulted from failed Pacific Gas & Electric (PG&E) infrastructure, following a decade in which the company distributed \$7 billion to shareholders, but chronically underinvested in basic maintenance and safety; and

WHEREAS, rate payers—including businesses and residents—critically need a utility company focused on placing the provision of reliable, safe, and affordable power above the interests of its shareholders; and

WHEREAS, any solution to this crisis will require access to tens of billions of dollars in capital markets to invest in maintenance, capital upgrades, and grid hardening; and

WHEREAS, a customer-owned utility would benefit from dramatically lower capital costs than PG&E does today, due in part to its lack of obligation to pay dividends to shareholders nor federal taxes; and

WHEREAS, by saving billions in interest payments, a customer-owned utility could devote more of its resources to improving the company's maintenance, infrastructure, and service; and

WHEREAS, the federal bankruptcy code and state law vest the California Public Utilities Commission (CPUC) with the responsibility for approving any Plan of Reorganization for PG&E that emerges from bankruptcy court, particularly where that Plan requires rate increases or access to the Wildfire Fund; and

WHEREAS, the bankruptcy court is considering two plans before it developed in the Chapter 11 proceeding by two sets of hedge funds with competing Reorganization Plans that reflect their proponents' interests in extracting investor value—through short-term financial gain—that will leave the company underinvesting in critical maintenance, safety, and infrastructure improvements; and

November 4, 2019

Hon. Marybel Batjer, President
Hon. Martha Guzman Aceves
Hon. Liane M. Randolph
Hon. Clifford Rechtschaffen
Hon. Genevieve Shiroma

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

President Batjer and Commissioners:

RE: Critical Matters Related to the PG&E Bankruptcy

As local leaders across Northern and Central California, collectively representing more than 5 million residents, we write to you about a matter vital to the safety and quality of life of the communities we serve. While our immediate attention focuses on the recovery of our neighbors and communities from recent tragic fires and power shut-offs, we have serious concerns about whatever emerges from the bankruptcy of Pacific Gas and Electric Company and its parent, PG&E Corporation. We write in our individual capacities as elected and appointed leaders, but as our coalition of local leaders grows in the weeks ahead, we will advocate these positions with our boards and councils as well, and seek their support.

Both the federal bankruptcy code and state law invest the California Public Utilities Commission with a responsibility for approving any Plan of Reorganization for those entities. The Bankruptcy Court may not confirm such a Plan if it involves any rate change (as is the likely case) without this Commission's assent, while recently-enacted state law establishes your approval as a necessary predicate for the emergent entity to have access to the Wildfire Fund. The Commission now plays an essential part in the restoration of Northern California's incumbent utility to a position where it can provide safe, reliable, and affordable power to our citizens.

At present, the Commission is considering the scope of its review. It is focusing primarily on the two plans before it, developed in the Chapter 11 proceeding by competing financial interests. One, from the companies themselves, reflects the current driving forces that govern PG&E, namely financial entities that purchased controlling equity interests as the crisis unfolded. The other is the product of distressed asset bondholders. Both vie for ultimate control, and both reflect a short-term desire to maximize financial gain for their proponents. Neither plan addresses the three key matters that we believe are of utmost importance. They are:

First, the discussions so far have been almost entirely devoid of any consideration of whether PG&E can emerge under either plan as a viable, credit-worthy entity. The bankruptcy code requires that the reorganized PG&E be a feasible, financially stable enterprise, able to perform its functions for the long term. Under Section 1129 (a)(11) of the Bankruptcy Code, the Court

may not confirm a Plan that does not meet this standard. Even without that mandate, as a matter of public policy, this should be a primary consideration. Rather, the proceedings appear dominated so far by a pitched battle between Wall Street titans for control of the bankruptcy process, control of the company, and the ability to control exit financing. This is merely spectacle, without regard for what will be left behind when the financial players inevitably leave the scene.

Second, the scope of review must include consideration of whether the reorganization plans before you address any of the organic operational issues that have plagued this company to the great detriment of its customers. The public interest cannot be swept aside in the name of merely addressing the bankruptcy exit. The Plan of Reorganization must substantially improve the company's operational footing — boosting its capacity to deliver electricity and gas that meets its customers' reasonable expectations for reliable service, while remaining solvent. This requires aligning the financial interest of the company with the public interest — for focused investment in safe, resilient, well-maintained, and sustainable infrastructure.

So far, neither Plan before you posits a vision for a reorganized PG&E that will address those operational issues.

Third, the Commission has indicated that as part of its review, it will examine “structural” issues involving PG&E's governance. We urge you to embrace this aspect of your review broadly and incisively.

Recently, Governor Newsom declared that “when they come out of bankruptcy, [PG&E] has to be a completely re-imagined company.” We agree. That reimagining must begin now, as part of your review.

In a growing coalition of local community leaders, we are developing a proposed structural change for PG&E that addresses all three of these key elements. Based on a foundation currently in the Public Utilities Code, we will propose transforming PG&E into a mutual benefit corporation – in essence, a cooperative owned by its customers.

We propose a customer-owned utility for three primary reasons. The most compelling rationale is that PG&E correctly estimates it must invest tens of billions of dollars over the next decade for system hardening, wildfire protection and cyber-security. A mutualized PG&E can raise capital from a broad pool of debt financing in amounts substantially greater than can an investor-owned PG&E, and at much lower cost. A customer-owned utility can operate without the burdens of paying dividends to shareholders, and exempt from federal taxation. As a result, a cooperative financial structure will save ratepayers many billions of dollars in financing costs over this next decade. A customer-owned PG&E will better focus its scarce dollars on long-neglected maintenance, repairs, and capital upgrade, and mitigating some part of the substantial upward pressure on rates.

Next, a customer-owned utility structure can be accomplished through a Chapter 11 Plan, with results far superior to those that would be seen from the two plans currently under consideration.

Finally, the customer-owned utility structure would allow PG&E to begin the process of restoring public confidence, in part by allowing the public to have greater role in determining decisions that increasingly have come to define matters of life and death. To the extent that the public continues to believe that a profit motive has dominated PG&E's decision making, the enterprise will never regain the trust of its customers, its regulators, and public policy-makers. It is time to pass control of the company from geographically distant investors to its customers.

Although recent actions bring the urgency of change into sharp relief, we do not pursue this option out of mere anger or angst. Rather, the moment compels PG&E's transformation. AB 1054 was a response to the realization that customers will be called upon to bear billions of dollars of costs associated with wildfire recovery and payment of claims. We face the need for a completely re-engineered and reconstructed system to adapt to the realities of climate change and poorly maintained infrastructure. PG&E cannot meet these challenges if it stumbles out of bankruptcy, barely able to raise capital, and suffering prohibitive costs.

There is a better way, and we want you to consider it. Your proceeding is that opportunity. We urge that it not be a cramped or limited exercise, focused solely on getting through the current Chapter 11 case.

We stand ready to participate in these proceedings, and to work with you. However, we again urge that the scope of your inquiry must address these broader and compelling matters that go well beyond the immediate desire to simply get through the bankruptcy proceeding. The Commission must do more than approve a Plan – any Plan – merely so that the bankruptcy can be concluded. This situation requires a full and comprehensive effort to chart a sustainable course for the future of PG&E, one that will serve the interests of its customers, and position the company to meet the challenges we will face from a changing climate.

Signed:

Mayor Sam Liccardo, City of San José
 Mayor Darrell Steinberg, City of Sacramento
 Mayor Libby Schaaf, City of Oakland
 Mayor Michael Tubbs, City of Stockton
 Mayor Ted Brandvold, City of Modesto
 Mayor Steve Ly, City of Elk Grove
 Mayor Barbara Halliday, City of Hayward
 Mayor Larry Klein, City of Sunnyvale
 Mayor Jesse Arreguin, City of Berkeley
 Mayor Tom Butt, City of Richmond
 Mayor Drew Bessinger, City of Clovis
 Mayor Randall Stone, City of Chico
 Mayor Julie Winter, City of Redding
 Mayor Ian Bain, City of Redwood City
 Mayor Brett Lee, City of Davis
 Mayor Martine Watkins, City of Santa Cruz

President Carole Groom, San Mateo County
 Board of Supervisors
 Chair Ryan Coonerty, Santa Cruz County
 Board of Supervisors
 Chair Kate Sears, Marin County Board of
 Supervisors
 Chair Don Saylor, Yolo County Board of
 Supervisors
 Chair Mark Medina, San Benito County Board
 of Supervisors

Mayor Teresa Barrett, City of Petaluma
Mayor Heidi Harmon, City of San Luis Obispo
Mayor Dominic Foppoli, City of Windsor
Mayor Jack Dilles, City of Scotts Valley
Mayor Amy Harrington, City of Sonoma
Mayor John Dell'Osso, City of Cotati

cc:

Hon. Gavin Newsom, Governor
Hon. Toni G. Atkins, President Pro Tem, California State Senate
Hon. Anthony Rendon, Speaker of the California Assembly
Hon. Ben Hueso, Chair Senate Committee on Energy, Utilities & Communications
Hon. John M.W. Moorlach, Vice Chair Senate Committee on Energy, Utilities &
Communications
Hon. Chris R. Holden, Chair Assembly Committee on Utilities & Energy
Hon. Jim Patterson, Vice Chair Assembly Committee on Utilities & Energy
Administrative Law Judge Peter Allen
Service List I.19-09-016

Draft November 17, 2019

The Basics: Converting PG&E to a Customer-Owned Utility

Our Current Challenge

The crisis in California's electric utility industry has placed our region's health, safety, and prosperity at serious risk.

- The Governor and the Legislature have taken important steps in response, through the creation of a Wildfire Fund, to reduce the statewide financial risk of wildfire-based losses to its utilities. While very helpful, PG&E suffers from more systemic and extraordinary problems than the Fund can solve.
- PG&E's January 2019 bankruptcy filing has opened the door to completely new solutions to deal with the Company's failure. However, the two proposals before the bankruptcy court— one from PG&E and the other from a group of its creditors —do little to resolve this crisis, while proposing to compensate wildfire victims with a dubious package of cash and new PG&E stock, and to use high interest rate junk bonds as part of its pay-off for other debts. This crisis requires much more, however: substantive reform, and better alignment of PG&E's financial interests with the public interest.
- As an investor-owned utility, PG&E currently operates for the benefit of its shareholders, which may be appropriate in many contexts. In these grave circumstances, however, the short-term, shareholder-first financial focus of the Company has prompted a series of decisions that have severely undermined the safety and reliability of its service, to the great detriment of its 16 million customers.
- A broad coalition of mayors and other local leaders, representing millions of PG&E customers, has proposed a totally new approach: converting PG&E into a customer-owned utility.
- A customer-owned business will have a simple focus: serving its ratepayers safely, reliably, and cost-effectively. This business model has a proven track record: nearly 900 customer-owned cooperatives all across our country already furnish electric power to more than 40 million Americans.
- Even without the poor decisions that have put PG&E back into Chapter 11 for the second time in 20 years, the utility would face an enormous financial burden to make the grid resilient to the challenges of climate change. Tens of billions of dollars will be required for hardening, cyber-security, and wildfire protection, threatening customers with significant rate increases. A customer-owned utility will have both greater and lower-cost access to capital to address those financial needs, which means lower rates for customers.

PG&E's Future Cannot Rest In the Hands of the Hedge Funds Currently Competing in Bankruptcy Court

Chapter 11 reorganization has two functions: to repay what the company owes, and to create a financially viable successor business that will not have to seek further court protection. Neither group now competing for ownership of PG&E offers a long-term path for creating a viable, sustainable utility.

- PG&E has accrued indebtedness exceeding \$25 billion to financial institutions and trade creditors, and also faces a rapidly growing mountain of tort claims arising from 2017, 2018 and 2019 wildfires that have crippled the company.
- Both groups of hedge funds have proposed deeply flawed plans of reorganization: the Company plan unduly protects the shareholders represented in its group, while the competing plan predictably benefits bondholders that dominate its interests.
- While competing claimants have consumed all of the attention in bankruptcy court, the Bankruptcy Code also requires the creation of a new reorganized utility to emerge from bankruptcy as a financially sustainable company. The two groups fighting over PG&E's assets have presented plans demonstrating little regard for the future viability for the company, and particularly for its need to raise the tens of billions of dollars to rebuild and repair an unsafe power grid.
- The current competing plans are something of a shell game, variously using - depending on the plan - an ever-changing combination of some cash, some investment-grade debt, some high-cost junk bonds, and some new stock of speculative value in a reorganized PG&E to pay claims and/or reward shareholders. Both approaches pay only lip service to the massive future challenge of rebuilding the grid and protecting customers from wildfire risk.
- Both plans emphasize immediate payment of their financial backers, leaving a fundamentally weakened PG&E vulnerable to a return to bankruptcy for a third time. The CPUC should disapprove both of the deeply flawed plans of reorganization that have been proposed.

A Customer-Owned Utility Best Serves Ratepayers and Our Communities

We seek to repay wildfire victims and other creditors, as fully and fairly as possible— and even compensate equity owners of PG&E, if the Bankruptcy Court determines that to be appropriate — while creating a new utility that will serve our citizens safely, reliably, and cost-effectively. A customer-owned utility provides the best vehicle to accomplish these objectives, particularly where it must acquire and continually operate *all* of PG&E's electric and gas businesses.

- Two reasons support a customer-owned utility as the best path forward: (1) it provides access to capital at the lowest cost to pay creditor claims to exit bankruptcy, rebuild the company, and operate the utility, and (2) it re-aligns PG&E's financial interests with the public interest.
- A customer-owned utility can avail itself of less expensive access to capital for several reasons. By law, a customer-owned utility sets its own rates and determines how to recover its costs. Avoiding the uncertainties of governmental regulatory control over rates enables a customer-owned utility to have access to public market financing, eschewing much more expensive equity and conventional debt. An investor-owned utility's imperative to pay dividends to shareholders alone places much more burdensome capital costs on the company. As a result, a customer-owned entity may save as much as 50% in lower capital costs, translating to billions of dollars of savings in interest payments.
- Further, going forward a customer-owned utility will be exempt from federal taxation (we expect it will need to make whole its obligations on state and local taxes through in lieu payments, however), enabling the company to refocus save dollars for investment on critical maintenance and capital infrastructure.

- The magnitude of these savings becomes apparent when we consider that PG&E has projected that it will have to spend—and borrow—\$28 billion on system hardening and upgrades in the next four years. The financing savings unleashed by a cooperative model run in the billions of dollars, and if properly reinvested in grid resiliency, these savings will have a multiplier effect by reducing losses, mitigating claims, and dampening customer rate increases.
- The customer-owned utility’s leaner financing model also enables it to undertake essential insurance needs relating to future wildfire risk, including participating in the recently-established \$21 billion state wildfire fund, and other forms of risk management.
- Second, the different financing structure of a utility cooperative liberates it from the constant short-term imperative of maximizing shareholder value through the stock price. This will enable a new culture at the utility, one that can harmonize the goals of management and the workforce with the real needs of their customers and the public.
- The governing board of the utility will ultimately be responsible to customers, not shareholders, and the company will establish a formal process for incorporating ratepayer input into the board election process.
- In a customer-owned utility, the new governing board will determine whether to retain the current operating managers who were recently selected to run PG&E after its bankruptcy, or whether a new executive team should be chosen.
- A publicly-owned utility—as distinguished from the customer-owned model that we propose—has merit, and several municipal utilities have demonstrated strong track records. Conversion of an investor-owned PG&E to a publicly-owned utility, however, faces daunting hurdles. The California Constitution prohibits the state from owning a company. Purchasing the company also poses fiscal risk to the state, as Standard & Poor’s recently publicly stated that any state acquisition of PG&E would result in a downgrade of state bonds, increasing future financing costs on taxpayers. Finally, public acquisitions of private assets through eminent domain—and lengthy litigation—very often result in taxpayer payments in excess of the market value of the assets.

Bankruptcy Can Enable PG&E’s Transformation to a Customer-Owned Utility

The Chapter 11 process provides a path for the conversion of PG&E to a utility cooperative.

- The Bankruptcy Code confers statutory authority on the Federal Courts to change the corporate form of a company in Chapter 11 as part of the reorganization process. This can be accomplished with or without the consent of the equity owners of the company.
- The cities and counties supporting creation of an electrical cooperative will propose their own Chapter 11 plan (the “Customer Plan”), just as the Company and the bondholders have each proposed a plan. The terms of this Customer Plan will convert PG&E into a customer-owned utility cooperative. It will pay claims in cash instead of using the uncertainties of the payment proposals of the other plans.
- The CPUC must review and approve the structure of whatever company emerges from bankruptcy. The coalition of local leaders submitted a November 4, 2019 letter to CPUC Board President Marlene Batjer, seeking to ensure that the agency’s scope of review incorporates consideration of a reorganized structure that will best serve the public. In her November 14, 2019 response, President Batjer observed that the Commission has already begun to discuss

“concepts such as mutual benefit corporations and similar models. There are many benefits from such models that warrant further consideration.”

- Perhaps most importantly, the Customer Plan will articulate a clear approach for financing the more than \$50 billion in debts and obligations of PG&E.
- If the Customer Plan is approved by the Bankruptcy Court and the CPUC, PG&E will emerge from chapter 11 as a customer-owned cooperative, with a new governing board, new ownership, a new financing structure, and board selection process focused on the best interests of the customers.

A Customer-Owned Model Can Best Meet Our Communities’ Expectations and Values

- We have begun discussions with legislators who have expressed an interest in carrying a bill to implement a customer-owned model that meets our collective expectations for transparency and accountability in governance structure, and ensures that such good governance laws as the Brown Act and the Public Records Act apply appropriately to the company’s operations.
- We have drafted a set of guiding principles that articulate many of these specific objectives, and we continue to engage with our coalition of local leaders to improve those principles.
- We seek the wholesale transformation of every part of PG&E’s service area, so that no parts of the state will suffer disparate impacts from exclusion, and to ensure a geographically equitable governance structure. A customer-owned model will succeed only if it leaves no part of our state behind—particularly those rural regions that bear the burden for the high-voltage transmission infrastructure necessary for the grid’s proper functioning.
- In collaboration with the Legislature and Governor, we will aggressively advocate to ensure that in lieu fees are paid to state and local governments for any taxes for which a customer-owned utility might be exempt, to ensure that our local communities are made whole.
- We will insist that positive PG&E efforts to meet State clean energy and energy efficiency mandates, along with other public policy imperatives, will continue under a customer-owned utility structure.
- We will honor PG&E’s workforce. Although PG&E’s problems have many sources, they do not lie in its highly trained, skilled and motivated workforce. We will insist that the conversion to a customer-owned utility not affect their jobs, benefits, or pay structures, as articulated in existing contracts.

The Opportunity of Change

Widespread hostility toward PG&E has become an unnecessarily regrettable fact of life in Northern California, the Central Coast, and the Central Valley. Anger over the Company’s failures and the suffering of our communities will not disappear with the mere emergence of a customer-owned entity. It will take time to rebuild confidence, and to rebuild the system. Nonetheless, a transformation of the company to a customer-owned cooperative opens the door to a more collaborative approach with the public and the state’s leadership. We aspire to create a company that fundamentally realigns its interest with the public interest.

Customer Owned-Utility Operating Principles

Geographic Inclusion and Equity

- The customer-owned utility would not seek to sever any portion of the current PG&E service area
- Governance and operations would reflect a priority for ensuring that no disparate negative impact is borne by any specific region, county, or city, as a result of the transformation of the utility.

Governing Board Responsibilities & Selection Process

- Assumes ratemaking and capitalization responsibilities in place of CPUC regulation.
- Governing Board would oversee management of the organization, hire and/or retain senior management.
- Fiduciary duty of the Board would be to the customer-owners.
- Interim Governing Board nominees would be presented in the Bankruptcy Process.
- Selection of Governing Board members would be through a two-step process, with a nominating committee patterned on the CAISO selection process (see attached), vetting candidates for election.
- Organization charter would require board members to meet qualification requirements of competence, independence, and specific skill sets (e.g., safety, cyber-security, management, etc.).

Power Supply Procurement

- Customer-owned utility would be subject to all State requirements for clean energy procurement, energy efficiency initiatives, etc. as they relate currently to the investor-owned utilities.
- Primary responsibility for power supply procurement in areas where qualified CCA's already procure power would shift to those qualified CCAs, who would become provider of last resort (POLAR) in their territory. ("Qualified" CCAs would meet good utility practices; including adopting risk management policies and procedures, adequate operating reserves, and limits on uses of ratepayer funds). The customer-owned utility would serve as backstop POLAR for the remaining customers whose communities choose not to form a CCA.
- The customer-owned utility would support new CCA formation and options to reduce costs for all ratepayers including options to reduce and stabilize the PCIA and other non-bypassable charges.
- The Customer Owned Utility would support local efforts to administer and implement public purpose programs such as energy efficiency and renewable energy programs funded through the public goods charge.

Public Accountability

- Notwithstanding "private" entity legal status, Customer-owned utility would operate as though it were a public agency with regard to transparency and accountability of decision-making. That includes:
 - Compliance with applicable public record and open meeting rules, including the Brown Act and Public Records Act

- Prohibitions on organized political contributions or activities, except educational programs
- Outreach to underserved communities,
- Goals for women & minority contracting and employment,
- And other important public policy objectives.

Rate Impact & Credit Quality

- Customer-owned utility would be committed to lowest cost financing for capital investments needed to maintain the grid, adhere to safety and reliability standards, realize energy policy objectives, and improve customer affordability.
- By charter, the organization would be required to maintain investment-grade credit quality.
- The current balance of rate allocation between urban and rural customers would be maintained.

Safety and Response

- The customer-owned utility would be subject to state agency standards and oversight relating to health, safety & wildfire protection.
- The utility would develop a transparent, prioritized capital investment plan to address infrastructure needs of both the distribution and transmission system to prevent wildfires, reduce PSPS events, and improve overall reliability.
- Required Public Safety Power Shutoffs would be based on best practices, with a transparent decision-making structure, emphasis on coordination with local first responder and emergency service agencies, and high quality customer communication.
- A customer-owned utility would fully support development of distributed energy generation and storage, including local micro grids.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: LB 19-045

DATE: December 17, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Update on Commercial Cannabis Permit Process and Program (Continued from October 29, 2019)

RECOMMENDATION

That the City Council provides feedback and guidance on policy options for updating the Commercial Cannabis Regulatory and Land Use Ordinances and adopts the Resolution (Attachment II) authorizing the City Manager to negotiate and execute an amendment to the Agreement with ICF Incorporated LLC to review and update the Commercial Cannabis Program.

SUMMARY

On October 30, 2017, the City Council adopted Ordinances 17-13 and 17-15, which established the City's regulatory and land use ordinances that apply to cannabis operators in the City. In the past 18 months, the City Council has approved Commercial Cannabis Permits for 23 cannabis businesses that include delivery, testing labs, manufacturing, distribution, cultivation, and retail dispensaries. Currently, two of those cannabis businesses are fully operational and several others are approved and/or waiting on building permit issuance; however, a majority of licensees have yet to submit their planning application (s) or their application(s) remains incomplete.

During the past two years that Hayward's cannabis program has been operational, staff has identified several issues and inconsistencies with processes and local regulations that should be resolved before embarking on a new request for applicant proposals. During this same time, the State of California has promulgated several new laws and regulations related to cannabis as the broader industry has evolved. While the City's regulatory and land use ordinances were sufficient to accommodate the first round of applicants, the lack of resources coupled with a greater demand for operational processes and protocols have also presented challenges to the administration and management of the cannabis program in the City.

This report identifies opportunities and recommendations to the current cannabis program to ensure long term success, including an evaluation of what has worked well and what could be improved, taking

File #: LB 19-045

stock of changes in the broader industry and state regulatory system, and learning from effective and innovative practices from other jurisdictions. The purpose of this work session is to obtain feedback from the City Council on opportunities to update the City's ordinances to be consistent with the latest State regulations as well as obtain direction on streamlining administrative processes, strengthening auditing and compliance reporting, and enhancing organizational capacities to ensure effective program implementation.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: October 29, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Update on Commercial Cannabis Permit Process and Program

RECOMMENDATION

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This report identifies opportunities and recommendations to the current cannabis program to ensure long term success, including an evaluation of what has worked well and what could be improved, taking stock of changes in the broader industry and state regulatory system, and learning from effective and innovative practices from other jurisdictions. The purpose of this work session is to obtain feedback from the City Council on opportunities to

update the City's ordinances to be consistent with the latest State regulations as well as obtain direction on streamlining administrative processes, strengthening auditing and compliance reporting, and enhancing organizational capacities to ensure effective program implementation.

BACKGROUND

In response to State mandated deadlines and per Council direction, the Development Services Department and City Attorney's Office drafted new regulatory and land use ordinances in 2017 to establish guidelines for personal cultivation, as well as land use guidelines and development standards to allow for commercial cultivation, distribution, delivery, manufacturing, testing, and retail dispensary land uses in the City of Hayward. The Ordinances establish a process for the review and selection of cannabis operators who meet the desired set of qualifications over a series of four stages. These stages are:

1. Criminal Background Investigation
2. Competitive Scoring and Ranking
3. Proposer Interviews
4. City Council Approval

Following Council approval, applicants are given 6 months (182 business days) to identify a project site and submit a planning application. In some cases, applicants had pre-selected locations early in the process and were able to submit a planning application shortly after Council approval of their license. In other cases, applicants did not have a location pre-selected and had difficulty finding a site, developing a site-specific operational/safety plan, and submitting a planning application with all necessary documentation within the stipulated timeframe.

The City of Hayward issued the first requests for proposal (RFP) for Commercial Cannabis Businesses on December 8, 2017, with applications due on January 12, 2018. At that time, the City received 77 applications for interested commercial cannabis operators. Four of these applications did not meet the City's background check requirements and thus were disqualified. The remaining 73 applications were reviewed and scored by neutral, third-party consultants HdL and ICF. Application adjudication was completed in early May 2018 and the top scoring applicants were invited to participate in interviews with City staff. Those applicants that were deemed acceptable by the interview panel were recommended for cannabis permits. In June and July of 2018, the City Council approved Commercial Cannabis Permits for 15 businesses and allowed applicants six months to identify a proposed location and submit applications for land use entitlements.

In January 2019, citing continued interest from commercial cannabis operators, the City Council directed staff to convene an Interview Panel to conduct interviews with a second tier of non-retail applicants from the first RFP process. In April 2019, the Interview Panel completed the second round of interviews and provided recommendations to the City Manager for review, who forwarded a recommendation to Council thereafter. To date, a total of 23 commercial cannabis licenses have been issued for cannabis activities that include cultivation, distribution, manufacturing, delivery, retail, and testing labs.

Current Status of Cannabis Licensees. Since 2017, the City Council has approved a total of 23 commercial cannabis licenses to applicants, contingent upon identifying a project site and securing all necessary planning entitlements. To date, the Planning Division has received 14 planning applications, of which 9 are incomplete and pending resubmittal, and 5 that are complete and have been approved or are currently in operation. In addition, one applicant did not file their planning application and let their license expire and another applicant filed a planning application but subsequently had their license revoked by Council. The table below lists the businesses approved for Commercial Cannabis Permits in 2018-2019 and their current operational status.

TABLE 1: Hayward Commercial Cannabis Licensees (as of October 2019)

	Company Name	Business Type	Date Approved	Current Status
1	Mijosa, LLC	Cultivation, Manufacturing	June 2018	App Incomplete
2	Empress Extracts	Cultivation	June 2018	App Incomplete
3	Hidden Farms, Inc.	Cultivation	June 2018	App Incomplete
4	Stoned Age Edibles Co.	Manufacturing	June 2018	Operational
5	Green Haven, LLC	Delivery	June 2018	Approved
6	CBRA, Inc.	Distribution	June 2018	Failed to Submit App
7	Manifest, LLC	Distribution	June 2018	Approved
8	Vista Development Ent.	Distribution	June 2018	Revoked
9	Green Grizzly	Microbusiness	June 2018	App Incomplete
10	Sticky Thumb Delivery	Microbusiness	June 2018	App Incomplete
11	American Holdings	Microbusiness	June 2018	App Incomplete
12	Harrens Laboratory	Testing Lab	June 2018	Operational
13	Aunty Honeys	Retail	July 2018	App Incomplete
14	Juva Life	Retail	July 2018	App Incomplete
15	Hayward Station	Retail	July 2018	Approved
16	Meristematic, Inc	Cultivation	May 2019	Awaiting Submittal
17	CBRA, Inc.*	Delivery	May 2019	Awaiting Submittal
18	Mijosa, LLC*	Distribution	May 2019	App Incomplete
19	BAS Research	Manufacturing	May 2019	Awaiting Submittal
20	Empress Extracts*	Manufacturing	May 2019	Awaiting Submittal
21	Gurpreet Singh	Manufacturing	May 2019	Awaiting Submittal
22	Always on Time Consulting	Microbusiness	June 2019	Awaiting Submittal
23	Precision Apothecary	Microbusiness	June 2019	Awaiting Submittal

* Applicants submitted multiple proposals and were chosen for additional licenses during Round 2.

DISCUSSION

There are several factors that led staff to propose a systematic review and update to Hayward’s commercial cannabis program including: (i) a series of updates to State regulatory systems; (ii) statewide industry trends; (iii) implementation issues with Hayward’s current program; and (iv) issues related to Hayward staff transitions and organizational capacities. Each of these components is discussed in the report below.

Updates to State Regulations: Since the City adopted its cannabis ordinances in October 2017, there have been a number of regulatory changes at the state level that will need to be addressed. A careful review of Hayward’s current ordinances and the updated state

regulations is needed to ensure consistency and alignment. Some recent regulatory changes and issues of note at the state level include:

- **New Cultivation Regulations:** On January 16, 2019, the California Department of Food and Agriculture ([CDFA](#)) adopted final regulations for state cannabis cultivation licensing, and these regulations went into effect immediately. Some of the key regulatory changes include: clarifying definitions (e.g., “immature plants”, “pre-roll”, “nonmanufactured cannabis product”); clarifying CEQA compliance issues; detailing a number of new license application requirements (e.g., cultivation plans, pest management plans, waste management plans); and articulating a typology for enforcement of state law violations (i.e., Serious, Moderate, and Minor).
- **Uncertain Legal Status of Statewide Cannabis Delivery:** The ability of local jurisdictions to restrict or ban the delivery of cannabis or cannabis products to a location within that jurisdiction is currently still uncertain and under litigation. AB 1530 (which would have given local jurisdictions this authority) was voted down on April 9, 2019, but a new lawsuit filed April 5, 2019 (*City of Santa Cruz v. Bureau of Cannabis Control*) may have long-term impacts on the future of cannabis delivery throughout the state, including those based in Hayward.¹
- **Assembly Bill 97:** On July 1, 2019, Governor Newsom signed into law AB 97 with the intent to reduce the illicit cannabis market by bringing more people into the legal marketplace and to ensure that persons most harmed by cannabis criminalization be offered assistance to enter the industry through equity programs. This bill has provided state licensing authorities with a greater ability to pursue and fine unlicensed companies that aid and abet any violation of MAUCRSA. Licensed businesses may face fines up to \$5,000, while unlicensed businesses may face fines up to \$30,000 per day in civil fines.
- **CEQA Compliance:** On August 19, 2019, the California Supreme Court ruled that San Diego failed to adequately analyze the potential environmental impacts of its medical marijuana dispensary law. The ruling expands the scope of CEQA by shifting the review threshold from whether actual impacts would occur to merely the potential for impacts to occur. While AB 97 (referenced above) exempts local ordinances from CEQA review through July of 2021, the ruling indicates that CEQA review may be required for local cannabis ordinances in the near future.
- **Redundancy with State Regulations:** Currently, the State regulations address many topics at the state-level that are now redundant with Hayward’s local ordinance. This includes regulated matters of statewide concern such as licensee requirements, operational requirements, consumer safety, advertising, packaging, labeling, testing, cultivation handling and packaging, etc. Hayward’s ordinance and selection process should be amended to reduce redundancy and ensure consistency with state regulations.

Key Industry Trends: The medical and adult-use cannabis markets have matured in California since Hayward approved its cannabis ordinance in October 2017. Several

¹ <https://www.jdsupra.com/legalnews/the-battle-for-the-future-of-cannabis-70288/>

industry trends have implications for Hayward's approach to regulating operational cannabis businesses and selecting future qualified applicants, including:

- **Illicit Cannabis Activity:** Statewide trends indicate that there is still significant illegal cannabis activity. Illegal operations can operate more competitively, and consumer prices are often lower as these companies are not paying taxes or licensing fees. While AB 97 seeks to reduce illicit activity over time, this trend, coupled with limited enforcement against illicit cannabis businesses, means that many local jurisdictions have difficulty in eradicating illegal operations.
- **Increasing Competition:** Roughly 75% of California cities and counties currently have commercial moratoriums in place, meaning that legal cannabis activity is not allowed within their boundaries. These bans foster illicit activity and drive up competition in communities where commercial cannabis is legal. It is anticipated that this trend will reverse over the next decade, with the majority of California communities ultimately expected to allow cannabis sales/activity. This trend will have an impact on the competitive dynamics of the state market. Moreover, as other states legalize cannabis, California's business will become less valuable.
- **Adult-Use Market Share:** Over the coming decade, industry analysts expect the legal cannabis market in California to shift further towards adult-use, becoming roughly 80% adult-use and 20% medicinal.

Hayward Cannabis Program Assessment: Based on feedback from City staff, members of the internal Interview Panel, licensed applicants, and the City Council over the first two years of program implementation, the following areas have been identified for possible enhancements and updates:

- **Number of Businesses Currently Operational:** While the Council has approved 23 licenses to date, only two cannabis applicants are currently operational in Hayward. More information is needed to understand the range of operational barriers facing these licensees (e.g., cost factors, bureaucratic processes, competition from unregulated businesses) to improve licensee success rate, expedite the time from approval to operation, and increase benefits for the Hayward community.
- **Streamline Application and Licensing Processes:** While Hayward's RFP process attracted a significant number of quality applicants and the rigorous evaluation protocol led to disqualification of problematic applicants and selection of the best applicant teams, the process was time-consuming for both applicants and City staff. Lessons derived from the first round of RFP and application review could be used to streamline future licensing and appeals processes to be more efficient. Staff resources could then be allocated accordingly.
- **Focus on Implementation, Compliance, and Auditing Processes:** As commercial cannabis businesses begin to operate in the City, increasing attention must be paid to ongoing implementation of the program, monitoring compliance of licensees with applicable regulations to ensure public safety, monitoring payment of the Measure EE cannabis tax, and ensuring that businesses implement their stated community

benefit plans, including local hiring and financial support to various community groups.

Organizational Capacities: To date, much of the City's Commercial Cannabis program has been led through a collaborative effort by the City Manager's Office and the Development Services Department, organizational processes could be enhanced to address recent staff transitions and program improvements to further improve the effectiveness and impact of the cannabis program. These opportunities include:

- **Inter-Departmental Coordination and Staffing:** There is currently no central point of contact for cannabis within Hayward government that connects all of the divisions involved in cannabis program implementation. Moreover, recent staff transitions have reduced organizational capacity to centrally coordinate the program, and there are limited staffing resources, which impacts the ability to administer, manage and enforce program regulations. While some jurisdictions have established separate divisions to administer their cannabis programs, the City has relied on existing staff resources. New organizational arrangements are needed to ensure the ongoing smooth operation of the program, particularly as the number of operational businesses and the demand on staff resources increase.
- **Map Workflow:** Both approved licensees and departmental staff have stated that it would be beneficial for the City to more clearly articulate and publicize the workflow for the overall licensing and permitting processes (e.g., Commercial Cannabis Permit, Land-Use Permits, Building Permits), as well as clarify various fees. Flowcharts of the approval process (including fees at each approval stage and expected timelines) would ensure regulatory certainty for businesses while helping implementing departments to ensure efficient processing and coordination. This effort could also assist applicants to better understand the local and state regulatory framework, including taxation and annual auditing requirements, when starting a cannabis business in Hayward.
- **Coordination with County and State Agencies:** As the program shifts toward implementation, it is increasingly important to facilitate coordination between Hayward staff and their counterparts in County and State regulatory agencies. This includes enhanced coordination between the State's Bureau of Cannabis Control, Alameda County and other agencies, including public stakeholders. These points of contact should be clearly established, and inter-agency agreements should be clarified, where necessary, to ensure that applicants and City staff understand the relevant roles and responsibilities.

Proposed Objectives for the Cannabis Program Update

Based on past discussions with Council, staff has identified several critical objectives that could be considered if Council supports an update to the cannabis program. Specifically, staff recommends consideration of the following: increasing the program's contribution to a resilient and equitable economy; ensuring public safety; streamlining selection and licensing processes; aligning local ordinances with updated State guidance; ensuring adequate organizational capacity for ongoing program implementation; ensuring full cost

recovery for the program; enforcing compliance with local and state laws; and conducting a second round of commercial cannabis licensing in 2020.

- A. Increasing the Number of Businesses in Hayward: As stated above, in order to realize the full economic and community benefits of the cannabis industry in Hayward, there is a need to understand the range of operational barriers facing cannabis licensees. Staff needs to interview a selection of Hayward licensees to better understand the barriers facing these businesses and, as appropriate, explore opportunities for technical support to help them overcome those barriers and become operational.
- B. Refining Application and Licensing Processes: Drawing from lessons learned during Round 1 of the RFP and licensing processes, staff proposes to explore opportunities for refining and/or streamlining the application, review, and approval process for new cannabis business applicants. This review would involve determining if certain cannabis activities (e.g., testing, delivery) might be allowed without going through the RFP process and/or could be folded into an existing Use Permit process. The objective here would be to update and clarify key requirements of the licensing process (e.g., listing all parties of ownership and their percentages, adding consultant disclosures, clarifying requirements for building and site plans) and highlight any revisions needed to the current application and selection processes (e.g., RFP documents, scoring criteria and weighting, interview protocols, etc.). Additionally, this review could include an exploration of the development of an Equity Program as a component of the application and licensing process. While several jurisdictions in the region have considered and adopted Equity Programs, the City does not currently consider Equity factors when selecting applicants.
- C. Strengthening Auditing and Compliance Processes: While the regulatory ordinance requires applicants be subject to background checks and provide financial records, there is no defined framework or responsible division to ensure that compliance is obtained once an audit is completed. Staff recommends that any updated program provide options for building a more robust auditing and compliance reporting system to ensure that licensees are complying with relevant state/local regulations and follow through on their stated intentions from their license applications. This strengthened system (including clarified record-keeping requirements, procedures for periodic auditing, development of integrated inspection checklists, and possibly updated penalties to incentivize compliance) would improve licensee performance and ensure that the City has robust verification processes for annual renewals.
- D. Developing Mechanisms to Ensure Additional Community Benefits: This component would formalize community commitments with licensees to ensure they are following through on stated intentions (e.g., commitments to economic development, local hiring, etc.). For instance, the City of San Francisco and several communities in other states have developed “community benefits agreements” with licensees, similar to those forged with large tech companies. Early experience is that these can be a useful mechanism for memorializing agreements between the company and the community as conditions for permitting.

- E. Ensuring Adequate Organizational Capacity and Full Cost Recovery: While the current annual license fee may be sufficient to cover the costs of inspections and auditing, staff recommends that the program be thoroughly evaluated to assess the full range of City functions that are impacted by cannabis operations. Proposed cost recovery may consider a broader range of functions including organizational capacities, program management, enforcement, and staff resources. This component would inventory current organizational roles and responsibilities, identify any needed capacity enhancements, explore opportunities for inter-departmental coordination and efficiencies (e.g., integrated inspection checklists), and propose an updated Fee Schedule (including applications, initial licenses, renewals, penalties, etc.) to ensure full cost recovery.
- F. Updating the Commercial Cannabis Ordinance and Land Use Ordinance: The final objective of the proposed program update would be to update the commercial cannabis ordinance and land use ordinance in order to remove any inconsistencies or ambiguities, ensure alignment with current state regulations, and reflect any updated program design decisions made by the Council. Some examples of possible revisions include:
- Clarify the definition of “true parties of interest”;
 - Include mechanisms to allow for transfer of ownership and mergers;
 - Consider some cannabis activities as permitted uses (such as deliveries or testing labs) and, if so, establish a framework to ensure some review of business plans beforehand;
 - Update the land use definitions and land use limitations;
 - Better define Sustainability Plan components and minimum requirements;
 - Update life/safety requirements (FPE), including haz/mat waste disposal protocols and CPTED;
 - Align Municipal Code text with definitions and terms used in updated state regulations, which includes a general cleanup of text. Some ambiguities exist in the current ordinances that create confusion for planning and code enforcement; and
 - Review of current tax collection practices and update, as necessary.

Proposed Work Plan Elements: If directed by Council to proceed with the proposed program review and update, elements of the work plan would likely include:

- Collecting feedback from key City departments that are central to implementation of the program (e.g., planning, police, fire, hazmat, code enforcement, revenue, etc.);
- Conducting broader stakeholder interviews with selected current Hayward licensees to distill feedback on the current application, licensing, and approval processes;
- Conducting a review of successful practices being employed by other comparable California jurisdictions (e.g., Sacramento, Santa Rosa, Costa Mesa, San Diego) and relevant municipalities across the country (e.g., Denver) to extract relevant best practices for successful program management and administration; and
- Conducting additional work sessions with Council and Planning Commission to discuss design details related to each of the program elements described above.

In order to accomplish this review and update, staff is recommending that the Council approve an amendment to the existing contract with ICF Incorporated in the amount of \$70,000. ICF will provide comprehensive support to staff in the review and redrafting of the City's cannabis ordinances and policies.

FISCAL IMPACT

The cost to amend the agreement with ICF Incorporated LLC to review and update the Commercial Cannabis Permit Program is \$70,000 and will be covered with funds within the approved Development Services FY2020 Operating Budget. There will be no additional impact to the General Fund by approving this action.

