

Tuesday, June 16, 2020, 7:00 P.M.

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

THIS REGULAR MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20 WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT

RESIDENTS ARE STRONGLY ENCOURAGED TO PARTICIPATE REMOTELY AT THE JUNE 16, 2020 MEETING

Remote Access to City of Tracy Council Meeting:

In accordance with the guidelines provided in Executive Order N-29-20 on social distancing measures, the City of Tracy will allow for remote participation at the upcoming City Council meeting on Tuesday, June 16, 2020.

As always, the public may view the City Council meetings live on the City of Tracy's website at www.CityofTracy.org or on Channel 26. To view from the City's website, select "Watch Live Council Meetings" from the drop down menu "Select an Online Service" at the top of the City's homepage. You will be directed to the "Council Meeting Videos" page where you may select the video for the appropriate date under "Upcoming Events."

If you only wish to watch the meeting and do not wish to address the Council, the City requests that you stream the meeting through the City's website or watch on Channel 26.

Remote Public Comment:

Public comment via email will only be accepted for agenda items before the start of the Council meeting at 7:00 p.m. Please send an email to publiccomment@cityoftracy.org Identify the item you wish to comment on in your email's subject line

During the upcoming City Council meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:

- *Comments via:*
 - **Phone** by dialing (209) 831-6010, or
 - **Online** by visiting <https://cityoftracyevents.webex.com> and using the following **Event Number: 126 946 6267** and **Event Password: TracyCC**
 - **If you would like to participate in the public comment anonymously**, you may submit your comment via phone or in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.

- **Protocols for submitting comments by phone:**
 - *If you wish to discuss an item on the “Consent Calendar” identify the item when calling in. All requests to discuss an item on the “Consent Calendar” must be submitted before the Mayor announces that the time to submit such a request has expired.*
 - *Identify the item you wish to comment on to staff when calling in. Comments received by phone will be accepted for the “Items from the Audience/Public Comment” and “Regular Items” portions of the agenda.*
 - *Comments received by phone for the “Items from the Audience/Public Comment” portion of the agenda must be received by the time the Mayor opens that portion of the agenda for discussion.*
 - *Comments received by phone on each “Regular Item” will be accepted until the Mayor announces that public comment for that item is closed.*

- **Protocols for commenting via WebEx:**
 - *If you wish to comment on the “Consent Calendar”, “Items from the Audience/Public Comment” or “Regular Agenda” portions of the agenda:*
 - *Listen for the Mayor to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
 - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
 - *Comments for the “Consent Calendar” “Items from the Agenda/Public Comment” or “Regular Agenda” portions of the agenda will be accepted until the public comment for that item is closed.*

- **The total allotted time for public comment will be as follows:**
 - **Consent Calendar: 10 minutes**
 - **Items from the Audience: 15 minutes**
 - **Regular Items: 10 minutes**

Comments received by publiccomment@cityoftracy.org, phone call, or on Webex outside of the comment periods outlined above will not be included in the record.

Americans With Disabilities Act - The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

Addressing the Council on Items on the Agenda - The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. To facilitate the orderly process of public comment and to assist the Council to conduct its business as efficiently as possible, members of the public wishing to address the Council are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the City Council begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the Council. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the “Items from the Audience/Public Comment” portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency

and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Consent Calendar - All items listed on the Consent Calendar are considered routine and/or consistent with previous City Council direction. One motion, a second, and a roll call vote may enact the items listed on the Consent Calendar. No separate discussion of Consent Calendar items shall take place unless a member of the City Council, City staff or the public request discussion on a specific item.

Addressing the Council on Items not on the Agenda – The Brown Act prohibits discussion or action on items not on the posted agenda. The City Council's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Council to have adequate time to address the agenda items of business, "Items from the Audience/Public Comment" following the Consent Calendar will be limited to 15-minutes maximum period. "Items from the Audience/Public Comment" listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Notice - A 90 day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90 day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

Full copies of the agenda are available at City Hall, 333 Civic Center Plaza, and on the City's website:
www.ci.tracy.ca.us

CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL

1. CONSENT CALENDAR

- 1.A. ADOPTION OF MAY 26, 2020 SPECIAL MEETING MINUTES AND JUNE 2, 2020, CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES
- 1.B. APPROVE THE PLACEMENT OF A BENCH AND PLAQUE HONORING THE LATE PARMJIT SINGH IN GRETCHEN TALLY PARK PER CITY STANDARD POLICY AND PROCEDURES

- 1.C. APPROVE A THIRTY (30) YEAR GROUND LEASE AGREEMENT BETWEEN THE CITY OF TRACY AND TCYBLDG, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR TCYBLDG, LLC TO EXPAND THEIR PARKING LOT ON CITY PROPERTY ADJACENT TO THEIR AMERICAN CUSTOM MEATS PROCESSING FACILITY LOCATED AT 4276 N. TRACY BOULEVARD
- 1.D. APPROVE AMENDMENT No.5 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST ASSOCIATES FOR WATER PRESSURE AND CAPACITY ANALYSES AND ENGINEERING ASSISTANCE FOR VARIOUS PROJECTS, AND TO UPDATE BILLING RATES AND EXTEND THE TERM THROUGH DECEMBER 31, 2020
- 1.E. AWARD A CONSTRUCTION CONTRACT TO KNIFE RIVER CONSTRUCTION OF STOCKTON, CALIFORNIA, IN THE AMOUNT OF \$1,171,930 FOR THE 2018-2019 STREET OVERLAY PROJECT (PHASE 1) CIP 73166, FEDERAL PROJECT NUMBERS STPL 5192(045), STPL 5192(046), WITH A NOT-TO-EXCEED BUDGET OF \$1,352,730, AND AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT OF \$117,200, IF NEEDED
- 1.F. APPROVE MASTER PROFESSIONAL SERVICES AGREEMENTS WITH DAVID W. ENKE, L.S., AND MCR ENGINEERING, INC., TO PROVIDE LAND SURVEYING SERVICES AND ENGINEERING ASSISTANCE FOR LAND DEVELOPMENT PROJECTS, AND AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO EXECUTE FUTURE TASK ORDERS RELATED TO THE AGREEMENTS, FOR A NOT-TO-EXCEED AMOUNT OF \$200,000 FOR EACH CONSULTANT PER YEAR
- 1.G. AUTHORIZE THE PURCHASE OF TRANSIT VEHICLES FOR TRACER PARATRANSIT SERVICE IN THE AMOUNT OF \$858,390 TO A-Z BUS SALES UNDER THE CALACT/MBTA PURCHASING COOPERATIVE AGREEMENT
- 1.H. APPROVE RESOLUTIONS: (1) INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS FOR TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FOR 2020/2021, (2) APPROVING THE PRELIMINARY ENGINEER'S REPORT FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT, AND (3) DECLARING THE INTENTION TO LEVY ANNUAL ASSESSMENTS AND SETTING THE DATE FOR A PUBLIC HEARING
- 1.I. APPROVE AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MTM TRANSIT, LLC TO EXTEND THE CONTRACT FOR ONE YEAR
- 1.J. ADOPT RESOLUTION AUTHORIZING THE SUBMITTAL OF A PROJECT NOMINATION AND ALLOCATION REQUEST FOR THE LOW CARBON TRANSIT OPERATION PROGRAM (LCTOP), EXECUTION OF CERTIFICATIONS AND ASSURANCES, AND AUTHORIZING THE PARKS & RECREATION DIRECTOR TO EXECUTE FUNDING DOCUMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR ALLOCATION OF THE FY 2019-20 LCTOP FUNDS (\$67,962)

- 1.K. APPROVE MASTER PROFESSIONAL SERVICES AGREEMENT WITH REINARD W. BRANDLEY, CONSULTING AIRPORT ENGINEER TO PERFORM AIRPORT DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE TRACY MUNICIPAL AIRPORT, NOT-TO-EXCEED \$600,000
- 1.L. WAIVE READING OF FULL TEXT AND ADOPT ORDINANCE 1290, AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 3.08.580, OF ARTICLE 12, OF CHAPTER 3.08 (TRAFFIC REGULATIONS) OF TITLE 3 (PUBLIC SAFETY) OF THE TRACY MUNICIPAL CODE
- 1.M. FIND THAT IT IS IN THE BEST INTEREST OF THE CITY TO FORGO THE FORMAL REQUEST FOR PROPOSAL PROCESS AND APPROVE AMENDMENTS TO LEGAL SERVICES AGREEMENTS WITH THE LAW OFFICE OF DANIEL P. DOPORTO AND THE LAW FIRM OF MEYERS, NAVE, RIBACK, SILVER & WILSON
- 1.N. FIND THAT IT IS IN THE BEST INTEREST OF THE CITY TO FORGO THE FORMAL REQUEST FOR PROPOSAL PROCESS, AND APPROVE THE PURCHASE OF GEOGRAPHIC INFORMATION SYSTEM SOFTWARE LICENSES THROUGH THE ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. SMALL GOVERNMENT ENTERPRISE LICENSING AGREEMENT
- 1.O. APPROVE RESOLUTION RECOGNIZING THE IMPORTANCE OF THE 2020 U.S. CENSUS AND SUPPORTING A COMPLETE, FAIR AND ACCURATE COUNT OF ALL CALIFORNIANS
2. ITEMS FROM THE AUDIENCE
3. REGULAR AGENDA
 - 3.A. PUBLIC HEARING OF THE CITY COUNCIL TO CONSIDER ADOPTION OF THE CITY OF TRACY FISCAL YEARS 2020-21 OPERATING AND CAPITAL BUDGET, ADOPTION OF THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2020-21, AUTHORIZATION OF AMENDMENTS TO GENERAL FUND FOR FISCAL YEAR 2019-20 OPERATING BUDGET; ADOPTION OF THE GASB 54 COMMITTED FUND BALANCES AS OF JUNE 30, 2020, AND ADOPTION OF THE DEBT AND INVESTMENT POLICIES
 - 3.B. CONDUCT A PUBLIC HEARING TO ADOPT A RESOLUTION APPROVING THE UPDATED CITYWIDE MASTER FEE SCHEDULE FOR FISCAL YEAR 2020-2021
 - 3.C. PROVIDE FOR THE SUBMITTAL OF BALLOT ARGUMENTS AND REBUTTALS REGARDING THE CITY'S CANNABIS BUSINESS TAX MEASURE TO BE ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT; AUTHORIZE THE SUBMISSION OF AN ARGUMENT FROM THE COUNCIL, DESIGNATE AN AUTHOR FOR THAT ARGUMENT, AND DIRECT THE CITY ATTORNEY TO SUBMIT AN IMPARTIAL ANALYSIS REGARDING THE MEASURE
 - 3.D. RECEIVE AND DISCUSS UPDATE ON THE TRACY CHAMBER OF COMMERCE 4TH OF JULY FIREWORKS EVENT AND PROVIDE STAFF DIRECTION

- 3.E. REVIEW APPOINTMENTS TO COUNCIL COMMITTEES AND OTHER COMMITTEES, BOARDS AND COMMISSIONS
- 3.F. AMEND COUNCIL MEETING PROTOCOLS AND RULES OF PROCEDURE TO REQUIRE AGENDAS FOR SPECIAL MEETINGS TO INCLUDE A “COUNCIL ITEMS AND COMMENTS” SECTION
- 3.G. DISCUSS CITY’S RESPONSE TO COVID-19 (VERBAL REPORT)
- 4. ITEMS FROM THE AUDIENCE
- 5. STAFF ITEMS
- 6. COUNCIL ITEMS
- 7. ADJOURNMENT

May 26, 2020, 5:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.ci.tracy.ca.us

Due to the COVID-19 emergency, the regular meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via email, phone and WebEx during the meeting.

1. Mayor Rickman called the meeting to order at 5:01 p.m.
2. Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young, and Mayor Rickman present.
3. ITEMS FROM THE AUDIENCE – Belinda Silva shared concerns about Leprino Food employees not using the intersection crosswalk at the corner of MacArthur and Grantline to get from the facility to the carpark.

Stephen Thompson commented that Tracy Community Connections Center (TCCC) is a recognized 501(c)3 and wishes to work with the City to expand services for the homeless.

4. DISCUSS CITY'S RESPONSE TO COVID-19 AND CONSIDER ADOPTING A JOINT RESOLUTION WITH SAN JOAQUIN COUNTY PETITIONING GOVERNOR NEWSOM TO ALLOW COUNTIES TO DRAFT AND IMPLEMENT LOCAL DIRECTIVES TO ALLOW THE PUBLIC, BUSINESSES AND SCHOOLS TO RESUME ACTIVITIES IN A MANNER THAT PROTECTS THE PUBLIC HEALTH AND OTHER ACTIONS AS NECESSARY

Jenny Haruyama, City Manager provided the staff report and presentation.