ECONOMIC IMPACT

Each of the 23 applicants who were issued a license by Council articulated the desire to hire local Hayward residents and to pay them a livable wage. From the information provided by each applicant these firms plan to create an estimated 250 new jobs. These jobs will impact the City as these employees pursue their lives in the Hayward community and therefore contribute to the local economy while also remitting City sales, property, utility user, and other City levied taxes and fees. While the number of jobs and economic impact from the cannabis industry is expected to grow in Hayward, the updated regulatory and land use ordinances will further accommodate economic growth in the City and improve overall organizational efficiencies.

STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

NEXT STEPS

Following direction from the Council, staff will finalize the scope of work and begin to update the regulatory and land use ordinances related to cannabis.

Prepared by: Jeremy Lochirco, Principal Planner
 Jubran Kanaan, Senior Consultant, ICF

Recommended by: Laura Simpson, AICP, Development Services Director

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE AGREEMENT WITH ICF INCORPORATED LLC TO REVIEW AND UPDATE THE COMMERCIAL CANNABIS PERMIT PROGRAM

WHEREAS, in 2015 the state enacted a comprehensive regulatory framework (AB 243, AB 266, SB 643) for the licensing and enforcement of cultivation, manufacturing, retail sale, transportation, storage, delivery and testing of medicinal cannabis in California. The legislation was collectively known as the Medical Cannabis Regulation and Safety Act (MCRSA); and,

WHEREAS, on November 8, 2016, the voters of the state adopted Proposition 64, the Adult Use of Marijuana Act (AUMA), which legalized adult cannabis use, possession and cultivation for non-medicinal purposes and created a regulatory framework for nonmedicinal cannabis businesses; and,

WHEREAS, the intent of MCRSA and AUMA was to establish a comprehensive regulatory system for cultivation, production and sale of cannabis and cannabis products, thereby weakening the illicit market for cannabis; and,

WHEREAS, on June 15, 2017 the state legislature enacted Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) which consolidated provisions of MCRSA into the regulatory framework of the AUMA, thereby creating a unified regulatory scheme for medicinal and adult use cannabis; and, WHEREAS, per MAUCRSA, on January 1, 2018 the state began issuing licenses for businesses to engage in cultivation, manufacturing, testing, distribution and retail sale of cannabis and cannabis products; and,

WHEREAS, MAUCRSA specifically authorizes local jurisdictions to adopt and enforce local ordinances to regulate cannabis businesses licensed pursuant to state law, including local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second-hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed pursuant to MAUCRSA; and,

WHEREAS, the City Council of the City of Hayward adopted Ordinance 17-13 and Ordinance 17-15 at their October 30th, 2017 meeting; and,

WHEREAS, said ordinance added Article 14 to Chapter 6 of the Hayward Municipal Code and Article 36 to Chapter 10, which details the regulatory framework for issuance of commercial cannabis business permits and establishes land use regulations for specific cannabis activities; and,

WHEREAS, this additional review will require approximately \$70,000 in consultant services to facilitate an update to the regulatory and land use ordinances; and

WHEREAS, the cost to amend the agreement with ICF Incorporated LLC to review and update the Commercial Cannabis Permit Program will be covered with funds within the approved Development Services FY2020 Operating Budget.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the City Manager to negotiate and execute an Amendment to the Agreement with ICF Incorporated LLC, to revise the Scope of Services to include review and update of the commercial cannabis permit program, including amendments to the regulatory and zoning ordinances, and increase the Compensation to an amount not to exceed \$320,838.00, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: LB 19-046

DATE: December 17, 2019

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Introduction of an Ordinance Increasing the Commercial Cannabis Tax Rate to 7% of Gross Sales (Continued from October 29, 2019)

RECOMMENDATION

That the City Council introduces an ordinance amending Section 8-21.11 of Article 21, Chapter 8 of the Hayward Municipal Code, increasing the Commercial Cannabis Tax rate from 6% to 7% of gross sales (Attachment II).

SUMMARY

In November 2016, 60% of Hayward voters approved Measure EE, establishing a general tax of no more than 15 percent of gross receipts for all products associated with medical or adult use of cannabis. As a general tax, Measure EE revenue may be used for any municipal purpose. In March 2018, the City Council initially set the Measure EE tax rate at 6% of gross receipts.

Since January 2018, the City has issued Commercial Cannabis Permits to 23 cannabis businesses. The Commercial Cannabis Permit program requires future cannabis businesses to submit, via a request for proposals, a business proposal that outlines a business plan, management experience, safety and security plans, and several other business components. Proposers had to also outline community benefits each business would provide to the City as a condition of being approved to operate.

ATTACHMENTS

Attachment I Staff Report
Attachment II Ordinance



DATE: October 29, 2019

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Introduction of an Ordinance Increasing the Commercial Cannabis Tax Rate to 7% of Gross Sales

RECOMMENDATION

That the City Council introduces an ordinance amending Section 8-21.11 of Article 21, Chapter 8 of the Hayward Municipal Code, increasing the Commercial Cannabis Tax rate from 6% to 7% of gross sales (Attachment II).

SUMMARY

In November 2016, 60% of Hayward voters approved Measure EE, establishing a general tax of no more than 15 percent of gross receipts for all products associated with medical or adult use of cannabis. As a general tax, Measure EE revenue may be used for any municipal purpose. In March 2018, the City Council initially set the Measure EE tax rate at 6% of gross receipts.

Since January 2018, the City has issued Commercial Cannabis Permits to 23 cannabis businesses. The Commercial Cannabis Permit program requires future cannabis businesses to submit, via a request for proposals, a business proposal that outlines a business plan, management experience, safety and security plans, and several other business components. Proposers had to also outline community benefits each business would provide to the City as a condition of being approved to operate.

BACKGROUND

In November 2016, 60% of Hayward Voters approved Measure EE, establishing a general tax of no more than 15 percent of gross receipts for all products associated with medical or adult use of cannabis. The ballot materials stated that revenue from the tax would be deposited in the City's general fund and could be used for any valid municipal purpose, including police and fire services, paramedic services, youth and anti-gang programs, disaster preparedness, economic development, street repairs and maintenance, graffiti removal, and code enforcement. In March 2018, the City Council initially set the Measure EE tax rate at 6% of gross receipts.

In October 2017, the City Council adopted Ordinance 17-13, adding Article 14 to Chapter 6 of the Hayward Municipal Code¹, which established a request for proposals process by which the City selects commercial cannabis businesses following the scoring and evaluation of business proposals. Each proposal discloses, for evaluation, a business plan that provides details of relevant management experience, a conceptual safety and security plan, and several other operational and business components including, but not limited to, a community benefits program that each business has committed to the Hayward community as a condition of being approved to operate.

To date, the City has conditionally issued Commercial Cannabis Permits to a total of 23 businesses spanning the cannabis supply chain, including manufacturing, distribution, delivery, testing labs, cultivation, and retail dispensaries. Following Council approval, each applicant is then required to obtain the necessary land use entitlements and required to implement various components of their business proposal, including their community benefits program, prior to and following the issuance of any license to ensure that all necessary conditions of approval are met.

Several businesses stated in their proposals that remitting the Measure EE tax provided the City with a community benefit. Other approved businesses proposed making cash donations of varying amounts to area non-profits as a community benefit. Leaving the distribution of donations to the discretion of cannabis businesses may not lead to community benefits that are consistent or reflective of the City Council's priorities or that address the most pressing needs of the Hayward community.

The City has created a Hayward Community Foundation (HCF), in part, to partner with these approved businesses to ensure the relevant, equitable, and impactful use of any community benefit donations. Additionally, the HCF could assist local area non-profits by reducing their operating and administrative overhead costs through the creation of individual funds to support each specific non-profit. On March 19, 2019, the City Council authorized the City Manager to establish an affiliate fund with the East Bay Community Foundation, the first step in creating the Hayward Community Foundation (HCF).

DISCUSSION

Staff recommends that the Council increase the Measure EE tax rate to 7% for the purpose of increasing general revenue for the City. Measure EE tax revenue may be available for expenditure for any and all municipal purposes. Revenue collected from the tax is deposited in the General Fund for future appropriation.

In future budget cycles, the Council may appropriate, allocate and authorize General Fund revenue derived from Measure EE to, among other things, the HCF to facilitate the provision of community services such as youth programs, educational programs, etc. The amount of this appropriation may vary from year to year, depending on community need as

¹ Commercial Cannabis Businesses:
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH6BUPRTR_ART14COCABU

determined by the Council. Staff will make appropriation and allocation recommendations for Measure EE revenue during the annual budget cycle process. Separate from any Measure EE tax revenues contributed to the HCF, the Council will ultimately need to develop a distribution mechanism for any funds accumulated in the HCF. At this time, staff recommends that funds be deposited into the HCF until the fund balance reaches \$1,000,000, at which point staff will return for direction on a funding allocation process.

In addition, review of the community benefits requirement as part of the cannabis permitting process will occur consistent with the recommendations in the other cannabis related legislative business item on this evening's Council agenda. Setting the tax rate at 7% now will ensure that currently permitted cannabis businesses will allow the City to provide funds for general government services, including community services, until a more comprehensive review of the cannabis program can be completed.

State and Federal Taxes

Proposition 64, which legalized the non-medical use of cannabis statewide as part of the November 2016 election, included a 15% excise tax that will be imposed on the retail sales price of cannabis. In addition, because the federal government still classifies cannabis as a Class I controlled substance, cannabis businesses are subject to higher federal taxes than other businesses. More specifically, Federal law 26 USC §280E (Rule 280E) arguably burdens the cannabis industry by disallowing standard business expense deductions. Traditionally, non-cannabis companies may legally deduct from gross sales nearly all their costs of goods sold and their business expenses. Costs of goods sold are the direct costs attributable to the production of the goods sold. For a cannabis business, this amount includes the costs of the materials used in creating the good, along with the direct labor costs used to produce the good. The expenses would be advertising, professional services, and office supplies to name a few. However, because of Rule 280E, cannabis businesses are disallowed from taking deductions from gross sales for business expenses, other than cost of goods. Therefore, their federal tax liability will be greater than that of a non-cannabis business of a comparable size and annual revenues.

Local Sales Taxes

In Alameda County, the sales tax rate is 9.25%.

Cannabis Tax Rates in Alameda County

Different jurisdictions in Alameda County have set their cannabis tax rates at a range of levels. A detailed summary of tax rates and regulations for other Alameda County cities is in

- Oakland: Cannabis businesses with gross receipts of less than \$500,000 pay a tax of .12% of gross receipts. For businesses with gross receipts of more than \$500,000 annually pay a tax of 5% for medical sales and 10% for recreational sales.
- San Leandro: Measure NN approved in November 2016 was a voter-approved gross receipts tax on cannabis businesses of up to 10%. It is currently 6% and will increase to 8% by 2022. All cannabis businesses must have annual audits.
- Emeryville sets cannabis taxes based on business type:

- Testing: 1% of gross receipts
- Distribution: 1% of gross receipts
- Manufacturing: 2% of gross receipts
- Delivery: 3% of gross receipts
- Storefront Retail: 3% of gross receipts
- Berkeley: On 2/13/18, Berkeley amended their tax rate from 10% to 5% for adult use cannabis.

Article 8, Chapter 21 of the Hayward Municipal Code codifies procedures for levying and imposing the voter-approved Measure EE Commercial Cannabis Tax. The tax rate may be set by resolution or ordinance. However, the City Council may not impose a rate that exceeds the maximum rate authorized by the voters (15%) or change the methodology for calculating the tax. If the rate is set by resolution, the resolution must be published in the same manner and in the same time as an ordinance. In this case, the tax rate will be increased by adoption of an ordinance and is proposed to be increased from 6% to 7%.

ECONOMIC IMPACT

Measure EE tax revenue may be used for any municipal purpose, including but not limited to, police and fire services, or graffiti abatement. Measure EE tax revenue may also be allocated from the General Fund to the Hayward Community Foundation which could utilize this funding to support non-profit organizations or other social programs, catalyzing community prosperity through grants to various individuals, community groups, and organizations. Furthermore, non-profit community foundations provide corporations and individuals access to tax advantages like the federal charitable giving tax deductions.

FISCAL IMPACT

The proposed tax increase has no anticipated fiscal impact on the City but may result in additional revenues to the City's General Fund when cannabis businesses ultimately begin operations.

STRATEGIC INITIATIVES

This agenda item supports the Complete Communities strategic initiative. The purpose of the Complete Communities initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. Specifically, this item supports the following goal:

- Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

NEXT STEPS

If the City Council adopts the proposed ordinance, the Commercial Cannabis tax rate will be increased from 6% to 7% of gross receipts. Pursuant to the Charter, the tax increase will take effect immediately upon adoption. Staff will propose an allocation of any Measure EE funds as part of the annual General Fund budget adoption process.

Separately from the Measure EE increase, staff will monitor the accumulation of funds in the Hayward Community Foundation. Once the fund balance reaches \$1 million, staff will return to the City Council for a work session on proposed funding allocation process.

Prepared by: Monica Davis, Community Services Manager

Recommended by: Jennifer Ott, Deputy City Manager

Approved by:

A handwritten signature in black ink, appearing to read "K. McAdoo". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Kelly McAdoo, City Manager

ORDINANCE NO. 19-

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA AMENDING SECTION 8-21.11 OF ARTICLE 21 OF CHAPTER 8 OF THE HAYWARD MUNICIPAL CODE RELATING TO INCREASING THE COMMERCIAL CANNABIS TAX RATE

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Section 8-21.11 of Article 21, Chapter 8 of the Hayward Municipal Code is hereby amended to read as follows:

SEC. 8-21.11 TAX IMPOSED.

In addition to any requirements imposed elsewhere in the Hayward Municipal Code, for the privilege of operating a commercial cannabis business in the City, an annual tax is hereby imposed on each permittee operating a commercial cannabis business as follows:

(a) Every commercial cannabis business must pay an annual tax of up to 15% of gross receipts for all products associated with medical or adult use of cannabis, from cultivation, distribution, manufacturing, and retailing of cannabis or products derived therefrom. The tax under this Article shall not be imposed on commercial cannabis businesses unless and until the City Council, by ordinance or resolution, takes action to set a tax rate not to exceed 15% of gross receipts.

(b) The City Council may, in its discretion at any time, by ordinance or resolution, impose the tax authorized by this section at a lower rate. No action taken by the City Council under this subsection to reduce the tax rate will prevent it from subsequently increasing the tax rate for cannabis business to the maximum rate specified in this section. If the City Council sets the tax rate by resolution, the resolution shall be published in the same manner and within the same time as ordinances are required to be published by law. ~~Resolutions or ordinances~~

~~imposing the tax rate shall be codified as amendments to this section adding new subsections in the following form: "Pursuant to Subsection (a) the City Council adopted Resolution No. 18-027 setting the cannabis business tax rate at 6% of gross receipts. Commencing on March 20, 2018 every commercial cannabis business in the City shall pay a cannabis business tax at the rate of 6% of gross receipts.~~

(c) Current Tax Rate. Every commercial cannabis business in the City shall pay a cannabis business tax at the rate of 7% of gross receipts.

Section 2. California Environmental Quality Act (CEQA). The City Council independently finds and determines that this action is exempt from CEQA pursuant to Section 15061 (b) (3) of the CEQA Guidelines, as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment, and thus are not subject to CEQA. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

Section 3. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Pursuant to Section 620 of the Charter of the City of Hayward, this Ordinance shall become effective upon adoption by the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ___ day of, ____ 2019, by Council Member _____ .

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ___ day of _____ , 2019, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBER

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: LB 19-055

DATE: December 17, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Introduction of an Ordinance Revising the City's Park Impact Fees and Chapter 10, Article 16 of the Hayward Municipal Code

RECOMMENDATION

That the Council:

- Holds a public hearing to obtain input on proposed amendments to Chapter 10, Article 16 of the Hayward Municipal Code and the adoption of updated park impact fees;
- Introduces an ordinance (Attachments II and III) amending Chapter 10, Article 16 of the Hayward Municipal Code regarding obligations for parks and recreation for developers, and
- Adopts a resolution (Attachment IV) adopting Park Impact Fees.

The attached nexus study (Attachment V), prepared by Community Attributes, Inc. (CAI), shows the maximum allowable park impact fees that could be assessed on different development types within the City of Hayward. Based on the nexus study, research regarding impact and permitting fees in neighboring jurisdictions, and feedback from the City Council, the Hayward Area Recreation and Park District (HARD) Board of Directors, Council Economic Development Committee (CEDC), and representatives from the development community, staff recommends the following changes to the City of Hayward's park impact fees and Chapter 10, Article 16 of the Hayward Municipal Code:

- Assess park impact fees by bedroom count for residential dwelling units, ranging from \$3,091 for studios and eligible ADUs up to \$21,211 for a unit with four or more bedrooms.
- Assess park impact fees on industrial development at a rate of \$0.55 per square foot.
- Expand exemptions for park impact fees to include all 100 percent affordable projects (affordable to households up to 120 percent of the Area Median Income) by non-profit developers.
- Reduce park impact fees by 50 percent for 100 percent affordable projects by for-profit developers and for affordable units that are built on-site.

File #: LB 19-055

- With consultation with HARD, allow credit toward a project's park impact fee obligations for land dedication and/or private park and recreation facilities that exceed code requirements and are publicly accessible.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Ordinance - Redline
Attachment III	Ordinance - Clean
Attachment IV	Resolution
Attachment V	Nexus Study
Attachment VI	Level of Service Reduction Comparison Memo



DATE: December 17, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Introduction of an Ordinance Revising the City's Park Impact Fees and Chapter 10, Article 16 of the Hayward Municipal Code

RECOMMENDATION

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SUMMARY

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- Expand exemptions for park impact fees to include all 100 percent affordable projects (affordable to households up to 120 percent of the Area Median Income) by non-profit developers.
- Reduce park impact fees by 50 percent for 100 percent affordable projects by for-profit developers and for affordable units that are built on-site.

- With consultation with HARD, allow credit toward a project's park impact fee obligations for land dedication and/or private park and recreation facilities that exceed code requirements and are publicly accessible.

BACKGROUND

In May 2018, the City entered into a contract with CAI to conduct a comprehensive nexus-study for park impact fees to align with current economic and development activities within Hayward. The nexus study, which calculates the maximum park impact fees for different development types that would be legally defensible based on respective impacts to the parks and recreation system as well as land acquisition and development costs, is included as Attachment V.

Staff presented the results of the nexus study to the Council Economic Development Committee (CEDC),¹ at a joint City Council/HARD Board work session,² and at a stakeholder meeting with active developers in Hayward. Based on the feedback received along with research on comparable permitting and impact fees in neighboring jurisdictions, staff presented the following recommendations to the City Council at a work session on October 15, 2019:³

- Assess park impact fees on residential development only.
- Calculate fees by bedroom count rather than by product type.
- Reduce park fees below the maximum allowable, ranging from approximately \$3,100 for studios and ADUs to \$21,500 for units with four or more bedrooms.
- Expand the range of affordable projects and units that would be exempt from park fees, including allowing exemptions for all 100 percent affordable projects by non-profit developers and a 50 percent reduction in fees for 100 percent affordable projects by for-profit developers and for any affordable units that are built on-site.
- Consider additional credits that could be counted toward park fee requirements, such as trails and open space, and relaxing or eliminating the specific size requirements for required amenities.

Council supported all of staff's recommendations, though they expressed a desire to see park fees increased to be closer to the maximum allowable within the next few years. Council also supported assessing a small fee on industrial development, but not on other types of non-residential development.

¹<https://hayward.legistar.com/LegislationDetail.aspx?ID=3937516&GUID=6C808068-7305-42DC-B7ED-510C04E2BB0A&Options=&Search=>

²<https://hayward.legistar.com/LegislationDetail.aspx?ID=3985845&GUID=8BB7EBC6-CE27-45AD-9E05-FC8CA953C375&Options=&Search=>

³<https://hayward.legistar.com/LegislationDetail.aspx?ID=4165485&GUID=F11CC4E1-B46B-4C5D-9146-540702F4328A>

Based on Council direction, staff prepared updated park impact fees and revisions to Chapter 10, Article 16 of the Hayward Municipal Code, which were presented to the HARD Board of Directors on November 18, 2019.⁴ The Board unanimously recommended that the City Council adopt the revised Park Impact Fees and related revisions to Chapter 10, Article 16 of the Hayward Municipal Code. In addition, the Board expressed support for the Council adopting a specific phasing schedule that would provide detail as to when increases in the Park Impact Fees would occur. The Board's preference is that fees would be increased to the maximum allowable over a three-year period.

DISCUSSION

Based on direction received from the City Council at the October 15 work session and feedback from the HARD Board of Directors at their November 18 meeting, staff proposes the following changes to the City's park impact fees and Hayward Municipal Code, Chapter 10, Article 16, Property Developers – Obligations for Parks and Recreation.⁵ A redline version of the Ordinance incorporating the changes discussed below is included as Attachment II. A "clean" version of the Ordinance is included as Attachment III.

Park Impact Fees

As shown in Table 1, the nexus study calculated the maximum allowable park impact fees that could be assessed on different types of development based on their respective impacts to the City's parks and recreation facilities.

At the work session on October 15, Council directed staff to set park fees below the maximum allowable so that fees for residential development would range from approximately \$3,100 for studios and ADUs up to approximately \$21,500 for units with four or more bedrooms. Council's desired range in fees is achieved when the maximum allowable residential fees shown in Table 1 are reduced by 30 percent.⁶

⁴<https://hayward.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=222&MinutesMeetingID=69&doctype=Agenda>

⁵https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10P LZOSU_ART16PRDEBLPARE

⁶ The maximum allowable fees presented to the City Council at the October 15 work session were based on a nexus study that assumed that park impact fees would be assessed on residential development only. Given Council's direction to also assess park impact fees on industrial development, the nexus study must calculate maximum allowable fees based on the assumption that both residential and non-residential development is charged. The nexus study attached as Attachment V does this. Because the maximum allowable fees for residential development are lower in the attached nexus study than they were in the nexus study calculated for residential development only, the proposed reduction in fees from the maximum allowable is also lower in order to maintain Council's desired fee range.

Council also directed staff to assess fees on industrial development, but no other types of non-residential development. This is due to the difficulty the City has experienced attracting commercial development in recent years, with the notable exception of industrial development, which has been flourishing. As a result, staff recommends assessing industrial development at a consistent 30 percent reduction from the maximum allowable.

Table 1: Maximum Allowable and Recommended Park Impact Fees

Type of Development	Max. Allowable Fee	Recommended Fee	Percent reduction from Max. Allowable
Residential			
0 Bedrooms/ADU	\$4,416	\$3,091	30%
1 Bedroom	\$6,915	\$4,841	30%
2 Bedrooms	\$12,474	\$8,732	30%
3 Bedrooms	\$21,784	\$15,249	30%
4+ Bedrooms	\$30,301	\$21,211	30%
Non-Residential			
Office/Other Commercial	\$7.88/sq. ft.	-	100%
Retail	\$9.72/sq. ft.	-	100%
Industrial	\$0.78/sq. ft.	\$0.55/sq. ft.	30%
Government	\$9.00/sq. ft.	-	100%
Education	\$2.87/sq. ft.	-	100%

The recommended fees are below the maximum allowable, and thus the revenue generated from park fees alone will not be enough to sustain the City of Hayward’s current level of service for parks and recreation facilities. However, staff feels that the recommended reductions are necessary given the limited financial feasibility of multifamily development, the difficulty the City has in attracting commercial development, and the impact fees of neighboring jurisdictions that the City competes with for new development. In addition, as shown in Attachment VI, the City’s current level of service is approximately 6.5 acres of parks and recreational facilities per 1,000 residents, which exceeds the General Plan parkland standard of 5.0 acres per 1,000 residents. While the recommended fees will likely result in a reduced level of service from current levels, the overall level of service will continue to surpass the General Plan standard throughout the planning horizon.

To help reduce the funding gap in the future, Council may consider future increases to the park impact fees, in support of the recommendation from the HARD Board of Directors. Table 2 shows options for what a phased increase could look like. Council may establish a set timeframe for phased increases, as suggested by the HARD Board, or they may elect to revisit options for future park fee increases after the City considers a new transportation impact fee, which is anticipated in 2020-2021.

Table 2: Options for Fee Increases

Type of Development	Proposed Fee (30% reduction)	Potential Future Fee Increases		
		Option #1 (20% reduction)	Option #2 (10% reduction)	Option #3 (Max. Allowable)
Residential				
0 Bedrooms/ADU	\$3,091	\$3,533	\$3,974	\$4,416
1 Bedroom	\$4,841	\$5,532	\$6,224	\$6,915
2 Bedrooms	\$8,732	\$9,979	\$11,227	\$12,474
3 Bedrooms	\$15,249	\$17,427	\$19,606	\$21,784
4+ Bedrooms	\$21,211	\$24,241	\$27,271	\$30,301
Non-Residential				
Office/Other Commercial	-	-	-	-
Retail	-	-	-	-
Industrial	\$0.55/sq. ft.	\$0.62/sq. ft.	\$0.70/sq. ft.	\$0.78/sq. ft.
Government	-	-	-	-
Education	-	-	-	-

The Resolution for this item (Attachments IV) includes an annual adjustment factor that allows the adopted park impact fee to be increased based on the percentage change in the Engineering News-Record Construction Cost Index, San Francisco Area.

The Hayward Area Recreation and Park District provides park and recreation services for the City of Hayward as well as for the unincorporated communities of Castro Valley, San Lorenzo, Ashland, Cherryland, and Fairview. For the purposes of park fee collection, the City of Hayward constitutes one “neighborhood” within HARD’s jurisdiction. As a result, moving forward, all park fees will be collected into a single fund, which can be applied to new park and recreation facilities anywhere in the City.

Exemptions

Currently, the City exempts the following types of development from park impact fees:

- Senior housing that is owned or leased by a public agency
- Affordable rental housing (affordable to households earning up to 60 percent of the Area Median Income) owned by a non-profit
- Affordable ownership housing (affordable to households earning up to 95 percent of the Area Median Income) developed by public agency or non-profit
- Non-residential development

The revised ordinance expands these exemptions to include all 100 percent affordable residential projects (affordable to households earning up to 120 percent of the Area Median Income) developed by non-profit developers. In addition, it provides a 50 percent reduction in fees for 100 percent affordable projects by for-profit developers and for affordable units that are built on site.

Again, while any exemptions in fees will result in a lower level of service, staff deems these exemptions necessary given the extraordinary housing crisis our community and region are facing. In addition, the reduction in park impact fees for affordable units will incentivize developers to build required affordable units on site, which is a key priority of the City Council and Planning Commission.

Credits

Staff agrees with Council and the HARD Board of Directors that any credits toward park impact fee requirements must be for park or recreation space that exceeds code requirements and that is publicly accessible.

Currently, the Municipal Code provides credit for private park and recreational areas that equal at least 25 percent but not more than 50 percent of the total parkland dedication requirement for the development, or 2,400 square feet, whichever is greater.⁷ In addition, private park and recreational areas must include at least two of the following park amenities:

- Children’s play apparatus area
- Courtyard with decorative paving and seating
- Family picnic area and park-like areas with associated facilities
- Game court area
- Turf playfield
- Swimming pool
- Recreation center buildings
- Other amenities deemed suitable by the City with consultation with HARD

The revised ordinance relaxes the private park criteria by adding trails and linear parks to the list of qualifying recreational and park facilities. It also allows the Director of Development Services, in consultation with HARD, to waive minimum standards for individual amenities based on an articulable community benefit. Consultation with HARD will be required for any land dedication or publicly accessible private park space to be counted as credit towards a project’s park fee requirements. In addition, credit for private parkland that is publicly accessible can now be awarded for up to 75 percent of a project’s total parkland dedication requirement, at the discretion of the City, in consultation with HARD, to allow for further flexibility as to the type of parkland that is eligible to count toward this requirement.

ECONOMIC IMPACT

It is conceivable that increasing park impact fees would result in disincentives to developing in Hayward. However, as discussed in the staff report from the October 15 City Council work

⁷https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH1_OPLZOSU_ART16PRDEBLPARE_S10-16.32CRPRREIM

session, the maximum allowable fees are generally in line with or in some cases, significantly less than similar fees being assessed in surrounding jurisdictions.⁸ As a result, staff does not anticipate a significant decline in development as a result of increased fees. Further, adequately funding the development of new parks to serve growth could serve to attract additional new development, which would lead to positive economic impacts.

FISCAL IMPACT

The Park Nexus Study, of which this report is a part, was included in the Planning Division Fiscal Year 2018 operating budget. The City is responsible for 50 percent of the total contract fees, while HARD is responsible for the other 50 percent.

Recalibrating the park impact fee schedule will provide increased revenues to directly meet the needs of the growing community by adequately funding park projects managed by HARD.

STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work, and play for all. This item supports the following goal:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

NEXT STEPS

If Council introduces the amendments to Chapter 10, Article 16 of the Hayward Municipal Code, the revised ordinance will be adopted at the January 21, 2020 regular Council meeting via a consent item and will become effective on February 20, 2020. If adopted by the Council, the park impact fees will also become effective on February 20, 2020.

Prepared by: Sara Buizer, AICP, Planning Manager
Elizabeth Blanton, AICP, Associate Planner

Recommended by: Laura Simpson, AICP, Development Services Director

Approved by:



Kelly McAdoo, City Manager

⁸ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4165485&GUID=F11CC4E1-B46B-4C5D-9146-540702F4328A>

ORDINANCE NO. 19-

AN ORDINANCE OF THE CITY OF HAYWARD AMENDING CHAPTER 10, ARTICLE 16 OF THE HAYWARD MUNICIPAL CODE REGARDING OBLIGATIONS FOR PARKS AND RECREATION FOR PROPERTY DEVELOPERS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 10, Article 16 of the Hayward Municipal Code is amended to read in full as follows:

ARTICLE 16 - PROPERTY DEVELOPERS—OBLIGATIONS FOR PARKS AND RECREATION

SEC. 10-16.00 - AUTHORITY.

This article is enacted pursuant to the authority granted to municipal corporations by the Subdivision Map Act of the State of California, specifically section 66477 of the Government Code of the State of California, and pursuant to the authority in the field of municipal affairs granted to the City by its Charter and by the Constitution of the State of California.

SEC. 10-16.01 - PURPOSE.

In order to provide for the general health and welfare, the City Council has found and determined that it is in the public interest to require all residential subdivisions and all other development of land in the City for residential and industrial purposes to ~~set aside land and/or~~ pay in-lieu impact fees to provide for park and recreational facilities serving the ~~City area being subdivided or developed.~~

SEC. 10-16.10 - REQUIREMENTS.

As a condition of approval of a tentative subdivision map, parcel map, use permit, planned development, site plan review, or building permit, for residential or industrial purposes (which are hereinafter referred to as development plan), requirements shall be determined for the subdivider, developer, or owner of the land to ~~dedicate land,~~ pay an impact fee ~~in lieu thereof, or do a combination of both, at the option of the City subject to the limitations set forth in Sec. 10-16.31(a), for park and recreational purposes in accordance with provisions of this article.~~

Development comprised of an industrial use(s), as defined by HMC Sec. 10-1.1603, within an industrial zoning district (HMC Sec. 10-1.1600) shall be subject to park impact fees. Non-industrial uses located within an industrial zoning district and industrial uses located within non-industrial zoning districts shall not be subject to park impact fees.

Provided that the number of bedrooms in each dwelling unit,~~s or~~ the number of lots in a residential subdivision, or the gross floor area in an industrial development is not increased, required ~~dedication and/or~~ fees shall be levied only once on said individual dwelling unit, ~~or lot,~~ or industrial development.

SEC. 10-16.11 - EXEMPTION FROM REQUIREMENTS.

The following development~~(s)~~ shall be exempt from the provisions of this article:

- (a) Housing for the elderly or disabled, when the development is either owned by a public agency or leased to a public agency for a period of at least twenty (20) years, and when the development complies with the definition of housing for the elderly or disabled as defined by the U. S. Department of Housing and Urban Development;
- (b) Rental housing owned by a private non-profit corporation with rents on all units which ~~on the average~~ remain affordable, for a period of at least thirty (30) years, to households with incomes of no more than ~~sixty (60)~~ one hundred twenty (120) percent of area median income, adjusted for household size, as defined by the State of California Department of Housing and Community Development. Developers of such housing shall record against the property an Affordable Housing Agreement per HMC Sec. 10-17.515 and Section 10-17.525 that is approved by the City and enter into a regulatory agreement with the City to be approved by the City Council, which shall guarantee the term of affordability;
- (c) Ownership housing developed by a public agency or private non-profit housing developer ~~which is with all units~~ affordable in perpetuity to first-time homebuyers with incomes of no more than ~~ninety-five (95)~~ one hundred twenty (120) percent of area median income, adjusted for household size, as defined by the State of California Department of Housing and Community Development. Developers of such housing shall record against the property an Affordable Housing Agreement per HMC Sec. 10-17.515 and Section 10-17.525 that is approved by the City and enter into a regulatory agreement with the City to be approved by the City Council, which shall guarantee the term of affordability. Owners within such ownership developments shall be required to provide a right of first refusal to the City or its designee to purchase the units upon resale;
- (d) Convalescent hospitals, nursing homes, and rest homes (as defined in Chapter 10, Article 1 of the Hayward Municipal Code), or similar residential or community care facilities, which provide personal care, supervision or regular medical services and require licensing by the State Department of Health Services or Social Services, shall not be subject to park dedication requirements. But, wWhen a project consists of a combination of independent living and residential or community care dwelling units, the number of units that are intended for independent adults shall be subject to park ~~dedication requirements.~~ impact fees; and

~~(d) Commercial and industrial subdivisions; All non-residential development, with the exception of except for industrial development, which is not exempt.~~

SEC. 10-16.15 - PLAN.

The park and recreational facilities for which dedication of land and/or payment of the fee are hereby required shall be in accordance with the principles and standards for local parks and recreation areas as established in the General ~~Policies~~ Plan of the City (hereinafter called Plan), which contains the City's park and recreation policies and standards.

~~SEC. 10-16.20 - STANDARD FOR LAND DEDICATION.~~

~~In accordance with the Plan, it is hereby found and determined that the public interest, convenience, health, welfare, and safety require 5.0 acres of property (exclusive of street areas abutting or providing access to said property and exclusive of any land made available by a school district) for each 1,000 persons residing within the City be devoted to local park and recreational purposes, and that such land shall be dedicated to the City as a condition of development.~~

~~SEC. 10-16.21 - FORMULA FOR LAND DEDICATION.~~

~~The amount of parkland required for dedication shall be determined at the time a development plan is submitted for City approval. The formula for determining the amount of land to be dedicated is based on the probable occupancy level of each density or type of housing unit and shall be as follows:~~

LAND DEDICATION SCHEDULE		
Type of Dwelling	Assumed Persons	Area of Park Land Required Per Dwelling Unit
Single Family Detached	3.43	748 sq. ft.
Single Family Attached	3.27	713 sq. ft.
Multi Family	2.77	604 sq. ft.

~~(a) A dwelling unit shall mean one or more rooms with a kitchen, arranged, designed, used, or intended to be used exclusively for living and sleeping purposes by one family or household as an independent housekeeping unit. The number of dwelling units shall be indicated on the development plan for the property or, in the case of a single family subdivision, the number of residential lots indicated on the tentative map or parcel map. The number of dwelling units subject to land dedication or in lieu fees shall equal the number of proposed dwelling units minus the number of existing dwelling units on the property.~~

~~(b)(a) Single Family Detached Dwelling shall mean a detached building containing only one dwelling unit.~~

~~(c)(a) Single Family Attached Dwelling shall mean any building, group of buildings, or portion thereof which includes two or more dwelling units, and which are intended as for sale units and are usually governed by a Homeowners Association (HOA) with Covenants, Codes and Restrictions (CC&Rs). This includes condominium and townhouse dwelling projects.~~

~~(d)(a) Multi Family Dwelling shall mean any building, group of buildings, or portion thereof which includes two or more dwelling units, and which are intended as rental or lease units. Multi Family Dwelling shall include second units, such as "granny flats" and "in-law units" and senior housing projects established for independent elderly adults that do not require daily care and supervision, as well as assisted living facilities where the residents are able to enjoy local parklands or participate in senior-oriented park facilities or centers.~~

~~Convalescent hospitals, nursing homes, and rest homes (as defined in Chapter 10, Article 1 of the Hayward Municipal Code), or similar residential or community care facilities, which provide personal care, supervision or regular medical services and require licensing by the State Department of Health Services or Social Services, shall not be subject to park dedication requirements.~~

~~But, when a project consists of a combination of independent living and residential or community care dwelling units, the number of units that are intended for independent adults shall be subject to park dedication requirements.~~

~~SEC. 10-16.25 - PUBLIC IMPROVEMENTS.~~

~~In the event that the area to be dedicated is or will in the future be bounded or abutted by public street frontage, the developer shall, without credit, provide public improvements including, but not limited to, curbs, gutters, storm drains, lights, sidewalks, matching pavement, property line fencing, and street trees to City standards. However, in lieu of installation of such improvements, the City may determine, at the time of approval of the tentative subdivision map or development plan, that the subdivider or developer shall pay a fee equal to the cost of said improvements as a condition of the said map or plan. Costs of public works improvements shall be determined by the City. Payment of such fees shall occur prior to the date of final inspection or the date the first certificate of occupancy is issued for the development, whichever occurs first.~~

~~SEC. 10-16.30-20 - FEES IN-LIEU OF LAND DEDICATION/PARK IMPACT FEES.~~

~~(a) Amount of Fee. When the City determines that fees are to be paid in-lieu of land dedication, such fees shall be in accordance with the following schedule: Park impact fees may be established by resolution of the City Council. Any such fees shall be part of the City's Master Fee Schedule. The fees shall not exceed the cost to the City of mitigating the impact of such development on park and recreational facilities in the eCity. To the extent that the fee applies to subdivisions, it shall not exceed the limits for five acres per 1,000 population under Section 66477 of the Government Code. Developments shall be subject to the in-lieu impact fee~~

schedule in effect at the time a building permit is issued for the project. If a project is developed in phases, each phase shall be subject to the fee schedule in effect at the time of building permit issuance for that phase.

For residential units built before February 19, 2020, no additional park fees will be applied for an addition to the unit. For all other residential units, additions that add one or more bedrooms shall be assessed a park impact fee equal to the number of bedrooms being added, according to the City’s Master Fee Schedule in effect at the time of building permit issuance. For example, a ~~one bedroom~~ one-bedroom addition would be subject to the 1-bedroom park impact fee, while a ~~two-~~ two-bedroom addition would be subject to the 2-bedroom fee.

Additions to industrial development shall be assessed based on additional gross floor area.

IN-LIEU FEE SCHEDULE	
Type of Dwelling	Minimum In-Lieu Fee Per Dwelling Unit
Single Family Detached	\$11,953
Single Family Attached	\$11,395
Multi-Family	\$9,653

~~Periodic Adjustment of In-Lieu Fees. The in-lieu fee schedule shall be updated annually with new fees taking effect on July 1 of each year. The fees shall be based on current land values as determined by the Community and Economic Development/Planning Director. The number of persons per household shall also be re-assessed as necessary based on the latest census figures. Developments shall be subject to the in-lieu fee schedule in effect at the time a building permit is issued for the project.~~

(b) Reduction in Fees. Park impact fees for the following project types and dwelling units shall be reduced 50 percent below the applicable fees set in the City’s Master Fee Schedule:

1. Rental housing owned by a for-profit corporation with rents which on the average remain affordable, for a period of at least thirty (30) years, to households with incomes of no more than one hundred twenty (120) percent of area median income, adjusted for household size, as defined by the State of California Department of Housing and Community Development. Developers of such housing shall record against the property an Affordable Housing Agreement per HMC Sec. 10-17.515 and Section 10-17.525 that is approved by the City and enter into a regulatory agreement with the City to be approved by the City Council, which shall guarantee the term of affordability.

2. Ownership housing developed by a private developer which is affordable in perpetuity to first-time homebuyers with incomes of no more than one hundred twenty (120) percent of area median income, adjusted for household size, as defined by the State of California Department of Housing and Community Development. Developers of such housing shall record against the property an Affordable Housing Agreement per HMC Sec. 10-17.515 and Section 10-17.525 that is approved by the City and enter into a regulatory agreement with the City to be approved by the City Council, which shall guarantee the term of affordability. Owners within such ownership developments shall be required to provide a right of first refusal to the City or its designee to purchase the units upon resale.

3. On-site affordable units, as defined and required by the Hayward Affordable Housing Ordinance, Chapter 10, Article 17 of the Hayward Municipal Code.

~~(a)~~(c) Payment of In-Lieu Impact Fees. Fees shall be paid to the City prior to the date of the final inspection or the date the certificate of occupancy is issued for the development, whichever occurs first. Where occupancy of a development is phased, fees shall be paid on a pro rata basis for each dwelling unit prior to final inspection or issuance of a certificate of occupancy for said unit, whichever occurs first.

~~(b)~~(d) Use of In-lieu Impact Fees. The fees collected hereunder, including accrued interest, shall be used only for the purpose of acquiring necessary land and developing new or rehabilitating existing park or recreational facilities reasonably related to serving the City development.

~~(e)~~(e) Disposition of Fees. Fees determined pursuant to this article shall be paid to the City and deposited into a special park and recreation trust fund, or successor fund.

~~(e)~~(f) Commitment of Fees. Collected fees shall be committed by the City Council for a specific park or recreational project to serve residents of the development within five (5) years after payment of such fees or within five (5) years after the issuance of building permits on one-half of the dwelling units created by the development, whichever occurs later.

If such fees are not so committed, these fees, less an administrative charge, shall be distributed and paid to the then record owners of the development in the same proportion that the size of their lot bears to the total area of all lots in the development.