City Council questions and comments followed.

Wayne Templeton applauded Council on the steps taken in the COVID response, and support of special groups, and asked about keeping the homeless in the loop, and a platform for senior programs to meet. Mr. Templeton stated he was anxious to see Council's COVID response for homeless and special groups.

City Council questions and discussion continued.

ACTION: Motion was made by Mayor Rickman and seconded by Mayor Pro Tem Young to adopt a Joint Resolution of San Joaquin County Board of Supervisors and the City Councils of the cities of Escalon, Lathrop, Lodi, Manteca, Ripon and Tracy petitioning the Governor to allow counties to implement local directives regarding resumption of activities during the COVID-19 pandemic. Roll call found Mayor Rickman and Mayor Pro Tem Young in favor. Council Members Arriola, Ransom and Vargas opposed. Motion failed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Arriola to accept the report on the COVID-19 update and request the

City draft a Joint Resolution requesting that the San Joaquin County Board of Supervisors conduct an audit and look at including the City of Tracy in the funding for the CARES Act. Roll call found all in favor; passed and so ordered.

5. ADJOURNMENT: Time: 6:28 p.m.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Arriola to adjourn. Roll call found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on May 21, 2020. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

June 2, 2020, 5:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

Due to the COVID-19 emergency, the Closed Session meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act. Residents can participate under Items from the Audience remotely via email, phone and WebEx during the meeting.

1. CALL TO ORDER – Mayor Rickman called the meeting to order at 5:04 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Arriola, Vargas, Mayor Pro Tem Young and Mayor Rickman present.
3. ITEMS FROM THE AUDIENCE – There was no public comment.
4. CLOSED SESSION
 - a. Conference with Legal Counsel – Anticipated Litigation (Gov. Code § 54956.9)

Initiation of litigation pursuant to § 54956.9(d)(4). (One case).
 - b. Conference with Labor Negotiators - (Gov. Code § 54957.6)

City Negotiators:
Jenny Haruyama, City Manager
Kimberly Murdaugh, Human Resources Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager
Andrew Malik, Assistant City Manager
Leticia Ramirez, City Attorney

Employee Organizations:
General Teamsters Local No. 439, IBT
South County Fire Chief Officers Association (SCFCOA)
Tracy Firefighters Association (TFFA)
Tracy Mid Managers Bargaining Unit (TMMBU)
Tracy Police Managers Association (TPMA)
Tracy Police Officers' Association (TPOA)
Tracy Technical & Support Services Employees Association (TTSSEA)
5. RECESS TO CLOSED SESSION - Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to recess the meeting to closed session at 5:08 p.m. Roll call vote found Council Members Arriola, Vargas, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Ransom absent.

Council Member Ransom arrived at 5:13 p.m.

6. RECONVENE TO OPEN SESSION – The meeting reconvened to open session at 5:31 p.m.
7. REPORT OF FINAL ACTION – There was no report of final action.
8. ADJOURNMENT – The Closed Session was adjourned after the adjournment of the regular Council meeting. Time: 12:14 a.m. Wednesday, June 3, 2020.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Arriola to adjourn. Roll call found all in favor; passed and so ordered.

The agenda was posted at City Hall on May 29, 2020. The above are action minutes.

Mayor

ATTEST:

City Clerk

June 2, 2020, 5:30 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.ci.tracy.ca.us

Due to the COVID-19 emergency, the regular meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via email, phone and WebEx during the meeting.

1. Mayor Rickman called the meeting to order at 5:31 p.m.
2. Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young, and Mayor Rickman present.
3. ITEMS FROM THE AUDIENCE – There were no comments from the public.
4. DISCUSS PROPOSED FY 2020-21 OPERATING BUDGET AND CAPITAL IMPROVEMENT PLAN FOR CITY OF TRACY AND PROVIDE DIRECTION TO STAFF

Jenny Haruyama, City Manager provided the economic outlook, budget summary, revised General Fund Budget and presentation.

Karin Schnaider, Finance Director provided information regarding the Operating and Capital budget.

Dino Margaros supported using Measure V funding as a bridge to maintain programs including the Grand Theatre, downtown block party series, landscape maintenance in parks, medians, and public facilities, programming for youth and seniors, and a host of other "curb appeal" services.

Don Cose recommended temporarily diverting Measure V funds from Legacy Fields and Ellis Water Park developments and put toward the existing Tracy Seniors & Tracy Youth Programs, Grand Theatre and other public projects that involve a large number of community members.

Kaylin Dell'Arringa commented on behalf of the Grand Foundation Board of Directors in support of using Measure V funding for the budget gap. Ms. Dell'Arringa requested using the Measure V funding for what it was designed for and fund the Grand Theatre appropriately.

Michel Bazinet asked how much in the budget expenditures have been budgeted for transfers from General Fund to Capital Fund and could some of those amounts be used to fill the budget gap.

Pete Mitracos suggested cutting back on the Aquatic Center budget to help fill the funding gap, shared his concerns regarding the Development Agreement with Surland Companies, suggested looking at the budget again and take the swim center back under the City's umbrella.

Robert Tanner asked if the Catastrophic Reserve can be used for the \$2.2 million budget gap and the Measure V reserves. Mr. Tanner recommended that the City look at staff layoffs and cutting services, except for Police and Fire.

Alice English echoed Mr. Tanner's comment regarding staff layoffs except Fire and Police. Ms. English spoke about the completion of Legacy Fields being a priority and then eventually the Aquatic Center.

Sandy Taylor shared her concerns about funds not being replenished. Ms. Taylor stated if Measure V funds are considered to bridge the gap, bring back the conceptual plan for Aquatic Park at the next meeting to show that you are willing to move forward with the project. Ms. Taylor also read a statement from Marsha McCray into the record regarding opposition to use Measure V funds.

Marsha McCray reiterated the Aquatic Center was prioritized as the number one amenity, and stated she would like to see Council bring the Aquatic Center back on track giving Surland the ability to bring forward new plans.

City Council questions and comments followed.

Brandon Kanner commented about honoring Council's commitment to use Measure V funds to enhance the community with new amenities.

Dan Schack supported using the Measure V funding to maintain the quality of life in our community and suggested funds should be used for maintaining landscaping, programs for seniors and our youth, events in our downtown and programs at the Grand Theatre.

City Council comments continued.

Ms. Haruyama summarized Council's consensus: Majority of Council agreed on the 2.B budget approach below, to close the remaining budget gap of \$2.2 million. Staff to bring back a new timeline for Measure V this summer, an expedited time line is preferred, but willing to work with two years.

2.B Use Measure V as temporary bridge funding, conditioned upon a policy that requires both the General Fund Reserves and Measure V Fund to be replenished. It is anticipated that Measure V can be replenished in 2 years or less and General Fund Reserves between 5 years or less.

Council in support of 1.A through 1.E below, to close \$8.8 million of its \$11 million FY 2020-21 budget shortfall using the following budget strategies:

- a) Implement a Citywide Hiring Freeze (\$3.5 million)
- b) Use Remaining Balance of 10% Economic/Budget Stabilization Reserve (\$3.2 million)
- c) Suspend Citywide Vehicle and Equipment Contributions (\$1.3 million)
- d) Reduce Professional Contracts and Supplies (\$600,000)
- e) Delay MCYSN Grant Allocation Process (\$200,000)

5. Adjournment: Time 7:02 p.m.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Arriola to adjourn. Roll call found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on May 29, 2020. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

Mayor

City Clerk

June 2, 2020, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

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Due to the COVID-19 emergency, the regular meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via email, phone and WebEx during the meeting.

Mayor Rickman called the meeting to order at 7:09 p.m.

Mayor Rickman led the Pledge of Allegiance.

Imaam Sheik Basem, Tracy Islamic Center offered the invocation.

Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman present.

1. CONSENT CALENDAR – Following the removal of agenda item 1.F by Council Member Ransom and Arabella McCreary, and agenda item 1.J by Council Member Ransom motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - 1.A ADOPTION OF MAY 19, 2020 CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES - **Minutes were approved.**
 - 1.B RATIFY THE SAN JOAQUIN COUNCIL OF GOVERNMENTS ANNUAL FINANCIAL PLAN FOR FISCAL YEAR 2020-2021 – Resolution 2020-081 ratified the San Joaquin Council of Governments Annual Financial Plan for FY 2020-2021.
 - 1.C DECLARE CERTAIN VEHICLES AND EQUIPMENT AS SURPLUS AND APPROVE THEIR SALE - **Resolution 2020-082** declared certain vehicles and equipment as surplus and approved for sale.
 - 1.D AUTHORIZE SUBMISSION OF THE ANNUAL CLAIM TO THE STATE OF CALIFORNIA, THROUGH THE SAN JOAQUIN COUNCIL OF GOVERNMENTS (SJCOG), FOR TRANSPORTATION DEVELOPMENT ACT FUNDS IN THE AMOUNT OF \$5,908,911 FOR FISCAL YEAR 2019-2020 - Resolution 2020-083 authorized submission of the Annual Claim to the State of California.
 - 1.E WAIVE SECOND READING AND ADOPT ORDINANCE 1286, AN ORDINANCE OF THE CITY OF TRACY APPROVING AN AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN FOR THE TRACY HILLS KT PROJECT – Ordinance 1286 was adopted.
 - 1.G WAIVE SECOND READING AND ADOPT ORDINANCE 1288, AN ORDINANCE OF THE CITY OF TRACY, ADDING CHAPTER 6.40 "CANNABIS BUSINESS TAX" TO TITLE 6 OF THE TRACY MUNICIPAL CODE TO IMPOSE A TAX ON

COMMERCIAL CANNABIS ACTIVITIES IN TRACY – Ordinance 1288 was adopted.

- 1.H APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH TJKM TRANSPORTATION CONSULTANTS OF PLEASANTON, CALIFORNIA FOR A NOT TO-EXCEED AMOUNT OF \$209,441 TO PROVIDE PROFESSIONAL ENGINEERING DESIGN SERVICES, THAT INCLUDES THE PREPARATION OF ENVIRONMENTAL DOCUMENTS AND CONSTRUCTION DOCUMENTS, SUCH AS PLANS, SPECIFICATIONS AND COST ESTIMATES FOR THE TRAFFIC SIGNAL AT CORRAL HOLLOW ROAD AND VALPICO ROAD INTERSECTION PROJECT, CIP 72095– Resolution 2020-084 approved an agreement with TJKM Transportation consultants.
- 1.I APPROVE PROFESSIONAL SERVICES AGREEMENTS WITH TEN COMPANIES FOR PLAN REVIEW AND/OR INSPECTION SERVICES – Resolution 2020-085 approved the agreement with ten companies.
- 1.F WAIVE SECOND READING AND ADOPT ORDINANCE 1287, AN ORDINANCE OF THE CITY OF TRACY AMENDING VARIOUS SECTIONS OF CHAPTER 6.36 OF TITLE 6 “BUSINESS, PROFESSIONS, AND TRADES” OF THE TRACY MUNICIPAL CODE REGARDING LOCAL REGULATIONS OF COMMERCIAL CANNABIS ACTIVITY IN THE CITY OF TRACY

Leticia Ramirez, City Attorney provided the staff report.

Arabella McCreary requested Council consider including the following sublicenses: Under Cultivation - processor license, under Distribution - transport only, and under Manufacturing – Type P and Type N.

Alex Monceaux requested clarity of whether Council is limiting licenses to four, and spoke about multiple licenses, and would only like Council to limit dispensaries to four.

Council Member Ransom pulled the item to ask about property line versus the actual and how do we determine the distance of sensitive use is to the locations.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to waive second reading and adopt **Ordinance 1287**, an ordinance of the City of Tracy amending various sections of Chapter 6.36 of Title 6 “Business, Professions, and Trades” of the Tracy Municipal Code regarding local regulations of commercial cannabis activity in the City of Tracy. Roll call found all in favor; passed and so ordered.

- 1.J APPROVE AN ALLOCATION OF \$30,000 FOR A CITY UTILITY BILL RELIEF PROGRAM FUNDED FROM THE CITY’S CARES ACT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING ALLOCATION

Council Member Ransom pulled the item to ask how it is determined who was going to qualify over and above the budget amount, and who can fit into the perimeters that were set.