~~SEC. 10-16.31-21 -- CREDIT FOR DETERMINATION OF DEDICATION OF LAND AND/OR PAYMENT OF IN-LIEU FEES.~~

Subject to the limitations set forth below, the City ~~shall exercise its option to require~~ may allow the dedication of land ~~or impose a requirement for the payment of fees in-lieu~~

~~thereof as partial or full credit towards park impact fee obligations, or a combination of both~~ in accordance with the following provisions:

- (a) Procedures. At the time of filing a development plan for approval, the subdivider or developer shall, as a part of such filing, indicate a preference to either pay the required park impact fees, dedicate land for park or recreation purposes, ~~pay an in-lieu fee~~, or do a combination of both in accordance with the standards of this section. If the subdivider or developer prefers to dedicate land, the area shall be designated on the proposed development plan.

~~Residential Subdivisions subdivisions~~ or ~~other~~ developments containing fifty (50) dwelling units or less: only the payment of an in-lieu impact fee shall be required; however, in-lieu of as credit toward the fee otherwise required in such cases, the subdivider or developer and the City, with consultation with Hayward Area Recreation and Park District, may mutually agree on land dedication or a combination of land dedication and in-lieu impact fees.

~~Residential Subdivisions subdivisions~~ or ~~other~~ developments containing more than fifty (50) dwelling units: the City agency or officer responsible for final approval shall determine at the time of approval of the development plan whether to require dedication of land, payment of an in-lieu impact fee, or a combination of both. Prior to approval, the project shall be referred to the Hayward Area Recreation and Park District for a recommendation. ~~When land dedication is proposed dedication shall also be forwarded to the Planning Commission for concurrence and a finding of plan conformance.~~

SEC. 10-16.21 - FORMULA FOR LAND DEDICATION.

- (b) Formula for Credit for Land Dedication. ~~The amount of parkland required credit received for land dedication shall be determined at the time a development plan is submitted for City approval. The formula for determining the amount of land to be dedicated credit to be received is based on the probable occupancy level of each density or type of housing unit and shall be as follows:~~

<u>LAND DEDICATION SCHEDULE</u>		<u>ASSUMED PERSONS PER DWELLING UNIT</u>
<u>Type of Dwelling</u>	<u>Number of Bedrooms in Dwelling Unit</u>	<u>Assumed Persons</u>
<u>Single Family Detached</u>	<u>0 Bedrooms</u>	<u>3.430.78</u>
<u>Single Family Attached</u>	<u>1 Bedroom</u>	<u>3.271.22</u>
<u>Multi Family</u>	<u>2 Bedroom</u>	<u>2.772.21</u>
	<u>3 Bedroom</u>	<u>3.85</u>

<u>4+ Bedroom</u>	<u>5.36</u>
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Formula for land dedication:

$$\frac{\text{Total Assumed Persons}}{\text{Persons}} \times \frac{\text{Estimated Level of Service to be Funded by Growth}}{\text{Service to be Funded by Growth}} = \frac{\text{Total Land to be Dedicated}}{\text{be Dedicated}}$$

1. A dwelling unit shall mean one or more rooms with a kitchen, arranged, designed, used, or intended to be used exclusively for living and sleeping purposes by one family or household as an independent housekeeping unit. The number of dwelling units shall be indicated on the development plan for the property or, in the case of a single family subdivision, the number of residential lots indicated on the tentative map or parcel map. Refer to HMC Sec. 10-1.3500 for definitions of "dwelling unit" and "bedroom." The number of dwelling units subject to land dedication or in-lieu impact fees shall equal the number of proposed dwelling units minus the number of existing dwelling units on the property.
2. The estimated level of service to be funded by growth is calculated by dividing the estimated park acres to be funded by growth by the estimated growth in residential population.
3. The total land to be dedicated must be at least one acre in size. If the above calculation results in a smaller amount of land, payment of applicable park impact fees will be required.

~~Single Family Detached Dwelling shall mean a detached building containing only one dwelling unit.~~

~~Single Family Attached Dwelling shall mean any building, group of buildings, or portion thereof which includes two or more dwelling units, and which are intended as for sale units and are usually governed by a Homeowners Association (HOA) with Covenants, Codes and Restrictions (CC&Rs). This includes condominium and townhouse dwelling projects.~~

~~Multi-Family Dwelling shall mean any building, group of buildings, or portion thereof which includes two or more dwelling units, and which are intended as rental or lease units. Multi Family Dwelling shall include second units, such as "granny flats" and "in law units" and senior housing projects established for independent elderly adults that do not require daily care and supervision, as well as assisted living facilities where the residents are able to enjoy local parklands or participate in senior-oriented park facilities or centers.~~

~~(b)~~(c) Determination of the Suitability of Parkland. If land is to be dedicated, the designation of the location and configuration thereof shall be at the sole option of the City. In determining the suitability of the land to be dedicated for park and recreational purposes, the City shall consider the following factors with consultation with the Hayward Area Recreation and Park District:

1. The topography, soils, soil stability, storm drainage, existing flora, access, location, and general utility of the land in the development available for dedication;
2. The size and shape of development and land available for dedication;
3. The location of the land in relation to the surrounding street system, existing park and recreational facilities, and the surrounding residential population;
4. Local recreational facilities to be privately owned and maintained by future residents of the development; and
5. Conformance of the land offered for dedication with the park and recreation policies and strategies established in the plan.

SEC. 10-16.25 - PUBLIC IMPROVEMENTS.

~~(e)~~(d) Public Improvements. In the event that the area to be dedicated is or will in the future be bounded or abutted by public street frontage, the developer shall, without credit, provide public improvements including, but not limited to, curbs, gutters, storm drains, lights, sidewalks, matching pavement, property line fencing, and street trees to City standards. However, in lieu of installation of such improvements, the City may determine, at the time of approval of the tentative subdivision map or development plan, that the subdivider or developer shall pay a fee equal to the cost of said improvements as a condition of the said map or plan. Costs of public works improvements shall be determined by the City. Payment of such fees shall occur prior to the date of final inspection or the date the first certificate of occupancy is issued for the development, whichever occurs first.

SEC. 10-16.45 - LAND DEDICATION.

~~(e)~~ Liens, Charges, and Encumbrances. When land is to be dedicated, it shall be dedicated free and clear of all liens, charges, and encumbrances, except and subject to the following provisions:

1. Where land is to be dedicated as a condition of approval of a tentative subdivision map, parcel map or other land division map, it shall be dedicated in accordance with provisions in the Subdivision Map Act of the State of California and in ordinances and regulations for land division of

the City, and it may be dedicated subject to such interests as are permitted by said laws.

- 1.2. Where land is to be dedicated as a condition of approval of a planned development, use permit, site plan review, building permit, or other development plan not involving a land division, it shall be dedicated prior to issuance of a building permit for the development plan, unless otherwise agreed upon by the City. Land shall be dedicated by a duly executed and acknowledged appropriate conveyance capable of being recorded, and it may be dedicated subject to such interests as are permitted by said laws referred to above in this section.

SEC. 10-16.47 - DEVELOPER PROVIDED PARK AND RECREATION IMPROVEMENTS.

~~(d)~~(f) Developer Provided Park and Recreation Improvements. The value of park and recreation improvements provided by the developer to the dedicated land shall be credited against the fees or dedication of land required by this ordinance, excluding improvements required under Sec. 10-16.251(d) and 10-16.4623. The City Council reserves the right to approve such improvements prior to agreeing to accept the dedication of land and to require in-lieu an impact fee, additional land, or a combination thereof, should the improvements be unacceptable.

SEC. 10-16.~~32-22~~ - CREDIT FOR PRIVATE RECREATION IMPROVEMENTS.

Where a private park and recreational area is provided in a development and such space is to be privately owned and maintained by the owners of the development, partial credit may be allowed against the total ~~land dedication and/or in-lieu park impact~~ fees required under this article if the City finds that it is in the public interest to do so. To receive a credit, qualifying private park and recreational areas shall equal at least twenty-five percent (25%) of the total parkland dedication ~~requirement calculation~~ for the development [HMC Sec. 10-16.21(b)] or 2400 square feet, whichever is the greater amount. The amount of credit may be based on the percentage of the required parkland that is provided through private park and recreational areas, but shall not exceed ~~fifty-seventy-five~~ percent (~~50~~75%) of the land dedication requirement or in-lieu fee. All of the following standards or regulations shall be complied with to receive a credit:

- (a) Private yards, setbacks, parking areas, and other open areas required under the City's zoning and building ordinances and regulations shall not be included in computing the amount of park and recreational areas available for credit.
- (b) Private park and recreation areas shall be ~~centrally located within the development, shall be~~ conveniently accessible to all residents ~~and the public~~, and, as much as possible, shall consist of one contiguous area.
- (c) Where private park and recreational areas will be owned by a homeowners' association, ownership and maintenance of such areas shall be adequately

provided for by recorded written agreement, covenant, or restrictions, through which each owner within the development is automatically a member of the association and is subject to a proportionate share of maintenance expenses.

- (d) Developments with credit received for private park and recreational areas shall have a covenant recorded which shall run with the land that: (1) restricts such areas from being altered or eliminated without the prior consent of the City, ~~and~~ (2) requires such areas to be maintained in an attractive, usable, and safe condition at all times, and (3) requires the land to be publicly accessible. The covenant shall also stipulate that, if the City Manager determines that a violation of any of the above requirements has occurred, the current owner(s) shall be subject, at the City's option, to either the payment of park ~~dedication in-lieu~~impact fees based on the amount of credit originally received for the development or any other remedy available at law or equity including but not limited to injunctive relief for specific performance. The amount of ~~in-lieu~~impact fees shall be according to the fee schedule in effect at the time the violation is determined to have occurred.

For residential subdivisions, the covenant for private park and recreational land and improvements shall be submitted to the City prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with such final documents.

For all other developments, the covenant shall be submitted to the City for review and approval and then recorded with the County prior to issuance of a building permit for said developments.

- (e) Private park and recreational areas shall be reasonably adaptable for their intended purpose, taking into consideration such factors as size, shape, topography, geology, sun exposure, safety, and security.
- (f) Facilities for private park and recreational areas shall be in substantial accordance with the provisions of the plan.
- (g) Facilities shall exhibit quality workmanship and design shall be constructed with durable materials, and shall conform to standards required for public park facilities.
- (h) ~~{All turf and planting areas offered for credit shall be completely irrigated by automatic irrigation systems.}~~

Private park and recreational areas shall contain at least two of the local park elements listed below, with the exception that a swimming pool shall be determined to provide the two required park elements:

Criteria List	
Recreational/Park Facility	Minimum Required Area per Facility
1. Children’s play apparatus area shall comply with federal public playground safety guidelines	1,200 sq. ft.
2. Courtyard with decorative paving and seating (exclusive of general circulation areas and not exceeding 3 percent slope)	1,200 sq. ft.
3. Family picnic area and park-like areas with associated facilities (exclusive of general circulation areas and not exceeding 10 percent slope)	2,400 sq. ft.
4. Game court area	2,500 sq. ft.
5. Turf playfield	10,800 sq. ft.
6. Swimming pool(s) (800 square feet minimum water surface area per pool together with adjacent deck and/or lawn area twice that of the pool)	2,400 sq. ft.
7. Recreation center buildings (excluding offices, hallways, restrooms, and utility rooms)	1,200 sq. ft.
<u>8. Linear parks and trails</u>	<u>1,000 linear feet</u>
<u>8-9. Other facilities the City deems appropriate for private park and recreation purposes</u>	As determined appropriate for private park and by the City, recreation purposes, including rooftop with consultation recreation areas with HARD
<i><u>Note: Any offsets for park/recreational facilities must meet the minimum standards as set forth in this table unless the Director of Development Services in consultation with the Hayward Area Recreation and Park District waives the minimum based on an articulable community benefit.</u></i>	

~~(All turf and planting areas offered for credit shall be completely irrigated by automatic irrigation systems.)~~

~~SEC. 10-16.45 - LAND DEDICATION.~~

~~When land is to be dedicated, it shall be dedicated free and clear of all liens, charges, and encumbrances, except and subject to the following provisions:~~

~~(a) Where land is to be dedicated as a condition of approval of a tentative subdivision map, parcel map or other land division map, it shall be dedicated in accordance with provisions in the Subdivision Map Act of the State of California and in ordinances and regulations for land division of the City, and it may be dedicated subject to such interests as are permitted by said laws.~~

~~(b)(a) Where land is to be dedicated as a condition of approval of a planned development, use permit, site plan review, building permit, or other development plan not involving a land division, it shall be dedicated prior to issuance of a building permit for the development plan, unless otherwise agreed upon by the City. Land shall be dedicated by a duly executed and acknowledged appropriate conveyance capable of being recorded, and it may be dedicated subject to such interests as are permitted by said laws referred to above in this section.~~

SEC. 10-16.46-23 - ACCESS TO PARKLAND.

Land to ~~be dedicated for park purposes~~receive credit toward park impact fee obligations which is without frontage on a dedicated street shall, at the sole option of the City, be provided by the subdivider, developer, or owner with any necessary easements for public access to such land, together with such street improvements as may be necessary for the residents of the development or members of the public to gain access to such land. Credit shall not be available for such easements or improvements.

~~SEC. 10-16.47 - DEVELOPER PROVIDED PARK AND RECREATION IMPROVEMENTS.~~

~~The value of park and recreation improvements provided by the developer to the dedicated land shall be credited against the fees or dedication of land required by this ordinance, excluding improvements required under Sec. 10-16.25 and 10-16.46. The City Council reserves the right to approve such improvements prior to agreeing to accept the dedication of land and to require in lieu fee, additional land, or a combination thereof, should the improvements be unacceptable.~~

SEC. 10-16.48-24 - REDETERMINATION OF REQUIRED LAND DEDICATION.

Upon the renewal, extension, or modification by the City of a tentative subdivision map, parcel map, or any other development plan or permit, the City shall redetermine, based on the provisions of this article as then applicable, such new or additional requirements of impact fees or land dedication ~~or fees in lieu thereof~~ as pertinent to the development.

SEC. 10-16.~~50-30~~ - COMMENCEMENT OF DEVELOPMENT.

The City shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop park and recreational facilities to serve the ~~residents of the development or subdivision and the city at large~~City. Said time schedule may be a part of the Capital Improvement Program approved by the City Council, or be a part of any other expression of policy by the City Council. Partial responsibility for said schedule may also be transferred to the Hayward Area Park and Recreation District for dedicated land which has been conveyed to the District for development and maintenance responsibility.

SEC. 10-16.~~60-40~~ - ALTERNATE AGENCY FOR DEVELOPMENT AND MAINTENANCE.

At its option, the City Council may name Hayward Area Recreation and Park District, a public district of the State of California, to be responsible for the acquisition and development of parklands acquired as a result of this article in accordance with the policies and strategies for parks and recreation areas, as set forth in the plan. Any ~~in-lieu~~impact fees collected as a result of this article may also be transferred to said district, provided such monies are kept in a separate trust account and are used in accordance with the aforementioned plan.

SEC. 10-16.~~70-50~~ - DEVELOPMENTS SUBJECT TO ARTICLE.

Subject to the following, this article shall to the maximum extent permitted by law, ~~supercede~~~~supersede~~ Hayward Municipal Code Chapter 10, Article 16 as it previously existed. However, this article shall not affect the validity of any rights and obligations created pursuant to such prior article, and all such rights and obligations shall continue in full force and effect. Tentative map, parcel map, and the planning permit applications for a residential development that are ~~filed prior to or within thirty (30) days after approved~~ prior to the operative date of this article shall be subject to the prior Chapter 10, Article 16. ~~'Filing' shall refer to the date such application has been determined or deemed complete by the City.~~

SEC. 10-16.~~80-60~~ - OPERATIVE DATE.

The operative date of this article shall be thirty (30) days following its date of adoption.

Section 2. If any section, subsection, paragraph, or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid, or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 3. This Ordinance shall become effective February 20, 2020.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2019, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2019, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Mayor of the City of Hayward

DATE: _____

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ORDINANCE NO. 19-

AN ORDINANCE OF THE CITY OF HAYWARD AMENDING CHAPTER 10,
ARTICLE 16 OF THE HAYWARD MUNICIPAL CODE REGARDING OBLIGATIONS
FOR PARKS AND RECREATION FOR PROPERTY DEVELOPERS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 10, Article 16 of the Hayward Municipal Code is amended to read in full as follows:

ARTICLE 16 - PROPERTY DEVELOPERS—OBLIGATIONS FOR PARKS AND
RECREATION

SEC. 10-16.00 - AUTHORITY.

This article is enacted pursuant to the authority granted to municipal corporations by the Subdivision Map Act of the State of California, specifically section 66477 of the Government Code of the State of California, and pursuant to the authority in the field of municipal affairs granted to the City by its Charter and by the Constitution of the State of California.

SEC. 10-16.01 - PURPOSE.

In order to provide for the general health and welfare, the City Council has found and determined that it is in the public interest to require all residential subdivisions and all other development of land in the City for residential and industrial purposes to pay impact fees to provide for park and recreational facilities serving the City.

SEC. 10-16.10 - REQUIREMENTS.

As a condition of approval of a tentative subdivision map, parcel map, use permit, planned development, site plan review, or building permit, for residential or industrial purposes (which are hereinafter referred to as development plan), requirements shall be determined for the subdivider, developer, or owner of the land to pay an impact fee.

Development comprised of an industrial use(s), as defined by HMC Sec. 10-1.1603, within an industrial zoning district (HMC Sec. 10-1.1600) shall be subject to park impact fees. Non-industrial uses located within an industrial zoning district and industrial uses located within non-industrial zoning districts shall not be subject to park impact fees.

Provided that the number of bedrooms in each dwelling unit, the number of lots in a residential subdivision, or the gross floor area in an industrial development is not increased, required fees shall be levied only once on said individual dwelling unit, lot, or industrial development.

SEC. 10-16.11 - EXEMPTION FROM REQUIREMENTS.

The following development(s) shall be exempt from the provisions of this article:

- (a) Housing for the elderly or disabled, when the development is either owned by a public agency or leased to a public agency for a period of at least twenty (20) years, and when the development complies with the definition of housing for the elderly or disabled as defined by the U. S. Department of Housing and Urban Development;
- (b) Rental housing owned by a private non-profit corporation with rents on all units which remain affordable, for a period of at least thirty (30) years, to households with incomes of no more than one hundred twenty (120) percent of area median income, adjusted for household size, as defined by the State of California Department of Housing and Community Development. Developers of such housing shall record against the property an Affordable Housing Agreement per HMC Sec. 10-17.515 and Section 10-17.525 that is approved by the City and enter into a regulatory agreement with the City to be approved by the City Council, which shall guarantee the term of affordability;
- (c) Ownership housing developed by a public agency or private non-profit housing developer with all units affordable in perpetuity to first-time homebuyers with incomes of no more than one hundred twenty (120) percent of area median income, adjusted for household size, as defined by the State of California Department of Housing and Community Development. Developers of such housing shall record against the property an Affordable Housing Agreement per HMC Sec. 10-17.515 and Section 10-17.525 that is approved by the City and enter into a regulatory agreement with the City to be approved by the City Council, which shall guarantee the term of affordability. Owners within such ownership developments shall be required to provide a right of first refusal to the City or its designee to purchase the units upon resale;
- (d) Convalescent hospitals, nursing homes, and rest homes (as defined in Chapter 10, Article 1 of the Hayward Municipal Code), or similar residential or community care facilities, which provide personal care, supervision or regular medical services and require licensing by the State Department of Health Services or Social Services. When a project consists of a combination of independent living and residential or community care dwelling units, the number of units that are intended for independent adults shall be subject to park impact fees; and
- (e) All non-residential development, except for industrial development, which is not exempt.

SEC. 10-16.15 - PLAN.

The park and recreational facilities for which dedication of land and/or payment of the fee are hereby required shall be in accordance with the principles and standards for local parks and recreation areas as established in the General Plan of the City (hereinafter called Plan), which contains the City's park and recreation policies and standards.

SEC. 10-16.20 - PARK IMPACT FEES.

- (a) Amount of Fee. Park impact fees may be established by resolution of the City Council. Any such fees shall be part of the City's Master Fee Schedule. The fees shall not exceed the cost to the City of mitigating the impact of such development on park and recreational facilities in the City. To the extent that the fee applies to subdivisions, it shall not exceed the limits for five acres per 1,000 population under Section 66477 of the Government Code. Developments shall be subject to the impact fee schedule in effect at the time a building permit is issued for the project. If a project is developed in phases, each phase shall be subject to the fee schedule in effect at the time of building permit issuance for that phase.

For residential units built before February 19, 2020, no additional park fees will be applied for an addition to the unit. For all other residential units, additions that add one or more bedrooms shall be assessed a park impact fee equal to the number of bedrooms being added, according to the City's Master Fee Schedule in effect at the time of building permit issuance. For example, a one-bedroom addition would be subject to the 1-bedroom park impact fee, while a two-bedroom addition would be subject to the 2-bedroom fee.

Additions to industrial development shall be assessed based on additional gross floor area.

- (b) Reduction in Fees. Park impact fees for the following project types and dwelling units shall be reduced 50 percent below the applicable fees set in the City's Master Fee Schedule:
1. Rental housing owned by a for-profit corporation with rents which on the average remain affordable, for a period of at least thirty (30) years, to households with incomes of no more than one hundred twenty (120) percent of area median income, adjusted for household size, as defined by the State of California Department of Housing and Community Development. Developers of such housing shall record against the property an Affordable Housing Agreement per HMC Sec. 10-17.515 and Section 10-17.525 that is approved by the City and enter into a regulatory agreement with the City to be approved by the City Council, which shall guarantee the term of affordability.

2. Ownership housing developed by a private developer which is affordable in perpetuity to first-time homebuyers with incomes of no more than one hundred twenty (120) percent of area median income, adjusted for household size, as defined by the State of California Department of Housing and Community Development. Developers of such housing shall record against the property an Affordable Housing Agreement per HMC Sec. 10-17.515 and Section 10-17.525 that is approved by the City and enter into a regulatory agreement with the City to be approved by the City Council, which shall guarantee the term of affordability. Owners within such ownership developments shall be required to provide a right of first refusal to the City or its designee to purchase the units upon resale.
3. On-site affordable units, as defined and required by the Hayward Affordable Housing Ordinance, [Chapter 10, Article 17](#) of the Hayward Municipal Code.
 - (c) Payment of Impact Fees. Fees shall be paid to the City prior to the date of the final inspection or the date the certificate of occupancy is issued for the development, whichever occurs first. Where occupancy of a development is phased, fees shall be paid on a pro rata basis for each dwelling unit prior to final inspection or issuance of a certificate of occupancy for said unit, whichever occurs first.
 - (d) Use of Impact Fees. The fees collected hereunder, including accrued interest, shall be used only for the purpose of acquiring necessary land and developing new or rehabilitating existing park or recreational facilities reasonably related to serving the City.
 - (e) Disposition of Fees. Fees determined pursuant to this article shall be paid to the City and deposited into a special park and recreation trust fund, or successor fund.
 - (f) Commitment of Fees. Collected fees shall be committed by the City Council for a specific park or recreational project to serve residents of the development within five (5) years after payment of such fees or within five (5) years after the issuance of building permits on one-half of the dwelling units created by the development, whichever occurs later.

If such fees are not so committed, these fees, less an administrative charge, shall be distributed and paid to the then record owners of the development in the same proportion that the size of their lot bears to the total area of all lots in the development.

SEC. 10-16.21 – CREDIT FOR DEDICATION OF LAND.

Subject to the limitations set forth below, the City may allow the dedication of land as partial or full credit towards park impact fee obligations in accordance with the following provisions:

- (a) Procedures. At the time of filing a development plan for approval, the subdivider or developer shall, as a part of such filing, indicate a preference to either pay the required park impact fees, dedicate land for park or recreation purposes, or do a combination of both in accordance with the standards of this section. If the subdivider or developer prefers to dedicate land, the area shall be designated on the proposed development plan.

Residential subdivisions or developments containing fifty (50) dwelling units or less: only the payment of an impact fee shall be required; however, as credit toward the fee otherwise required in such cases, the subdivider or developer and the City, with consultation with Hayward Area Recreation and Park District, may mutually agree on land dedication or a combination of land dedication and impact fees.

Residential subdivisions or developments containing more than fifty (50) dwelling units: the City agency or officer responsible for final approval shall determine at the time of approval of the development plan whether to require dedication of land, payment of an impact fee, or a combination of both. Prior to approval, the project shall be referred to the Hayward Area Recreation and Park District for a recommendation.

- (b) Formula for Credit for Land Dedication. The amount of credit received for land dedication shall be determined at the time a development plan is submitted for City approval. The formula for determining the amount of credit to be received is based on the probable occupancy level of each type of housing unit and shall be as follows:

ASSUMED PERSONS PER DWELLING UNIT	
Number of Bedrooms in Dwelling Unit	Assumed Persons
0 Bedrooms	0.78
1 Bedroom	1.22
2 Bedroom	2.21
3 Bedroom	3.85
4+ Bedroom	5.36

Formula for land dedication:

$$\begin{array}{rcccl} \text{Total Assumed} & & \text{Estimated Level of} & & \text{Total Land to} \\ \text{Persons} & \times & \text{Service to be Funded} & = & \text{be Dedicated} \\ & & \text{by Growth} & & \end{array}$$

1. Refer to HMC Sec. 10-1.3500 for definitions of “dwelling unit” and “bedroom.” The number of dwelling units subject to impact fees shall equal the number of proposed dwelling units minus the number of existing dwelling units on the property.
 2. The estimated level of service to be funded by growth is calculated by dividing the estimated park acres to be funded by growth by the estimated growth in residential population.
 3. The total land to be dedicated must be at least one acre in size. If the above calculation results in a smaller amount of land, payment of applicable park impact fees will be required.
- (c) Determination of the Suitability of Parkland. If land is to be dedicated, the designation of the location and configuration thereof shall be at the sole option of the City. In determining the suitability of the land to be dedicated for park and recreational purposes, the City shall consider the following factors with consultation with the Hayward Area Recreation and Park District:
1. The topography, soils, soil stability, storm drainage, existing flora, access, location, and general utility of the land in the development available for dedication;
 2. The size and shape of development and land available for dedication;
 3. The location of the land in relation to the surrounding street system, existing park and recreational facilities, and the surrounding residential population;
 4. Local recreational facilities to be privately owned and maintained by future residents of the development; and
 5. Conformance of the land offered for dedication with the park and recreation policies and strategies established in the plan.
- (d) Public Improvements. In the event that the area to be dedicated is or will in the future be bounded or abutted by public street frontage, the developer shall, without credit, provide public improvements including, but not limited to, curbs, gutters, storm drains, lights, sidewalks, matching pavement, property line fencing, and street trees to City standards. However, in lieu of installation of such improvements, the City may determine, at the time of approval of the tentative subdivision map or development plan, that the subdivider or developer shall pay a fee equal to the cost of said improvements as a condition of the said map or plan. Costs of public works improvements shall be determined by the City. Payment of such fees shall occur prior to the date of

final inspection or the date the first certificate of occupancy is issued for the development, whichever occurs first.

- (e) Liens, Charges, and Encumbrances. When land is to be dedicated, it shall be dedicated free and clear of all liens, charges, and encumbrances, except and subject to the following provisions:
1. Where land is to be dedicated as a condition of approval of a tentative subdivision map, parcel map or other land division map, it shall be dedicated in accordance with provisions in the Subdivision Map Act of the State of California and in ordinances and regulations for land division of the City, and it may be dedicated subject to such interests as are permitted by said laws.
 2. Where land is to be dedicated as a condition of approval of a planned development, use permit, site plan review, building permit, or other development plan not involving a land division, it shall be dedicated prior to issuance of a building permit for the development plan, unless otherwise agreed upon by the City. Land shall be dedicated by a duly executed and acknowledged appropriate conveyance capable of being recorded, and it may be dedicated subject to such interests as are permitted by said laws referred to above in this section.
- (f) Developer Provided Park and Recreation Improvements. The value of park and recreation improvements provided by the developer to the dedicated land shall be credited against the fees required by this ordinance, excluding improvements required under Sec. 10-16.21 (d) and 10-16.23. The City Council reserves the right to approve such improvements prior to agreeing to accept the dedication of land and to require an impact fee, additional land, or a combination thereof, should the improvements be unacceptable.

SEC. 10-16.22 - CREDIT FOR PRIVATE RECREATION IMPROVEMENTS.

Where a private park and recreational area is provided in a development and such space is to be privately owned and maintained by the owners of the development, partial credit may be allowed against the total park impact fees required under this article if the City finds that it is in the public interest to do so. To receive a credit, qualifying private park and recreational areas shall equal at least twenty-five percent (25%) of the total parkland dedication calculation for the development [HMC Sec. 10-16.21 (b)] or 2400 square feet, whichever is the greater amount. The amount of credit may be based on the percentage of the required parkland that is provided through private park and recreational areas, but shall not exceed seventy-five percent (75%) of the land dedication requirement or in-lieu fee. All of the following standards or regulations shall be complied with to receive a credit:

- (a) Private yards, setbacks, parking areas, and other open areas required under the City's zoning and building ordinances and regulations shall not be included in computing the amount of park and recreational areas available for credit.

- (b) Private park and recreation areas shall be conveniently accessible to all residents and the public, and, as much as possible, shall consist of one contiguous area.
- (c) Where private park and recreational areas will be owned by a homeowners' association, ownership and maintenance of such areas shall be adequately provided for by recorded written agreement, covenant, or restrictions, through which each owner within the development is automatically a member of the association and is subject to a proportionate share of maintenance expenses.
- (d) Developments with credit received for private park and recreational areas shall have a covenant recorded which shall run with the land that: (1) restricts such areas from being altered or eliminated without the prior consent of the City, (2) requires such areas to be maintained in an attractive, usable, and safe condition at all times, and (3) requires the land to be publicly accessible. The covenant shall also stipulate that, if the City Manager determines that a violation of any of the above requirements has occurred, the current owner(s) shall be subject, at the City's option, to either the payment of park impact fees based on the amount of credit originally received for the development or any other remedy available at law or equity including but not limited to injunctive relief for specific performance. The amount of impact fees shall be according to the fee schedule in effect at the time the violation is determined to have occurred.

For residential subdivisions, the covenant for private park and recreational land and improvements shall be submitted to the City prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with such final documents.

For all other developments, the covenant shall be submitted to the City for review and approval and then recorded with the County prior to issuance of a building permit for said developments.

- (e) Private park and recreational areas shall be reasonably adaptable for their intended purpose, taking into consideration such factors as size, shape, topography, geology, sun exposure, safety, and security.
- (f) Facilities for private park and recreational areas shall be in substantial accordance with the provisions of the plan.
- (g) Facilities shall exhibit quality workmanship and design shall be constructed with durable materials, and shall conform to standards required for public park facilities.
- (h) All turf and planting areas offered for credit shall be completely irrigated by automatic irrigation systems.

Private park and recreational areas shall contain at least two of the local park elements listed below, with the exception that a swimming pool shall be determined to provide the two required park elements:

Criteria List	
Recreational/Park Facility	Minimum Required Area per Facility
1. Children's play apparatus area shall comply with federal public playground safety guidelines	1,200 sq. ft.
2. Courtyard with decorative paving and seating (exclusive of general circulation areas and not exceeding 3 percent slope)	1,200 sq. ft.
3. Family picnic area and park-like areas with associated facilities (exclusive of general circulation areas and not exceeding 10 percent slope)	2,400 sq. ft.
4. Game court area	2,500 sq. ft.
5. Turf playfield	10,800 sq. ft.
6. Swimming pool(s) (800 square feet minimum water surface area per pool together with adjacent deck and/or lawn area twice that of the pool)	2,400 sq. ft.
7. Recreation center buildings (excluding offices, hallways, restrooms, and utility rooms)	1,200 sq. ft.
8. Linear parks and trails	1,000 linear feet
9. Other facilities the City deems appropriate for private park and recreation purposes	As determined by the City with consultation with HARD
<p>Note: Any offsets for park/recreational facilities must meet the minimum standards as set forth in this table unless the Director of Development Services in consultation with the Hayward Area Recreation and Park District waives the minimum based on an articulable community benefit.</p>	

SEC. 10-16.23 - ACCESS TO PARKLAND.

Land to receive credit toward park impact fee obligations which is without frontage on a dedicated street shall, at the sole option of the City, be provided by the subdivider, developer, or owner with any necessary easements for public access to such land, together with such street improvements as may be necessary for the residents of the development or members of the public to gain access to such land. Credit shall not be available for such easements or improvements.

SEC. 10-16.24 - REDETERMINATION OF REQUIRED LAND DEDICATION.

Upon the renewal, extension, or modification by the City of a tentative subdivision map, parcel map, or any other development plan or permit, the City shall redetermine, based on the provisions of this article as then applicable, such new or additional requirements of impact fees or land dedication as pertinent to the development.

SEC. 10-16.30 - COMMENCEMENT OF DEVELOPMENT.

The City shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop park and recreational facilities to serve the City. Said time schedule may be a part of the Capital Improvement Program approved by the City Council, or be a part of any other expression of policy by the City Council. Partial responsibility for said schedule may also be transferred to the Hayward Area Park and Recreation District for dedicated land which has been conveyed to the District for development and maintenance responsibility.

SEC. 10-16.40 - ALTERNATE AGENCY FOR DEVELOPMENT AND MAINTENANCE.

At its option, the City Council may name Hayward Area Recreation and Park District, a public district of the State of California, to be responsible for the acquisition and development of parklands acquired as a result of this article in accordance with the policies and strategies for parks and recreation areas, as set forth in the plan. Any impact fees collected as a result of this article may also be transferred to said district, provided such monies are kept in a separate trust account and are used in accordance with the aforementioned plan.

SEC. 10-16.50 - DEVELOPMENTS SUBJECT TO ARTICLE.

Subject to the following, this article shall to the maximum extent permitted by law, supersede Hayward Municipal Code Chapter 10, Article 16 as it previously existed. However, this article shall not affect the validity of any rights and obligations created pursuant to such prior article, and all such rights and obligations shall continue in full force and effect. Tentative map, parcel map, and the planning permit applications for a

residential development that are approved prior to the operative date of this article shall be subject to the prior Chapter 10, Article 16.

SEC. 10-16.60 - OPERATIVE DATE.

The operative date of this article shall be thirty (30) days following its date of adoption.

Section 2. If any section, subsection, paragraph, or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid, or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 3. This Ordinance shall become effective February 20, 2020.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2019, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2019, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Mayor of the City of Hayward

DATE: _____

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-_____

Introduced by Council Member _____

RESOLUTION AMENDING CHAPTER 10, ARTICLE 16 OF THE HAYWARD MUNICIPAL CODE AND ADOPTING UPDATED PARK IMPACT FEES

WHEREAS, to assure that future housing and industrial development in the City of Hayward (the “City”) mitigates its impact on the City’s park and recreation facilities , the City Council has considered and introduced on this same date an ordinance to amend Chapter 10, Article 16 of the City’s Municipal Code, Property Developers – Obligations for Parks and Recreation; and

WHEREAS, Chapter 10, Article 16 of the City’s Municipal Code authorizes the imposition of Park Impact Fees on residential subdivisions and developments and industrial developments to provide funds not to exceed the cost of mitigating the impact of the development on the City’s parks and recreation system; and

WHEREAS, to ensure that the Park Impact Fees adopted by this Resolution do not exceed the cost of mitigating the impacts to the City’s parks and recreation system attributable to the subdivisions and development projects on which the fee is imposed, the City Council has received and considered a report from Community Attributes, Inc. dated November 6, 2019 and entitled “City of Hayward Parks Development Impact Fee Nexus Study” (the “Nexus Study”); and

WHEREAS, the Nexus Study demonstrates that to fully mitigate the burdens created by new development on the City’s parks and recreation system, a Park Impact Fee of \$4,416.39 to \$30,301.40 per residential dwelling unit and \$0.78 to \$9.72 per square foot of non-residential development would be needed; and

WHEREAS, the City Council now desires to adopt Park Impact Fees for residential subdivisions and development and industrial development as authorized by Chapter 10, Article 16 of the City’s Municipal Code; and

WHEREAS, due to the reduction of the Park Impact Fee below the maximum allowable fees calculated by the Nexus Study and the exemption of all non-residential development, with the exception of industrial development, the Park Impact Fees imposed by this Resolution are economically reasonable and are not expected to pose a constraint on new development in the City; and

WHEREAS, notice of the hearing on the proposed fee was published twice in the manner set forth in Government Code Section 6062a as required by Government Code Sections 66004 and 66018; and

WHEREAS, the City Council has reviewed the information contained in this Resolution and the accompanying staff report and attachments thereto at a meeting held on December 17, 2019.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby adopts the following findings and takes the following actions:

Section 1. The City Council finds as follows:

A. The foregoing recitals are true and correct and incorporated into this Resolution by this reference.

B. The purpose of the Park Impact Fee is to provide funds to the City to develop and construct parks and recreation facilities to mitigate the burdens on the City's park and recreation system created by new residential and industrial development. An applicant for a residential subdivision or development or an industrial development must pay the Park Impact Fee. Partial or full credit toward the fee may be allowed for dedicated land or private parkland that is accessible to the public, in compliance with Chapter 10, Article 16 of the City's Municipal Code and in consultation with the Hayward Area Recreation and Park District (HARD).

C. In compliance with Chapter 10, Article 16 of the City's Municipal Code, all Park Impact Fees collected shall be deposited into a special park and recreation trust fund to be used solely for the purpose of acquiring necessary land and developing or rehabilitating existing park or recreational facilities reasonably related to serving the city.

D. There is a need in the City for parks and recreation facilities to serve new development.

E. The Nexus Study sets forth cost estimates that are reasonable for acquiring and developing parks and recreation facilities, and the Park Impact Fees expected to be generated by new development will not exceed these costs.

F. Setting Park Impact Fees below the maximum allowable level will help ensure that multifamily residential development remains financially feasible.

G. Exempting non-residential development other than industrial development will ensure that Park Impact Fees do not pose a barrier to attracting commercial development to the City.

H. Adoption of this Resolution is exempt from the California Environmental Quality Act because the adoption of this Resolution is not a project, in that it is a government funding mechanism which does not involve any commitment to any specific project. (CEQA Guidelines Section 15378(b)(4).)

Section 2. The City Council hereby adopts the following Park Impact Fees:

Type of Development	Park Impact Fee
Residential	
0 Bedrooms/Accessory Dwelling Unit	\$3,091/dwelling unit
1 Bedroom	\$4,841/dwelling unit
2 Bedrooms	\$8,732/dwelling unit
3 Bedrooms	\$15,249/dwelling unit
4+ Bedrooms	\$21,211/dwelling unit
Non-Residential	
Industrial	\$0.55/square foot of gross floor area

Notes:

1. "Bedroom," "dwelling unit," and "gross floor area" as defined by HMC Sec. 10-1.3500.
2. Projects receiving all discretionary approvals by the effective date of this Resolution shall be subject to the parkland dedication and in-lieu fee requirements in effect immediately prior to the effective date of this Resolution.

Section 3. The City Council may review and amend the Park Impact Fees from time to time. Beginning January 1, 2021, for any annual period during which the City Council does not review the Park Impact Fee, fee amounts shall be adjusted once by the City Manager or designee based on the percentage change in the Engineering News-Record Construction Cost Index, San Francisco Area.

Section 4. A Park Impact Fee as shown in Section 2 shall be paid by all developments subject to the fee.

Section 5. This Resolution shall go into full force and effect on February 20, 2020.

Section 6. Any judicial action or proceeding to attack, review, set aside, void or annul this Resolution shall be brought within the 90-day time period as established by Code of Civil Procedure Section 1094.6.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

City of Hayward

Parks Development Impact Fee Nexus Study

November 6, 2019

Prepared by:



Prepared for:





*Community Attributes Inc. tells data-rich stories about communities
that are important to decision makers.*

President and CEO:
Chris Mefford

Project Manager:
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Analysts:
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INTRODUCTION

The purpose of this study is to provide technical documentation to support the establishment of development impact fee rates in the City of Hayward, California for parks and recreation facilities as authorized by the Mitigation Fee Act (Government Code Section 66000 (AB1600)). Throughout this study the term “parks” is used as the short name that means parks, open space and recreation facilities, including land and developments.

Summary Maximum Allowable Development Impact Fee Rates

Park impact fees are paid by new development to help pay a portion of the costs required to build capital facilities needed to serve new development. Impact fee rates for new development are based on and vary according to the type of land use. The following table summarizes the maximum allowable park development impact fee rates for each land use category.

Exhibit 1. City of Hayward Maximum Allowable Park Development Impact Fee Rates

Type of Development	Park Impact Fee per Unit
Residential	
0 Bedrooms	\$4,416.39 dwelling unit
1 Bedroom	\$6,915.18 dwelling unit
2 Bedrooms	\$12,474.13 dwelling unit
3 Bedrooms	\$21,783.71 dwelling unit
4 or more Bedrooms	\$30,301.40 dwelling unit
Nonresidential	
Office/Other Commercial	\$7.88 square foot
Retail	\$9.72 square foot
Industrial	\$0.78 square foot
Government	\$9.00 square foot
Education	\$2.87 square foot

Development Impact Fees v. Other Developer Contributions

Development impact fees are a charge paid by new development to reimburse local governments for the capital cost of public facilities that are needed to serve new development and the people who occupy or use the new development. Throughout this study, the term “developer” is used as a shorthand expression to describe anyone who is obligated to pay impact fees, including builders, owners or developers.

Local governments charge impact fees for several reasons 1) to obtain revenue to pay for some of the cost of new public facilities; 2) to implement a public policy that new development should pay a portion of the cost of facilities that it requires, and that existing development should not pay all of the cost of such facilities; and 3) to assure that adequate public facilities will be constructed to serve new development.