There were no comments from the public.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Vargas to adopt **Resolution 2020-086** approving an allocation of \$30,000 for a City Utility Bill Relief Program from the City's CARES Act Community Development Block Grant Funding Allocation. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Martha Villarreal applauded Council Members who attended the peaceful protest organized by our Tracy youth on Sunday, May 31, 2020, and stated she is proud to live in this city where the citizens are allowed to exercise their First Amendment right to freedom of expression and assembly.

Alex asked City Council what they are doing to ensure that the Tracy Police Officers are not abusing their power and are held accountable for their actions, and asked questions regarding whether necessary preventative measures are being taken to ensure incidents like the death of George Floyd will not occur in the future.

Deborah Skinner, owner of Academy of Performing Arts shared her frustrations about not being able to open her business and requested Council to advocate for her to the County to reopen her business.

Alice English clarified she was not encouraging laying off staff. Ms. English stated Legacy Fields has always been on the list and shared her concerns regarding Surland and the Aquatic Center stating the City has to finish one project before beginning another. Ms. English added she is not opposed to the swim center but did not support being irresponsible with resident's money.

3. REGULAR AGENDA

- 3.A PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING SECTION 3.08.580, ARTICLE 12, CHAPTER 3.08 OF THE TRACY MUNICIPAL CODE WHICH REGULATES THE ESTABLISHMENT OF SPECIAL SPEED ZONES

Anju Pillai, Associate Civil Engineer provided the staff report.

Mayor Rickman opened the public hearing.

No one from the public wished to speak.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to approve the introduction of **Ordinance 1290** an Ordinance of the City of Tracy amending Section 3.08.580 of Article 12, of Chapter 3.08 (Traffic Regulations) of Title 3 (Public Safety) of the Tracy Municipal Code. Roll call vote found all in favor; passed and so ordered.

DEVIATION**3.E CONSIDER ADOPTION OF AN EMERGENCY ORDER REQUIRING THE WEARING OF FACE COVERINGS IN ESSENTIAL BUSINESSES AND THE FARMERS' MARKET IN THE CITY OF TRACY**

Leticia Ramirez, City Attorney provided the staff report.

The following comments were received by members of the public during the item via Webex and phone.

Michele Smith requested excluding teaching staff of California licensed child care center.

Moria Blea shared her concerns regarding wearing a mask at the Farmers' Market.

Sara supported an emergency order requiring the wearing of face coverings in essential businesses and the Farmers' Market. If this passes would like the Library to be included, and signs to make more people aware.

Robin Cole stated she is a proponent of requiring masks. By stating a blanket rule around wearing a mask and being consistent in processes and policies, then there will not be an issue as everyone will be doing the same thing.

Jennifer Rowell shared her support for wearing a mask.

Steve Nicolaou shared his concerns about having to wear a mask, effects on businesses, and weaponizing Business & Professions Code 17200 to shutdown businesses.

Bob Tanner asked why Council waited until late date to put ordinance into place. Mr. Tanner spoke about masks in restaurants, violation of order, stated the order needs an end date. Mr. Tanner did not support the emergency order.

Wendy Burry spoke in support of the emergency order.

Cindy Peterson shared her concerns regarding wearing masks outside, and did not support the order.

Adrienne Richardson, City Clerk read emails received from members of the public listed below prior to the start of the regular Council meeting, into the record:

Benet, Jerod and Melissa Lea, Aaron Burg, Christie Victorino, Wendy Tocchini, Anonymous, and John Garza submitted emails in support of the emergency order requiring the wearing of face coverings in essential businesses and the Farmers' Market.

Moria Blea, Rosie Junqueiro, Gina Tavares, Matt Scarlata, Jeff Brady, Heather Smiddy, Dina Rafford, Tais Richardson, Jennifer Dulkevich, Tony and Kelly

Leanos, Brett MacManus, Marcus Medina, Mary Casasanta, Melanie Juran, Will Davis, Sara Gomes, Ralph Pombo, Erika Johnson, James Pyke, Tom Blaskey, Steve Nahm, Scott Jacobson, Kelly Cabral, Ms. Tavares, Sherry Luiz, Eric Enterline, Tiffany Evans, Vivian Nuich, Traci Thoming, Susan David, Shona Mercurio, Rusty and Stephanie Clever, Rhonda Jacobson, Renee Saenz, Patrick McDonald, Michele Smith, Kathy Breeden, Jennica Lacey, Janessa Koski, James Clark, Hunter Cook James, Elaine Pombo, Dwayne Koski, dselestial, Debra Jensen, David Mercurio, Danette Powell, Dan Evans, Brandi Marotta, Anne Thompson, and Steve Nicolaou submitted emails not supporting adoption of an emergency order requiring the wearing of face coverings in essential businesses and the Farmers' Market, and shared their concerns.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Vargas not to adopt an emergency order at this time requiring the wearing of face coverings while in essential businesses and at the Farmers' Market but reserve the right to bring the order back if necessary. Council Members Arriola, Ransom, and Vargas in favor. Mayor Pro Tem Young and Mayor Rickman opposed.

Council Member Arriola moved to strike the last portion of Council Member Ransom's motion – *reserve the right to bring the order back if necessary*.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Vargas not to adopt an emergency order at this time requiring the wearing of face coverings while in essential businesses or at the Farmers' Market. All in favor; passed and so ordered.

Mayor Rickman called a recess at 10:40 p.m.

Mayor Rickman reconvened the meeting at 10:50 p.m.

3.B ALLOCATE UP TO \$250,000 FROM THE LOW AND MODERATE INCOME HOUSING ASSET FUND FOR HOMELESS PREVENTION AND RAPID REHOUSING SERVICES, AUTHORIZE THE CITY TO USE SUCH FUNDS TO IMPLEMENT THE CITY OF TRACY HOMELESSNESS STRATEGIC PLAN, AND PROVIDE AN UPDATE ON THE STATUS OF THE CITY'S AFFORDABLE HOUSING FUNDS REQUEST FOR PROPOSALS

Barbara Harb, Economic Development Management Analyst provided the staff report.

There was no one from the audience who wished to speak.

There were no comments from City Council.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2020-087** allocating up to \$250,000 of low and moderate income Housing Asset Funds for homeless prevention and rapid rehousing services, and authorizing the City to use such funds to implement the

City of Tracy Homelessness Strategic Plan. Roll call found all in favor; passed and so ordered.

Mayor Rickman made a friendly amendment to the motion to include the language: *accept the Affordable Housing Request for Proposal update*. Council Member Vargas accepted the friendly amendment.

3.C APPOINTMENT OF CITY COUNCIL SUBCOMMITTEE TO INTERVIEW APPLICANTS TO SERVE AS A CITY OF TRACY REPRESENTATIVE FOR ONE VACANCY ON THE SAN JOAQUIN COUNTY COMMISSION ON AGING AND ONE VACANCY ON THE SAN JOAQUIN COUNTY MOSQUITO & VECTOR CONTROL DISTRICT BOARD

Adrienne Richardson, City Clerk provided the staff report.

There was no one from the audience who wished to speak.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to appoint Council Member Ransom and Council Member Arriola to interview the applicants on the San Joaquin County Commission on Aging and the San Joaquin County Mosquito & Vector Control District Board. Roll call found all in favor; passed and so ordered.

3.D CONSIDER A JOINT RESOLUTION REQUESTING THAT THE SAN JOAQUIN COUNTY BOARD OF SUPERVISORS CONDUCT AN AUDIT OF THE COUNTY'S CARES ACT SPENDING PLAN AND DETERMINE IF FUNDS CAN BE DISTRIBUTED TO CITIES WITHIN THE COUNTY

Leticia Ramirez, City Attorney provided the staff report.

No one from the public wished to speak.

City Council questions and comments followed.

Council Member Arriola proposed on the text and language in the fourth paragraph of the resolution to add after the last comma in the paragraph with semi colon and reiterate the following language: *and the total spent as of date is only \$8.8 million so far*. Council Member Ransom and Council Member Vargas supported Council Member Arriola's proposal.

Mayor Rickman read a letter into the record from the San Joaquin County Mayors to the San Joaquin Board of Supervisors regarding the CARES Act Funding.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Ransom to adopt Resolution **2020-088** a joint resolution of the City of Tracy and City Councils of other cities requesting the Board of Supervisors of San Joaquin County conduct an audit of CARES Act Funding and determine whether funds can be distributed to cities within the County including the addition of the

proposed language by Council Member Arriola. Roll call found all in favor; passed and so ordered.

3.F DISCUSS CITY'S RESPONSE AND DRAFT RECOVERY PLAN REGARDING COVID-19 (VERBAL REPORT)

Jenny Haruyama, City Manager provided an update and presentation on the City's response to COVID-19.

Andrew Malik, Assistant City Manager provided an updated on the City's Recovery Response Plan.

There was no public comment.

City Council questions and comments followed.

Mayor Rickman requested bringing back an item on June 16, 2020, to discuss the City of Tracy having a July 4 fireworks show since the Chambers event has been cancelled due to COVID-19. Council Member Ransom seconded the request.

City Council accepted the update.

4. ITEMS FROM THE AUDIENCE – There was no public comment.
5. STAFF ITEMS – There were no staff items.
6. COUNCIL ITEMS – Council Member Arriola commended the community for the peaceful protest on May 31, 2020, and thanked staff for raising of the pride flag for the month of June.

Council Member Ransom spoke about the community and law enforcement coming together, avoiding divisiveness, standing up for what we witnessed in Minneapolis, and encouraged positivity in the community. Council Member Ransom provided an update on the Valley Link project. Council Member Ransom added if the public is hearing things in the community, please contact Council.

Mayor Pro Tem Young thanked the organizers and those that joined the Tracy Solidarity peaceful protest on Sunday. Mayor Pro Tem Young requested community discussion to show the City is being proactive to control the temperature in our community, make sure people have an outlet, share the Police policies, and dialogue that could involve other community leaders and clergy. Council Member Ransom seconded the request.

Jenny Haruyama, City Manager suggested a community forum to understand the Police approach and taking temperature of community.

Council Member Vargas congratulated the 2020 graduates, and spoke about the impacts of virtual school. Council Member Vargas gave kudos to elementary school students, and Saint Bernard's 3rd grade class for their virtual connection. Council Member Vargas spoke about the Valley Link project and expressed appreciation to Chair

Supervisor Haggerty for his leadership to make this possible, and acknowledged Assemblymember Eggman and former Assemblymember Baker. Council Member Vargas announced the scheduled march to City Hall on Thursday, honoring the life of a person's untimely death.

Mayor Rickman thanked those who participated in the peaceful protest, congratulated the class of 2020, and thanked schools for their drive-in graduations. Mayor Rickman asked the City Manager to send an email to Council regarding graffiti not being removed in a timely matter.

7. ADJOURNMENT – Time: 12:14 a.m., Wednesday, June 3, 2020

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Vargas to adjourn. Roll call vote found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on May 28, 2020. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.B

REQUEST

APPROVE THE PLACEMENT OF A BENCH AND PLAQUE HONORING THE LATE PARMJIT SINGH IN GRETCHEN TALLY PARK PER CITY STANDARD POLICY AND PROCEDURES

EXECUTIVE SUMMARY

The Sikhs of Tracy have submitted an application per the City standard policy and procedures to install a bench and a plaque honoring the late Parmjit Singh in Gretchen Tally Park. Taylor Morrison has contributed \$1500 to the bench and plaque to honor Mr. Singh.

DISCUSSION

The Sikhs of Tracy have submitted an application to the Parks and Recreation Department to install a bench and plaque in Gretchen Tally Park to honor the late Mr. Parmjit Singh.

The Sikhs of Tracy is a local community group driven by Tracy residents. The group works to collaborate with a diverse range of partners and organizations for the betterment of the community. The goal of the group is to be inclusive with others to shape a better tomorrow for all.

Mr. Parmjit Singh moved to Tracy, CA in 2016 from Punjab, India. His motivation to relocate with his wife to this country was to be closer to his daughter, who still lives in Tracy. Mr. Parmjit Singh greatly enjoyed the outdoors and was regularly seen greeting and socializing with people during his nightly walks in Gretchen Tally Park. On August 29, 2019 Mr. Parmjit Singh passed away in the park. Mr. Parmjit Singh is survived by his wife, two children, and three grandchildren. Mr. Parmjit Singh greatly enjoyed the “open atmosphere” of Gretchen Tally Park and his family feels a bench, positively contributing to the environment of the park for future use, is an appropriate way to honor and remember Mr. Singh.

Many have supported this request, including Taylor Morrison, who has donated \$1500 to this bench and plaque, in memory of Mr. Parmjit Singh.