The development impact fees described in this study do not include any other forms of developer contributions or exactions for parks to serve growth. The development impact fees described in this study do not include “fees specified in Section 66477, fees for process applications for governmental regulatory actions or approvals, fees collected under development agreements adopted pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4, or fees collected pursuant to agreements with redevelopment agencies that provide for the redevelopment of property in furtherance or for the benefit of a redevelopment project for which a redevelopment plan has been adopted pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) or Division 24 of the Health and Safety Code).”¹

Organization of the Study

This development impact fee nexus study contains five chapters:

- **Introduction:** provides a summary of the maximum allowable development impact fee rates for land use categories, and other introductory materials.
- **Statutory Basis and Methodology:** summarizes the statutory requirements for development of impact fees and describes the compliance with each requirement.
- **Mitigation Fee Act Nexus Findings:** outlines the findings of the nexus study as required by State law.
- **Growth Estimates:** presents estimates of population and employment in Hayward because impact fees are paid by growth to offset the costs of parks, open space and recreation facilities that will be needed to serve new development.
- **Park Development Impact Fees:** presents the maximum allowable impact fees for parks in the City of Hayward. This chapter includes the methodology used to develop the maximum allowable fees, and the calculation of maximum allowable fees. The methodology is designed to comply with the requirements of California State Law.

¹ Government Code § 66000 (b)

STATUTORY BASIS AND METHODOLOGY

This chapter summarizes the statutory requirements for development impact fees in the State of California and describes how the City of Hayward's park development impact fees comply with the statutory requirements.

The Mitigation Fee Act, adopted in AB1600 in 1987, authorizes local governments in California to charge development impact fees. Government Code §§ 66000-66025 contain the provisions that authorize and describe the requirements for development impact fees.

The following synopsis of the most significant requirements of the law includes citations to the Government Code as an aid to readers who wish to review the exact language of the statutes. Many of the statutory requirements are fulfilled in calculation of the parks impact fee in the fifth chapter of this study. Some of the statutory requirements are fulfilled in other ways, as described below.

Types of Public Facilities

Public facilities under the Mitigation Fee Act include “public improvements, public services, and community amenities,” (*Gov. Code § 66000 (d)*). This study contains impact fees for parks.

Types of Improvements

Impact fee revenue can be used for the capital cost of public facilities. Impact fees cannot be used for operating or maintenance expenses or for the costs attributable to existing deficiencies (*Gov. Code § 66001 (g)*). The cost of public facilities that can be paid for by impact fees include costs attributable to serve the needs of growth, or increased demand due to development. Impact fees may also be used to “refurbish existing facilities to maintain the existing level of service or achieve an adopted level of service that is consistent with the general plan (*Gov. Code § 66001 (g)*).

Benefit to Development and Proportionate Share

Impact fees must be reasonably related to and must have a reasonable relationship to the needs for public facilities of new development (*Gov. Code § 66001 (a)*).

There are three tests of the benefit provided to development by impact fees: 1) reasonably related to expenditure, 2) reasonably related to need, and 3) proportionate share.

Reasonably Related to Expenditure

Two provisions of the Mitigation Fee Act which are addressed by the City of Hayward municipal code and adopted Capital Improvements Program comply with the requirement that expenditures are reasonably related to the development that paid the impact fee. First, The City of Hayward must comply with annual accounting requirements which require the City to identify the improvements constructed with the impact fee funds collected, including the total cost of the improvements constructed and the fees expended to construct the improvement (*Gov. Code § 66006*). Additionally, the City of Hayward has an adopted Capital Improvements Program which identifies the public facilities for which park impact fees will be used. Secondly, the Mitigation Fee Act requires that if any portion of a fee is unexpended or uncommitted within five years of deposit, the City must comply with the following accounting requirements or must refund the fee.

- Identify the purpose for which the fee will be used
- Demonstrate a reasonable relationship between the fee and new development charged
- Identify all sources and amounts of funding anticipated to complete any incomplete improvements
- Designate the approximate date by which the funding needed will be deposited into the appropriate account

If the City has adequate funding for planned parks capital improvements, then an approximate date when the costs for the planned improvements will be incurred must be specified (*Gov. Code §§ 66001 (d)-(f)*).

These requirements indicate that impact fee revenue must be expended or obligated within five years, thus requiring the impact fees to be used to benefit the feepayer and not held by the City.

Reasonably Related to Need

There are many ways to fulfill the requirement that impact fees be reasonably related to development's need for public facilities, including personal use and use by others in the family or business enterprise (direct benefit), use by persons or organizations who provide goods or services to the fee-paying property (indirect benefit), and geographical proximity (presumed benefit). These measures of relatedness are implemented by the following techniques:

- Impact fees are charged to properties that need or benefit from new public facilities. The City of Hayward with the Hayward Area Recreation and Park District (HARD) provides its infrastructure to all kinds of property throughout the City, regardless of the type of use of

the property. Therefore, impact fees have been calculated for all types of property.

- The relative needs of different types of growth are considered in establishing fee amounts (for example, different impact values for different types of land use). The fifth chapter uses different numbers of persons per dwelling unit for residential development and the number of employees and visitors for non-residential development.

Proportionate Share

The proportionate share test means that impact fees can be charged only for the portion of the cost of public facilities that is reasonably related to new development. In other words, impact fees cannot be charged to pay for the cost of reducing or eliminating deficiencies in existing facilities.

Second, the costs of facilities that will benefit new development and existing users must be apportioned between the two groups in determining the amount of the fee. This can be accomplished in either of two ways: 1) by allocating the total cost between new and existing users, or 2) calculating the cost per unit and applying the cost only to new development when calculating impact fees.

Exemptions

Local governments have the discretion to provide exemptions from impact fees. The City's municipal code for impact fees addresses the subject of exemptions. Exemptions do not affect the impact fee rates calculated in this study, as alternative funding sources must be used to offset the loss in fee revenue. As a result, there is no increase in impact fee rates to make up for the exemption.

Reduction in Impact Fee Amounts

Impact fees may be credited for the value of dedicated land, improvements or construction provided by the developer subject to approval and agreement with the City of Hayward.

Capital Improvements Plans

The Mitigation Fee Act indicates that any local agency that requires an impact fee may adopt a capital improvements plan that identifies the capital projects that will be financed by the collected fees (*Gov. Code § 66002*). The City of Hayward annually updates and adopts their ten-year Capital Improvement Program, which identifies the projects for which impact fee funds will be used. Additionally, the Hayward Area Recreation and Parks District has a Capital Improvements Plan which identifies the locations of projects, total costs and anticipated funding sources.

Accounting Requirements

Impact fees must be deposited in a separate capital facilities account or fund, to avoid comingling the funds with other revenues. Interest income earned will also be deposited in the account (*Gov. Code § 66006 (a)*). The City must provide the following information available annually within 180 days of the last day of the fiscal year.

- Description of the type of fee in the account or fund
- Amount of the fee
- Beginning and ending balance of the account or fund
- Amount of fees collected and interest earned
- Each public improvement on which fees were used
- Amount of expenditures on each public improvement
- Percentage of the cost of each public improvement that was funded with fees
- Date public improvement construction will commence if the public improvement is incomplete (*Gov. Code § 66006 (b) (1)*)

The City must also make the following findings every fifth fiscal year for the portion of the fees that remain unexpended:

- Identify the purpose for which the fee will be used
- Demonstrate a reasonable relationship between the fee and the development to which it was charged
- Identify the sources and amounts of funding anticipated to complete incomplete improvements identified for which the fee will be used
- Designate the approximate dates on which the funding is expected to be deposited (*Gov. Code § 66001 (d) (1)*)

Data Sources

The data in this nexus study was provided by the City of Hayward and the Hayward Area Recreation and Parks District unless a different source is specifically cited.

MITIGATION FEE ACT NEXUS FINDINGS

The Mitigation Fee Act requires that the local agency shall identify the purpose of the fee, the use to which the fee will be put, the reasonable relationship of the fee's use and the reasonable relationship of the need for the fee. These nexus findings are described below (*Gov. Code § 66001 (a)*).

Purpose of the Fee

The purpose of the park impact fee is to ensure the development of parks, recreational facilities, trails and open space meet the needs of both the residential and nonresidential population of the City of Hayward as growth

occurs. Growth in the City of Hayward will increase demand for parks and recreation facilities and the park impact fee ensures that new growth is responsible for its proportionate share of the cost of park facilities to serve increased demand due to growth.

Use of the Fee

Revenue generated by the park impact fee will be used to fund the capital cost of park, recreational facilities, trail and open space development to serve growth in the City of Hayward. This will include a wide variety of parks, recreational facilities, trail and open space capital investments, such as land acquisition or improvements of both existing and new parks that increase the capacity of those parks to serve growth. The fee revenue will also be used to cover administration costs of the park impact fee program, including collection, documentation, annual reporting requirements, five-year reporting requirements, Nexus Study updates and other costs. Fee revenue will not be used for maintenance, operation or repair costs or to reduce or eliminate existing deficiencies.

Reasonable Relationship of the Fee's Use

Growth, or new development, in the City of Hayward will increase demand for parks and recreation facilities within the City. Revenue from the park impact fee will be used to fund new capacity in parks and recreation facilities in response to the demands of new development and to maintain the current level of service for new development. The use of the fee is reasonably related to the type of development upon which it is imposed.

Reasonable Relationship of Need for the Fee

Each new development, both residential and nonresidential, generates new demand for parks and recreation facilities, creating an incremental need for new parks and recreation capacity in the City of Hayward. The need for parks and recreation facilities is measured in proportion to the number of persons per dwelling unit or employees per square foot for each residential and nonresidential land use and the current level of service of parks and recreation facilities in the City of Hayward.

Proportionality of the Fee

The maximum allowable park impact fee is directly proportional to the relative increase in new development. The fees are calculated by applying the current level of service provided to the proportionate increase in the population created by new development and the cost estimate for parks and recreation facilities at the currently provided ratio.

GROWTH ESTIMATES

Impact fees are meant to have “growth pay for growth” so the first step in developing an impact fee is to quantify future growth in the City of Hayward. Growth estimates have been prepared for population and employment through the year 2040 in order to match the horizon year of the City’s General Plan.

Exhibit 1 lists Hayward’s population and growth rates from 2010 to 2018 and projections to the year 2040.

Exhibit 1. Population		
	Population	CAGR⁽¹⁾
2010	144,186	
2011	146,357	1.5%
2012	149,965	2.5%
2013	152,491	1.7%
2014	154,641	1.4%
2015	157,409	1.8%
2016	159,465	1.3%
2017	161,455	1.2%
2018	162,030	0.4%
2040	183,533	0.6%
Growth⁽²⁾	22,078	0.6%

(1) CAGR = Compound Annual Growth Rate.

(2) Growth = 2040 Population – 2018 Population.

Source for population:

- for years 2010 to 2018: California Department of Finance Population Estimates for Cities, Counties, and State; and
- for 2040: City of Hayward General Plan.

In addition to residential population growth, Hayward expects businesses to grow. Business development is included in this methodology because Hayward’s parks and recreation system serves both its residential population and employees. City parks provide places for employees and customers to take breaks from work and shopping, including restful breaks or active exercise to promote healthy living.

Exhibit 2 shows employment in Hayward from 2010 to 2018 and projected growth for the year 2040.

Exhibit 2. Employment

	Employment CAGR ⁽¹⁾	
2010	64,134	
2011	65,249	1.7%
2012	67,372	3.3%
2013	68,752	2.0%
2014	70,407	2.4%
2015	72,864	3.5%
2016	74,369	2.1%
2017	75,821	2.0%
2018	76,845	1.4%
2040	89,900	0.7%
Growth⁽²⁾	13,055	0.7%

(1) CAGR = Compound Annual Growth Rate.

(2) Growth = 2040 Employment – 2018 Employment.

Sources for employment:

- for years 2010 to 2017: Bureau of Labor Statistics, Local Area Unemployment Statistics, annual average employment;
- for 2018: Bureau of Labor Statistics, Local Area Unemployment Statistics, average of employment through November 2018 and preliminary employment estimates for December 2018; and
- for 2040: City of Hayward General Plan Background Report.

Exhibit 3 lists employment by industry in Hayward for 2018 and projections for the year 2040.

Exhibit 3. Employment by Industry

	2018	2040	CAGR⁽¹⁾
Services	13,576	17,012	1.0%
Manufacturing	10,717	11,180	0.2%
Government	9,757	8,799	-0.5%
Healthcare	9,151	13,400	1.7%
Retail Trade	7,727	7,326	-0.2%
Wholesale Trade	7,456	7,861	0.2%
Construction & Resources	6,117	9,594	2.1%
Accommodations & Food Service	4,425	6,050	1.4%
TCU	4,369	4,806	0.4%
FIRE	2,653	2,558	-0.2%
Education	899	1,313	1.7%
Total	76,845	89,900	0.7%

(1) CAGR = Compound Annual Growth Rate

(2) FIRE = Finance, Insurance and Real Estate

(3) TCU = Transportation, Communication and Utilities

Sources for employment:

- for 2018: employment by industry is estimated by allocating 2018 total employment from Exhibit 2 by the share of employment by industry from the Hayward General Plan; and
- for 2040: employment by industry is estimated by using growth rates by industry for the Oakland-Hayward-Berkeley MD from the California Employment Development Department and adjusted to projected total 2040 employment from Exhibit 2.

It is clear from Exhibits 1, 2 and 3 that Hayward expects growth of population and businesses in the future, so there is a rational basis for park impact fees that would have future growth pay for parks that are needed to provide appropriate levels of service to new development.

Population and employment are both expected to grow, but they should not be counted equally because employees and visitors spend less time in Hayward than residents, therefore they have less benefit from Hayward’s parks. There is a well-established and widely-used technique for accounting for these differences in impact fees and it involves “equivalency.” Appendix A describes equivalency and explains how the “equivalent population coefficients” were developed for this study of park impact fees for the City of Hayward. The results allow business to pay its proportionate share of parks for growth based on the “equivalent population” that nonresidential development generates.

Exhibit 4 multiplies the equivalent population coefficients (from Appendix A) by the actual population and employment data from Exhibits 1 and 3 to calculate the “equivalent” population for the base year (2018), the horizon year (2040) and the growth between 2018 and 2040.

Exhibit 4. Growth of Equivalent Population

Land-Use Category	Equivalent Population Coefficient ⁽¹⁾	2018 Base Year Full Population ⁽²⁾	2018 Base Year Equivalent Population ⁽³⁾	2040 Base Year Full Population ⁽²⁾	2040 Horizon Year Equivalent Population ⁽³⁾	2018-2040 Growth Full Population ⁽⁴⁾	2018-2040 Growth Equivalent Population ⁽⁵⁾
Residential	0.94	162,030	151,903	183,533	172,062	21,503	20,159
Nonresidential							
Services	0.51	13,576	6,864	17,012	8,602	3,437	1,738
Manufacturing	0.58	10,717	6,223	11,180	6,493	464	269
Government	0.71	9,757	6,888	8,799	6,212	(958)	(676)
Healthcare	0.98	9,151	8,933	13,400	13,081	4,249	4,148
Retail Trade	2.00	7,727	15,481	7,326	14,677	(401)	(804)
Wholesale Trade	0.62	7,456	4,616	7,861	4,867	406	251
Construction & Resources	0.20	6,117	1,215	9,594	1,906	3,477	691
Accommodations & Food Service	1.04	4,425	4,601	6,050	6,292	1,626	1,690
TCU	0.60	4,369	2,623	4,806	2,886	437	263
FIRE	0.51	2,653	1,341	2,558	1,293	(95)	(48)
Education	0.54	899	482	1,313	703	413	221
Total	N/A	N/A	211,172	N/A	239,074	N/A	27,902

(1) From Appendix A Equivalent Population Coefficients.

(2) From Exhibits 1 and 3.

(3) $Equivalent\ Population = Equivalent\ Population\ Coefficient \times Full\ Population.$

(4) $2018-2040\ Growth\ Full\ Population = 2040\ Full\ Population - 2018\ Full\ Population.$

(5) $2018-2040\ Growth\ Equivalent\ Population = 2040\ Equivalent\ Population - 2018\ Equivalent\ Population.$

The totals in Exhibit 4 provide the equivalent population for the purpose of the calculation of park impact fees for Hayward. The total equivalent population for the base year (2018) is 211,172 and the horizon year (2040), is 239,074, therefore equivalent population growth between 2018 and 2040 is 27,902.

PARK IMPACT FEES

Overview

Impact fees for Hayward’s parks use an inventory of the City’s existing acreage and current equivalent population to determine the current level of service ratio for parks. The current level of service ratio is multiplied by the projected equivalent population growth to estimate the acres of parks needed to serve growth at the current level of service. The cost of park acquisition and development per acre is multiplied by the number of acres needed to serve growth at the current level of service to arrive at the investment in parks needed to serve growth. The investment needed for growth is then adjusted by the value of the remaining park in-lieu fee fund balance and estimated program administration costs to arrive at the investment to be paid by growth. The investment to be paid by growth is divided by the growth in equivalent population to arrive at the growth cost per equivalent population. The amount of the maximum allowable park impact fee is

determined by multiplying the growth cost per equivalent population by the equivalent population per unit for each type of development.

These steps are described below in the formulas, descriptions of variables, exhibits and explanations of calculations for parks impact fees. Throughout the chapter the term “person” is used as the short name that means equivalent population or equivalent person.

Formula 1: Parks Level of Service Ratio

The current level of service ratio is calculated by dividing the existing acreage of Hayward Area Recreation and Park District (HARD) parks in Hayward by the total current equivalent population in Hayward.

$$(1) \frac{\text{Existing Acres of Parks}}{\text{Current Equivalent Population}} = \text{Current Level of Service Ratio}$$

Equivalent population was described above and is explained in Appendix A. There is one new variable that requires explanation: (A) Existing Acres of Parks.

Variable (A): Existing Acres of Parks

The acreage of each park in Hayward, managed by HARD, is listed in Appendix B. The total existing parks acreage includes all existing parks and facilities in the following categories: Local Parks; Community Parks; Special Use Facilities; School Recreation Sites; and Linear Parks, Greenways and Trails. Appendix B additionally includes the total acreage in Hayward and the subtotal by category from the HARD Parks and Recreation Master Plan.

The total existing inventory of parks in the City of Hayward is 1,052.6 acres of parks. Exhibit 5 lists the total existing inventory of parks by category.

Exhibit 5. HARD Park Inventory in Hayward by Park Type, Acres, 2018

Type	Inventory
Local Parks	133.2
Community Parks	63.6
Special Use Facilities	232.4
School Recreation Sites	20.0
Linear Parks, Greenways and Trails	603.4
Total	1,052.6

Exhibit 6 lists the total existing inventory of parks and divides it by the current equivalent population of 211,172 (from Exhibit 4), divided by 1,000 to calculate the current level of service ratio of 4.98 acres of parks per 1,000 equivalent population.

Exhibit 6. Level of Service Ratio

Inventory	Current Equivalent Population	Level of Service Ratio
1,052.6 acres ÷	211,172	= 4.98 acres per 1,000 pop

Formula 2: Total Park Acres to Serve Growth

Impact fees must be related to the needs of growth. The first step in determining growth’s needs is to calculate the total number of acres needed to serve growth with the same level of service ratio that benefits the current population. The acres of parks needed for growth are calculated by multiplying the level of service ratio by the equivalent population growth from 2018 to 2040 (divided by 1,000).

$$(2) \frac{\text{Current Level of Service Ratio}}{\text{Service Ratio}} \times \frac{\text{Growth of Equivalent Population}}{\text{Population}} = \frac{\text{Park Acres to Serve Growth}}{\text{to Serve Growth}}$$

There are no new variables used in Formula 2. Both variables were developed in previous formulas and exhibits.

Exhibit 7 shows the calculation of the total acres of parks needed for growth. The current level of service ratio is calculated in Exhibit 6. The growth in equivalent population is calculated in Exhibit 4. The result is that Hayward needs to add 139.1 acres of parks in order to serve the growth of 27,902 additional people who are expected to be added to the City’s existing equivalent population.

Exhibit 7. Total Park Acres Needed for Growth

Level of Service Ratio	2018-2040 Growth	Total Park Acres Needed for Growth
4.98 acres per 1,000 pop x	27,902	= 139.1

Formula 3: Park Acres Needed for Growth

The park acres needed for growth is calculated by subtracting any existing reserve capacity from the total park acres needed to serve growth.

$$(3) \frac{\text{Total Park Acres Needed for Growth}}{\text{Needed for Growth}} - \frac{\text{Reserve Capacity}}{\text{Capacity}} = \frac{\text{Park Acres Needed for Growth}}{\text{for Growth}}$$

Total Park Acres Needed for Growth was described in Formula 2. There is one new variable that requires explanation: (B) Reserve Capacity.

Variable (B): Reserve Capacity

Existing reserve capacity includes any park acres that HARD has acquired in the City of Hayward and is holding in reserve to serve the needs of growth.

HARD and the City of Hayward have acquired 54.9 acres for the future La Vista Park, which will serve the needs of growth through 2040.

Exhibit 8 shows the calculation of the acres of parks that are needed for growth. The total acres of parks needed for growth (from Exhibit 7) is reduced by the value of existing reserve capacity, 54.9 acres, and the result shows that 84.2 acres of additional parks are needed to serve future growth.

Exhibit 8. Park Acres Needed for Growth

Total Park Acres Needed for Growth	Reserve Capacity	Park Acres Needed for Growth
139.1	- 54.9	= 84.2

Formula 4: Investment Needed for Growth

The second step in determining growth’s needs is to calculate the total investment in parks needed for growth, or the total cost of parks land acquisition and development to serve growth with the same level of service ratio that benefits the current population. The investment needed for growth is calculated by multiplying the park cost per acre by the number of acres needed to serve growth.

$$(4) \frac{\text{Park Cost per Acre}}{\text{Park Cost per Acre}} \times \frac{\text{Park Acres Needed for Growth}}{\text{Park Acres Needed for Growth}} = \frac{\text{Investment Needed for Growth}}{\text{Investment Needed for Growth}}$$

There is one new variable used in Formula 4 that requires explanation: (C) Park Cost per Acre.

Variable (C): Park Cost per Acre

The park impact fees are based on costs per acre for land acquisition and development that will be provided in the City of Hayward by the Hayward Area Parks and Recreation District. The calculations for the weighted average cost per acre for land acquisition and development are shown in Appendix C. Park acquisition costs are based on recent purchases for property appropriate for park development by category in the HARD service area. Park development costs are based on recent cost estimates for park development by category provided by HARD. Exhibit 9 details the weighted average cost per acre for park land acquisition and development.

Exhibit 9. Park Acquisition and Development Cost per Acre

	Cost per Acre
Land Acquisition	\$690,098
Park Development	\$1,370,832
Total	\$2,060,930

Variable (E): Park Impact Fee Program Administration

Park impact fee program administration costs are estimated at 2% of total park costs for the administration of the park impact fee program, consistent with administration cost estimates used in other California jurisdictions. Program administration costs are estimated by multiplying the investment needed for growth from Exhibit 10 by the 2% estimated for program administration, resulting in estimated program administration costs of nearly \$3.5 million.

Exhibit 11 shows the calculation for the investment to be paid by growth. The investment needed for growth (from Exhibit 10), existing park in-lieu fee fund balance and program administration costs are summed together to arrive at the investment to be paid by growth of \$168,297,377.

Exhibit 11. Investment to be Paid by Growth

	Park Investment
Investment Needed for Growth	\$173,492,446
Park In-Lieu Fee Fund Balance	
Zone A	(\$2,064,920)
Zone B	(\$2,335,758)
Zone C	(\$2,681,902)
Zone D	(\$1,229,738)
Zone E	(\$352,599)
<i>Total Available Park In-Lieu Fee Funds</i>	<i>(\$8,664,918)</i>
Park Impact Fee Program Administration	\$3,469,849
Investment to be Paid by Growth	\$168,297,377

Formula 6: Growth Cost per Equivalent Person

The growth cost per equivalent person is calculated by dividing the investment in parks that is to be paid by growth by the amount of equivalent population growth.

$$(6) \frac{\text{Investment to be Paid by Growth}}{\text{Growth of Equivalent Population}} = \frac{\text{Growth Cost per Equivalent Population}}$$

There are no new variables used in Formula 6. Both variables were developed in previous formulas.

Exhibit 12 shows the calculation of the cost per equivalent person for parks that needs to be paid by growth. The investment in parks to be paid by growth (from Exhibit 11) is divided by the growth in equivalent population (from Exhibit 4). The result shows the cost for parks to be paid by growth is \$6,031.64 per equivalent person.

Exhibit 12. Growth Cost per Equivalent Person

Investment to be Paid by Growth	2018-2040 Growth	Growth Cost per Equivalent Population
\$168,297,377	÷ 27,902	= \$6,031.64

Formula 7: Maximum Allowable Impact Fee per Unit of Development

The maximum allowable amount to be paid by each new development unit depends on the equivalent population coefficient and the population density by development type. The cost per unit of development is calculated by multiplying the growth cost per equivalent person by the equivalent population per unit for each type of development.

There is one new variable used in Formula 7 that requires explanation: (F) equivalent population per unit.

Variable (F): Equivalent Population per Unit

The equivalent population per unit is calculated by multiplying the equivalent population coefficient by the number of persons per unit of development, as shown in Appendix A. For residential development this is the number of persons per dwelling unit estimated from the U.S. Census American Housing Survey, 2017 for the San Francisco-Oakland-Hayward MSA and 2017 U.S. Census American Community Survey One-Year Estimates for the City of Hayward and the San Francisco-Oakland-Hayward MSA. For nonresidential development, this is employees per square foot from the U.S. Energy Information Administration’s Commercial Buildings Energy Consumption Survey.

Exhibit 13 shows the calculation of the maximum allowable parks impact fee per unit of development. The growth cost per equivalent person of \$6,031.64 from Exhibit 12 is multiplied by the equivalent population per unit (from Exhibit A8) to calculate the impact fee per unit of development for parks.

Exhibit 13. Maximum Allowable Park Impact Fee per Unit of Development

Type of Development	Growth Cost per Equivalent Population	Equivalent Population per Unit	Park Impact Fee per Unit
Residential			
0 Bedrooms	\$6,031.64 x	0.73 dwelling unit =	\$4,416.39
1 Bedroom	\$6,031.64 x	1.15 dwelling unit =	\$6,915.18
2 Bedrooms	\$6,031.64 x	2.07 dwelling unit =	\$12,474.13
3 Bedrooms	\$6,031.64 x	3.61 dwelling unit =	\$21,783.71
4 or more Bedrooms	\$6,031.64 x	5.02 dwelling unit =	\$30,301.40
Nonresidential			
Office/Other Commercial	\$6,031.64 x	0.0013 square foot =	\$7.88
Retail	\$6,031.64 x	0.0016 square foot =	\$9.72
Industrial	\$6,031.64 x	0.0001 square foot =	\$0.78
Government	\$6,031.64 x	0.0015 square foot =	\$9.00
Education	\$6,031.64 x	0.0005 square foot =	\$2.87

APPENDIX A. EQUIVALENT POPULATION COEFFICIENTS AND EQUIVALENT POPULATION PER UNIT

What is “Equivalency”

When governments analyze things that are different from each other, but which have something in common, they sometimes use “equivalency” as the basis for their analysis.

For example, many water and sewer utilities calculate fees based on an average residential unit, then they calculate fees for business users on the basis of how many residential units would be equivalent to the water or sewer service used by the business. This well-established and widely practiced method uses “equivalent residential unit” (ERUs) as the multiplier that uses the rate for one residence to calculate rates for businesses. If a business needs a water connection that is double the size of an average house, that business is 2.0 ERUs, and would pay fees that are 2.0 times the fee for an average residential unit.

Another use of “equivalency” that is used in public sector organizations is “full time equivalent” (FTE) employees. One employee who works full-time is 1.0 FTE. A half-time employee is 0.5 FTE. By adding up the FTE coefficients of all part-time employees, the total is the FTE (full-time equivalent) of all the full and part-time employees.

Equivalency and Park Impact Fees

Equivalency can be used to develop park impact fees that apply to new nonresidential development as well as residential development. Equivalent population coefficients for park impact fees use the same principles as ERUs or FTEs to measure differences among residential population and different kinds of businesses in their availability to benefit from Hayward’s parks. They document the nexus between parks and development by quantifying the differences among different categories of park users.

The analysis that calculates the equivalent population coefficients takes into account several factors and reports the result as a statistic that allows each category of business to include its share of growth based on the “equivalent population” that it generates. The “equivalency” calculation recognizes that employees and visitors have less time in Hayward to benefit from Hayward’s parks (in the same way that part-time employees spend less time on the job than full-time employees).

The equivalent population coefficients are used in two ways. First, they are multiplied by the number of employees in different types of businesses in Hayward to count employees and visitors to businesses as “equivalent

population” in Hayward. This provides a total population of residents, employees and visitors that will be used to calculate the park value per equivalent population. Second, the adjusted park cost per equivalent population is multiplied by the equivalent population coefficients for each business type and the number of persons per dwelling unit to calculate the impact fee for each type of development.

Calculation of Equivalent Population Coefficients for Park Impact Fees

There are two parts to the equivalent population coefficient: (1) employees and residents and (2) visitors.

Exhibit A1² presents the data for the following factors used in analyzing employees and residents: the number of days per week and hours per day that different types of locations are typically in use, the percent of hours that the populations are typically at the location and the resulting number of hours per week that each employee or resident is in their residential or business location in Hayward and therefore proximate to Hayward’s parks.

² The original version of Exhibits A1 through A3 were developed by Dr. Arthur C. Nelson, a leading scholar and researcher in the field of impact fees. The table appeared in Nelson’s 2004 *Planner’s Estimating Guide*. The underlying employee data has been updated to the 2008 edition of *Trip Generation* by the Institute of Transportation Engineers.

Exhibit A1. Resident and Employee Hours in Location

Land-Use Category	Residents and Employees			
	Days per Week at Location ⁽¹⁾	Hours per Day at Location ⁽¹⁾	Percent of Time at Location ⁽¹⁾	Hours in Location per Person ⁽²⁾
Residential Population	7	15.00	75%	78.75
Employee Population				
Services	5	9.00	80%	36.00
Manufacturing	5	9.00	100%	45.00
Government	5	9.00	80%	36.00
Healthcare	7	9.00	100%	63.00
Retail Trade	7	9.00	100%	63.00
Wholesale Trade	5	9.00	100%	45.00
Construction & Resources	5	9.00	25%	11.25
Accommodations & Food Service	7	9.00	100%	63.00
TCU ⁽³⁾	5	9.00	100%	45.00
FIRE ⁽⁴⁾	5	9.00	80%	36.00
Education	5	9.00	100%	45.00

(1) Assumptions from Planner's Estimating Guide.

(2) Hours in Location per Person = (# days per week x # hours per day x % of time at location)

(3) FIRE = Finance, Insurance and Real Estate

(4) TCU = Transportation, Communication and Utilities

Exhibit A2 presents the data for the following factors used in analyzing visitors: the number of days per week that different types of businesses are typically open, the number of hours that visitors are typically at the business location, the number of visitors per employee at different types of businesses and the resulting number of visitor hours per employee that visitors are in the business location in Hayward and therefore proximate to Hayward's parks.

Exhibit A2. Visitor Hours in Location (per Employee)

Land-Use Category	Visitors		
	Hours per Day at Location ⁽¹⁾	Visitors per Employee ⁽²⁾	Visitor Hours in Location per Employee ⁽³⁾
Residential Population	na	na	na
Employee Population			
Services	1	1.2948	6.4740
Manufacturing	1	0.7560	3.7800
Government	1	4.6605	23.3025
Healthcare	2	1.3572	19.0008
Retail Trade	1	15.0424	105.2968
Wholesale Trade	1	1.4004	7.0020
Construction & Resources	1	1.0872	5.4360
Accommodations & Food Service	1	3.4788	24.3516
TCU	1	1.0872	5.4360
FIRE	1	1.2948	6.4740
Education	na	na	na

(1) Assumptions from Planner’s Estimating Guide.

(2) Visitors per Employee from Planner’s Estimating Guide. This does not include tourists for which no data is available that measures tourists per employee by type of business.

(3) Visitor Hours in Location per Employee = (# days per week x # hours per day x # visitors per employee).

Exhibit A3 presents the last step in calculating the equivalent population coefficient for different types of businesses and residential populations. Employee hours are added to visitor hours per employee for each type of business. The total is divided by 84 hours per week. Parks are considered a “daytime” public facility that is assumed to be available 12 hours per day, 7 days per week for a total of 84 hours³. The result of this calculation is the daytime equivalent population coefficient for each type of business and resident. The daytime equivalent population per unit is used in Exhibit 4 to calculate the current and forecasted and growth in equivalent population.

³ By way of comparison, police and fire facilities are considered to be “24-hour” public facilities, therefore 24 x 7= 168 hours for their equivalent population coefficient calculations.

Exhibit A3. Equivalent Population Coefficients

Land-Use Category	Total		Daytime Equivalent Population Coefficient ⁽³⁾
	Total Hours in Location ⁽¹⁾	Daytime Hours ⁽²⁾	
Residential Population	78.7500	84	0.9375
Employee Population			
Services	42.4740	84	0.5056
Manufacturing	48.7800	84	0.5807
Government	59.3025	84	0.7060
Healthcare	82.0008	84	0.9762
Retail Trade	168.2968	84	2.0035
Wholesale Trade	52.0020	84	0.6191
Construction & Resources	16.6860	84	0.1986
Accommodations & Food Service	87.3516	84	1.0399
TCU	50.4360	84	0.6004
FIRE	42.4740	84	0.5056
Education	45.0000	84	0.5357

(1) *Total Hours in Location = Hours in Location per Person (from Exhibit A1) + Visitor Hours in Location per Employee (from Exhibit A2).*

(2) *Daytime Equivalent Population Coefficient = Total Hours in Location per Employee ÷ Daytime Hours (84).*

As noted previously, the equivalent population coefficient is multiplied by the employment and population in Hayward to calculate the total equivalent population in Hayward as shown in Exhibit 4.

Calculation of Equivalent Population per Unit

In order to convert the growth cost per equivalent person to the maximum allowable impact fee rate per unit of development, it is necessary to calculate a measure of equivalent population per unit of development. Exhibit A8 shows the calculation of the equivalent population per unit.

For the first step in the equivalent population per unit, the equivalent population coefficients for nonresidential development are combined into five more general weighted average land use categories. Exhibit A4 presents the calculation of the weighted coefficients for each land use category.

Exhibit A4. Weighted Average Equivalent Population Coefficients

Land-Use Category	Growth of Equivalent Population (1)	% Total (2)	Coefficient (3)	Weighted Coefficient (4)
Services	1,738	23.1%	0.5056	0.1167
Healthcare	4,148	55.1%	0.9762	0.5379
Accommodations & Food Service	1,690	22.5%	1.0399	0.2335
FIRE	(48)	-0.6%	0.5056	-0.0032
Office/Other Commercial	7,529	100.0%		0.8849
Retail (5)				2.0035
Manufacturing	269	3.6%	0.5807	0.0208
Wholesale Trade	251	3.3%	0.6191	0.0207
Construction & Resources	691	9.2%	0.1986	0.0182
TCU	263	3.5%	0.6004	0.0209
Industrial	1,474	19.6%		0.0806
Government (5)				0.7060
Education (5)				0.5357

(1) From Exhibit 4.

(2) Percent Total = Growth of Equivalent Population ÷ Total Growth of Equivalent Population by Land Use Category.

(3) From Exhibit A3.

(4) Weighted Coefficient = % Total x Coefficient. The weighted coefficient by Land Use Category is the sum of individual subcategory weighted coefficients.

(5) Coefficients for Retail, Government and Education are from Exhibit A3.

The weighted average equivalent population coefficients by land use category from Exhibit A4 and the residential population coefficient from Exhibit A3 are multiplied by a measure of population per unit.

The measure of population per unit for residential development types is the number of persons per dwelling unit, calculated for the number of bedrooms per dwelling unit, from zero to four or more bedrooms shown in Exhibit A5. Analysis used the number of housing units by number of bedrooms and number of people per unit from the 2017 U.S. Census American Housing Survey for the San Francisco-Oakland-Hayward MSA and the total population in occupied housing units and the average persons per household from the 2017 U.S. Census American Community Survey One-Year Estimates.

Exhibit A5. Persons per Dwelling Unit

Number of Bedrooms	Persons per Dwelling Unit
None	0.78
1	1.22
2	2.21
3	3.85
4 or more	5.36
Total	3.11

The measure of population per unit for nonresidential development is the square feet per employee for each type of development based on the U.S. Energy Information Administration's Commercial Buildings Energy Consumption Survey⁴, converted to square feet per employee by industry, shown in Exhibit A6.

Exhibit A6. Square Feet per Employee and Employees per Square Foot

	Square Feet per Employee	Employees per Square Foot ⁽¹⁾
Services ⁽²⁾	780	0.0013
Manufacturing ⁽³⁾	1,193	0.0008
Government ⁽⁴⁾	473	0.0021
Healthcare ⁽⁵⁾	546	0.0018
Retail Trade ⁽⁶⁾	1,243	0.0008
Wholesale Trade ⁽⁷⁾	1,843	0.0005
Construction & Resources ⁽⁴⁾	473	0.0021
Accommodations & Food Service ⁽⁸⁾	1,212	0.0008
TCU ⁽⁴⁾	473	0.0021
FIRE ⁽⁴⁾	473	0.0021
Education ⁽⁹⁾	1,124	0.0009
Weighted Average⁽¹⁰⁾	900	0.0011

(1) *Employees per square foot = 1 ÷ square feet per employee.*

(2) *Services is the average square feet per employee from the Services and Office activity categories.*

(3) *Manufacturing is matched to the square feet per employee from the Other category.*

(4) *Government, Construction & Resources, TCU and FIRE were matched to the Office activity category.*

(5) *Healthcare is matched to the Health Care activity category.*

(6) *Retail Trade is matched with the Mercantile category.*

(7) *Wholesale Trade is matched with the Warehouse and Storage activity category.*

(8) *Accommodations & Food Service is the average of the Lodging and Food Service activity categories.*

⁴ Sourced from the U.S. Energy Information Administration Commercial Buildings Energy Consumption Survey, <https://www.eia.gov/consumption/commercial/data/2012/bc/cfm/b1.php>.

(9) Education is matched to the Education category.

(10) The weighted average square feet per employee is weighted by current employment by industry from Exhibit 3.

The square feet per employee are combined into more general land use categories, following the desired structure for the impact fee rates as shown in Exhibit A7. The employees per square feet (from Exhibit A6) are combined into a weighted average square feet per employee, weighted on equivalent population growth by category from Exhibit 4.

Exhibit A7. Weighted Average Employees per Square Foot

	Growth of Equivalent Population (1)	% Total (2)	Employees per Square Foot (3)	Weighted Employees per Square Foot (4)
Services	1,738	23.1%	0.0013	0.0003
Healthcare	4,148	55.1%	0.0018	0.0010
Accommodations & Food Service	1,690	22.5%	0.0008	0.0002
FIRE	(48)	-0.6%	0.0021	0.0000
Office/Other Commercial	7,529	100.0%		0.0015
Retail (5)				0.0008
Manufacturing	269	18.3%	0.0008	0.0002
Wholesale Trade	251	17.0%	0.0005	0.0001
Construction & Resources	691	46.9%	0.0021	0.0010
TCU	263	17.8%	0.0021	0.0004
Industrial	1,474	100.0%		0.0016
Government (5)				0.0021
Education (5)				0.0009

(1) From Exhibit 4.

(2) Percent Total = Growth of Equivalent Population ÷ Total Growth of Equivalent Population by Land Use Category

(3) From Exhibit A6.

(4) Weighted Employees per Square Foot = % Total x Employees per Square Foot. Weighted employees per square foot by Land Use Category is the sum of individual subcategory weighted employees per square foot.

(5) Employees per Square Foot for Retail, Government and Education are from Exhibit A6.

Exhibit A8 shows the calculation for the equivalent population per unit. The equivalent population coefficient, from Exhibit A4 is multiplied by the population per unit from Exhibits A5 and A7, resulting in the equivalent population per unit.

Exhibit A8. Equivalent Population per Unit

Type of Development	Equivalent Population Coefficient ⁽¹⁾	Population per Unit ⁽²⁾	Unit	Equivalent Population per Unit ⁽³⁾
Residential				
0 Bedrooms	0.9375	0.78	dwelling unit	0.73
1 Bedroom	0.9375	1.22	dwelling unit	1.15
2 Bedrooms	0.9375	2.21	dwelling unit	2.07
3 Bedrooms	0.9375	3.85	dwelling unit	3.61
4 or more Bedrooms	0.9375	5.36	dwelling unit	5.02
Nonresidential				
Office/Other Commercial	0.8849	0.0015	square foot	0.0013
Retail	2.0035	0.0008	square foot	0.0016
Industrial	0.0806	0.0016	square foot	0.0001
Government	0.7060	0.0021	square foot	0.0015
Education	0.5357	0.0009	square foot	0.0005

(1) Equivalent Population Coefficient from Exhibit A4.

(2) Population per unit from Exhibits A5 and A7.

(3) Equivalent Population per Unit = Equivalent Population Coefficient x Population per Unit.

The equivalent population per unit is multiplied by the growth cost per equivalent person in Exhibit 12 to calculate the maximum allowable park impact fee rates for residential and nonresidential development in Hayward.

APPENDIX B. INVENTORY OF EXISTING PARKS

The 2019 Hayward Area Recreation and Park District Parks Master Plan provides a detailed inventory of existing acres throughout the HARD service area, including a detailed inventory of parks in the City of Hayward as of 2018. The parks system in Hayward currently consists of 1,052.6 acres of parks in total. This includes 133.2 acres of Local Parks, 63.6 acres of Community Parks, 232.4 acres of Special Use Facilities, 20.0 acres of School Recreation Sites and 603.4 acres of Linear Parks, Greenways and Trails.

Exhibit B1. HARD Local Parks Inventory in the City of Hayward, 2018

Park Name	Acres
Sorensdale Park	12.7
J.A. Lewis Park	12.6
Centennial Park	11.6
Bidwell Park	10.5
Cannery Park	8.9
Birchfield Park	5.8
Gordon E. Oliver Eden Shores Park	5.6
Old Highlands Park	5.6
Canyon View Park	5.4
Rancho Arroyo Park	4.8
Palma Ceia Park	4.5
Christian Penke Park	4.2
Ruus Park	4.1
College Heights Park	3.9
Greenwood Park	3.5
Eldridge Park	3.4
Silver Star Veterans Park	3.3
Jalquin Vista Park	3.2
Gansberger Park	2.9
Longwood Park	2.9
Fairway Greens Park	2.5
Spring Grove Park	2.3
Stonybrook Park	2.3
Twin Bridges Park	2.1
Stratford Village Park	1.9
Schafer Park	1.3
Bechtel Mini Park	0.8
Haymont Mini Park	0.4
La Placita Park	0.2
Subtotal Local Parks	133.2

Detailed parks inventory from Table 3-1 of the Draft HARD Parks and Recreation Master Plan.

Exhibit B2. HARD Community Parks, Special Use Facilities, School Recreation Sites and Linear Parks, Greenways and Trails Inventory in the City of Hayward, 2018

Park Name	Acres
Kennedy Park	14.5
Memorial Park	2.9
Mt. Eden Park	14.1
Southgate Park	8.8
Tennyson Park	9.6
Weekes Park	13.7
Subtotal Community Parks	63.6
Alden E. Oliver Sports Park	25.6
Children's Park at Giuliana Plaza	0.2
Douglas Morrison Theater	0.5
HARD District Office	3.6
Hayward Area Senior Center	0.2
Hayward Community Gardens	4.8
Hayward Plunge	1.2
Japanese Gardens	3.6
Mission Hills of Hayward Golf Course	57.8
Shoreline Interpretive Center	0.4
Skywest Golf Course	126.5
Southgate Community Center	0.3
Sunset Park/Swim Center	6.7
Weekes Park Community Center	1.0
Subtotal Special Use Facilities	232.4
Stonebrae Elementary School	9.1
Bret Harte Play Field	5.0
El Rancho Verde Park	3.3
Brenkowitz High School	2.6
Subtotal School Recreation Sites	20.0
Eden Greenway	36.1
Greenbelt Riding & Hiking Trail	148.0
Hayward Plunge Greenway Trail	30.4
Hayward Shoreline Open Space and Trails	349.0
Nuestro Parquecito	2.3
Taper Park	37.6
Subtotal Linear Parks, Greenways and Trails	603.4
Total	1,052.6

Detailed parks inventory from Table 3-1 of the Draft HARD Parks and Recreation Master Plan.

APPENDIX C. PARKS LAND ACQUISITION AND DEVELOPMENT COST PER ACRE

Park impact fees are based on a total cost of parks that are needed to serve growth with the same level of service ratio that benefits the current population. In order to provide a defensible and accurate estimate for the cost of park land acquisition and park development cost per acre, the Hayward Area Recreation and Park District provided information on recent land purchases, as well as recent cost estimates for park development, by park category, detailed in Exhibits C1 and C2. All acquisition and development costs for previous years are adjusted to reflect 2019 dollars using a 3% inflation rate, as provided by HARD staff.

Local Parks, Community Parks, Special use Facilities and School Recreation Sites are combined into a single category for the costs of land acquisition. HARD staff provided feedback that the types of land required for these three categories of parks are similar. Linear Parks, Greenways and Trails have very different acquisition costs, as demonstrated by the acquisition cost for the Valley View property.

Exhibit C1. Parks Land Acquisition Cost per Acre

Property	City	Acquisition Cost⁽¹⁾	Acreage	Cost per Acre⁽²⁾
Local Parks, Community Parks, Special Use Facilities and School Recreation Sites				
Bidwell School Property	Hayward	\$6,300,000	5.3	\$1,188,679
Mateo Properties	San Leandro	\$2,700,000	1.4	\$1,888,112
Via Toledo	San Lorenzo	\$2,262,271	2.0	\$1,148,361
Boston Road Property	Hayward	\$788,075	1.0	\$788,075
Average Cost per Acre				\$1,253,307
Linear Parks, Greenways and Trails				
Valley View (EMBUD property)	Castro Valley	\$6,499,632	24.0	\$270,818

(1) Data on purchase price provided by HARD staff. This reflects the purchase price for each property inflated to 2019 dollars based on a 3% inflation rate provided by HARD staff.

(2) Cost per acre = Acquisition Cost ÷ Acreage.

Exhibit C2. Parks Development Cost per Acre

Park	City	Acreage	Cost per Acre (1)
Local Parks			
Via Toledo Park (2)	San Lorenzo	2.0	\$2,100,000
West Evergreen (3)	San Jose	1.0	\$1,223,000
Stojanovich Family Park (3)	Campbell	1.1	\$1,033,094
Commodor (3)	San Jose	2.5	\$1,012,186
N Rengstorff (3)	Mountain View	1.0	\$1,008,000
31 St & Alum Rock (3)	San Jose	1.7	\$834,300
Porto Park (3)	Elk Grove	1.3	\$546,364
Average Cost per Acre			\$1,108,135
Community Parks			
Memorial Park (Design & Construction) (4)	Hayward	2.9	\$1,738,943
Del Monte (3)	San Jose	4.2	\$1,123,323
San Lorenzo Community Park Renovation (5)	San Lorenzo	30.9	\$1,118,719
Weekes Community Park Renovation (6)	Hayward	13.7	\$990,633
Creekside Sports Park (3)	Los Gatos	3.0	\$785,686
McClatchy Park (3)	Sacramento	3.8	\$732,661
Vista Montana (3)	San Jose	5.0	\$668,669
Springlake N3 (3)	Santa Rosa	7.0	\$484,078
La Vista Park (6)	Hayward	54.9	\$390,715
Cordelia Park - Phase 3 (3)	Fairfield	8.5	\$398,845
Corderos Park (3)	Vacaville	7.2	\$227,287
Valley Oak Park (3)	Sacramento	9.3	\$232,319
Average Cost per Acre			\$740,990
Special Use Facilities			
Hayward Area Senior Center Renovation (7)	Hayward	0.26	\$15,480,845
Hayward Community Gardens - Phase 1 (2)	Hayward	2.0	\$619,756
Kennedy Park (2)	Hayward	13.3	\$1,353,383
Average Cost per Acre			\$5,817,995
School Recreation Site			
Canyon Middle School Sports Complex (8)	Castro Valley		\$764,909
Creekside Middle School Sports Complex (8)	Castro Valley		\$764,909
El Rancho Verde Park (6)	Hayward	3.3	\$1,655,647
Average Cost per Acre			\$1,061,822
Trails (9)			
Pen Creek - Reach 1 (3)		0.3	\$3,132,899
Iron Horse Trail (3)		0.4	\$3,928,709
San Tomas Spur (3)		1.1	\$3,388,770
Cross Alameda Trail (10)		0.5	\$6,490,440
Wavecrest Trail (10)		0.3	\$1,615,935
Average Cost per Acre			\$3,711,351

(1) Cost per Acre provided by HARD staff. Details for each specific project are noted below. All development costs are converted to 2019 dollars from the year of development assuming a

- 3% inflation rate provided by HARD staff.
- (2) Data provided by HARD staff.
 - (3) Data provided by HARD staff, sourced from Callander Associates Landscape Architecture.
 - (4) Data sourced from the adopted 2017-2020 CIP, inflated to 2019 dollars. This includes only the portion of the project focused on design and construction of new improvements and does not include the costs for a renovation master plan.
 - (5) Data sourced from the adopted 2017-2020 CIP, inflated to 2019 dollars. This includes only the portion of the project focused on design and construction of new improvements as outlined in Phase 1 and Phase 2.
 - (6) Data sourced from the adopted 2017-2020 CIP, inflated to 2019 dollars. This includes only the portion of the project focused on design and construction of new improvements.
 - (7) Data provided by HARD staff. Costs were provided per square foot, which were converted to acres for consistency.
 - (8) Cost per acre estimates provided by HARD staff. The costs provided were used to develop the overall cost estimates in the 2017-2020 adopted CIP, inflated to 2019 dollars using an assumed 3% inflation rate provided by HARD staff.
 - (9) Cost for trails provided in cost per linear foot. Linear feet were converted to acres assuming an average trail width of six feet.
 - (10) Data provided by HARD staff, sourced from PlaceWorks Inc.

The average cost per acre for parks acquisition and development by category are weighted by current acres by type in order to arrive at a development cost reflective of the cost for parks acquisition and development to serve growth at the same level of service as the existing population. Exhibits C3 and C4 demonstrate the calculations to arrive at a weighted average cost per acre for parks acquisition and development.

Exhibit C3. Weighted Average Park Acquisition Cost per Acre

Park Type	Current Acres (1)	% Total (2)	Average Acquisition Cost per Acre (3)	Weighted Average Acquisition Cost per Acre (4)
Local Parks, Community Parks, Special use Facilities and School Recreation Sites	449.2	42.7%	\$1,253,307	\$534,852
Linear Parks, Greenways and Trails	603.4	57.3%	\$270,818	\$155,246
Total	1,052.6	100.0%		\$690,098

- (1) Current Acres are from Exhibit 6.
- (2) Percent Total = Current Acres by Category ÷ Total Acres.
- (3) Average Acquisition Cost per Acre from Exhibit C1.
- (4) Weighted Average Acquisition Cost per Acre = % Total x Average Acquisition Cost per Acre.
Total Weighted Average Acquisition Cost per Acre is the sum of Weighted Average Cost per Acre by category.

Exhibit C4. Weighted Average Park Development Cost per Acre

Park Type	Current Acres (1)	% Total (2)	Average Development Cost per Acre (3)	Weighted Average Development Cost per Acre (4)
Local Parks	133.2	12.7%	\$1,108,135	\$140,228
Community Parks	63.6	6.0%	\$740,990	\$44,772
Special Use Facilities	232.4	22.1%	\$5,817,995	\$1,284,535
School Recreation Sites	20.0	1.9%	\$1,061,822	\$20,175
Trails (5)	6.1	0.6%	\$3,711,351	\$21,350
Open Space (6)	597.3	56.7%	\$0	\$0
Total	1,052.6	100.0%		\$1,370,832

(1) Current Acres from Exhibit 6.

(2) Percent Total = Current Acres by Category ÷ Total Acres.

(3) Average Development Cost per Acre from Exhibit C2.

(4) Weighted Average Development Cost per Acre = % Total x Average Development Cost per Acre. Total Weighted Average Acquisition Cost per Acre is the sum of Weighted Average Cost per Acre by category.

(5) Trails represent the portion of the Linear Parks, Greenways and Trails category that are developed as trails. Estimates are based on the miles of trails for each park within the category, converted to acres based on an assumed average trail width of six feet.

(6) Open Space represents the remaining undeveloped portion of the Linear Parks, Greenways and Trails category. Development costs are assumed at \$0 per acre.

APPENDIX D. 2010 LEVEL OF SERVICE AND LEVEL OF SERVICE FOR GROWTH

INTRODUCTION

The City of Hayward is exploring options for the update to the park impact fee, including options for land dedication under the Quimby Act in conjunction with park impact fees under the Mitigation Fee Act. To understand differences in potential options, the City desires the level of service calculations based on the Quimby Act as well as the potential level of service through the mitigation fee act.

2010 LEVEL OF SERVICE

The legislative body of a city or council may require the dedication of land or in-lieu fees for parks and recreation under the Quimby Act (Government Code Section 66477 (AB 1191)). The land dedication or in-lieu fees can be imposed as a condition for the approval of a parcel subdivision map. Subdivisions containing less than five parcels are exempt under the Quimby Act as are commercial and industrial subdivisions.

Government Code Section 66477 (a)(1)(A) states that “The park area per 1,000 members of the population of the city, county, or local public agency shall be derived from the ratio that the amount of neighborhood and community park acreage bears to the total population of the city, county, or local public agency as shown in the most recent available federal census. The amount of neighborhood and community park acreage shall be the actual acreage of existing neighborhood and community parks of the city, county, or local public agency as shown on its records, plans, recreational element, maps, or reports as of the date of the most recent available federal census.”

Population in the City of Hayward according to the 2010 federal census was 144,186.

Exhibit 1. City of Hayward Population, 2010-2018 and 2040

	Population CAGR⁽¹⁾	
2010	144,186	
2011	146,357	1.5%
2012	149,965	2.5%
2013	152,491	1.7%
2014	154,641	1.4%
2015	157,409	1.8%
2016	159,465	1.3%
2017	161,455	1.2%
2018	162,030	0.4%
2040	183,533	0.6%
Growth⁽²⁾	22,078	0.6%

(1) CAGR = Compound Annual Growth Rate.

(2) Growth = 2040 Population – 2018 Population.

Source for population:

- for 2010: U.S. Census Bureau, 2010, Profile of General Population and Housing Characteristics
- for years 2011 to 2018: California Department of Finance Population Estimates for Cities, Counties, and State; and
- for 2040: City of Hayward General Plan.

The City of Hayward has reviewed and provided edits to the 2019 inventory of parks to reflect the inventory in 2010. City staff indicated that a 1.0-acre acquisition was made to expand Greenwood Park after 2010. The most recent calculation of acreage is used for each park, unless City staff provided specific edits. The inventory of parks acres in Hayward totals 1,051.6 acres in 2010, including all types of parks, comparable with the park impact fee calculations level of service.

Exhibit 2. HARD Local Parks Inventory in the City of Hayward, 2010

Park Name	Acres
Sorensdale Park	12.7
J.A. Lewis Park	12.6
Centennial Park	11.6
Bidwell Park	10.5
Cannery Park	8.9
Birchfield Park	5.8
Gordon E. Oliver Eden Shores Park	5.6
Old Highlands Park	5.6
Canyon View Park	5.4
Rancho Arroyo Park	4.8
Palma Ceia Park	4.5
Christian Penke Park	4.2
Ruus Park	4.1
College Heights Park	3.9
Greenwood Park	2.5
Eldridge Park	3.4
Silver Star Veterans Park	3.3
Jalquin Vista Park	3.2
Gansberger Park	2.9
Longwood Park	2.9
Fairway Greens Park	2.5
Spring Grove Park	2.3
Stonybrook Park	2.3
Twin Bridges Park	2.1
Stratford Village Park	1.9
Schafer Park	1.3
Bechtel Mini Park	0.8
Haymont Mini Park	0.4
La Placita Park	0.2
Subtotal Local Parks	132.2

Exhibit 3. HARD Community Parks, Special Use Facilities, School Recreation Sites and Linear Parks, Greenways and Trails Inventory in the City of Hayward, 2010

Park Name	Acres
Kennedy Park	14.5
Memorial Park	2.9
Mt. Eden Park	14.1
Southgate Park	8.8
Tennyson Park	9.6
Weekes Park	13.7
Subtotal Community Parks	63.6
Alden E. Oliver Sports Park	25.6
Children's Park at Giuliana Plaza	0.2
Douglas Morrison Theater	0.5
HARD District Office	3.6
Hayward Area Senior Center	0.2
Hayward Community Gardens	4.8
Hayward Plunge	1.2
Japanese Gardens	3.6
Mission Hills of Hayward Golf Course	57.8
Shoreline Interpretive Center	0.4
Skywest Golf Course	126.5
Southgate Community Center	0.3
Sunset Park/Swim Center	6.7
Weekes Park Community Center	1.0
Subtotal Special Use Facilities	232.4
Stonebrae Elementary School	9.1
Bret Harte Play Field	5.0
El Rancho Verde Park	3.3
Brenkwitz High School	2.6
Subtotal School Recreation Sites	20.0
Eden Greenway	36.1
Greenbelt Riding & Hiking Trail	148.0
Hayward Plunge Greenway Trail	30.4
Hayward Shoreline Open Space and Trails	349.0
Nuestro Parquecito	2.3
Taper Park	37.6
Subtotal Linear Parks, Greenways and Trails	603.4
Total	1,051.6

The 2010 level of service ratio is calculated by dividing the existing acreage of Hayward Area Recreation and Park District (HARD) local and community parks and special use facilities by the total 2010 population in Hayward.

$$\frac{\text{2010 Acres of Parks}}{\text{2010 Population}} = \text{2010 Level of Service Ratio}$$

Exhibit 4 lists the total 2010 inventory of parks and divides it by the 2010 population of 144,186, divided by 1,000 to calculate the 2010 level of service ratio of 7.3 acres of parks per 1,000 population.

Exhibit 4. 2010 Level of Service Ratio

Inventory	2010 Population	Level of Service Ratio
1,051.6 acres	÷ 144,186	= 7.3 acres per 1,000 pop

The Quimby Act requires that the ordinance requiring land dedication and in-lieu fees includes definite standards for determining the land dedication and in-lieu fees. The land dedication required “shall not exceed the proportionate amount necessary to provide three acres of park area per 1,000 persons residing within a subdivision subject to this section, unless the amount of existing neighborhood and community park area, as calculated pursuant to this subdivision, exceeds that limit, in which case the legislative body may adopt the calculation amount as a higher standard not to exceed five acres per 1,000 persons residing within a subdivision subject to this section.”

POTENTIAL PARK IMPACT FEE LEVEL OF SERVICE TO BE PAID BY GROWTH

The level of service to be funded by growth depends on the level of reduction applied to the maximum fee level if any, as well as any exemptions applied within the park impact fee ordinance. City of Hayward staff has indicated that park impact fee rates may be reduced by up to 30% from the maximum allowable rate. Additionally, staff have indicated exemptions may be applied to all nonresidential development except industrial. The calculations below documenting the potential level of service to be funded through park impact fees paid by growth provide a comparison between the maximum allowable fee, and reductions of 10%, 20% and 30%, as well as with and without the potential exemptions.

Estimating the potential level of service to be funded by growth starts with estimating the potential park impact fee revenue to be paid by growth. The estimated revenue is calculated by multiplying the growth cost per person by the growth in equivalent population. The growth cost per person is the per equivalent person basis for the park impact fee rates by number of bedrooms

and square foot of nonresidential development. Both the growth cost per person and the estimated growth in equivalent population are documented in the Draft City of Hayward Parks Development Impact Fee Nexus Study.

The potential rate reductions are applied to the growth cost per person. The estimated growth in equivalent population reflects the different exemptions applied. Without assuming exemptions to the park impact fee, the estimated growth in equivalent population is the total growth in equivalent population, which includes both residential population and employees. With exemptions applied, the estimated growth in equivalent population includes growth in equivalent residential population and equivalent industrial population.

$$\text{Growth Cost per Equivalent Person} \times \text{Growth in Equivalent Population} = \text{Estimated Park Impact Fee Revenue to be Paid by Growth}$$

Exhibit 5 shows the calculation for the estimated revenue to be paid by growth. The revenue varies between a high of \$168.3 million to a low of \$91.3 million depending on the reduction level and exemptions applied.

Exhibit 5. Estimated Park Impact Fee Revenue to be Paid by Growth

	Growth Cost per Person		Estimated Growth in Equivalent Population		Estimated Revenue
No Fee Exemptions					
Maximum Allowable Fee	\$6,031.64	x	27,902	=	\$168,297,377
10% Reduction	\$5,428.47	x	27,902	=	\$151,467,639
20% Reduction	\$4,825.31	x	27,902	=	\$134,637,902
30% Reduction	\$4,222.15	x	27,902	=	\$117,808,164
Staff Recommended Exemptions					
Maximum Allowable Fee	\$6,031.64	x	21,633	=	\$130,481,790
10% Reduction	\$5,428.47	x	21,633	=	\$117,433,611
20% Reduction	\$4,825.31	x	21,633	=	\$104,385,432
30% Reduction	\$4,222.15	x	21,633	=	\$91,337,253

The second step in estimating the potential level of service to be funded by growth is to calculate the estimated number of parks acres that could be funded by growth. The number of acres is calculated by dividing the estimated revenue by the park cost per acre from the Draft City of Hayward Parks Development Impact Fee Nexus Study.

$$\text{Estimated Park Impact Fee Revenue to be Paid by Growth} \div \text{Park Cost per Acre} = \text{Estimated Park Acres to be Funded by Growth}$$

Exhibit 6 shows the calculation for the estimated number of park acres to be funded by the park impact fees to be paid by growth. The estimated revenue is divided by the park cost per acre of \$2,060,930. The number of acres ranges from a high of 81.7 acres to a low of 44.3 acres.

Exhibit 6. Estimated Park Acres to be Funded by Growth

	Estimated Revenue	Park Cost per Acre	Estimated Acres to be Funded by Growth
No Fee Exemptions			
Maximum Allowable Fee	\$168,297,377 ÷	\$2,060,930 =	81.7
10% Reduction	\$151,467,639 ÷	\$2,060,930 =	73.5
20% Reduction	\$134,637,902 ÷	\$2,060,930 =	65.3
30% Reduction	\$117,808,164 ÷	\$2,060,930 =	57.2
Staff Recommended Exemptions			
Maximum Allowable Fee	\$130,481,790 ÷	\$2,060,930 =	63.3
10% Reduction	\$117,433,611 ÷	\$2,060,930 =	57.0
20% Reduction	\$104,385,432 ÷	\$2,060,930 =	50.6
30% Reduction	\$91,337,253 ÷	\$2,060,930 =	44.3

The final step is to calculate the level of service to be funded by growth. The estimated acres are divided by growth in residential population. The growth in residential population is used for comparison to the level of service standards as described in the General Plan as well as the 2010 level of service as outlined by the Quimby Act.

$$\frac{\text{Estimated Park Acres to be Funded by Growth}}{\text{Growth in Population}} = \frac{\text{Level of Service Ratio to be Funded by Growth}}$$

Exhibit 7 shows the calculation for the level of service ratio to be funded by growth. The level of service ratio depends on the reduction percent applied to the maximum fee level as well as the exemptions applied. The estimated level of service to be funded by growth ranges from a high of 3.7 acres per 1,000 population to a low of 2.0 acres per 1,000 population.

Exhibit 7. Estimated Level of Service to be Funded by Growth

	Estimated Acres to be Funded by Growth	Population Growth	Estimated Level of Service Ratio
No Fee Exemptions			
Maximum Allowable Fee	81.7	÷ 22,078 =	3.7 acres per 1,000 population
10% Reduction	73.5	÷ 22,078 =	3.3 acres per 1,000 population
20% Reduction	65.3	÷ 22,078 =	3.0 acres per 1,000 population
30% Reduction	57.2	÷ 22,078 =	2.6 acres per 1,000 population
Staff Recommended Exemptions			
Maximum Allowable Fee	63.3	÷ 22,078 =	2.9 acres per 1,000 population
10% Reduction	57.0	÷ 22,078 =	2.6 acres per 1,000 population
20% Reduction	50.6	÷ 22,078 =	2.3 acres per 1,000 population
30% Reduction	44.3	÷ 22,078 =	2.0 acres per 1,000 population

OVERALL LEVEL OF SERVICE

The total level of service to be provided with the park impact fees does not match the level of service to be provided by growth because the City of Hayward has an existing inventory of 1,052.6 acres. Additionally, the City has reserve revenue from previously collected park in-lieu fees of \$8.7 million and 54.9 acres of park land reserved for growth. The overall level of service also accounts for the cost of program administration as well.

The overall level of service is calculated in much the same way as the level of service to be funded by growth with a few additional steps. The first step of the calculation is to multiply the growth cost per equivalent person by the growth in equivalent population to which the fee will be applied.

$$\text{Growth Cost per Equivalent Person} \times \text{Growth in Equivalent Population} = \text{Estimated Park Impact Fee Revenue to be Paid by Growth}$$

Exhibit 8 shows the calculation for the estimated revenue to be paid by growth. The revenue varies between a high of \$168.3 million to a low of \$91.3 million depending on the reduction level and exemptions applied.

Exhibit 8. Estimated Park Impact Fee Revenue to be Paid by Growth

	Growth Cost per Person		Estimated Growth in Equivalent Population		Estimated Revenue
No Fee Exemptions					
Maximum Allowable Fee	\$6,031.64	x	27,902	=	\$168,297,377
10% Reduction	\$5,428.47	x	27,902	=	\$151,467,639
20% Reduction	\$4,825.31	x	27,902	=	\$134,637,902
30% Reduction	\$4,222.15	x	27,902	=	\$117,808,164
Staff Recommended Exemptions					
Maximum Allowable Fee	\$6,031.64	x	21,633	=	\$130,481,790
10% Reduction	\$5,428.47	x	21,633	=	\$117,433,611
20% Reduction	\$4,825.31	x	21,633	=	\$104,385,432
30% Reduction	\$4,222.15	x	21,633	=	\$91,337,253

The second step is to account for any revenue held in reserve to pay for parks acres for growth as well as program administration costs.

$$\text{Estimated Park Impact Fee Revenue to be Paid by Growth} + \text{Park In - Lieu Fee Fund Balance} - \text{Park Impact Fee Program Administration} = \text{Estimated Revenue to Fund Parks for Growth}$$

Exhibit 9 shows the calculation for the estimated revenue to fund parks to serve growth.

Exhibit 9. Estimated Park Impact Fee Revenue to Fund Parks to Serve Growth

	Estimated Acres to be Funded by Growth	Park In-Lieu Fee Fund Balance	Park Impact Fee Program Administration	Estimated Revenue to Fund Parks for Growth
No Fee Exemptions				
Maximum Allowable Fee	\$168,297,377 +	\$8,664,918 -	\$3,469,849 =	\$173,492,446
10% Reduction	\$151,467,639 +	\$8,664,918 -	\$3,469,849 =	\$156,662,708
20% Reduction	\$134,637,902 +	\$8,664,918 -	\$3,469,849 =	\$139,832,970
30% Reduction	\$117,808,164 +	\$8,664,918 -	\$3,469,849 =	\$123,003,233
Staff Recommended Exemptions				
Maximum Allowable Fee	\$130,481,790 +	\$8,664,918 -	\$3,469,849 =	\$135,676,859
10% Reduction	\$117,433,611 +	\$8,664,918 -	\$3,469,849 =	\$122,628,680
20% Reduction	\$104,385,432 +	\$8,664,918 -	\$3,469,849 =	\$109,580,501
30% Reduction	\$91,337,253 +	\$8,664,918 -	\$3,469,849 =	\$96,532,322

The third step is to calculate the estimated number of acres to be funded through the estimated revenue to fund parks to serve growth.

$$\frac{\text{Estimated Revenue to Parks for Growth}}{\text{Park Cost per Acre}} = \text{Estimated Park Acres for Growth}$$

Exhibit 10 shows the calculation of the estimated acres for growth. The estimated acres for growth ranges from a high of 84.2 to a low of 46.8, depending on the level of fee reduction and exemptions applied.

Exhibit 10. Estimated Park Acres for Growth

	Estimated Revenue to Fund Parks for Growth	Park Cost per Acre	Estimated Acres for Growth
No Fee Exemptions			
Maximum Allowable Fee	\$173,492,446 ÷	\$2,060,930 =	84.2
10% Reduction	\$156,662,708 ÷	\$2,060,930 =	76.0
20% Reduction	\$139,832,970 ÷	\$2,060,930 =	67.8
30% Reduction	\$123,003,233 ÷	\$2,060,930 =	59.7
Staff Recommended Exemptions			
Maximum Allowable Fee	\$135,676,859 ÷	\$2,060,930 =	65.8
10% Reduction	\$122,628,680 ÷	\$2,060,930 =	59.5
20% Reduction	\$109,580,501 ÷	\$2,060,930 =	53.2
30% Reduction	\$96,532,322 ÷	\$2,060,930 =	46.8

The next step is to account for the acres held in reserve to serve growth in order to arrive at the total acres for growth.

$$\text{Estimated Park Acres for Growth} + \text{Reserve Acres} = \text{Total Park Acres for Growth}$$

Exhibit 11 shows the calculation for the total park acres for growth accounting for the 54.9 acres held in reserve to serve growth.

Exhibit 11. Total Park Acres for Growth

	Estimated Acres for Growth		Reserve Acres		Total Acres for Growth
No Fee Exemptions					
Maximum Allowable Fee	84.2	+	54.9	=	139.1
10% Reduction	76.0	+	54.9	=	130.9
20% Reduction	67.8	+	54.9	=	122.7
30% Reduction	59.7	+	54.9	=	114.6
Staff Recommended Exemptions					
Maximum Allowable Fee	65.8	+	54.9	=	120.7
10% Reduction	59.5	+	54.9	=	114.4
20% Reduction	53.2	+	54.9	=	108.1
30% Reduction	46.8	+	54.9	=	101.7

Next, in calculating the overall level of service for the full population in 2040, the current parks acres are added to the total acres for growth.

$$\text{Total Park Acres for Growth} + \text{Current Acres} = \text{Total Park Acres}$$

Exhibit 12 shows the calculation for the total park acres, adding together the total acres for growth and the current inventory of park acres.

Exhibit 12. Total Park Acres

	Total Acres for Growth		Current Acres		Total Park Acres
No Fee Exemptions					
Maximum Allowable Fee	139.1	+	1,052.6	=	1,191.7
10% Reduction	130.9	+	1,052.6	=	1,183.5
20% Reduction	122.7	+	1,052.6	=	1,175.3
30% Reduction	114.6	+	1,052.6	=	1,167.2
Staff Recommended Exemptions					
Maximum Allowable Fee	120.7	+	1,052.6	=	1,173.3
10% Reduction	114.4	+	1,052.6	=	1,167.0
20% Reduction	108.1	+	1,052.6	=	1,160.7
30% Reduction	101.7	+	1,052.6	=	1,154.3

The final step is to calculate the estimated level of service. The calculation divides the total park acres by the total 2040 population to arrive at the estimated level of service. The level of service depends on the percent reduction applied to the maximum level of the fee as well as any exemption applied. The resulting level of service ranges between a high of 6.5 acres per 1,000 population and 6.3 acres per 1,000 population.

Exhibit 13. Estimated Total Level of Service

	Total Park Acres		Total Population		Estimated Level of Service Ratio
No Fee Exemptions					
Maximum Allowable Fee	1,191.7	÷	183,533	=	6.5 acres per 1,000 population
10% Reduction	1,183.5	÷	183,533	=	6.4 acres per 1,000 population
20% Reduction	1,175.3	÷	183,533	=	6.4 acres per 1,000 population
30% Reduction	1,167.2	÷	183,533	=	6.4 acres per 1,000 population
Staff Recommended Exemptions					
Maximum Allowable Fee	1,173.3	÷	183,533	=	6.4 acres per 1,000 population
10% Reduction	1,167.0	÷	183,533	=	6.4 acres per 1,000 population
20% Reduction	1,160.7	÷	183,533	=	6.3 acres per 1,000 population
30% Reduction	1,154.3	÷	183,533	=	6.3 acres per 1,000 population

SUMMARY

In 2010 the City of Hayward had a level of service of 7.3 parks per 1,000 population, using the 2010 inventory of parks acres and the 2010 Census population. Quimby allows cities to require land dedication or in-lieu fees up to five acres per 1,000 population, if the current level of service exceeds that rate. Quimby land dedication and in-lieu fees apply only to subdivisions of more than five parcels.

The park impact fees calculated based on the current level of service and accounting for the collected in-lieu fees and reserve acres ask growth to pay for the equivalent of 3.7 acres per 1,000 population at the maximum park impact fee rate and without any exemptions. If the City applies a 30% reduction to the fee rates and exempt all nonresidential development except industrial, the park impact fee rates will ask growth to pay for the equivalent of 2.0 acres for growth.

The park impact fees combined with park acres already purchased to serve growth and collected in-lieu fees as well as the administrative costs, would provide an overall level of service of 6.5 acres per 1,000 population at the maximum level. The estimated level of service assumes no park capacity increases outside of the park impact fees and reserve capacity. If the City applies a 30% reduction to the fee rates and exempt all nonresidential development except industrial, the overall level of service will be 6.3 acres per 1,000 population.

Level of service is also estimated incorporating potential exemptions to all nonresidential development except industrial. The analysis is the same, except the reduced growth cost per person is multiplied by the projected equivalent population for residential and industrial only rather than the total projected equivalent population.

Exhibit 2. Estimated Level of Service with Nonresidential Exemptions by Fee Reduction Percent

	Maximum Allowable Fee	10% Reduction	20% Reduction	30% Reduction
Current Acres	1,052.6	1,052.6	1,052.6	1,052.6
Acres for Growth Funded by Fee	65.8	59.5	53.2	46.8
Reserve Acres	54.9	54.9	54.9	54.9
Total Estimated Acres	1,173.3	1,167.0	1,160.7	1,154.3
Equivalent Population 2040	239,074	239,074	239,074	239,074
Population 2040	183,533	183,533	183,533	183,533
Level of Service per 1,000 Equivalent Population	4.91	4.88	4.85	4.83
Level of Service per 1,000 population	6.39	6.36	6.32	6.29



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: LB 19-054

DATE: December 17, 2019

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2020

RECOMMENDATION

That Council adopts a Resolution (Attachment II) approving an amendment to the City of Hayward Salary Plan for fiscal year 2020 (FY 2020), which designates all classifications and the corresponding salary range for employment in the City of Hayward as of December 23, 2019, superseding Resolution No. 19-184 and all amendments thereto.

SUMMARY

As required by the Municipal Code, the FY 2020 Salary Plan has been updated to reflect salary adjustments to the classifications in the City's classified and unclassified service as a result of the Equity Study Side Letter of Agreement between the City of Hayward and SEIU Local 1021 Clerical and Related Unit and SEIU Local 1021 Maintenance and Operations Unit as signed on December 4, 2018, including salary adjustments to the Mail Clerk, Management Fellow, and a salary correction to Associate Landscape Architect. The Salary Plan also includes adjustments based on the Council approved Memorandum of Understanding (MOU) between the City of Hayward and Hayward Association of Management Employees (HAME) as approved on June 19, 2018 and the revised terms of the Salary and Benefits Resolution for Unrepresented Executives, Management, City Manager's Office, Human Resources and City Attorney's Office Employees, as amended on June 26, 2018.

After the Personnel Commission held a public hearing on December 12, 2019 and considered public and Commissioner comments, they recommended Council consider adoption of an amended FY 2020 Salary Plan for the classifications in the City's classified service.

Additionally, this Salary Plan reflects salary adjustments for the Hayward City Manager, City Attorney, and City Clerk as outlined in the Council approved Employment Agreements.

File #: LB 19-054

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	FY 2020 Salary Plan



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TO: Mayor and City Council

FROM: Assistant City Manager

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Additionally, this Salary Plan reflects salary adjustments for the Hayward City Manager, City Attorney, and City Clerk as outlined in the Council approved Employment Agreements.

BACKGROUND AND DISCUSSION

Cost-of-Living Adjustments (COLA):

Pursuant to the negotiated terms of the MOU between the City of Hayward and Hayward Association of Management Employees (HAME), the revised terms of the Salary and Benefits

Resolution for Unrepresented Executives, Management, City Manager’s Office, Human Resources and City Attorney’s Office Employees, and the Hayward City Manager, City Attorney, and City Clerk Employment Agreements, a 2% COLA salary increase will be applied to the classifications represented in the aforementioned bargaining units as well as those classifications covered by the Salary and Benefits Resolution except for the Police Chief and Fire Chief, effective the pay period including January 1, 2020.

Equity Adjustments:

SEIU Local 1021 Clerical and Related Unit and SEIU Local 1021 Maintenance and Operations Unit (SEIU Local 1021)

Pursuant to the Equity Study Side Letter of Agreement between the City of Hayward and SEIU Local 1021 Clerical and Related Unit and SEIU Local 1021 Maintenance and Operations Unit, a salary survey identified 37 classifications that met the criteria for salary equity adjustments. No classification in this Unit will receive an equity adjustment increase of more than six percent (6%) in FY 2020, and an equity adjustment increase of more than six percent (6%) in FY 2021 over the course of the agreement. As such, the first salary equity adjustment, not to exceed 6%, will go into effect the pay period including January 1, 2020.

Table 1 below lists the SEIU Local 1021 classifications receiving the first installment of the 6% equity salary adjustment effective the pay period including January 1, 2020.

Table 1: January 1, 2020 SEIU Local 1021 Equity Adjustments:

CLASSIFICATION
Administrative Secretary
Secretary
Senior Secretary
Community Service Officer
Jail Supervisor
Facilities Carpenter II
Facilities Carpenter I
Facilities Painter II
Facilities Painter I
Library Page
Senior Library Page
Maintenance Leader
Airport Attendant
Airport Maintenance Worker
Facilities Lead Worker
Facilities Service Worker I
Facilities Service worker II
Groundskeeper I
Groundskeeper II

CLASSIFICATION
Groundskeeper III
Maintenance Worker
Senior Airport Maintenance Worker
Senior Maintenance Leader
Utilities Maintenance Mechanic
Utility Worker
Backflow/Cross Connection Tester
Cross Connection Control Specialist
Senior Utility Cust. Svc. Leader
Senior Utility Leader
Senior Utility Service Representative
Utilities Service Worker
Utility Leader
Utility Worker - Sewer
Senior Utility Leader - Sewer
Utility Leader - Sewer
WPCF Operator
Operator-In-Training

In addition to the classifications listed above, three other SEIU Local 1021 classifications will receive equity adjustments as described below:

PROGRAM ASSISTANT: The City aligns classifications to internal equity adjustments during the salary survey process. The Program Assistant is linked to the Library Assistant and will receive a 6.5% increase to maintain parity with the linked Library Assistant classification. The salary range is \$25.15 per hour at Step A and \$30.12 per hour at Step E.

WPCF LEAD OPERATOR: The WPCF Operator classification received a salary equity increase, creating less than a 15% differential from the higher level WPCF Lead Operator classification. Therefore, the salary for WPCF Lead Operator has been increased by 7.20% to reflect the 15% differential. The salary is \$45.31 per hour at Step A and \$52.98 per hour at Step E.

EQUIPMENT OPERATOR: Pursuant to the Equity Study Side Letter of Agreement between the City of Hayward and SEIU Local 1021 Clerical and Related Unit and SEIU Local 1021 Maintenance and Operations Unit, the Utility Worker classification received a salary equity increase and no longer maintains a 1.5% differential from Equipment Operator. Therefore, the salary for Equipment Operator has been increased by 6.14% to reflect the 1.5% differential. The salary is \$33.70 per hour at Step A and \$39.24 per hour at Step E.

Hayward Association of Management Employees (HAME)

ADMINISTRATIVE SUPERVISOR: Pursuant to Section 7.16 of the MOU between the City of Hayward and HAME, the Administrative Supervisor will receive an salary increase of 2.69% to maintain a minimum pay differential of 10% between it and the Administrative Secretary classification, which received an equity increase in the aforementioned salary survey. The salary range for Administrative Supervisor is \$38.06 per hour at Step A and \$46.24 per hour at Step E.

International Federation of Professional & Technical Engineers (IFPTE Local 21)
The City of Hayward and IFPTE Local 21 negotiated and agreed to a salary survey on classifications in this labor organization, with the goals of identifying any classifications that meet the criteria for salary equity adjustments and implementing those adjustments during the pay period that includes January 1, 2020. However, because additional time was needed to establish criteria for the salary equity adjustments, select the consultant for the survey, and discuss details with the selected consultant, the original implementation timeline was not reached. Therefore, upon completion of the salary survey, staff will present the salary findings and implementation details to the Personnel Commission at the next regular meeting or a Special Personnel Commission meeting, followed by implementation of any qualified classifications' salary adjustments retroactively to the pay period including January 1, 2020.

Salary Adjustments

MANAGEMENT FELLOW: This classification has been adjusted as a result of a recruitment and succession strategy designed to make the position competitive with the current local, Bay Area industry market. As this position serves as a gateway to the Management Analyst I/II classification series, the salary has been internally set at 10% below Step A of the Management Analyst I/II series which is \$38.22 per hour at Step E.

MAIL CLERK: Although the City of Hayward's Living Wage Ordinance does not identify the Mail Clerk classification as a contract service employee, the City is adjusting the salary of the Mail Clerk classification's lowest step, in the spirit of the Living Wage Ordinance, to mirror the amount in Ordinance which is \$15.82 per hour at Step C.

Salary Plan Correction

ASSOCIATE LANDSCAPE ARCHITECT: The salary plan has been revised to correct an administrative error that occurred when the 10/1/2019 1% COLA increase was applied to Local 21 classifications, except for Associate Landscape Architect. The error did not have any impact on employees, as this is a new classification. The salary plan has been updated to reflect the correct salary range which is \$44.43 per hour at Step A and \$53.90 per hour at Step E.

City Manager

Pursuant to the Council approved City Manager Employment Agreement, the City Manager will receive a 7% market equity adjustment effective the pay period that includes January 1, 2020.

FISCAL IMPACT

COST-OF-LIVING-ADJUSTMENT: The 2% COLA salary increases to the classifications within HAME, the Unrepresented Executives, Management, City Manager's Office, Human Resources, and City Attorney's Office employees, the City Manager, the City Attorney, and the City Clerk

classifications are all included in the adopted FY 2020 Operating Budget; therefore there is no additional fiscal impact.

SEIU EQUITY ADJUSTMENTS: The internal equity adjustments for the classifications in the SEIU Local 1021 Clerical and Related Unit and SEIU Local 1021 Maintenance and Operations Unit result in a citywide net fiscal increase of approximately \$494,443. The SEIU equity adjustments are not included in the FY 2020 Operating Budget. As a result, the adjustments will be included with the FY 2020 mid-year process.