The Parks and Recreation Department has discussed this item with Mr. Rajdeep Singh, the writer of the application, and Mr. Parmjit Singh’s family, including the design and specifications of the plaque. The Sikhs of Tracy agree to maintain and replace the plaque and/or bench in the event it is vandalized, stolen, or damaged. Finally, the proposal meets all of the City’s guidelines.

At the May 28, 2020 Special Parks and Community Services Commission meeting, after hearing from the public, the request was reviewed and discussed as per policy and procedures. The Commission discussed the bench and plaque (Attachment A). The Commission recommended the item for approval of the City Council.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, which is to provide an outstanding quality of life by enhancing the City's amenities, business mix and services and cultivating connections to promote positive change and progress in our community.

FISCAL IMPACT

Approval of this item is expected to have no impact on the City General Fund. Taylor Morrison has donated \$1500 for the bench, plaque and installation. This amount includes the cost for Public Works staff to order and install the bench and plaque.

RECOMMENDATION

That the City Council, by resolution, approve placement of a bench and plaque to honor the late Parmjit Singh in Gretchen Tally Park.

Prepared by: Thien Nguyen, Recreation Services Supervisor

Reviewed by: Brian MacDonald, Parks & Recreation Director
Don Scholl, Public Works Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

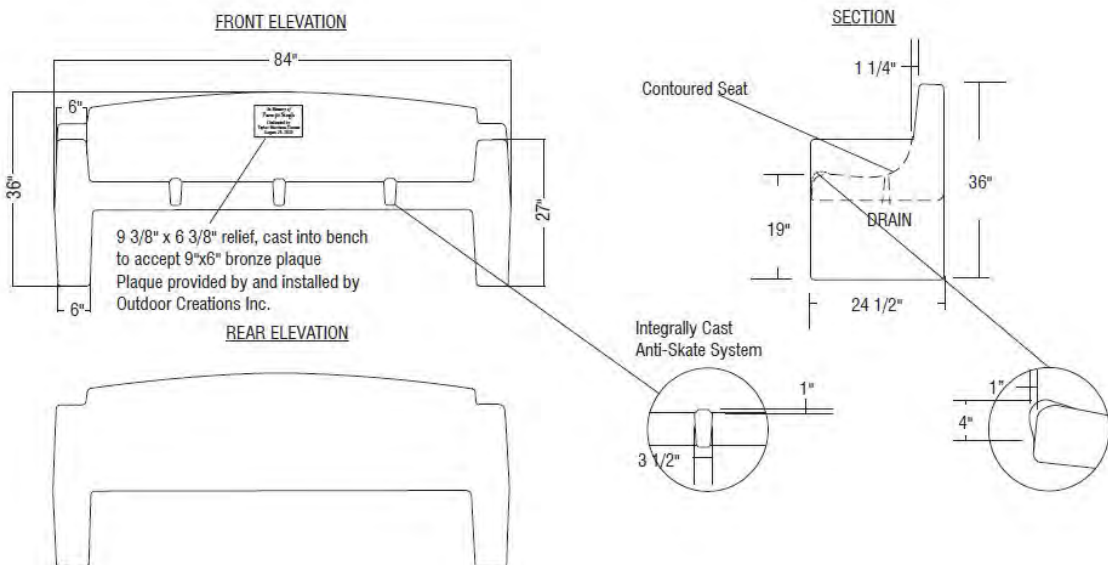
ATTACHMENTS

Attachment A – Bench and Plaque Sample and Rendering

Plaque Draft

*In Memory of
Parmjit Singh
Dedicated by Taylor Morrison
August 29, 2020*

Sample of Bench and Plaque



RESOLUTION _____

APPROVING THE PLACEMENT OF A BENCH AND PLAQUE HONORING THE LATE PARMJIT SINGH IN GRETCHEN TALLY PARK PER CITY STANDARD POLICY AND PROCEDURES

WHEREAS, The Sikhs of Tracy has submitted an application to the Parks and Recreation Department to place a bench and plaque honoring the late Parmjit Singh in Gretchen Tally Park, and

WHEREAS, The Sikhs of Tracy is a local community group driven by Tracy residents, who works to collaborate with a diverse range of partners and organizations for the betterment of the community, and

WHEREAS, The Sikhs of Tracy agrees to maintain and replace the bench and/or plaque in the event it is vandalized, stolen, or damaged;

WHEREAS, The proposal to place a bench and plaque in Gretchen Tally Park meets all of the City's guidelines;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tracy approves placement of the bench and plaque in Gretchen Tally Park in honor of the late Parmjit Singh.

The foregoing Resolution _____ was adopted by Tracy City Council on the 16th day of June, 2020, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.C

REQUEST

APPROVE A THIRTY (30) YEAR GROUND LEASE AGREEMENT BETWEEN THE CITY OF TRACY AND TCYBLDG, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR TCYBLDG, LLC TO EXPAND THEIR PARKING LOT ON CITY PROPERTY ADJACENT TO THEIR AMERICAN CUSTOM MEATS PROCESSING FACILITY LOCATED AT 4276 N. TRACY BOULEVARD

EXECUTIVE SUMMARY

The City owns approximately 1,097 acres of land located north of the City of Tracy and formerly known as the Holly Sugar Property. TCYBLDG, LLC (TCYBLDG), owner of American Custom Meats, operates their facility adjacent to this City of Tracy property and wishes to expand their parking lot at their facility. The property TCYBLDG wishes to lease from the City for their parking lot expansion is approximately 33,449 square feet.

DISCUSSION

The City owns property located in the northern part of Tracy that was acquired from Holly Sugar in 2003. The 1,097 acres is leased primarily for farming activities and is the home of Legacy Fields.

At the southern end of this City property is a small triangular piece of land along the east side of Tracy Boulevard and in front of the American Custom Meats processing facility. This property is approximately 33,449 square feet (Attachment "A") in size and is adjacent to the existing American Custom Meats parking lot. American Custom Meats would like to utilize this property to expand their parking lot. A long-term lease has been negotiated to accomplish this task. All costs associated with the improvements to the leased property are the responsibility of TCYBLDG.

The long term lease will be for 30 years beginning July 1, 2020 through June 30, 2050. The lease amount will be \$4,300 per year with a Consumer Price Index (CPI) adjustment annually. The lease agreement provides an "Option to Purchase" clause.