HAME EQUITY ADJUSTMENTS: The internal equity adjustments for the Administrative Supervisor classification in the HAME unit result in a net fiscal increase of approximately \$3,190. The internal equity adjustment is not included in the FY 2020 Operating Budget. As a result, the adjustment will be included with the FY 2020 mid-year process.

MANAGEMENT FELLOW: The internal equity adjustment for this classification results in a net fiscal increase of approximately \$52,636. The internal equity adjustment is not included in the FY 2020 Operating Budget. As a result, the adjustment will be included with the FY 2020 mid-year process.

MAIL CLERK: The additional fiscal impact in increasing the salary step to \$15.82 is approximately \$521 annually. The salary step adjustments are not included in the FY 2020 Operating Budget. As a result, the adjustment will be included with the FY 2020 mid-year process.

ASSOCIATE LANDSCAPE ARCHITECT: This position is included in the FY 2020 Operating Budget. There is no additional fiscal impact to establishing the salary plan as this classification and salary plan is included in the FY 2020 Operating Budget.

CITY MANAGER EQUITY ADJUSTMENT: The market equity adjustment for the City Manager classification is included in the adopted FY 2020 Operating Budget; therefore, there is no additional fiscal impact.

STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not relate to one of the City Council's Strategic Initiatives.

NEXT STEPS

The cost-of-living, equity, and other salary adjustments will be implemented by the Human Resources and Finance departments effective the pay period including January 1, 2020 and will be reflected on employees' paychecks dated January 10, 2020. Any necessary budget changes will be made during the FY 2020 mid-year review process.

Prepared by: Anthony Phillip, Human Resources Analyst II

Recommended by: Maria A. Hurtado, Assistant City Manager

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-____

Introduced by Council Member _____

RESOLUTION APPROVING THE AMENDED FISCAL YEAR 2020 SALARY PLAN DESIGNATING POSITIONS OF EMPLOYMENT IN THE CITY OF HAYWARD AND SALARY RANGE; AND SUPERSEDING RESOLUTION NO. 19-184 AND ALL AMENDMENTS THERETO

BE IT RESOLVED by the City Council of the City of Hayward, as follows:

Section 1. That a revised Positions and Salaries Schedule relating to the positions of employment in the City of Hayward, and the hourly rates of pay for those positions, is hereby set forth in Attachment "III," attached hereto and made a part hereof. The positions enumerated under the columns headed "Classification Title" are hereby designated as the positions of employment in the City of Hayward, and the hourly, bi-weekly, monthly, and annual rates of pay shown in the adjacent rows under the headings "Step A" through "Step E" are the salary rates or the minimum and maximum rates of pay for such positions.

Section 2. Salaries paid to occupants of said positions shall be administered in accordance with the Personnel Rules and Memoranda of Understanding and Side Letter Agreements approved by the City Council and currently in effect.

Section 3. All class titles used herein refer to the specifications of the position classification plan as reviewed by the Personnel Commission of the City of Hayward, or as set forth in the City Charter.

Section 4. The City Manager may approve in advance of an established effective date, payment to certain classifications in the Management Unit of all or a portion of a general salary increase previously approved by the City Council. Such advance payments shall be made only for those management classifications where the salary range is less than ten percent above an immediately subordinate classification. The amount of advance payment approved by the City Manager shall not exceed the amount required to establish a ten percent salary differential between the affected classifications. The City Manager shall advise the City Council and each bargaining unit in advance of any payments made pursuant to the provisions of this section.

Section 5. The salary ranges set forth in Attachment "III" shall be revised to reflect salary changes provided in any Memorandum of Understanding, Side Letters of Agreement, or resolution setting forth the wages, hours, and other terms and conditions of employment

for a bargaining unit or group of unrepresented employees of the City. Any revisions made pursuant to the provisions of this section shall be incorporated into a document prepared by the Human Resources Director and distributed to affected employees or their representatives that reflects the date of the revision and cites both the authority provided by this section and the provision of the memorandum or resolution being effectuated by the revision.

Section 6. This resolution supersedes Resolution No. 19-184 and all amendments thereto.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2020**

ATTACHMENT III
Recommended by
Personnel Commission
on December 12, 2019

Classification Title	Job Code	Service Type	Step A	Step B	Step C	Step D	Step E	
CITY ELECTED OFFICIALS/APPOINTED OFFICERS/EXECUTIVES								
MAYOR	E100	Unclassified	Hourly					
			Bi-Weekly					
			Monthly					
			Annual				39,960.00	
CITY COUNCIL	E110	Unclassified	Hourly					
			Bi-Weekly					
			Monthly					
			Annual				24,975.00	
CITY MANAGER	A120	Unclassified	Hourly				142.64	
			Bi-Weekly				11,411.20	
			Monthly				24,724.27	
			Annual				296,691.20	
CITY ATTORNEY	A100	Unclassified	Hourly				110.13	
			Bi-Weekly				8,810.40	
			Monthly				19,089.20	
			Annual				229,070.40	
CITY CLERK	A110	Unclassified	Hourly				67.87	
			Bi-Weekly				5,429.60	
			Monthly				11,764.13	
			Annual				141,169.60	
ASSISTANT CITY MANAGER	U735	Unclassified	Hourly	93.92	98.62	103.55	108.72	114.16
			Bi-Weekly	7,513.60	7,889.60	8,284.00	8,697.60	9,132.80
			Monthly	16,279.47	17,094.13	17,948.67	18,844.80	19,787.73
			Annual	195,353.60	205,129.60	215,384.00	226,137.60	237,452.80
CHIEF OF POLICE	P500	Unclassified	Hourly	91.91	96.50	101.33	106.39	111.71
			Bi-Weekly	7,352.80	7,720.00	8,106.40	8,511.20	8,936.80
			Monthly	15,931.07	16,726.67	17,563.87	18,440.93	19,363.07
			Annual	191,172.80	200,720.00	210,766.40	221,291.20	232,356.80
COMMUNICATIONS AND MARKETING OFFICER / PUBLIC INFORMATION OFFICER (PIO)	U311	Unclassified	Hourly	56.37	59.18	62.14	65.26	68.52
			Bi-Weekly	4,509.60	4,734.40	4,971.20	5,220.80	5,481.60
			Monthly	9,770.80	10,257.87	10,770.93	11,311.73	11,876.80
			Annual	117,249.60	123,094.40	129,251.20	135,740.80	142,521.60
DEPUTY CITY MANAGER	U505	Unclassified	Hourly	85.69	89.97	94.47	99.21	104.16
			Bi-Weekly	6,855.20	7,197.60	7,557.60	7,936.80	8,332.80
			Monthly	14,852.93	15,594.80	16,374.80	17,196.40	18,054.40
			Annual	178,235.20	187,137.60	196,497.60	206,356.80	216,652.80
DIRECTOR OF DEVELOPMENT SERVICES	U700	Unclassified	Hourly	81.61	85.69	89.97	94.48	99.21
			Bi-Weekly	6,528.80	6,855.20	7,197.60	7,558.40	7,936.80
			Monthly	14,145.73	14,852.93	15,594.80	16,376.53	17,196.40
			Annual	169,748.80	178,235.20	187,137.60	196,518.40	206,356.80
DIRECTOR OF FINANCE	U725	Unclassified	Hourly	82.37	86.48	90.80	95.35	100.11
			Bi-Weekly	6,589.60	6,918.40	7,264.00	7,628.00	8,008.80
			Monthly	14,277.47	14,989.87	15,738.67	16,527.33	17,352.40
			Annual	171,329.60	179,878.40	188,864.00	198,328.00	208,228.80
DIRECTOR OF HUMAN RESOURCES	U705	Unclassified	Hourly	79.51	83.48	87.66	92.04	96.63
			Bi-Weekly	6,360.80	6,678.40	7,012.80	7,363.20	7,730.40
			Monthly	13,781.73	14,469.87	15,194.40	15,953.60	16,749.20
			Annual	165,380.80	173,638.40	182,332.80	191,443.20	200,990.40
DIRECTOR OF INFORMATION TECHNOLOGY / CHIEF INFORMATION OFFICER (CIO)	U720	Unclassified	Hourly	87.15	91.49	96.07	100.88	105.92
			Bi-Weekly	6,972.00	7,319.20	7,685.60	8,070.40	8,473.60
			Monthly	15,106.00	15,858.27	16,652.13	17,485.87	18,359.47
			Annual	181,272.00	190,299.20	199,825.60	209,830.40	220,313.60
DIRECTOR OF LIBRARY SERVICES	U710	Unclassified	Hourly	82.21	86.31	90.64	95.17	99.92
			Bi-Weekly	6,576.80	6,904.80	7,251.20	7,613.60	7,993.60
			Monthly	14,249.73	14,960.40	15,710.93	16,496.13	17,319.47
			Annual	170,996.80	179,524.80	188,531.20	197,953.60	207,833.60
DIRECTOR OF MAINTENANCE SERVICES	U715	Unclassified	Hourly	78.86	82.79	86.94	91.28	95.86
			Bi-Weekly	6,308.80	6,623.20	6,955.20	7,302.40	7,668.80
			Monthly	13,669.07	14,350.27	15,069.60	15,821.87	16,615.73
			Annual	164,028.80	172,203.20	180,835.20	189,862.40	199,388.80
DIRECTOR OF PUBLIC WORKS	U730	Unclassified	Hourly	85.38	89.66	94.14	98.86	103.79
			Bi-Weekly	6,830.40	7,172.80	7,531.20	7,908.80	8,303.20
			Monthly	14,799.20	15,541.07	16,317.60	17,135.73	17,990.27
			Annual	177,590.40	186,492.80	195,811.20	205,628.80	215,883.20
FIRE CHIEF	F800	Unclassified	Hourly	91.85	96.43	101.26	106.33	111.65
			Bi-Weekly	7,348.00	7,714.40	8,100.80	8,506.40	8,932.00
			Monthly	15,920.67	16,714.53	17,551.73	18,430.53	19,352.67
			Annual	191,048.00	200,574.40	210,620.80	221,166.40	232,232.00

**SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2020**

ATTACHMENT III
Recommended by
Personnel Commission
on December 12, 2019
Approved by Council
on December 17, 2019

Classification Title	Job Code	Service Type	Step A	Step B	Step C	Step D	Step E	
CITY WIDE ADMINISTRATIVE/ANALYTICAL SUPPORT								
SENIOR MANAGEMENT ANALYST	H115	Classified	Hourly	50.86	53.38	56.06	58.86	61.79
			Bi-Weekly	4,068.80	4,270.40	4,484.80	4,708.80	4,943.20
			Monthly	8,815.73	9,252.53	9,717.07	10,202.40	10,710.27
			Annual	105,788.80	111,030.40	116,604.80	122,428.80	128,523.20
MANAGEMENT ANALYST II	H110	Classified	Hourly	46.25	48.56	50.99	53.53	56.20
			Bi-Weekly	3,700.00	3,884.80	4,079.20	4,282.40	4,496.00
			Monthly	8,016.67	8,417.07	8,838.27	9,278.53	9,741.33
			Annual	96,200.00	101,004.80	106,059.20	111,342.40	116,896.00
MANAGEMENT ANALYST I	H105	Classified	Hourly	42.04	44.16	46.35	48.66	51.10
			Bi-Weekly	3,363.20	3,532.80	3,708.00	3,892.80	4,088.00
			Monthly	7,286.93	7,654.40	8,034.00	8,434.40	8,857.33
			Annual	87,443.20	91,852.80	96,408.00	101,212.80	106,288.00
EXECUTIVE ASSISTANT	U315	Unclassified	Hourly	38.77	40.56	42.39	44.21	46.16
			Bi-Weekly	3,101.60	3,244.80	3,391.20	3,536.80	3,692.80
			Monthly	6,720.13	7,030.40	7,347.60	7,663.07	8,001.07
			Annual	80,641.60	84,364.80	88,171.20	91,956.80	96,012.80
ADMINISTRATIVE SUPERVISOR	H120	Classified	Hourly	38.06	39.95	41.95	44.03	46.24
			Bi-Weekly	3,095.00	3,196.00	3,356.00	3,522.40	3,699.20
			Monthly	6,190.00	6,392.00	6,712.00	7,044.80	7,398.40
			Annual	74,280.00	76,704.00	80,544.00	84,537.60	88,780.80
ADMINISTRATIVE SECRETARY	C120	Classified	Hourly	36.01	37.49	38.96	40.43	42.04
			Bi-Weekly	2,880.80	2,999.20	3,116.80	3,234.40	3,363.20
			Monthly	6,241.73	6,498.27	6,753.07	7,007.87	7,286.93
			Annual	74,900.80	77,979.20	81,036.80	84,094.40	87,443.20
SENIOR SECRETARY	C115	Classified	Hourly	32.91	34.20	35.59	36.89	38.32
			Bi-Weekly	2,632.80	2,736.00	2,847.20	2,951.20	3,065.60
			Monthly	5,704.40	5,928.00	6,168.93	6,394.27	6,642.13
			Annual	68,452.80	71,136.00	74,027.20	76,731.20	79,705.60
SECRETARY	C110	Classified	Hourly	28.96	30.28	31.81	33.29	34.87
			Bi-Weekly	2,316.80	2,422.40	2,544.80	2,663.20	2,789.60
			Monthly	5,019.73	5,248.53	5,513.73	5,770.27	6,044.13
			Annual	60,236.80	62,982.40	66,164.80	69,243.20	72,529.60
ADMINISTRATIVE CLERK II	C105	Classified	Hourly	26.19	27.26	28.37	29.64	31.10
			Bi-Weekly	2,095.20	2,180.80	2,269.60	2,371.20	2,488.00
			Monthly	4,539.60	4,725.07	4,917.47	5,137.60	5,390.67
			Annual	54,475.20	56,700.80	59,009.60	61,651.20	64,688.00
ADMINISTRATIVE CLERK I	C100	Classified	Hourly	23.05	24.28	25.51	26.87	28.27
			Bi-Weekly	1,844.00	1,942.40	2,040.80	2,149.60	2,261.60
			Monthly	3,995.33	4,208.53	4,421.73	4,657.47	4,900.13
			Annual	47,944.00	50,502.40	53,060.80	55,889.60	58,801.60
ADMINISTRATIVE INTERN	Z120	Classified	Hourly				15.82	20.00
			Bi-Weekly				1,265.60	1,600.00
			Monthly				2,742.13	3,466.67
			Annual				32,905.60	41,600.00
MAIL CLERK	C410	Classified	Hourly			15.82	16.61	17.44
			Bi-Weekly			1,265.60	1,328.80	1,395.20
			Monthly			2,742.13	2,879.07	3,022.93
			Annual			32,905.60	34,548.80	36,275.20

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CITY WIDE MAINTENANCE								
ELECTRICIAN II	M410	Classified	Hourly	43.41	45.15	46.92	48.91	50.93
			Bi-Weekly	3,472.80	3,612.00	3,753.60	3,912.80	4,074.40
			Monthly	7,524.40	7,826.00	8,132.80	8,477.73	8,827.87
			Annual	90,292.80	93,912.00	97,593.60	101,732.80	105,934.40
ELECTRICIAN I	M405	Classified	Hourly	39.48	41.10	42.74	44.52	46.33
			Bi-Weekly	3,158.40	3,288.00	3,419.20	3,561.60	3,706.40
			Monthly	6,843.20	7,124.00	7,408.27	7,716.80	8,030.53
			Annual	82,118.40	85,488.00	88,899.20	92,601.60	96,366.40
MAINTENANCE WORKER	M305	Classified	Hourly	31.82	33.09	34.43	35.66	37.03
			Bi-Weekly	2,545.60	2,647.20	2,754.40	2,852.80	2,962.40
			Monthly	5,515.47	5,735.60	5,967.87	6,181.07	6,418.53
			Annual	66,185.60	68,827.20	71,614.40	74,172.80	77,022.40
LABORER	M200 M300 M830 M905	Classified	Hourly	25.65	26.60	27.66	28.79	29.81
			Bi-Weekly	2,052.00	2,128.00	2,212.80	2,303.20	2,384.80
			Monthly	4,446.00	4,610.67	4,794.40	4,990.27	5,167.07
			Annual	53,352.00	55,328.00	57,532.80	59,883.20	62,004.80
CITY ATTORNEY DEPARTMENT								
SENIOR ASSISTANT CITY ATTORNEY	U215	Classified	Hourly	77.11	80.98	85.03	89.28	93.75
			Bi-Weekly	6,168.80	6,478.40	6,802.40	7,142.40	7,500.00
			Monthly	13,365.73	14,036.53	14,738.53	15,475.20	16,250.00
			Annual	160,388.80	168,438.40	176,862.40	185,702.40	195,000.00
ASSISTANT CITY ATTORNEY	U210	Classified	Hourly	70.10	73.61	77.30	81.16	85.22
			Bi-Weekly	5,608.00	5,888.80	6,184.00	6,492.80	6,817.60
			Monthly	12,150.67	12,759.07	13,398.67	14,067.73	14,771.47
			Annual	145,808.00	153,108.80	160,784.00	168,812.80	177,257.60
DEPUTY CITY ATTORNEY II	U205	Classified	Hourly	57.95	60.82	63.87	67.05	70.43
			Bi-Weekly	4,636.00	4,865.60	5,109.60	5,364.00	5,634.40
			Monthly	10,044.67	10,542.13	11,070.80	11,622.00	12,207.87
			Annual	120,536.00	126,505.60	132,849.60	139,464.00	146,494.40
DEPUTY CITY ATTORNEY I	U200	Classified	Hourly	52.67	55.30	58.07	60.98	64.02
			Bi-Weekly	4,213.60	4,424.00	4,645.60	4,878.40	5,121.60
			Monthly	9,129.47	9,585.33	10,065.47	10,569.87	11,096.80
			Annual	109,553.60	115,024.00	120,785.60	126,838.40	133,161.60
SENIOR PARALEGAL	U196	Classified	Hourly	39.16	41.13	43.18	45.33	47.59
			Bi-Weekly	3,132.80	3,290.40	3,454.40	3,626.40	3,807.20
			Monthly	6,787.73	7,129.20	7,484.53	7,857.20	8,248.93
			Annual	81,452.80	85,550.40	89,814.40	94,286.40	98,987.20
PARALEGAL	U195	Classified	Hourly	35.60	37.38	39.25	41.21	43.27
			Bi-Weekly	2,848.00	2,990.40	3,140.00	3,296.80	3,461.60
			Monthly	6,170.67	6,479.20	6,803.33	7,143.07	7,500.13
			Annual	74,048.00	77,750.40	81,640.00	85,716.80	90,001.60
LEGAL SECRETARY II	C935	Classified	Hourly	32.23	34.1	36.67	37.43	39.35
			Bi-Weekly	2,578.40	2,728.00	2,933.60	2,994.40	3,148.00
			Monthly	5,586.53	5,910.67	6,356.13	6,487.87	6,820.67
			Annual	67,038.40	70,928.00	76,273.60	77,854.40	81,848.00
LEGAL SECRETARY I	C930	Classified	Hourly	29.02	30.55	32.16	33.89	35.69
			Bi-Weekly	2,321.60	2,444.00	2,572.80	2,711.20	2,855.20
			Monthly	5,030.13	5,295.33	5,574.40	5,874.27	6,186.27
			Annual	60,361.60	63,544.00	66,892.80	70,491.20	74,235.20
CITY CLERK DEPARTMENT								
DEPUTY CITY CLERK	H500	Classified	Hourly	46.25	48.57	50.98	53.53	56.21
			Bi-Weekly	3,700.00	3,885.60	4,078.40	4,282.40	4,496.80
			Monthly	8,016.67	8,418.80	8,836.53	9,278.53	9,743.07
			Annual	96,200.00	101,025.60	106,038.40	111,342.40	116,916.80

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CITY MANAGER DEPARTMENT								
OFFICE OF THE CITY MANAGER								
ASSISTANT TO CITY MANAGER	U320	Unclassified	Hourly	51.38	53.96	56.65	59.49	62.45
			Bi-Weekly	4,110.40	4,316.80	4,532.00	4,759.20	4,996.00
			Monthly	8,905.87	9,353.07	9,819.33	10,311.60	10,824.67
			Annual	106,870.40	112,236.80	117,832.00	123,739.20	129,896.00
GRAPHICS AND MEDIA RELATIONS TECHNICIAN	T300	Classified	Hourly	30.72	32.22	33.93	35.62	37.35
			Bi-Weekly	2,457.60	2,577.60	2,714.40	2,849.60	2,988.00
			Monthly	5,324.80	5,584.80	5,881.20	6,174.13	6,474.00
			Annual	63,897.60	67,017.60	70,574.40	74,089.60	77,688.00
DIGITAL APPLICATIONS DEVELOPER	T470	Classified	Hourly	42.15	44.25	46.46	48.79	51.24
			Bi-Weekly	3,372.00	3,540.00	3,716.80	3,903.20	4,099.20
			Monthly	7,306.00	7,670.00	8,053.07	8,456.93	8,881.60
			Annual	87,672.00	92,040.00	96,636.80	101,483.20	106,579.20
MANAGEMENT FELLOW	U300	Classified	Hourly					38.22
			Bi-Weekly					3,057.60
			Monthly					6,624.80
			Annual					79,497.60
COMMUNITY SERVICES								
COMMUNITY SERVICES MANAGER	H745	Classified	Hourly	63.80	66.98	70.34	73.87	77.55
			Bi-Weekly	5,104.00	5,358.40	5,627.20	5,909.60	6,204.00
			Monthly	11,058.67	11,609.87	12,192.27	12,804.13	13,442.00
			Annual	132,704.00	139,318.40	146,307.20	153,649.60	161,304.00
COMMUNITY PROGRAMS SPECIALIST	T705	Classified	Hourly	40.82	42.95	45.13	47.35	49.66
			Bi-Weekly	3,265.60	3,436.00	3,610.40	3,788.00	3,972.80
			Monthly	7,075.47	7,444.67	7,822.53	8,207.33	8,607.73
			Annual	84,905.60	89,336.00	93,870.40	98,488.00	103,292.80
SENIOR PROPERTY REHABILITATION SPECIALIST	T730	Classified	Hourly	44.89	47.23	49.63	52.08	54.62
			Bi-Weekly	3,591.20	3,778.40	3,970.40	4,166.40	4,369.60
			Monthly	7,780.93	8,186.53	8,602.53	9,027.20	9,467.47
			Annual	93,371.20	98,238.40	103,230.40	108,326.40	113,609.60
PROPERTY REHABILITATION SPECIALIST	T725	Classified	Hourly	40.82	42.95	45.13	47.35	49.66
			Bi-Weekly	3,265.60	3,436.00	3,610.40	3,788.00	3,972.80
			Monthly	7,075.47	7,444.67	7,822.53	8,207.33	8,607.73
			Annual	84,905.60	89,336.00	93,870.40	98,488.00	103,292.80
PARATRANSIT COORDINATOR	T715	Classified	Hourly	38.92	40.86	42.83	45.02	47.22
			Bi-Weekly	3,113.60	3,268.80	3,426.40	3,601.60	3,777.60
			Monthly	6,746.13	7,082.40	7,423.87	7,803.47	8,184.80
			Annual	80,953.60	84,988.80	89,086.40	93,641.60	98,217.60
ECONOMIC DEVELOPMENT								
ECONOMIC DEVELOPMENT MANAGER	H710	Classified	Hourly	63.80	66.98	70.34	73.87	77.55
			Bi-Weekly	5,104.00	5,358.40	5,627.20	5,909.60	6,204.00
			Monthly	11,058.67	11,609.87	12,192.27	12,804.13	13,442.00
			Annual	132,704.00	139,318.40	146,307.20	153,649.60	161,304.00
ECONOMIC DEVELOPMENT SPECIALIST	T745	Classified	Hourly	44.30	46.53	48.80	51.29	53.79
			Bi-Weekly	3,544.00	3,722.40	3,904.00	4,103.20	4,303.20
			Monthly	7,678.67	8,065.20	8,458.67	8,890.27	9,323.60
			Annual	92,144.00	96,782.40	101,504.00	106,683.20	111,883.20
NEIGHBORHOOD PARTNERSHIP SERVICES								
NEIGHBORHOOD DEVELOPMENT MANAGER	H735	Classified	Hourly	62.99	66.12	69.42	72.89	76.54
			Bi-Weekly	5,039.20	5,289.60	5,553.60	5,831.20	6,123.20
			Monthly	10,918.27	11,460.80	12,032.80	12,634.27	13,266.93
			Annual	131,019.20	137,529.60	144,393.60	151,611.20	159,203.20
NEIGHBORHOOD PARTNERSHIP MANAGER	H730	Classified	Hourly	56.64	59.48	62.44	65.57	68.85
			Bi-Weekly	4,531.20	4,758.40	4,995.20	5,245.60	5,508.00
			Monthly	9,817.60	10,309.87	10,822.93	11,365.47	11,934.00
			Annual	117,811.20	123,718.40	129,875.20	136,385.60	143,208.00

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HOUSING AUTHORITY								
HOUSING MANAGER	H715	Classified	Hourly	63.80	66.98	70.34	73.87	77.55
			Bi-Weekly	5,104.00	5,358.40	5,627.20	5,909.60	6,204.00
			Monthly	11,058.67	11,609.87	12,192.27	12,804.13	13,442.00
			Annual	132,704.00	139,318.40	146,307.20	153,649.60	161,304.00
HOUSING DEVELOPMENT SPECIALIST	T750	Classified	Hourly	44.30	46.53	48.80	51.29	53.79
			Bi-Weekly	3,544.00	3,722.40	3,904.00	4,103.20	4,303.20
			Monthly	7,678.67	8,065.20	8,458.67	8,890.27	9,323.60
			Annual	92,144.00	96,782.40	101,504.00	106,683.20	111,883.20
HOMEOWNERSHIP COORDINATOR	T710	Classified	Hourly	38.92	40.86	42.83	45.02	47.22
			Bi-Weekly	3,113.60	3,268.80	3,426.40	3,601.60	3,777.60
			Monthly	6,746.13	7,082.40	7,423.87	7,803.47	8,184.80
			Annual	80,953.60	84,988.80	89,086.40	93,641.60	98,217.60
DEVELOPMENT SERVICES DEPARTMENT								
DEVELOPMENT SERVICE ADMINISTRATION								
DEPUTY DIRECTOR OF DEVELOPMENT SERVICES	U515	Classified	Hourly	74.18	77.90	81.80	85.88	90.19
			Bi-Weekly	5,934.40	6,232.00	6,544.00	6,870.40	7,215.20
			Monthly	12,857.87	13,502.67	14,178.67	14,885.87	15,632.93
			Annual	154,294.40	162,032.00	170,144.00	178,630.40	187,595.20
BUILDING DIVISION								
CITY BUILDING OFFICIAL	H335	Classified	Hourly	65.49	68.77	72.21	75.83	79.61
			Bi-Weekly	5,239.20	5,501.60	5,776.80	6,066.40	6,368.80
			Monthly	11,351.60	11,920.13	12,516.40	13,143.87	13,799.07
			Annual	136,219.20	143,041.60	150,196.80	157,726.40	165,588.80
SUPERVISING BUILDING INSPECTOR	H330	Classified	Hourly	53.47	56.14	58.95	61.90	64.99
			Bi-Weekly	4,277.60	4,491.20	4,716.00	4,952.00	5,199.20
			Monthly	9,268.13	9,730.93	10,218.00	10,729.33	11,264.93
			Annual	111,217.60	116,771.20	122,616.00	128,752.00	135,179.20
SENIOR BUILDING INSPECTOR/STRUCTURAL	T365	Classified	Hourly	43.76	46.10	48.42	50.70	53.24
			Bi-Weekly	3,500.80	3,688.00	3,873.60	4,056.00	4,259.20
			Monthly	7,585.07	7,990.67	8,392.80	8,788.00	9,228.27
			Annual	91,020.80	95,888.00	100,713.60	105,456.00	110,739.20
SENIOR BUILDING INSPECTOR/PLUMBING-MECHANICAL	T360	Classified	Hourly	43.76	46.10	48.42	50.70	53.24
			Bi-Weekly	3,500.80	3,688.00	3,873.60	4,056.00	4,259.20
			Monthly	7,585.07	7,990.67	8,392.80	8,788.00	9,228.27
			Annual	91,020.80	95,888.00	100,713.60	105,456.00	110,739.20
SENIOR BUILDING INSPECTOR/ELECTRICAL	T355	Classified	Hourly	43.76	46.10	48.42	50.70	53.24
			Bi-Weekly	3,500.80	3,688.00	3,873.60	4,056.00	4,259.20
			Monthly	7,585.07	7,990.67	8,392.80	8,788.00	9,228.27
			Annual	91,020.80	95,888.00	100,713.60	105,456.00	110,739.20
BUILDING INSPECTOR	T350	Classified	Hourly	37.78	39.56	41.57	43.69	46.55
			Bi-Weekly	3,022.40	3,164.80	3,325.60	3,495.20	3,724.00
			Monthly	6,548.53	6,857.07	7,205.47	7,572.93	8,068.67
			Annual	78,582.40	82,284.80	86,465.60	90,875.20	96,824.00
PLAN CHECKING ENGINEER	T335	Classified	Hourly	51.17	53.64	56.35	59.28	62.30
			Bi-Weekly	4,093.60	4,291.20	4,508.00	4,742.40	4,984.00
			Monthly	8,869.47	9,297.60	9,767.33	10,275.20	10,798.67
			Annual	106,433.60	111,571.20	117,208.00	123,302.40	129,584.00
SUPERVISING PLAN CHECKER AND EXPEDITOR	H325	Classified	Hourly	57.49	60.35	63.39	66.56	69.89
			Bi-Weekly	4,599.20	4,828.00	5,071.20	5,324.80	5,591.20
			Monthly	9,964.93	10,460.67	10,987.60	11,537.07	12,114.27
			Annual	119,579.20	125,528.00	131,851.20	138,444.80	145,371.20
SENIOR PLAN CHECKER	T330	Classified	Hourly	43.76	46.10	48.42	50.70	53.24
			Bi-Weekly	3,500.80	3,688.00	3,873.60	4,056.00	4,259.20
			Monthly	7,585.07	7,990.67	8,392.80	8,788.00	9,228.27
			Annual	91,020.80	95,888.00	100,713.60	105,456.00	110,739.20
PLAN CHECKER	T325	Classified	Hourly	39.79	41.89	44.02	46.12	48.41
			Bi-Weekly	3,183.20	3,351.20	3,521.60	3,689.60	3,872.80
			Monthly	6,896.93	7,260.93	7,630.13	7,994.13	8,391.07
			Annual	82,763.20	87,131.20	91,561.60	95,929.60	100,692.80

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SUPERVISING PERMIT TECHNICIAN	H340	Classified	Hourly	38.25	40.17	42.17	44.28	46.49
			Bi-Weekly	3,060.00	3,213.60	3,373.60	3,542.40	3,719.20
			Monthly	6,630.00	6,962.80	7,309.47	7,675.20	8,058.27
			Annual	79,560.00	83,553.60	87,713.60	92,102.40	96,699.20
SENIOR PERMIT TECHNICIAN	C205	Classified	Hourly	35.89	37.37	38.82	40.51	42.57
			Bi-Weekly	2,871.20	2,989.60	3,105.60	3,240.80	3,405.60
			Monthly	6,220.93	6,477.47	6,728.80	7,021.73	7,378.80
			Annual	74,651.20	77,729.60	80,745.60	84,260.80	88,545.60
PERMIT TECHNICIAN II	C200	Classified	Hourly	32.36	33.65	35.01	36.53	38.37
			Bi-Weekly	2,588.80	2,692.00	2,800.80	2,922.40	3,069.60
			Monthly	5,609.07	5,832.67	6,068.40	6,331.87	6,650.80
			Annual	67,308.80	69,992.00	72,820.80	75,982.40	79,809.60
PERMIT TECHNICIAN I	C199	Classified	Hourly	29.42	30.59	31.82	33.19	34.88
			Bi-Weekly	2,353.60	2,447.20	2,545.60	2,655.20	2,790.40
			Monthly	5,099.47	5,302.27	5,515.47	5,752.93	6,045.87
			Annual	61,193.60	63,627.20	66,185.60	69,035.20	72,550.40
PLANNING DIVISION								
PLANNING MANAGER	H320	Classified	Hourly	65.72	68.98	72.43	76.05	79.87
			Bi-Weekly	5,257.60	5,518.40	5,794.40	6,084.00	6,389.60
			Monthly	11,391.47	11,956.53	12,554.53	13,182.00	13,844.13
			Annual	136,697.60	143,478.40	150,654.40	158,184.00	166,129.60
PRINCIPAL PLANNER	H315	Classified	Hourly	56.64	59.48	62.44	65.57	68.85
			Bi-Weekly	4,531.20	4,758.40	4,995.20	5,245.60	5,508.00
			Monthly	9,817.60	10,309.87	10,822.93	11,365.47	11,934.00
			Annual	117,811.20	123,718.40	129,875.20	136,385.60	143,208.00
SENIOR PLANNER	H310	Classified	Hourly	50.75	53.27	55.95	58.74	61.68
			Bi-Weekly	4,060.00	4,261.60	4,476.00	4,699.20	4,934.40
			Monthly	8,796.67	9,233.47	9,698.00	10,181.60	10,691.20
			Annual	105,560.00	110,801.60	116,376.00	122,179.20	128,294.40
ASSOCIATE PLANNER	T315	Classified	Hourly	44.43	46.61	48.92	51.44	53.90
			Bi-Weekly	3,554.40	3,728.80	3,913.60	4,115.20	4,312.00
			Monthly	7,701.20	8,079.07	8,479.47	8,916.27	9,342.67
			Annual	92,414.40	96,948.80	101,753.60	106,995.20	112,112.00
ASSISTANT PLANNER	T310	Classified	Hourly	36.46	38.24	40.30	42.77	44.43
			Bi-Weekly	2,916.80	3,059.20	3,224.00	3,381.60	3,554.40
			Monthly	6,319.73	6,628.27	6,985.33	7,326.80	7,701.20
			Annual	75,836.80	79,539.20	83,824.00	87,921.60	92,414.40
JUNIOR PLANNER	T305	Classified	Hourly	32.32	34.03	35.63	37.41	39.24
			Bi-Weekly	2,585.60	2,722.40	2,850.40	2,992.80	3,139.20
			Monthly	5,602.13	5,898.53	6,175.87	6,484.40	6,801.60
			Annual	67,225.60	70,782.40	74,110.40	77,812.80	81,619.20
DEVELOPMENT REVIEW SPECIALIST	T320	Classified	Hourly	38.85	40.73	42.95	45.06	47.35
			Bi-Weekly	3,108.00	3,258.40	3,436.00	3,604.80	3,788.00
			Monthly	6,734.00	7,059.87	7,444.67	7,810.40	8,207.33
			Annual	80,808.00	84,718.40	89,336.00	93,724.80	98,488.00
LANDSCAPE ARCHITECT	H300	Classified	Hourly	59.81	62.79	65.93	69.24	72.71
			Bi-Weekly	4,784.80	5,023.20	5,274.40	5,539.20	5,816.80
			Monthly	10,367.07	10,883.60	11,427.87	12,001.60	12,603.07
			Annual	124,404.80	130,603.20	137,134.40	144,019.20	151,236.80
ASSOCIATE LANDSCAPE ARCHITECT	T370	Classified	Hourly	44.43	46.61	48.92	51.44	53.90
			Bi-Weekly	3,554.40	3,728.80	3,913.60	4,115.20	4,312.00
			Monthly	7,701.20	8,079.07	8,479.47	8,916.27	9,342.67
			Annual	92,414.40	96,948.80	101,753.60	106,995.20	112,112.00
CODE ENFORCEMENT DIVISION								
CODE ENFORCEMENT MANAGER	H703	Classified	Hourly	51.75	54.35	57.06	59.91	62.90
			Bi-Weekly	4,140.00	4,348.00	4,564.80	4,792.80	5,032.00
			Monthly	8,970.00	9,420.67	9,890.40	10,384.40	10,902.67
			Annual	107,640.00	113,048.00	118,684.80	124,612.80	130,832.00
CODE ENFORCEMENT SUPERVISOR	H700	Classified	Hourly	44.99	47.25	49.62	52.09	54.70
			Bi-Weekly	3,599.20	3,780.00	3,969.60	4,167.20	4,376.00
			Monthly	7,798.27	8,190.00	8,600.80	9,028.93	9,481.33
			Annual	93,579.20	98,280.00	103,209.60	108,347.20	113,776.00
SENIOR CODE ENFORCEMENT INSPECTOR	T610	Classified	Hourly	40.13	42.14	44.24	46.45	48.77
			Bi-Weekly	3,210.40	3,371.20	3,539.20	3,716.00	3,901.60
			Monthly	6,955.87	7,304.27	7,668.27	8,051.33	8,453.47
			Annual	83,470.40	87,651.20	92,019.20	96,616.00	101,441.60
CODE ENFORCEMENT INSPECTOR II	T605	Classified	Hourly	36.47	38.29	40.21	42.22	44.33
			Bi-Weekly	2,917.60	3,063.20	3,216.80	3,377.60	3,546.40
			Monthly	6,321.47	6,636.93	6,969.73	7,318.13	7,683.87
			Annual	75,857.60	79,643.20	83,636.80	87,817.60	92,206.40
CODE ENFORCEMENT INSPECTOR I	T600	Classified	Hourly	33.15	34.81	36.54	38.37	40.30
			Bi-Weekly	2,652.00	2,784.80	2,923.20	3,069.60	3,224.00
			Monthly	5,746.00	6,033.73	6,333.60	6,650.80	6,985.33
			Annual	68,952.00	72,404.80	76,003.20	79,809.60	83,824.00

**SALARY PLAN FOR ALL CLASSIFICATIONS
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FY 2020**

ATTACHMENT III
Recommended by
Personnel Commission
on December 12, 2019
Approved by Council
on December 17, 2019

Classification Title	Job Code	Service Type	Step A	Step B	Step C	Step D	Step E	
FINANCE DEPARTMENT								
ADMINISTRATION DIVISION								
DEPUTY DIRECTOR OF FINANCE	U500	Classified	Hourly	67.77	71.16	74.73	78.46	82.37
			Bi-Weekly	5,421.60	5,692.80	5,978.40	6,276.80	6,589.60
			Monthly	11,746.80	12,334.40	12,953.20	13,599.73	14,277.47
			Annual	140,961.60	148,012.80	155,438.40	163,196.80	171,329.60
BUDGET OFFICER	H170	Classified	Hourly	53.26	55.95	58.73	61.67	64.74
			Bi-Weekly	4,260.80	4,476.00	4,698.40	4,933.60	5,179.20
			Monthly	9,231.73	9,698.00	10,179.87	10,689.47	11,221.60
			Annual	110,780.80	116,376.00	122,158.40	128,273.60	134,659.20
FINANCIAL ANALYST	H165	Classified	Hourly	46.44	48.75	51.18	53.73	56.43
			Bi-Weekly	3,715.20	3,900.00	4,094.40	4,298.40	4,514.40
			Monthly	8,049.60	8,450.00	8,871.20	9,313.20	9,781.20
			Annual	96,595.20	101,400.00	106,454.40	111,758.40	117,374.40
FINANCE TECHNICIAN	C320	Classified	Hourly	34.62	36.34	38.17	40.07	42.09
			Bi-Weekly	2,769.60	2,907.20	3,053.60	3,205.60	3,367.20
			Monthly	6,000.80	6,298.93	6,616.13	6,945.47	7,295.60
			Annual	72,009.60	75,587.20	79,393.60	83,345.60	87,547.20
ACCOUNTING DIVISION								
ACCOUNTING MANAGER	H150	Classified	Hourly	61.62	64.69	67.91	71.31	74.88
			Bi-Weekly	4,929.60	5,175.20	5,432.80	5,704.80	5,990.40
			Monthly	10,680.80	11,212.93	11,771.07	12,360.40	12,979.20
			Annual	128,169.60	134,555.20	141,252.80	148,324.80	155,750.40
SENIOR ACCOUNTANT	H145	Classified	Hourly	46.72	49.03	51.47	54.05	56.74
			Bi-Weekly	3,737.60	3,922.40	4,117.60	4,324.00	4,539.20
			Monthly	8,098.13	8,498.53	8,921.47	9,368.67	9,834.93
			Annual	97,177.60	101,982.40	107,057.60	112,424.00	118,019.20
ACCOUNTANT	H140	Classified	Hourly	42.44	44.56	46.78	49.12	51.58
			Bi-Weekly	3,395.20	3,564.80	3,742.40	3,929.60	4,126.40
			Monthly	7,356.27	7,723.73	8,108.53	8,514.13	8,940.53
			Annual	88,275.20	92,684.80	97,302.40	102,169.60	107,286.40
SENIOR ACCOUNT CLERK	C305	Classified	Hourly	29.97	31.43	32.79	34.37	35.98
			Bi-Weekly	2,397.60	2,514.40	2,623.20	2,749.60	2,878.40
			Monthly	5,194.80	5,447.87	5,683.60	5,957.47	6,236.53
			Annual	62,337.60	65,374.40	68,203.20	71,489.60	74,838.40
ACCOUNT CLERK	C300	Classified	Hourly	27.31	28.53	29.87	31.24	32.81
			Bi-Weekly	2,184.80	2,282.40	2,389.60	2,499.20	2,624.80
			Monthly	4,733.73	4,945.20	5,177.47	5,414.93	5,687.07
			Annual	56,804.80	59,342.40	62,129.60	64,979.20	68,244.80
REVENUE DIVISION								
REVENUE MANAGER	H160	Classified	Hourly	61.62	64.69	67.91	71.31	74.88
			Bi-Weekly	4,929.60	5,175.20	5,432.80	5,704.80	5,990.40
			Monthly	10,680.80	11,212.93	11,771.07	12,360.40	12,979.20
			Annual	128,169.60	134,555.20	141,252.80	148,324.80	155,750.40
FINANCE SUPERVISOR	H155	Classified	Hourly	45.92	48.23	50.62	53.15	55.80
			Bi-Weekly	3,673.60	3,858.40	4,049.60	4,252.00	4,464.00
			Monthly	7,959.47	8,359.87	8,774.13	9,212.67	9,672.00
			Annual	95,513.60	100,318.40	105,289.60	110,552.00	116,064.00
SUPERVISING CUSTOMER ACCOUNT CLERK	C332	Classified	Hourly	32.56	34.19	35.87	37.68	39.57
			Bi-Weekly	2,604.80	2,735.20	2,869.60	3,014.40	3,165.60
			Monthly	5,643.73	5,926.27	6,217.47	6,531.20	6,858.80
			Annual	67,724.80	71,115.20	74,609.60	78,374.40	82,305.60
SENIOR CUSTOMER ACCOUNT CLERK	C330	Classified	Hourly	29.97	31.43	32.79	34.37	35.98
			Bi-Weekly	2,397.60	2,514.40	2,623.20	2,749.60	2,878.40
			Monthly	5,194.80	5,447.87	5,683.60	5,957.47	6,236.53
			Annual	62,337.60	65,374.40	68,203.20	71,489.60	74,838.40
CUSTOMER ACCOUNT CLERK	C325	Classified	Hourly	27.31	28.53	29.87	31.24	32.81
			Bi-Weekly	2,184.80	2,282.40	2,389.60	2,499.20	2,624.80
			Monthly	4,733.73	4,945.20	5,177.47	5,414.93	5,687.07
			Annual	56,804.80	59,342.40	62,129.60	64,979.20	68,244.80
MAIL AND REVENUE CLERK	C322	Classified	Hourly	23.05	24.28	25.51	26.87	28.27
			Bi-Weekly	1,844.00	1,942.40	2,040.80	2,149.60	2,261.60
			Monthly	3,995.33	4,208.53	4,421.73	4,657.47	4,900.13
			Annual	47,944.00	50,502.40	53,060.80	55,889.60	58,801.60
PURCHASING DIVISION								
PURCHASING AND SERVICES MANAGER	H180	Classified	Hourly	53.25	55.92	58.71	61.64	64.71
			Bi-Weekly	4,260.00	4,473.60	4,696.80	4,931.20	5,176.80
			Monthly	9,230.00	9,692.80	10,176.40	10,684.27	11,216.40
			Annual	110,760.00	116,313.60	122,116.80	128,211.20	134,596.80
PURCHASING TECHNICIAN	C345	Classified	Hourly	31.49	33.07	34.70	36.41	38.25
			Bi-Weekly	2,519.20	2,645.60	2,776.00	2,912.80	3,060.00
			Monthly	5,458.27	5,732.13	6,014.67	6,311.07	6,630.00
			Annual	65,499.20	68,785.60	72,176.00	75,732.80	79,560.00
MAIL AND PURCHASING CLERK	C335	Classified	Hourly	24.86	26.11	27.33	28.75	30.17
			Bi-Weekly	1,988.80	2,088.80	2,186.40	2,300.00	2,413.60
			Monthly	4,309.07	4,525.73	4,737.20	4,983.33	5,229.47
			Annual	51,708.80	54,308.80	56,846.40	59,800.00	62,753.60

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FIRE DEPARTMENT								
SWORN								
DEPUTY FIRE CHIEF (40 HR)	F600	Classified	Hourly	87.70	92.09	96.69	101.53	106.60
			Bi-Weekly	7,016.00	7,367.20	7,735.20	8,122.40	8,528.00
			Monthly	15,201.33	15,962.27	16,759.60	17,598.53	18,477.33
			Annual	182,416.00	191,547.20	201,115.20	211,182.40	221,728.00
FIRE MARSHAL (40 HR)	F400	Classified	Hourly	79.73	83.72	87.90	92.30	96.91
			Bi-Weekly	6,378.40	6,697.60	7,032.00	7,384.00	7,752.80
			Monthly	13,819.87	14,511.47	15,236.00	15,998.67	16,797.73
			Annual	165,838.40	174,137.60	182,832.00	191,984.00	201,572.80
FIRE TRAINING OFFICER (40 HR)	F420	Classified	Hourly	79.73	83.72	87.90	92.30	96.91
			Bi-Weekly	6,378.40	6,697.60	7,032.00	7,384.00	7,752.80
			Monthly	13,819.87	14,511.47	15,236.00	15,998.67	16,797.73
			Annual	165,838.40	174,137.60	182,832.00	191,984.00	201,572.80
BATTALION CHIEF (56 HR)	F410	Classified	Hourly	51.77	54.36	57.08	59.94	62.93
			Bi-Weekly	5,798.24	6,088.32	6,392.96	6,713.28	7,048.16
			Monthly	12,562.85	13,191.36	13,851.41	14,545.44	15,271.01
			Annual	150,754.24	158,296.32	166,216.96	174,545.28	183,252.16
BATTALION CHIEF (40 HR)	F415	Classified	Hourly	72.47	76.10	79.91	83.91	88.10
			Bi-Weekly	5,797.60	6,088.00	6,392.80	6,712.80	7,048.00
			Monthly	12,561.47	13,190.67	13,851.07	14,544.40	15,270.67
			Annual	150,737.60	158,288.00	166,212.80	174,532.80	183,248.00
STAFF FIRE CAPTAIN (40 HR)	F240	Classified	Hourly			69.79	73.28	76.94
			Bi-Weekly			5,583.20	5,862.40	6,155.20
			Monthly			12,096.93	12,701.87	13,336.27
			Annual			145,163.20	152,422.40	160,035.20
STAFF FIRE CAPTAIN - EMT (40 HR)	F241	Classified	Hourly			64.62	67.85	71.24
			Bi-Weekly			5,169.60	5,428.00	5,699.20
			Monthly			11,200.80	11,760.67	12,348.27
			Annual			134,409.60	141,128.00	148,179.20
FIRE CAPTAIN (56 HR)	F245	Classified	Hourly			45.31	47.57	49.96
			Bi-Weekly			5,074.72	5,327.84	5,595.52
			Monthly			10,995.23	11,543.65	12,123.63
			Annual			131,942.72	138,523.84	145,483.52
FIRE CAPTAIN (40 HR)	F250	Classified	Hourly			63.44	66.61	69.93
			Bi-Weekly			5,075.20	5,328.80	5,594.40
			Monthly			10,996.27	11,545.73	12,121.20
			Annual			131,955.20	138,548.80	145,454.40
FIRE PREVENTION INSPECTOR (56 HR)	F225	Classified	Hourly	38.39	40.30	42.31	44.43	46.64
			Bi-Weekly	4,299.68	4,513.60	4,738.72	4,976.16	5,223.68
			Monthly	9,315.97	9,779.47	10,267.23	10,781.68	11,317.97
			Annual	111,791.68	117,353.60	123,206.72	129,380.16	135,815.68
FIRE PREVENTION INSPECTOR - EMT (40 HR)	F221	Classified	Hourly	49.73	52.22	54.84	57.58	60.45
			Bi-Weekly	3,978.40	4,177.60	4,387.20	4,606.40	4,836.00
			Monthly	8,619.87	9,051.47	9,505.60	9,980.53	10,478.00
			Annual	103,438.40	108,617.60	114,067.20	119,766.40	125,736.00
FIRE PREVENTION INSPECTOR (40 HR)	F220	Classified	Hourly	53.70	56.40	59.22	62.18	65.28
			Bi-Weekly	4,296.00	4,512.00	4,737.60	4,974.40	5,222.40
			Monthly	9,308.00	9,776.00	10,264.80	10,777.87	11,315.20
			Annual	111,696.00	117,312.00	123,177.60	129,334.40	135,782.40
APPARATUS OPERATOR (56 HR)	F210	Classified	Hourly	36.35	38.16	40.08	42.08	44.17
			Bi-Weekly	4,071.20	4,273.92	4,488.96	4,712.96	4,947.04
			Monthly	8,820.93	9,260.16	9,726.08	10,211.41	10,718.59
			Annual	105,851.20	111,121.92	116,712.96	122,536.96	128,623.04
APPARATUS OPERATOR - EMT (56 HR)	F211	Classified	Hourly	33.66	35.33	37.11	38.96	40.90
			Bi-Weekly	3,769.92	3,956.96	4,156.32	4,363.52	4,580.80
			Monthly	8,168.16	8,573.41	9,005.36	9,454.29	9,925.07
			Annual	98,017.92	102,880.96	108,064.32	113,451.52	119,100.80
APPARATUS OPERATOR (40 HR)	F215	Classified	Hourly	50.84	53.38	56.05	58.85	61.80
			Bi-Weekly	4,067.20	4,270.40	4,484.00	4,708.00	4,944.00
			Monthly	8,812.27	9,252.53	9,715.33	10,200.67	10,712.00
			Annual	105,747.20	111,030.40	116,584.00	122,408.00	128,544.00
FIREFIGHTER (56 HR)	F200	Classified	Hourly	34.25	35.97	37.77	39.66	41.65
			Bi-Weekly	3,836.00	4,028.64	4,230.24	4,441.92	4,664.80
			Monthly	8,311.33	8,728.72	9,165.52	9,624.16	10,107.07
			Annual	99,736.00	104,744.64	109,986.24	115,489.92	121,284.80
FIREFIGHTER (40 HR)	F205	Classified	Hourly	47.97	50.36	52.87	55.52	58.30
			Bi-Weekly	3,837.60	4,028.80	4,229.60	4,441.60	4,664.00
			Monthly	8,314.80	8,729.07	9,164.13	9,623.47	10,105.33
			Annual	99,777.60	104,748.80	109,969.60	115,481.60	121,264.00
FIREFIGHTER TRAINEE (40 HR)	F100	Classified	Hourly	43.61	45.78			
			Bi-Weekly	3,488.80	3,662.40			
			Monthly	7,559.07	7,935.20			
			Annual	90,708.80	95,222.40			

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PROFESSIONAL STAFF								
HAZARDOUS MATERIALS PROGRAM COORDINATOR	H590	Classified	Hourly	55.88	58.67	61.60	64.69	67.91
			Bi-Weekly	4,470.40	4,693.60	4,928.00	5,175.20	5,432.80
			Monthly	9,685.87	10,169.47	10,677.33	11,212.93	11,771.07
			Annual	116,230.40	122,033.60	128,128.00	134,555.20	141,252.80
FIRE PROTECTION ENGINEER	T510	Classified	Hourly	51.17	53.64	56.35	59.28	62.30
			Bi-Weekly	4,093.60	4,291.20	4,508.00	4,742.40	4,984.00
			Monthly	8,869.47	9,297.60	9,767.33	10,275.20	10,798.67
			Annual	106,433.60	111,571.20	117,208.00	123,302.40	129,584.00
EMERGENCY MEDICAL SERVICES COORDINATOR	H585	Classified	Hourly	50.82	53.37	56.03	58.82	61.77
			Bi-Weekly	4,065.60	4,269.60	4,482.40	4,705.60	4,941.60
			Monthly	8,808.80	9,250.80	9,711.87	10,195.47	10,706.80
			Annual	105,705.60	111,009.60	116,542.40	122,345.60	128,481.60
ENVIRONMENTAL SPECIALIST	T505	Classified	Hourly	45.26	47.52	49.9	52.39	55.01
			Bi-Weekly	3,620.80	3,801.60	3,992.00	4,191.20	4,400.80
			Monthly	7,845.07	8,236.80	8,649.33	9,080.93	9,535.07
			Annual	94,140.80	98,841.60	103,792.00	108,971.20	114,420.80
HAZARDOUS MATERIALS INSPECTOR	T500	Classified	Hourly	43.12	45.27	47.53	49.92	52.39
			Bi-Weekly	3,449.60	3,621.60	3,802.40	3,993.60	4,191.20
			Monthly	7,474.13	7,846.80	8,238.53	8,652.80	9,080.93
			Annual	89,689.60	94,161.60	98,862.40	103,833.60	108,971.20
FIRE SERVICES SUPERVISOR	H580	Classified	Hourly	50.86	53.41	56.07	58.87	61.82
			Bi-Weekly	4,068.80	4,272.80	4,485.60	4,709.60	4,945.60
			Monthly	8,815.73	9,257.73	9,718.80	10,204.13	10,715.47
			Annual	105,788.80	111,092.80	116,625.60	122,449.60	128,585.60
SENIOR FIRE TECHNICIAN	C260	Classified	Hourly	35.89	37.37	38.82	40.51	42.57
			Bi-Weekly	2,871.20	2,989.60	3,105.60	3,240.80	3,405.60
			Monthly	6,220.93	6,477.47	6,728.80	7,021.73	7,378.80
			Annual	74,651.20	77,729.60	80,745.60	84,260.80	88,545.60
FIRE TECHNICIAN II	C255	Classified	Hourly	31.58	33.15	34.80	36.56	38.37
			Bi-Weekly	2,526.40	2,652.00	2,784.00	2,924.80	3,069.60
			Monthly	5,473.87	5,746.00	6,032.00	6,337.07	6,650.80
			Annual	65,686.40	68,952.00	72,384.00	76,044.80	79,809.60
FIRE TECHNICIAN I	C250	Classified	Hourly	28.68	30.12	31.63	33.21	34.87
			Bi-Weekly	2,294.40	2,409.60	2,530.40	2,656.80	2,789.60
			Monthly	4,971.20	5,220.80	5,482.53	5,756.40	6,044.13
			Annual	59,654.40	62,649.60	65,790.40	69,076.80	72,529.60
HUMAN RESOURCES DEPARTMENT								
DEPUTY DIRECTOR OF HUMAN RESOURCES	U520	Classified	Hourly	67.77	71.16	74.73	78.46	82.37
			Bi-Weekly	5,421.60	5,692.80	5,978.40	6,276.80	6,589.60
			Monthly	11,746.80	12,334.40	12,953.20	13,599.73	14,277.47
			Annual	140,961.60	148,012.80	155,438.40	163,196.80	171,329.60
HUMAN RESOURCES MANAGER	U135	Classified	Hourly	51.06	53.61	56.29	59.11	62.06
			Bi-Weekly	4,084.80	4,288.80	4,503.20	4,728.80	4,964.80
			Monthly	8,850.40	9,292.40	9,756.93	10,245.73	10,757.07
			Annual	106,204.80	111,508.80	117,083.20	122,948.80	129,084.80
SENIOR HUMAN RESOURCES ANALYST	U120	Classified	Hourly	50.86	53.38	56.06	58.86	61.79
			Bi-Weekly	4,068.80	4,270.40	4,484.80	4,708.80	4,943.20
			Monthly	8,815.73	9,252.53	9,717.07	10,202.40	10,710.27
			Annual	105,788.80	111,030.40	116,604.80	122,428.80	128,523.20
HUMAN RESOURCES ANALYST II	U115	Classified	Hourly	46.25	48.56	50.99	53.53	56.20
			Bi-Weekly	3,700.00	3,884.80	4,079.20	4,282.40	4,496.00
			Monthly	8,016.67	8,417.07	8,838.27	9,278.53	9,741.33
			Annual	96,200.00	101,004.80	106,059.20	111,342.40	116,896.00
HUMAN RESOURCES ANALYST I	U110	Classified	Hourly	42.04	44.16	46.35	48.66	51.10
			Bi-Weekly	3,363.20	3,532.80	3,708.00	3,892.80	4,088.00
			Monthly	7,286.93	7,654.40	8,034.00	8,434.40	8,857.33
			Annual	87,443.20	91,852.80	96,408.00	101,212.80	106,288.00
HUMAN RESOURCES TECHNICIAN	U100	Classified	Hourly	30.63	32.17	33.77	35.45	37.22
			Bi-Weekly	2,450.40	2,573.60	2,701.60	2,836.00	2,977.60
			Monthly	5,309.20	5,576.13	5,853.47	6,144.67	6,451.47
			Annual	63,710.40	66,913.60	70,241.60	73,736.00	77,417.60
HUMAN RESOURCES ADMINISTRATIVE ASSISTANT	U105	Classified	Hourly	34.41	36.13	37.93	39.83	41.83
			Bi-Weekly	2,752.80	2,890.40	3,034.40	3,186.40	3,346.40
			Monthly	5,964.40	6,262.53	6,574.53	6,903.87	7,250.53
			Annual	71,572.80	75,150.40	78,894.40	82,846.40	87,006.40

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ATTACHMENT III
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LIBRARY SERVICES DEPARTMENT								
LIBRARY SERVICES DIVISION								
LIBRARY OPERATIONS MANAGER	H755	Classified	Hourly	44.07	46.27	48.58	51.00	53.55
			Bi-Weekly	3,525.60	3,701.60	3,886.40	4,080.00	4,284.00
			Monthly	7,638.80	8,020.13	8,420.53	8,840.00	9,282.00
			Annual	91,665.60	96,241.60	101,046.40	106,080.00	111,384.00
SUPERVISING LIBRARIAN I	H750	Classified	Hourly	44.07	46.27	48.58	51.00	53.55
			Bi-Weekly	3,525.60	3,701.60	3,886.40	4,080.00	4,284.00
			Monthly	7,638.80	8,020.13	8,420.53	8,840.00	9,282.00
			Annual	91,665.60	96,241.60	101,046.40	106,080.00	111,384.00
LIBRARIAN II	T795	Classified	Hourly	34.23	35.95	37.68	39.59	41.46
			Bi-Weekly	2,738.40	2,876.00	3,014.40	3,167.20	3,316.80
			Monthly	5,933.20	6,231.33	6,531.20	6,862.27	7,186.40
			Annual	71,198.40	74,776.00	78,374.40	82,347.20	86,236.80
LIBRARIAN I	T790	Classified	Hourly	31.04	32.60	34.23	35.86	37.69
			Bi-Weekly	2,483.20	2,608.00	2,738.40	2,868.80	3,015.20
			Monthly	5,380.27	5,650.67	5,933.20	6,215.73	6,532.93
			Annual	64,563.20	67,808.00	71,198.40	74,588.80	78,395.20
LEAD LIBRARY ASSISTANT	C520	Classified	Hourly	30.06	31.58	33.08	34.71	36.53
			Bi-Weekly	2,404.80	2,526.40	2,646.40	2,776.80	2,922.40
			Monthly	5,210.40	5,473.87	5,733.87	6,016.40	6,331.87
			Annual	62,524.80	65,686.40	68,806.40	72,196.80	75,982.40
SENIOR LIBRARY ASSISTANT	C515	Classified	Hourly	27.75	28.98	30.30	31.65	33.17
			Bi-Weekly	2,220.00	2,318.40	2,424.00	2,532.00	2,653.60
			Monthly	4,810.00	5,023.20	5,252.00	5,486.00	5,749.47
			Annual	57,720.00	60,278.40	63,024.00	65,832.00	68,993.60
LIBRARY ASSISTANT	C510	Classified	Hourly	25.15	26.31	27.50	28.76	30.12
			Bi-Weekly	2,012.00	2,104.80	2,200.00	2,300.80	2,409.60
			Monthly	4,359.33	4,560.40	4,766.67	4,985.07	5,220.80
			Annual	52,312.00	54,724.80	57,200.00	59,820.80	62,649.60
SENIOR LIBRARY PAGE (.6 FTE)	C505	Classified	Hourly					19.45
			Bi-Weekly					933.60
			Monthly					2,022.80
			Annual					24,273.60
LIBRARY PAGE (.3 FTE)	C500	Classified	Hourly					17.68
			Bi-Weekly					424.32
			Monthly					919.36
			Annual					11,032.32
EDUCATION SERVICES MANAGER	H760	Classified	Hourly	44.07	46.27	48.58	51.00	53.55
			Bi-Weekly	3,525.60	3,701.60	3,886.40	4,080.00	4,284.00
			Monthly	7,638.80	8,020.13	8,420.53	8,840.00	9,282.00
			Annual	91,665.60	96,241.60	101,046.40	106,080.00	111,384.00
EDUCATIONAL SERVICES COORDINATOR	T780	Classified	Hourly	30.33	31.86	33.46	35.13	36.89
			Bi-Weekly	2,426.40	2,548.80	2,676.80	2,810.40	2,951.20
			Monthly	5,257.20	5,522.40	5,799.73	6,089.20	6,394.27
			Annual	63,086.40	66,268.80	69,596.80	73,070.40	76,731.20
LITERACY PROGRAM COORDINATOR	T785	Classified	Hourly	30.37	31.91	33.49	35.09	36.89
			Bi-Weekly	2,429.60	2,552.80	2,679.20	2,807.20	2,951.20
			Monthly	5,264.13	5,531.07	5,804.93	6,082.27	6,394.27
			Annual	63,169.60	66,372.80	69,659.20	72,987.20	76,731.20
LEAD PROGRAM ASSISTANT	C508	Classified	Hourly	30.06	31.58	33.08	34.71	36.53
			Bi-Weekly	2,404.80	2,526.40	2,646.40	2,776.80	2,922.40
			Monthly	5,210.40	5,473.87	5,733.87	6,016.40	6,331.87
			Annual	62,524.80	65,686.40	68,806.40	72,196.80	75,982.40
PROGRAM ASSISTANT	C506	Classified	Hourly	25.15	26.31	27.50	28.76	30.12
			Bi-Weekly	2,012.00	2,104.80	2,200.00	2,300.80	2,409.60
			Monthly	4,359.33	4,560.40	4,766.67	4,985.07	5,220.80
			Annual	52,312.00	54,724.80	57,200.00	59,820.80	62,649.60

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MAINTENANCE SERVICES DEPARTMENT								
FACILITIES MANAGEMENT								
FACILITIES AND BUILDING MANAGER	H605	Classified	Hourly	55.88	58.65	61.59	64.68	67.91
			Bi-Weekly	4,470.40	4,692.00	4,927.20	5,174.40	5,432.80
			Monthly	9,685.87	10,166.00	10,675.60	11,211.20	11,771.07
			Annual	116,230.40	121,992.00	128,107.20	134,534.40	141,252.80
FACILITIES LEADWORKER	M135	Classified	Hourly	50.91	52.94	54.99	57.26	59.71
			Bi-Weekly	4,072.80	4,235.20	4,399.20	4,580.80	4,776.80
			Monthly	8,824.40	9,176.27	9,531.60	9,925.07	10,349.73
			Annual	105,892.80	110,115.20	114,379.20	119,100.80	124,196.80
HVAC MECHANIC	M140	Classified	Hourly	43.41	45.15	46.92	48.91	50.93
			Bi-Weekly	3,472.80	3,612.00	3,753.60	3,912.80	4,074.40
			Monthly	7,524.40	7,826.00	8,132.80	8,477.73	8,827.87
			Annual	90,292.80	93,912.00	97,593.60	101,732.80	105,934.40
FACILITIES PAINTER II	M130	Classified	Hourly	37.56	39.09	40.62	42.30	44.07
			Bi-Weekly	3,004.80	3,127.20	3,249.60	3,384.00	3,525.60
			Monthly	6,510.40	6,775.60	7,040.80	7,332.00	7,638.80
			Annual	78,124.80	81,307.20	84,489.60	87,984.00	91,665.60
FACILITIES PAINTER I	M125	Classified	Hourly	34.17	35.56	36.99	38.54	40.07
			Bi-Weekly	2,733.60	2,844.80	2,959.20	3,083.20	3,205.60
			Monthly	5,922.80	6,163.73	6,411.60	6,680.27	6,945.47
			Annual	71,073.60	73,964.80	76,939.20	80,163.20	83,345.60
FACILITIES CARPENTER II	M120	Classified	Hourly	37.41	38.89	40.52	42.20	43.95
			Bi-Weekly	2,992.80	3,111.20	3,241.60	3,376.00	3,516.00
			Monthly	6,484.40	6,740.93	7,023.47	7,314.67	7,618.00
			Annual	77,812.80	80,891.20	84,281.60	87,776.00	91,416.00
FACILITIES CARPENTER I	M115	Classified	Hourly	34.04	35.44	36.89	38.38	39.99
			Bi-Weekly	2,723.20	2,835.20	2,951.20	3,070.40	3,199.20
			Monthly	5,900.27	6,142.93	6,394.27	6,652.53	6,931.60
			Annual	70,803.20	73,715.20	76,731.20	79,830.40	83,179.20
FACILITIES SERVICEWORKER II	M110	Classified	Hourly	28.93	30.08	31.30	32.41	33.67
			Bi-Weekly	2,314.40	2,406.40	2,504.00	2,592.80	2,693.60
			Monthly	5,014.53	5,213.87	5,425.33	5,617.73	5,836.13
			Annual	60,174.40	62,566.40	65,104.00	67,412.80	70,033.60
FACILITIES SERVICEWORKER I	M105	Classified	Hourly	26.30	27.35	28.46	29.47	30.60
			Bi-Weekly	2,104.00	2,188.00	2,276.80	2,357.60	2,448.00
			Monthly	4,558.67	4,740.67	4,933.07	5,108.13	5,304.00
			Annual	54,704.00	56,888.00	59,196.80	61,297.60	63,648.00
FLEET MANAGEMENT DIVISION								
FLEET MAINTENANCE MANAGER	H635	Classified	Hourly	55.88	58.65	61.59	64.68	67.91
			Bi-Weekly	4,470.40	4,692.00	4,927.20	5,174.40	5,432.80
			Monthly	9,685.87	10,166.00	10,675.60	11,211.20	11,771.07
			Annual	116,230.40	121,992.00	128,107.20	134,534.40	141,252.80
SENIOR EQUIPMENT MECHANIC	M620	Classified	Hourly	38.81	40.63	42.69	44.91	47.13
			Bi-Weekly	3,104.80	3,250.40	3,415.20	3,592.80	3,770.40
			Monthly	6,727.07	7,042.53	7,399.60	7,784.40	8,169.20
			Annual	80,724.80	84,510.40	88,795.20	93,412.80	98,030.40
EQUIPMENT MECHANIC II	M615	Classified	Hourly	33.44	35.00	36.78	38.70	40.62
			Bi-Weekly	2,674.85	2,799.70	2,942.50	3,095.90	3,249.31
			Monthly	5,795.50	6,066.01	6,375.41	6,707.79	7,040.18
			Annual	69,546.05	72,792.10	76,504.90	80,493.50	84,482.11
EQUIPMENT MECHANIC I	M610	Classified	Hourly	30.44	31.97	33.61	35.26	37.00
			Bi-Weekly	2,434.94	2,557.34	2,688.72	2,820.91	2,959.63
			Monthly	5,275.71	5,540.91	5,825.56	6,111.98	6,412.54
			Annual	63,308.54	66,490.94	69,906.72	73,343.71	76,950.43
EQUIPMENT PARTS STOREKEEPER	M605	Classified	Hourly	28.36	29.88	31.30	32.90	34.56
			Bi-Weekly	2,268.80	2,390.40	2,504.00	2,632.00	2,764.80
			Monthly	4,915.73	5,179.20	5,425.33	5,702.67	5,990.40
			Annual	58,988.80	62,150.40	65,104.00	68,432.00	71,884.80
EQUIPMENT SERVICE ATTENDANT	M600	Classified	Hourly	26.18	27.20	28.33	29.29	30.42
			Bi-Weekly	2,094.40	2,176.00	2,266.40	2,343.20	2,433.60
			Monthly	4,537.87	4,714.67	4,910.53	5,076.93	5,272.80
			Annual	54,454.40	56,576.00	58,926.40	60,923.20	63,273.60

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LANDSCAPE MAINTENANCE DIVISION								
LANDSCAPE MAINTENANCE MANAGER	H615	Classified	Hourly	55.88	58.65	61.59	64.68	67.91
			Bi-Weekly	4,470.40	4,692.00	4,927.20	5,174.40	5,432.80
			Monthly	9,685.87	10,166.00	10,675.60	11,211.20	11,771.07
			Annual	116,230.40	121,992.00	128,107.20	134,534.40	141,252.80
GROUNDSKEEPER III	M215	Classified	Hourly	38.43	39.96	41.58	43.06	44.71
			Bi-Weekly	3,074.40	3,196.80	3,326.40	3,444.80	3,576.80
			Monthly	6,661.20	6,926.40	7,207.20	7,463.73	7,749.73
			Annual	79,934.40	83,116.80	86,486.40	89,564.80	92,996.80
GROUNDSKEEPER II	M210	Classified	Hourly	33.41	34.75	36.16	37.44	38.88
			Bi-Weekly	2,672.80	2,780.00	2,892.80	2,995.20	3,110.40
			Monthly	5,791.07	6,023.33	6,267.73	6,489.60	6,739.20
			Annual	69,492.80	72,280.00	75,212.80	77,875.20	80,870.40
GROUNDSKEEPER I	M205	Classified	Hourly	30.34	31.56	32.89	34.03	35.35
			Bi-Weekly	2,427.20	2,524.80	2,631.20	2,722.40	2,828.00
			Monthly	5,258.93	5,470.40	5,700.93	5,898.53	6,127.33
			Annual	63,107.20	65,644.80	68,411.20	70,782.40	73,528.00
TREE TRIMMER	M220	Classified	Hourly	33.06	34.37	35.77	37.05	38.49
			Bi-Weekly	2,644.80	2,749.60	2,861.60	2,964.00	3,079.20
			Monthly	5,730.40	5,957.47	6,200.13	6,422.00	6,671.60
			Annual	68,764.80	71,489.60	74,401.60	77,064.00	80,059.20
STREET MAINTENANCE DIVISION								
STREETS MAINTENANCE MANAGER	H625	Classified	Hourly	55.88	58.65	61.59	64.68	67.91
			Bi-Weekly	4,470.40	4,692.00	4,927.20	5,174.40	5,432.80
			Monthly	9,685.87	10,166.00	10,675.60	11,211.20	11,771.07
			Annual	116,230.40	121,992.00	128,107.20	134,534.40	141,252.80
SENIOR MAINTENANCE LEADER	M315	Classified	Hourly	39.22	40.74	42.42	43.91	45.60
			Bi-Weekly	3,137.60	3,259.20	3,393.60	3,512.80	3,648.00
			Monthly	6,798.13	7,061.60	7,352.80	7,611.07	7,904.00
			Annual	81,577.60	84,739.20	88,233.60	91,332.80	94,848.00
MAINTENANCE LEADER	M310	Classified	Hourly	34.10	35.43	36.89	38.19	39.65
			Bi-Weekly	2,728.00	2,834.40	2,951.20	3,055.20	3,172.00
			Monthly	5,910.67	6,141.20	6,394.27	6,619.60	6,872.67
			Annual	70,928.00	73,694.40	76,731.20	79,435.20	82,472.00
SWEEPER EQUIPMENT OPERATOR	M700	Classified	Hourly	31.72	32.78	34.10	35.56	36.96
			Bi-Weekly	2,537.60	2,622.40	2,728.00	2,844.80	2,956.80
			Monthly	5,498.13	5,681.87	5,910.67	6,163.73	6,406.40
			Annual	65,977.60	68,182.40	70,928.00	73,964.80	76,876.80
POLICE DEPARTMENT								
SWORN								
POLICE CAPTAIN	P300	Classified	Hourly	83.93	88.12	92.53	97.16	102.00
			Bi-Weekly	6,714.40	7,049.60	7,402.40	7,772.80	8,160.00
			Monthly	14,547.87	15,274.13	16,038.53	16,841.07	17,680.00
			Annual	174,574.40	183,289.60	192,462.40	202,092.80	212,160.00
POLICE LIEUTENANT	P215	Classified	Hourly				74.27	77.88
			Bi-Weekly				5,941.60	6,230.40
			Monthly				12,873.47	13,499.20
			Annual				154,481.60	161,990.40
POLICE SERGEANT	P210	Classified	Hourly			63.64	66.71	70.12
			Bi-Weekly			5,091.20	5,336.80	5,609.60
			Monthly			11,030.93	11,563.07	12,154.13
			Annual			132,371.20	138,756.80	145,849.60
POLICE OFFICER	P200	Classified	Hourly	46.74	48.97	51.35	53.83	56.39
			Bi-Weekly	3,739.20	3,917.60	4,108.00	4,306.40	4,511.20
			Monthly	8,101.60	8,488.13	8,900.67	9,330.53	9,774.27
			Annual	97,219.20	101,857.60	106,808.00	111,966.40	117,291.20
POLICE OFFICER TRAINEE	P100	Classified	Hourly	34.35	36.05			
			Bi-Weekly	2,748.00	2,884.00			
			Monthly	5,954.00	6,248.67			
			Annual	71,448.00	74,984.00			

**SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2020**

ATTACHMENT III
Recommended by
Personnel Commission
on December 12, 2019
Approved by Council
on December 17, 2019

Classification Title	Job Code	Service Type	Step A	Step B	Step C	Step D	Step E	
PROFESSIONAL STAFF								
PERSONNEL AND TRAINING ADMINISTRATOR	H450	Classified	Hourly	63.48	66.66	70.00	73.50	77.17
			Bi-Weekly	5,078.40	5,332.80	5,600.00	5,880.00	6,173.60
			Monthly	11,003.20	11,554.40	12,133.33	12,740.00	13,376.13
			Annual	132,038.40	138,652.80	145,600.00	152,880.00	160,513.60
PERSONNEL OPERATIONS SPECIALIST	H460	Classified	Hourly	38.12	39.69	41.24	42.79	44.50
			Bi-Weekly	3,049.60	3,175.20	3,299.20	3,423.20	3,560.00
			Monthly	6,607.47	6,879.60	7,148.27	7,416.93	7,713.33
			Annual	79,289.60	82,555.20	85,779.20	89,003.20	92,560.00
SENIOR CRIME AND INTELLIGENCE ANALYST	H406	Classified	Hourly	50.86	53.38	56.06	58.86	61.79
			Bi-Weekly	4,068.80	4,270.40	4,484.80	4,708.80	4,943.20
			Monthly	8,815.73	9,252.53	9,717.07	10,202.40	10,710.27
			Annual	105,788.80	111,030.40	116,604.80	122,428.80	128,523.20
CRIME AND INTELLIGENCE ANALYST	H405	Classified	Hourly	46.25	48.56	50.99	53.53	56.20
			Bi-Weekly	3,700.00	3,884.80	4,079.20	4,282.40	4,496.00
			Monthly	8,016.67	8,417.07	8,838.27	9,278.53	9,741.33
			Annual	96,200.00	101,004.80	106,059.20	111,342.40	116,896.00
POLICE PROGRAMS ANALYST	H400	Classified	Hourly	46.25	48.56	50.99	53.53	56.20
			Bi-Weekly	3,700.00	3,884.80	4,079.20	4,282.40	4,496.00
			Monthly	8,016.67	8,417.07	8,838.27	9,278.53	9,741.33
			Annual	96,200.00	101,004.80	106,059.20	111,342.40	116,896.00
SPECIAL OPERATIONS DIVISION								
CRIME PREVENTION SPECIALIST II	C671	Classified	Hourly	34.78	36.51	38.34	40.27	42.28
			Bi-Weekly	2,782.40	2,920.80	3,067.20	3,221.60	3,382.40
			Monthly	6,028.53	6,328.40	6,645.60	6,980.13	7,328.53
			Annual	72,342.40	75,940.80	79,747.20	83,761.60	87,942.40
CRIME PREVENTION SPECIALIST I	C670	Classified	Hourly	31.62	33.19	34.85	36.61	38.43
			Bi-Weekly	2,529.60	2,655.20	2,788.00	2,928.80	3,074.40
			Monthly	5,480.80	5,752.93	6,040.67	6,345.73	6,661.20
			Annual	65,769.60	69,035.20	72,488.00	76,148.80	79,934.40
RESERVE OFFICER COORDINATOR	H455	Classified	Hourly	55.66	58.45	61.36	64.33	67.62
			Bi-Weekly	4,452.80	4,676.00	4,908.80	5,146.40	5,409.60
			Monthly	9,647.73	10,131.33	10,635.73	11,150.53	11,720.80
			Annual	115,772.80	121,576.00	127,628.80	133,806.40	140,649.60
INVESTIGATION DIVISION								
YOUTH AND FAMILY SERVICES ADMINISTRATOR	H445	Classified	Hourly	63.48	66.66	70.00	73.50	77.17
			Bi-Weekly	5,078.40	5,332.80	5,600.00	5,880.00	6,173.60
			Monthly	11,003.20	11,554.40	12,133.33	12,740.00	13,376.13
			Annual	132,038.40	138,652.80	145,600.00	152,880.00	160,513.60
COUNSELING SUPERVISOR	H440	Classified	Hourly	47.98	50.39	52.90	55.54	58.32
			Bi-Weekly	3,838.40	4,031.20	4,232.00	4,443.20	4,665.60
			Monthly	8,316.53	8,734.27	9,169.33	9,626.93	10,108.80
			Annual	99,798.40	104,811.20	110,032.00	115,523.20	121,305.60
FAMILY COUNSELOR	T550	Classified	Hourly	38.04	39.92	41.93	43.84	46.14
			Bi-Weekly	3,043.20	3,193.60	3,354.40	3,507.20	3,691.20
			Monthly	6,593.60	6,919.47	7,267.87	7,598.93	7,997.60
			Annual	79,123.20	83,033.60	87,214.40	91,187.20	95,971.20
CERTIFIED LATENT PRINT EXAMINER	T560	Classified	Hourly	45.26	47.52	49.90	52.39	55.01
			Bi-Weekly	3,620.80	3,801.60	3,992.00	4,191.20	4,400.80
			Monthly	7,845.07	8,236.80	8,649.33	9,080.93	9,535.07
			Annual	94,140.80	98,841.60	103,792.00	108,971.20	114,420.80
SUPPORT SERVICES DIVISION								
OPERATIONS SUPPORT SERVICES MANAGER	U400	Classified	Hourly	73.32	76.99	81.62	85.71	89.97
			Bi-Weekly	5,865.60	6,159.20	6,529.60	6,856.80	7,197.60
			Monthly	12,708.80	13,344.93	14,147.47	14,856.40	15,594.80
			Annual	152,505.60	160,139.20	169,769.60	178,276.80	187,137.60
PROPERTY/EVIDENCE AND CRIME SCENE ADMINISTRATOR	H415	Classified	Hourly	50.86	53.39	56.06	58.87	61.81
			Bi-Weekly	4,068.80	4,271.20	4,484.80	4,709.60	4,944.80
			Monthly	8,815.73	9,254.27	9,717.07	10,204.13	10,713.73
			Annual	105,788.80	111,051.20	116,604.80	122,449.60	128,564.80
PROPERTY AND EVIDENCE SUPERVISOR	H410	Classified	Hourly	37.54	39.42	41.39	43.44	45.61
			Bi-Weekly	3,003.20	3,153.60	3,311.20	3,475.20	3,648.80
			Monthly	6,506.93	6,832.80	7,174.27	7,529.60	7,905.73
			Annual	78,083.20	81,993.60	86,091.20	90,355.20	94,868.80
POLICE ID SPECIALIST	T555	Classified	Hourly	33.53	35.21	36.97	38.84	40.67
			Bi-Weekly	2,682.40	2,816.80	2,957.60	3,107.20	3,253.60
			Monthly	5,811.87	6,103.07	6,408.13	6,732.27	7,049.47
			Annual	69,742.40	73,236.80	76,897.60	80,787.20	84,593.60
CRIME SCENE TECHNICIAN	C685	Classified	Hourly	31.50	32.93	34.44	35.98	37.69
			Bi-Weekly	2,520.00	2,634.40	2,755.20	2,878.40	3,015.20
			Monthly	5,460.00	5,707.87	5,969.60	6,236.53	6,532.93
			Annual	65,520.00	68,494.40	71,635.20	74,838.40	78,395.20
PROPERTY TECHNICIAN	C665	Classified	Hourly	30.44	31.75	33.29	34.81	36.47
			Bi-Weekly	2,435.20	2,540.00	2,663.20	2,784.80	2,917.60
			Monthly	5,276.27	5,503.33	5,770.27	6,033.73	6,321.47
			Annual	63,315.20	66,040.00	69,243.20	72,404.80	75,857.60

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ATTACHMENT III
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Classification Title	Job Code	Service Type		Step A	Step B	Step C	Step D	Step E
ANIMAL SERVICES ADMINISTRATOR	H430	Classified	Hourly	50.86	53.39	56.06	58.87	61.81
			Bi-Weekly	4,068.80	4,271.20	4,484.80	4,709.60	4,944.80
			Monthly	8,815.73	9,254.27	9,717.07	10,204.13	10,713.73
			Annual	105,788.80	111,051.20	116,604.80	122,449.60	128,564.80
SHELTER OPERATIONS SUPERVISOR	C621	Classified	Hourly	33.54	35.03	36.67	38.34	40.17
			Bi-Weekly	2,683.20	2,802.40	2,933.60	3,067.20	3,213.60
			Monthly	5,813.60	6,071.87	6,356.13	6,645.60	6,962.80
			Annual	69,763.20	72,862.40	76,273.60	79,747.20	83,553.60
ANIMAL CONTROL OFFICER	C610	Classified	Hourly	28.84	30.31	31.70	33.19	34.75
			Bi-Weekly	2,307.20	2,424.80	2,536.00	2,652.20	2,780.00
			Monthly	4,998.93	5,253.73	5,494.67	5,752.93	6,023.33
			Annual	59,987.20	63,044.80	65,936.00	69,035.20	72,280.00
ANIMAL CARE ATTENDANT	C600	Classified	Hourly	23.99	25.01	26.01	27.14	28.49
			Bi-Weekly	1,919.20	2,000.80	2,080.80	2,171.20	2,279.20
			Monthly	4,158.27	4,335.07	4,508.40	4,704.27	4,938.27
			Annual	49,899.20	52,020.80	54,100.80	56,451.20	59,259.20
SHELTER VOLUNTEER COORDINATOR	C607	Classified	Hourly	23.99	25.01	26.01	27.14	28.49
			Bi-Weekly	1,919.20	2,000.80	2,080.80	2,171.20	2,279.20
			Monthly	4,158.27	4,335.07	4,508.40	4,704.27	4,938.27
			Annual	49,899.20	52,020.80	54,100.80	56,451.20	59,259.20
COMMUNICATIONS ADMINISTRATOR	H435	Classified	Hourly	50.86	53.39	56.06	58.87	61.81
			Bi-Weekly	4,068.80	4,271.20	4,484.80	4,709.60	4,944.80
			Monthly	8,815.73	9,254.27	9,717.07	10,204.13	10,713.73
			Annual	105,788.80	111,051.20	116,604.80	122,449.60	128,564.80
COMMUNICATIONS SUPERVISOR	C645	Classified	Hourly	41.53	43.62	45.80	48.08	50.51
			Bi-Weekly	3,322.40	3,489.60	3,664.00	3,846.40	4,040.80
			Monthly	7,198.53	7,560.80	7,938.67	8,333.87	8,755.07
			Annual	86,382.40	90,729.60	95,264.00	100,006.40	105,060.80
COMMUNICATIONS OPERATOR	C635	Classified	Hourly	36.04	37.87	39.73	41.76	43.86
			Bi-Weekly	2,883.20	3,029.60	3,178.40	3,340.80	3,508.80
			Monthly	6,246.93	6,564.13	6,886.53	7,238.40	7,602.40
			Annual	74,963.20	78,769.60	82,638.40	86,860.80	91,228.80
CALL TAKER	C633	Classified	Hourly	29.99	31.46	33.05	34.71	36.44
			Bi-Weekly	2,399.20	2,516.80	2,644.00	2,776.80	2,915.20
			Monthly	5,198.27	5,453.07	5,728.67	6,016.40	6,316.27
			Annual	62,379.20	65,436.80	68,744.00	72,196.80	75,795.20
RECORDS ADMINISTRATOR	H425	Classified	Hourly	50.86	53.39	56.06	58.87	61.81
			Bi-Weekly	4,068.80	4,271.20	4,484.80	4,709.60	4,944.80
			Monthly	8,815.73	9,254.27	9,717.07	10,204.13	10,713.73
			Annual	105,788.80	111,051.20	116,604.80	122,449.60	128,564.80
RECORDS SUPERVISOR	C705	Classified	Hourly	36.05	37.85	39.74	41.73	43.82
			Bi-Weekly	2,884.00	3,028.00	3,179.20	3,338.40	3,505.60
			Monthly	6,248.67	6,560.67	6,888.27	7,233.20	7,595.47
			Annual	74,984.00	78,728.00	82,659.20	86,798.40	91,145.60
POLICE RECORDS CLERK II	C695	Classified	Hourly	28.03	29.15	30.31	31.65	33.20
			Bi-Weekly	2,242.40	2,332.00	2,424.80	2,532.00	2,656.00
			Monthly	4,858.53	5,052.67	5,253.73	5,486.00	5,754.67
			Annual	58,302.40	60,632.00	63,044.80	65,832.00	69,056.00
POLICE RECORDS CLERK I	C690	Classified	Hourly	24.64	25.92	27.30	28.65	30.19
			Bi-Weekly	1,971.20	2,073.60	2,184.00	2,292.00	2,415.20
			Monthly	4,270.93	4,492.80	4,732.00	4,966.00	5,232.93
			Annual	51,251.20	53,913.60	56,784.00	59,592.00	62,795.20
JAIL ADMINISTRATOR	H420	Classified	Hourly	50.86	53.39	56.06	58.87	61.81
			Bi-Weekly	4,068.80	4,271.20	4,484.80	4,709.60	4,944.80
			Monthly	8,815.73	9,254.27	9,717.07	10,204.13	10,713.73
			Annual	105,788.80	111,051.20	116,604.80	122,449.60	128,564.80
JAIL SUPERVISOR	C660	Classified	Hourly	37.08	38.63	40.49	42.38	44.41
			Bi-Weekly	2,966.40	3,090.40	3,239.20	3,390.40	3,552.80
			Monthly	6,427.20	6,695.87	7,018.27	7,345.87	7,697.73
			Annual	77,126.40	80,350.40	84,219.20	88,150.40	92,372.80
COMMUNITY SERVICE OFFICER	C650	Classified	Hourly	32.38	33.79	35.41	37.05	38.81
			Bi-Weekly	2,590.40	2,703.20	2,832.80	2,964.00	3,104.80
			Monthly	5,612.53	5,856.93	6,137.73	6,422.00	6,727.07
			Annual	67,350.40	70,283.20	73,652.80	77,064.00	80,724.80

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Classification Title	Job Code	Service Type	Step A	Step B	Step C	Step D	Step E	
PUBLIC WORKS & UTILITIES DEPARTMENT								
ADMINISTRATION								
ASSISTANT DIRECTOR OF PUBLIC WORKS-UTILITIES	U525	Classified	Hourly	78.62	82.56	86.69	91.02	95.58
			Bi-Weekly	6,289.60	6,604.80	6,935.20	7,281.60	7,646.40
			Monthly	13,627.47	14,310.40	15,026.27	15,776.80	16,567.20
			Annual	163,529.60	171,724.80	180,315.20	189,321.60	198,806.40
DEPUTY DIRECTOR OF PUBLIC WORKS	U510	Classified	Hourly	71.47	75.05	78.81	82.75	86.89
			Bi-Weekly	5,717.60	6,004.00	6,304.80	6,620.00	6,951.20
			Monthly	12,388.13	13,008.67	13,660.40	14,343.33	15,060.93
			Annual	148,657.60	156,104.00	163,924.80	172,120.00	180,731.20
WATER RESOURCES MANAGER	H875	Classified	Hourly	71.47	75.05	78.81	82.75	86.89
			Bi-Weekly	5,717.60	6,004.00	6,304.80	6,620.00	6,951.20
			Monthly	12,388.13	13,008.67	13,660.40	14,343.33	15,060.93
			Annual	148,657.60	156,104.00	163,924.80	172,120.00	180,731.20
UTILITIES ENGINEERING MANAGER	H880	Classified	Hourly	71.47	75.05	78.81	82.75	86.89
			Bi-Weekly	5,717.60	6,004.00	6,304.80	6,620.00	6,951.20
			Monthly	12,388.13	13,008.67	13,660.40	14,343.33	15,060.93
			Annual	148,657.60	156,104.00	163,924.80	172,120.00	180,731.20
SENIOR UTILITY SERVICE REPRESENTATIVE	M820	Classified	Hourly	37.85	39.72	41.62	43.76	45.90
			Bi-Weekly	3,028.00	3,177.60	3,329.60	3,500.80	3,672.00
			Monthly	6,560.67	6,884.80	7,214.13	7,585.07	7,956.00
			Annual	78,728.00	82,617.60	86,569.60	91,020.80	95,472.00
STOREKEEPER - EXPEDITER	M100	Classified	Hourly	29.62	30.84	32.00	33.22	34.48
			Bi-Weekly	2,369.60	2,467.20	2,560.00	2,657.60	2,758.40
			Monthly	5,134.13	5,345.60	5,546.67	5,758.13	5,976.53
			Annual	61,609.60	64,147.20	66,560.00	69,097.60	71,718.40
AIRPORT DIVISION SUMMARY								
AIRPORT MANAGER	H205	Classified	Hourly	62.99	66.12	69.42	72.89	76.54
			Bi-Weekly	5,039.20	5,289.60	5,553.60	5,831.20	6,123.20
			Monthly	10,918.27	11,460.80	12,032.80	12,634.27	13,266.93
			Annual	131,019.20	137,529.60	144,393.60	151,611.20	159,203.20
AIRPORT OPERATIONS SUPERVISOR	H200	Classified	Hourly	52.50	55.11	57.87	60.77	63.80
			Bi-Weekly	4,200.00	4,408.80	4,629.60	4,861.60	5,104.00
			Monthly	9,100.00	9,552.40	10,030.80	10,533.47	11,058.67
			Annual	109,200.00	114,628.80	120,369.60	126,401.60	132,704.00
AIRPORT BUSINESS SUPERVISOR	H198	Classified	Hourly	50.86	53.38	56.06	58.86	61.79
			Bi-Weekly	4,068.80	4,270.40	4,484.80	4,708.80	4,943.20
			Monthly	8,815.73	9,252.53	9,717.07	10,202.40	10,710.27
			Annual	105,788.80	111,030.40	116,604.80	122,428.80	128,523.20
AIRPORT OPERATIONS SPECIALIST	T270	Classified	Hourly	30.37	31.91	33.49	35.09	36.89
			Bi-Weekly	2,429.60	2,552.80	2,679.20	2,807.20	2,951.20
			Monthly	5,264.13	5,531.07	5,804.93	6,082.27	6,394.27
			Annual	63,169.60	66,372.80	69,659.20	72,987.20	76,731.20
SENIOR AIRPORT MAINTENANCE WORKER	M510	Classified	Hourly	35.68	36.99	38.47	40.05	41.65
			Bi-Weekly	2,854.40	2,959.20	3,077.60	3,204.00	3,332.00
			Monthly	6,184.53	6,411.60	6,668.13	6,942.00	7,219.33
			Annual	74,214.40	76,939.20	80,017.60	83,304.00	86,632.00
AIRPORT MAINTENANCE WORKER	M505	Classified	Hourly	33.41	34.75	36.15	37.44	38.88
			Bi-Weekly	2,672.80	2,780.00	2,892.00	2,995.20	3,110.40
			Monthly	5,791.07	6,023.33	6,266.00	6,489.60	6,739.20
			Annual	69,492.80	72,280.00	75,192.00	77,875.20	80,870.40
AIRPORT ATTENDANT	M500	Classified	Hourly	26.30	27.35	28.46	29.47	30.60
			Bi-Weekly	2,104.00	2,188.00	2,276.80	2,357.60	2,448.00
			Monthly	4,558.67	4,740.67	4,933.07	5,108.13	5,304.00
			Annual	54,704.00	56,888.00	59,196.80	61,297.60	63,648.00
ENGINEERING/TRANSPORTATION DIVISION								
REAL PROPERTY MANAGER	H225	Classified	Hourly	46.21	48.53	50.94	53.50	56.17
			Bi-Weekly	3,696.80	3,882.40	4,075.20	4,280.00	4,493.60
			Monthly	8,009.73	8,411.87	8,829.60	9,273.33	9,736.13
			Annual	96,116.80	100,942.40	105,955.20	111,280.00	116,833.60
REAL PROPERTY ASSOCIATE	T260	Classified	Hourly	40.22	42.32	44.45	46.61	48.90
			Bi-Weekly	3,217.60	3,385.60	3,556.00	3,728.80	3,912.00
			Monthly	6,971.47	7,335.47	7,704.67	8,079.07	8,476.00
			Annual	83,657.60	88,025.60	92,456.00	96,948.80	101,712.00
REAL PROPERTY ASSISTANT	T255	Classified	Hourly	34.28	35.99	37.71	39.59	41.58
			Bi-Weekly	2,742.40	2,879.20	3,016.80	3,167.20	3,326.40
			Monthly	5,941.87	6,238.27	6,536.40	6,862.27	7,207.20
			Annual	71,302.40	74,859.20	78,436.80	82,347.20	86,486.40
SENIOR CIVIL ENGINEER	H240	Classified	Hourly	59.57	62.54	65.68	68.95	72.39
			Bi-Weekly	4,765.60	5,003.20	5,254.40	5,516.00	5,791.20
			Monthly	10,325.47	10,840.27	11,384.53	11,951.33	12,547.60
			Annual	123,905.60	130,083.20	136,614.40	143,416.00	150,571.20
ASSOCIATE CIVIL ENGINEER	T215	Classified	Hourly	47.81	50.22	52.66	55.34	58.03
			Bi-Weekly	3,824.80	4,017.60	4,212.80	4,427.20	4,642.40
			Monthly	8,287.07	8,704.80	9,127.73	9,592.27	10,058.53
			Annual	99,444.80	104,457.60	109,532.80	115,107.20	120,702.40
ASSISTANT CIVIL ENGINEER	T210	Classified	Hourly	41.19	43.32	45.53	47.73	50.12
			Bi-Weekly	3,295.20	3,465.60	3,642.40	3,818.40	4,009.60
			Monthly	7,139.60	7,508.80	7,891.87	8,273.20	8,687.47
			Annual	85,675.20	90,105.60	94,702.40	99,278.40	104,249.60

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			Step A	Step B	Step C	Step D	Step E	
ENGINEERING TECHNICIAN	T200	Classified	Hourly	32.69	34.27	36.01	37.80	39.61
			Bi-Weekly	2,615.20	2,741.60	2,880.80	3,024.00	3,168.80
			Monthly	5,666.27	5,940.13	6,241.73	6,552.00	6,865.73
			Annual	67,995.20	71,281.60	74,900.80	78,624.00	82,388.80
SURVEY ENGINEER	H230	Classified	Hourly	54.08	56.78	59.63	62.61	65.73
			Bi-Weekly	4,326.40	4,542.40	4,770.40	5,008.80	5,258.40
			Monthly	9,373.87	9,841.87	10,335.87	10,852.40	11,393.20
			Annual	112,486.40	118,102.40	124,030.40	130,228.80	136,718.40
SURVEYOR	T265	Classified	Hourly	38.90	40.81	42.84	44.97	47.23
			Bi-Weekly	3,112.00	3,264.80	3,427.20	3,597.60	3,778.40
			Monthly	6,742.67	7,073.73	7,425.60	7,794.80	8,186.53
			Annual	80,912.00	84,884.80	89,107.20	93,537.60	98,238.40
TRANSPORTATION MANAGER	H220	Classified	Hourly	69.33	72.81	76.45	80.27	84.27
			Bi-Weekly	5,546.40	5,824.80	6,116.00	6,421.60	6,741.60
			Monthly	12,017.20	12,620.40	13,251.33	13,913.47	14,606.80
			Annual	144,206.40	151,444.80	159,016.00	166,961.60	175,281.60
SENIOR TRANSPORTATION ENGINEER	H215	Classified	Hourly	60.14	63.15	66.30	69.62	73.09
			Bi-Weekly	4,811.20	5,052.00	5,304.00	5,569.60	5,847.20
			Monthly	10,424.27	10,946.00	11,492.00	12,067.47	12,668.93
			Annual	125,091.20	131,352.00	137,904.00	144,809.60	152,027.20
ASSOCIATE TRANSPORTATION ENGINEER	T240	Classified	Hourly	47.81	50.22	52.66	55.34	58.03
			Bi-Weekly	3,824.80	4,017.60	4,212.80	4,427.20	4,642.40
			Monthly	8,287.07	8,704.80	9,127.73	9,592.27	10,058.53
			Annual	99,444.80	104,457.60	109,532.80	115,107.20	120,702.40
ASSISTANT TRANSPORTATION ENGINEER	T235	Classified	Hourly	41.19	43.32	45.53	47.73	50.12
			Bi-Weekly	3,295.20	3,465.60	3,642.40	3,818.40	4,009.60
			Monthly	7,139.60	7,508.80	7,891.87	8,273.20	8,687.47
			Annual	85,675.20	90,105.60	94,702.40	99,278.40	104,249.60
SENIOR TRANSPORTATION PLANNER	H210	Classified	Hourly	50.75	53.27	55.95	58.74	61.68
			Bi-Weekly	4,060.00	4,261.60	4,476.00	4,699.20	4,934.40
			Monthly	8,796.67	9,233.47	9,698.00	10,181.60	10,691.20
			Annual	105,560.00	110,801.60	116,376.00	122,179.20	128,294.40
ASSOCIATE TRANSPORTATION PLANNER	T225	Classified	Hourly	44.43	46.61	48.92	51.44	53.90
			Bi-Weekly	3,554.40	3,728.80	3,913.60	4,115.20	4,312.00
			Monthly	7,701.20	8,079.07	8,479.47	8,916.27	9,342.67
			Annual	92,414.40	96,948.80	101,753.60	106,995.20	112,112.00
TRAFFIC SIGNAL TECHNICIAN	T220	Classified	Hourly	32.69	34.27	36.01	37.80	39.61
			Bi-Weekly	2,615.20	2,741.60	2,880.80	3,024.00	3,168.80
			Monthly	5,666.27	5,940.13	6,241.73	6,552.00	6,865.73
			Annual	67,995.20	71,281.60	74,900.80	78,624.00	82,388.80
SUPERVISING CONSTRUCTION INSPECTOR	H235	Classified	Hourly	53.47	56.14	58.95	61.90	64.99
			Bi-Weekly	4,277.60	4,491.20	4,716.00	4,952.00	5,199.20
			Monthly	9,268.13	9,730.93	10,218.00	10,729.33	11,264.93
			Annual	111,217.60	116,771.20	122,616.00	128,752.00	135,179.20
SENIOR CONSTRUCTION INSPECTOR	T250	Classified	Hourly	43.76	46.10	48.42	50.70	53.24
			Bi-Weekly	3,500.80	3,688.00	3,873.60	4,056.00	4,259.20
			Monthly	7,585.07	7,990.67	8,392.80	8,788.00	9,228.27
			Annual	91,020.80	95,888.00	100,713.60	105,456.00	110,739.20
CONSTRUCTION INSPECTOR	T245	Classified	Hourly	36.67	38.55	40.35	42.39	44.55
			Bi-Weekly	2,933.60	3,084.00	3,228.00	3,391.20	3,564.00
			Monthly	6,356.13	6,682.00	6,994.00	7,347.60	7,722.00
			Annual	76,273.60	80,184.00	83,928.00	88,171.20	92,664.00

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RECYCLING-SOLID WASTE								
SOLID WASTE PROGRAM MANAGER	H800	Classified	Hourly	50.86	53.38	56.06	58.86	61.79
			Bi-Weekly	4,068.80	4,270.40	4,484.80	4,708.80	4,943.20
			Monthly	8,815.73	9,252.53	9,717.07	10,202.40	10,710.27
			Annual	105,788.80	111,030.40	116,604.80	122,428.80	128,523.20
RECYCLING SPECIALIST	T800	Classified	Hourly	34.58	36.30	38.07	40.01	41.99
			Bi-Weekly	2,766.40	2,904.00	3,045.60	3,200.80	3,359.20
			Monthly	5,993.87	6,292.00	6,598.80	6,935.07	7,278.27
			Annual	71,926.40	75,504.00	79,185.60	83,220.80	87,339.20
SUSTAINABILITY SPECIALIST	T803	Classified	Hourly	37.16	39.01	40.96	43.01	45.16
			Bi-Weekly	2,972.80	3,120.80	3,276.80	3,440.80	3,612.80
			Monthly	6,441.07	6,761.73	7,099.73	7,455.07	7,827.73
			Annual	77,292.80	81,140.80	85,196.80	89,460.80	93,932.80
SUSTAINABILITY TECHNICIAN	T802	Classified	Hourly	33.78	35.46	37.23	39.08	41.05
			Bi-Weekly	2,702.40	2,836.80	2,978.40	3,126.40	3,284.00
			Monthly	5,855.20	6,146.40	6,453.20	6,773.87	7,115.33
			Annual	70,262.40	73,756.80	77,438.40	81,286.40	85,384.00
WATER POLLUTION CONTROL FACILITY (WPCF)								
WATER POLLUTION CONTROL FACILITY MANAGER	H870	Classified	Hourly	71.47	75.05	78.81	82.75	86.89
			Bi-Weekly	5,717.60	6,004.00	6,304.80	6,620.00	6,951.20
			Monthly	12,388.13	13,008.67	13,660.40	14,343.33	15,060.93
			Annual	148,657.60	156,104.00	163,924.80	172,120.00	180,731.20
WPCF OPERATIONS AND MAINTENANCE MANAGER	H865	Classified	Hourly	58.29	61.21	64.28	67.50	70.87
			Bi-Weekly	4,663.20	4,896.80	5,142.40	5,400.00	5,669.60
			Monthly	10,103.60	10,609.73	11,141.87	11,700.00	12,284.13
			Annual	121,243.20	127,316.80	133,702.40	140,400.00	147,409.60
WPCF MAINTENANCE SUPERVISOR	H860	Classified	Hourly	53.03	55.66	58.45	61.38	64.45
			Bi-Weekly	4,242.40	4,452.80	4,676.00	4,910.40	5,156.00
			Monthly	9,191.87	9,647.73	10,131.33	10,639.20	11,171.33
			Annual	110,302.40	115,772.80	121,576.00	127,670.40	134,056.00
WPCF OPERATIONS SUPERVISOR	H855	Classified	Hourly	53.03	55.66	58.45	61.38	64.45
			Bi-Weekly	4,242.40	4,452.80	4,676.00	4,910.40	5,156.00
			Monthly	9,191.87	9,647.73	10,131.33	10,639.20	11,171.33
			Annual	110,302.40	115,772.80	121,576.00	127,670.40	134,056.00
WPCF LEAD OPERATOR	M935	Classified	Hourly	45.31	47.12	49.00	50.91	52.98
			Bi-Weekly	3,624.80	3,769.60	3,920.00	4,072.80	4,238.40
			Monthly	7,853.73	8,167.47	8,493.33	8,824.40	9,183.20
			Annual	94,244.80	98,009.60	101,920.00	105,892.80	110,198.40
WPCF OPERATOR	M930	Classified	Hourly	39.40	40.97	42.61	44.27	46.07
			Bi-Weekly	3,152.00	3,277.60	3,408.80	3,541.60	3,685.60
			Monthly	6,829.33	7,101.47	7,385.73	7,673.47	7,985.47
			Annual	81,952.00	85,217.60	88,628.80	92,081.60	95,825.60
OPERATOR-IN-TRAINING	M925	Classified	Hourly	36.07	37.49	39.06	40.40	41.98
			Bi-Weekly	2,885.60	2,999.20	3,124.80	3,232.00	3,358.40
			Monthly	6,252.13	6,498.27	6,770.40	7,002.67	7,276.53
			Annual	75,025.60	77,979.20	81,244.80	84,032.00	87,318.40

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			Hourly	Bi-Weekly	Monthly	Annual	Hourly	Bi-Weekly	Monthly	Annual	Hourly	Bi-Weekly	Monthly	Annual	Hourly	Bi-Weekly	Monthly	Annual		
LAB SUPERVISOR	H850	Classified	Hourly	53.03	55.66	58.45	61.38	64.45												
			Bi-Weekly	4,242.40	4,452.80	4,676.00	4,910.40	5,156.00												
			Monthly	9,191.87	9,647.73	10,131.33	10,639.20	11,171.33												
			Annual	110,302.40	115,772.80	121,576.00	127,670.40	134,056.00												
CHEMIST	T807	Classified	Hourly	40.83	42.88	45.03	47.27	49.63												
			Bi-Weekly	3,266.40	3,430.40	3,602.40	3,781.60	3,970.40												
			Monthly	7,077.20	7,432.53	7,805.20	8,193.47	8,602.53												
			Annual	84,926.40	89,190.40	93,662.40	98,321.60	103,230.40												
LABORATORY TECHNICIAN	T805	Classified	Hourly	35.51	36.84	38.26	39.83	41.32												
			Bi-Weekly	2,840.80	2,947.20	3,060.80	3,186.40	3,305.60												
			Monthly	6,155.07	6,385.60	6,631.73	6,903.87	7,162.13												
			Annual	73,860.80	76,627.20	79,580.80	82,846.40	85,945.60												

WATER POLLUTION SOURCE CONTROL

ENVIRONMENTAL SERVICES MANAGER	H805	Classified	Hourly	61.66	64.74	67.98	71.38	74.95												
			Bi-Weekly	4,932.80	5,179.20	5,438.40	5,710.40	5,996.00												
			Monthly	10,687.73	11,221.60	11,783.20	12,372.53	12,991.33												
			Annual	128,252.80	134,659.20	141,398.40	148,470.40	155,896.00												
WATER POLLUTION CONTROL ADMINISTRATOR	H845	Classified	Hourly	53.59	56.27	59.08	62.05	65.16												
			Bi-Weekly	4,287.20	4,501.60	4,726.40	4,964.00	5,212.80												
			Monthly	9,288.93	9,753.47	10,240.53	10,755.33	11,294.40												
			Annual	111,467.20	117,041.60	122,886.40	129,064.00	135,532.80												
SENIOR WATER POLLUTION SOURCE CONTROL INSPECTOR	T815	Classified	Hourly	40.60	42.71	44.85	46.98	49.37												
			Bi-Weekly	3,248.00	3,416.80	3,588.00	3,758.40	3,949.60												
			Monthly	7,037.33	7,403.07	7,774.00	8,143.20	8,557.47												
			Annual	84,448.00	88,836.80	93,288.00	97,718.40	102,689.60												
WATER POLLUTION SOURCE CONTROL INSPECTOR	T810	Classified	Hourly	36.90	38.82	40.59	42.68	44.80												
			Bi-Weekly	2,952.00	3,105.60	3,247.20	3,414.40	3,584.00												
			Monthly	6,396.00	6,728.80	7,035.60	7,397.87	7,765.33												
			Annual	76,752.00	80,745.60	84,427.20	88,774.40	93,184.00												
TECHNICAL INTERN	Z125	Classified	Hourly					15.82												
			Bi-Weekly					1,265.60												
			Monthly					2,742.13												
			Annual					32,905.60												

SENIOR WATER RESOURCES ENGINEER	H813	Classified	Hourly	59.57	62.54	65.68	68.95	72.39												
			Bi-Weekly	4,765.60	5,003.20	5,254.40	5,516.00	5,791.20												
			Monthly	10,325.47	10,840.27	11,384.53	11,951.33	12,547.60												
			Annual	123,905.60	130,083.20	136,614.40	143,416.00	150,571.20												
SENIOR UTILITIES ENGINEER	H810	Classified	Hourly	59.57	62.54	65.68	68.95	72.39												
			Bi-Weekly	4,765.60	5,003.20	5,254.40	5,516.00	5,791.20												
			Monthly	10,325.47	10,840.27	11,384.53	11,951.33	12,547.60												
			Annual	123,905.60	130,083.20	136,614.40	143,416.00	150,571.20												

SEWER COLLECTIONS & WATER DISTRIBUTION

UTILITIES OPERATIONS AND MAINTENANCE MANAGER	H835	Classified	Hourly	65.80	69.07	72.52	76.15	79.96												
			Bi-Weekly	5,264.00	5,525.60	5,801.60	6,092.00	6,396.80												
			Monthly	11,405.33	11,972.13	12,570.13	13,199.33	13,859.73												
			Annual	136,864.00	143,665.60	150,841.60	158,392.00	166,316.80												
UTILITIES OPERATIONS AND MAINTENANCE SUPERVISOR	H830	Classified	Hourly	54.83	57.55	60.45	63.46	66.64												
			Bi-Weekly	4,386.40	4,604.00	4,836.00	5,076.80	5,331.20												
			Monthly	9,503.87	9,975.33	10,478.00	10,999.73	11,550.93												
			Annual	114,046.40	119,704.00	125,736.00	131,996.80	138,611.20												
UTILITIES FIELD SERVICES SUPERVISOR	H825	Classified	Hourly	54.83	57.55	60.45	63.46	66.64												
			Bi-Weekly	4,386.40	4,604.00	4,836.00	5,076.80	5,331.20												
			Monthly	9,503.87	9,975.33	10,478.00	10,999.73	11,550.93												
			Annual	114,046.40	119,704.00	125,736.00	131,996.80	138,611.20												
WASTEWATER COLLECTIONS SYSTEM SUPERVISOR	H823	Classified	Hourly	53.03	55.66	58.45	61.38	64.45												
			Bi-Weekly	4,242.40	4,452.80	4,676.00	4,910.40	5,156.00												
			Monthly	9,191.87	9,647.73	10,131.33	10,639.20	11,171.33												
			Annual	110,302.40	115,772.80	121,576.00	127,670.40	134,056.00												
WATER INSTALLATION AND MAINTENANCE SUPERVISOR	H815	Classified	Hourly	43.22	45.39	47.65	50.05	52.54												
			Bi-Weekly	3,457.60	3,631.20	3,812.00	4,004.00	4,203.20												
			Monthly	7,491.47	7,867.60	8,259.33	8,675.33	9,106.93												
			Annual	89,897.60	94,411.20	99,112.00	104,104.00	109,283.20												

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SENIOR UTILITY CUSTOMER SERVICE LEADER	M825	Classified	Hourly	39.85	41.22	42.85	44.63	46.43
			Bi-Weekly	3,188.00	3,297.60	3,428.00	3,570.40	3,714.40
			Monthly	6,907.33	7,144.80	7,427.33	7,735.87	8,047.87
			Annual	82,888.00	85,737.60	89,128.00	92,830.40	96,574.40
CROSS CONNECTION CONTROL SPECIALIST	M815	Classified	Hourly	34.64	35.85	37.26	38.81	40.38
			Bi-Weekly	2,771.20	2,868.00	2,980.80	3,104.80	3,230.40
			Monthly	6,004.27	6,214.00	6,458.40	6,727.07	6,999.20
			Annual	72,051.20	74,568.00	77,500.80	80,724.80	83,990.40
WATER METER MECHANIC	M810	Classified	Hourly	31.77	32.99	34.35	35.76	37.19
			Bi-Weekly	2,541.60	2,639.20	2,748.00	2,860.80	2,975.20
			Monthly	5,506.80	5,718.27	5,954.00	6,198.40	6,446.27
			Annual	66,081.60	68,619.20	71,448.00	74,380.80	77,355.20
WATER METER READER	M805	Classified	Hourly	28.40	29.52	30.72	31.84	33.12
			Bi-Weekly	2,272.00	2,361.60	2,457.60	2,547.20	2,649.60
			Monthly	4,922.67	5,116.80	5,324.80	5,518.93	5,740.80
			Annual	59,072.00	61,401.60	63,897.60	66,227.20	68,889.60
BACKFLOW/CROSS CONNECTION TESTER	M800	Classified	Hourly	29.12	30.51	31.93	33.47	35.11
			Bi-Weekly	2,329.60	2,440.80	2,554.40	2,677.60	2,808.80
			Monthly	5,047.47	5,288.40	5,534.53	5,801.47	6,085.73
			Annual	60,569.60	63,460.80	66,414.40	69,617.60	73,028.80
UTILITIES MAINTENANCE SUPERVISOR	H820	Classified	Hourly	49.70	52.18	54.78	57.54	60.41
			Bi-Weekly	3,976.00	4,174.40	4,382.40	4,603.20	4,832.80
			Monthly	8,614.67	9,044.53	9,495.20	9,973.60	10,471.07
			Annual	103,376.00	108,534.40	113,942.40	119,683.20	125,652.80
UTILITIES SERVICE WORKER	M900	Classified	Hourly	33.20	34.52	35.96	37.20	38.66
			Bi-Weekly	2,656.00	2,761.60	2,876.80	2,976.00	3,092.80
			Monthly	5,754.67	5,983.47	6,233.07	6,448.00	6,701.07
			Annual	69,056.00	71,801.60	74,796.80	77,376.00	80,412.80
GENERAL MAINTENANCE								
EQUIPMENT OPERATOR	M400	Classified	Hourly	33.70	35.04	36.50	37.76	39.24
			Bi-Weekly	2,696.00	2,803.20	2,920.00	3,020.80	3,139.20
			Monthly	5,841.33	6,073.60	6,326.67	6,545.07	6,801.60
			Annual	70,096.00	72,883.20	75,920.00	78,540.80	81,619.20
SENIOR UTILITY LEADER	M845	Classified	Hourly	42.00	43.68	45.50	47.07	48.89
			Bi-Weekly	3,360.00	3,494.40	3,640.00	3,765.60	3,911.20
			Monthly	7,280.00	7,571.20	7,886.67	8,158.80	8,474.27
			Annual	87,360.00	90,854.40	94,640.00	97,905.60	101,691.20
UTILITY LEADER	M840	Classified	Hourly	36.52	37.97	39.56	40.94	42.52
			Bi-Weekly	2,921.60	3,037.60	3,164.80	3,275.20	3,401.60
			Monthly	6,330.13	6,581.47	6,857.07	7,096.27	7,370.13
			Annual	75,961.60	78,977.60	82,284.80	85,155.20	88,441.60
UTILITY WORKER	M835	Classified	Hourly	33.20	34.52	35.96	37.20	38.66
			Bi-Weekly	2,656.00	2,761.60	2,876.80	2,976.00	3,092.80
			Monthly	5,754.67	5,983.47	6,233.07	6,448.00	6,701.07
			Annual	69,056.00	71,801.60	74,796.80	77,376.00	80,412.80
SENIOR UTILITY LEADER - SEWER	M920	Classified	Hourly	43.34	45.05	46.89	48.55	50.43
			Bi-Weekly	3,467.20	3,604.00	3,751.20	3,884.00	4,034.40
			Monthly	7,512.27	7,808.67	8,127.60	8,415.33	8,741.20
			Annual	90,147.20	93,704.00	97,531.20	100,984.00	104,894.40
UTILITY LEADER - SEWER	M915	Classified	Hourly	37.69	39.18	40.78	42.21	43.85
			Bi-Weekly	3,015.20	3,134.40	3,262.40	3,376.80	3,508.00
			Monthly	6,532.93	6,791.20	7,068.53	7,316.40	7,600.67
			Annual	78,395.20	81,494.40	84,822.40	87,796.80	91,208.00
UTILITY WORKER - SEWER	M910	Classified	Hourly	34.25	35.62	37.09	38.37	39.87
			Bi-Weekly	2,740.00	2,849.60	2,967.20	3,069.60	3,189.60
			Monthly	5,936.67	6,174.13	6,428.93	6,650.80	6,910.80
			Annual	71,240.00	74,089.60	77,147.20	79,809.60	82,929.60
UTILITIES MAINTENANCE MECHANIC	M415	Classified	Hourly	40.49	42.06	43.71	45.47	47.32
			Bi-Weekly	3,239.20	3,364.80	3,496.80	3,637.60	3,785.60
			Monthly	7,018.27	7,290.40	7,576.40	7,881.47	8,202.13
			Annual	84,219.20	87,484.80	90,916.80	94,577.60	98,425.60

**SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2020**

ATTACHMENT III
Recommended by
Personnel Commission
on December 12, 2019
Approved by Council
on December 17, 2019

Classification Title	Job Code	Service Type	Step A	Step B	Step C	Step D	Step E	
INFORMATION TECHNOLOGY DEPARTMENT								
INFORMATION SYSTEMS MANAGER	H565	Classified	Hourly	56.37	59.18	62.14	65.26	68.52
			Bi-Weekly	4,509.60	4,734.40	4,971.20	5,220.80	5,481.60
			Monthly	9,770.80	10,257.87	10,770.93	11,311.73	11,876.80
			Annual	117,249.60	123,094.40	129,251.20	135,740.80	142,521.60
INFORMATION TECHNOLOGY MANAGER	H566	Classified	Hourly	59.18	62.14	65.25	68.52	71.95
			Bi-Weekly	4,734.40	4,971.20	5,220.00	5,481.60	5,756.00
			Monthly	10,257.87	10,770.93	11,310.00	11,876.80	12,471.33
			Annual	123,094.40	129,251.20	135,720.00	142,521.60	149,656.00
DATA AND SYSTEMS COORDINATOR	H560	Classified	Hourly	50.72	53.25	55.93	58.72	61.65
			Bi-Weekly	4,057.60	4,260.00	4,474.40	4,697.60	4,932.00
			Monthly	8,791.47	9,230.00	9,694.53	10,178.13	10,686.00
			Annual	105,497.60	110,760.00	116,334.40	122,137.60	128,232.00
NETWORK SYSTEMS SPECIALIST	H555	Classified	Hourly	50.14	52.66	55.29	58.05	60.96
			Bi-Weekly	4,011.20	4,212.80	4,423.20	4,644.00	4,876.80
			Monthly	8,690.93	9,127.73	9,583.60	10,062.00	10,566.40
			Annual	104,291.20	109,532.80	115,003.20	120,744.00	126,796.80
GEOGRAPHIC INFO SYSTEMS COORDINATOR	T460	Classified	Hourly	48.45	50.87	53.29	55.97	59.68
			Bi-Weekly	3,876.00	4,069.60	4,263.20	4,477.60	4,774.40
			Monthly	8,398.00	8,817.47	9,236.93	9,701.47	10,344.53
			Annual	100,776.00	105,809.60	110,843.20	116,417.60	124,134.40
PROGRAMMER ANALYST	T455	Classified	Hourly	42.17	44.23	46.53	48.82	51.24
			Bi-Weekly	3,373.60	3,538.40	3,722.40	3,905.60	4,099.20
			Monthly	7,309.47	7,666.53	8,065.20	8,462.13	8,881.60
			Annual	87,713.60	91,998.40	96,782.40	101,545.60	106,579.20
WEB SPECIALIST	T450	Classified	Hourly	41.55	43.65	45.82	48.1	50.51
			Bi-Weekly	3,324.00	3,492.00	3,665.60	3,848.00	4,040.80
			Monthly	7,202.00	7,566.00	7,942.13	8,337.33	8,755.07
			Annual	86,424.00	90,792.00	95,305.60	100,048.00	105,060.80
INFORMATION TECHNOLOGY ANALYST II	T435	Classified	Hourly	42.15	44.25	46.46	48.79	51.24
			Bi-Weekly	3,372.00	3,540.00	3,716.80	3,903.20	4,099.20
			Monthly	7,306.00	7,670.00	8,053.07	8,456.93	8,881.60
			Annual	87,672.00	92,040.00	96,636.80	101,483.20	106,579.20
INFORMATION TECHNOLOGY ANALYST I	T430	Classified	Hourly	38.32	40.23	42.25	44.36	46.57
			Bi-Weekly	3,065.60	3,218.40	3,380.00	3,548.80	3,725.60
			Monthly	6,642.13	6,973.20	7,323.33	7,689.07	8,072.13
			Annual	79,705.60	83,678.40	87,880.00	92,268.80	96,865.60
TECHNOLOGY SOLUTIONS ANALYST II	T445	Classified	Hourly	42.15	44.25	46.46	48.79	51.24
			Bi-Weekly	3,372.00	3,540.00	3,716.80	3,903.20	4,099.20
			Monthly	7,306.00	7,670.00	8,053.07	8,456.93	8,881.60
			Annual	87,672.00	92,040.00	96,636.80	101,483.20	106,579.20
TECHNOLOGY SOLUTIONS ANALYST I	T440	Classified	Hourly	38.32	40.23	42.25	44.36	46.57
			Bi-Weekly	3,065.60	3,218.40	3,380.00	3,548.80	3,725.60
			Monthly	6,642.13	6,973.20	7,323.33	7,689.07	8,072.13
			Annual	79,705.60	83,678.40	87,880.00	92,268.80	96,865.60
GEOGRAPHIC INFO SYSTEM TECHNICIAN II	T465	Classified	Hourly	38.27	40.19	42.19	44.29	46.54
			Bi-Weekly	3,061.60	3,215.20	3,375.20	3,543.20	3,723.20
			Monthly	6,633.47	6,966.27	7,312.93	7,676.93	8,066.93
			Annual	79,601.60	83,595.20	87,755.20	92,123.20	96,803.20
GEOGRAPHIC INFO SYSTEM TECHNICIAN I	T464	Classified	Hourly	34.81	36.54	38.37	40.30	42.31
			Bi-Weekly	2,784.80	2,923.20	3,069.60	3,224.00	3,384.80
			Monthly	6,033.73	6,333.60	6,650.80	6,985.33	7,333.73
			Annual	72,404.80	76,003.20	79,809.60	83,824.00	88,004.80
INFORMATION TECHNOLOGY TECHNICIAN II	T425	Classified	Hourly	38.27	40.19	42.19	44.29	46.54
			Bi-Weekly	3,061.60	3,215.20	3,375.20	3,543.20	3,723.20
			Monthly	6,633.47	6,966.27	7,312.93	7,676.93	8,066.93
			Annual	79,601.60	83,595.20	87,755.20	92,123.20	96,803.20
INFORMATION TECHNOLOGY TECHNICIAN I	T424	Classified	Hourly	34.81	36.54	38.37	40.30	42.31
			Bi-Weekly	2,784.80	2,923.20	3,069.60	3,224.00	3,384.80
			Monthly	6,033.73	6,333.60	6,650.80	6,985.33	7,333.73
			Annual	72,404.80	76,003.20	79,809.60	83,824.00	88,004.80
INFORMATION SYSTEMS SUPPORT TECHNICIAN	T415	Classified	Hourly	31.35	32.91	34.60	36.32	38.07
			Bi-Weekly	2,508.00	2,632.80	2,768.00	2,905.60	3,045.60
			Monthly	5,434.00	5,704.40	5,997.33	6,295.47	6,598.80
			Annual	65,208.00	68,452.80	71,968.00	75,545.60	79,185.60
DATA SYSTEMS OPERATOR	C450	Classified	Hourly	28.44	29.73	31.21	32.69	34.22
			Bi-Weekly	2,275.20	2,378.40	2,496.80	2,615.20	2,737.60
			Monthly	4,929.60	5,153.20	5,409.73	5,666.27	5,931.47
			Annual	59,155.20	61,838.40	64,916.80	67,995.20	71,177.60
AUDIO VIDEO SPECIALIST	T410	Classified	Hourly	29.87	31.33	32.94	34.56	36.21
			Bi-Weekly	2,389.60	2,506.40	2,635.20	2,764.80	2,896.80
			Monthly	5,177.47	5,430.53	5,709.60	5,990.40	6,276.40
			Annual	62,129.60	65,166.40	68,515.20	71,884.80	75,316.80
VIDEO ASSISTANT	T400	Classified	Hourly					16.40
			Bi-Weekly					1,312.00
			Monthly					2,842.67
			Annual					34,112.00
INFORMATION TECHNOLOGY INTERN	Z121	Classified	Hourly				15.82	20.00
			Bi-Weekly				1,265.60	1,600.00
			Monthly				2,742.13	3,466.67
			Annual				32,905.60	41,600.00