This piece of property, which was difficult to farm because of its shape and location, has been removed from the existing farm lease with Arnaudo Bros.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Governance Strategic Priority, and specifically implements the following goal and objective:

Goal 3: Ensure Short and Long Term Financial Sustainability

Objective 1: Develop cost containment and revenue enhancement strategies for consideration as part of the FY2020/21 budget development process.

FISCAL IMPACT

Proceeds from the lease of the property will be deposited into the Waste Water Enterprise Fund (the Waste Water Enterprise Fund acquired this property).

RECOMMENDATION

Staff recommends that City Council approves, by resolution, a thirty (30) year ground lease agreement between the City of Tracy and TCYBLDG, LLC, a California Limited Liability company, for TCYBLDG to enlarge their parking lot on City property adjacent to their facility.

Prepared by: Kevin Tobeck, Project Specialist II

Reviewed by: Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Location of Subject Property
Attachment B – Lease Agreement

ATTACHMENT "A"



LEASE AGREEMENT BETWEEN THE CITY OF TRACY AND TCYBLDG, LLC

This lease agreement (hereinafter "Agreement") is made and entered into by and between the City of Tracy, a municipal corporation (hereinafter "City"), and TCYBLDG, LLC, a California Limited Liability Company (hereinafter "Lessee").

RECITALS

- A. City owns approximately 1,097 acres of land located north of the City of Tracy, commonly known as the former Holly Sugar property ("Holly Sugar Property"), a portion of which is currently used for farming.
- B. Lessee, currently leases facility and land at 4276 N. Tracy Blvd. (adjacent to Holly Sugar Property) to American Custom Meats, an LLC which shares common members and ownership with TCYBLDG.
- C. Lessee has been working with City for the past several months to enlarge their existing parking along Tracy Blvd.
- D. Lessee wishes to enter into an agreement to lease an approximately 33,449 square foot portion of the Holly Sugar Property, comprised of APN 212-200-01 as further described in Exhibit "A" attached hereto, for the purposes of constructing and maintaining a parking lot.
- E. The City desires to enter in to the lease agreement bounded by certain restrictions and as a good faith effort to work with the Lessee towards enlarging the parking lot at their facility.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE upon the following terms and conditions.

1. PROPERTY

City hereby leases to Lessee, and Lessee hereby leases from City, an area of land comprised of approximately 33,449 square feet located at 4350 N. Tracy Boulevard, in the County of San Joaquin, State of California, and as further shown in more particular detail on Exhibit "A" attached hereto (hereinafter referred to as the "Property").

2. TERM

This Agreement will commence on July 1, 2020, and run through June 30, 2050, unless terminated by either City or Lessee. City or Lessee may terminate this Agreement by giving written notice to the other, six months in advance of the termination date. If this Agreement is terminated by either City or Lessee, Lessee shall comply with Section 4.4 of this Agreement within six months of the written notice.

3. LESSEE PAYMENTS

Lessee agrees to pay City a fixed rate lump sum in the amount of Four Thousand, Three hundred dollars (\$4,300) per year ("Rent"). Rent shall be due each year on July 1st. Rent shall be adjusted annually, beginning July 1, 2021, using the CPI for All Urban Consumers, All Items, San Francisco-Oakland San Jose CMSA, utilizing a base of 1982-1984 = 100, as published by the United States Department of Labor, Bureau of Labor Statistics.

3.1 Payment shall be sent to:

City of Tracy
Finance Department
333 Civic Center Plaza
Tracy, CA 95376

4. USE OF THE PROPERTY

Lessee agrees to prepare and use the Property for the following uses all at Lessee's own cost and expense:

- 4.1 Use of the Property shall conform to all applicable rules and regulations governing the property, including, but not limited to, local zoning, building and fire codes, and City-issued permits.
- 4.2 Lessee is responsible for safely securing all property and equipment and for safely storing all materials in accordance with State and local laws.
- 4.3 Lessee shall keep the Property free and clear of all rubbish, trash and weeds.
- 4.4 Lessee's use of the Property shall not result in a public nuisance. Any material causing a public nuisance, in the reasonable opinion of the City Manager, must be removed from the Property within 30 days after notice from the City.
- 4.5 Lessee will pay all utility charges and bills, including, but not limited to, water, sewer, gas, oil, and electric, which may be charged or assessed against the property.

5. ACCEPTANCE AND MAINTENANCE OF PROPERTY

Lessee further agrees that:

- 5.1 Lessee shall accept the Property in its present condition without any liability or obligation on the part of City to remove any material, make any alterations, improvements or repairs of any kind which would constitute a change to the present condition of the Property.
- 5.2 Lessee shall be liable for any and all damage to the Property caused by the Lessee, its employees, agents, sub-lessees, or invitees.

6. ALTERATIONS AND MODIFICATIONS

Lessee covenants and agrees not to install any fixtures or make any alterations, additions, erecting of structures or improvements to the Property without the prior written approval of City. All fixtures installed or additions and improvements made to the Property shall become City's property and shall remain on the Property at the termination of this Agreement without compensation or payment to Lessee.

7. ASSIGNMENT

Lessee shall have the unqualified right to sublet the property, and/or to assign, sell, transfer, pledge or otherwise convey any or all rights or interests which the Lessee may have in the property or in this Lease Agreement. Any such assignment will release original Lessee from liability and will substitute assignee in his/her or its place.

8. REGULATIONS

Lessee's use of the Property shall comply with all Federal, State and local rules, regulations, laws, ordinances, and directives of competent authority applicable to the use of the Property.

9. HOLD HARMLESS

Lessee shall defend, indemnify, and hold the City, its officials, employees, agents and

volunteers harmless from any and all claims, injuries, damages, losses, or suits, including attorneys' fees, arising out of or in connection with the performance of this Agreement, including, but not limited to, those claims, injuries, damages, losses, or suits, and attorneys' fees based upon nuisance or inverse condemnation, excepting however, those claims, injuries, damages, losses, or suits, including attorneys' fees, for injuries and damages caused by the sole negligence or willful misconduct of the City.

10. TAXES

Lessee shall pay, when due, any real property taxes levied against the leased Property as a result of any possessory interest taxes which may be imposed on Lessee's interest in the leased Property. This provision constitutes written notice to Lessee pursuant to California Revenue and Taxation Code Section 107. City shall not be responsible for payment of any such tax. No such tax shall in any way reduce or substitute for the charges or fees required to be paid as a condition of this Lease or as otherwise required by the City.

11. ENTRY AND INSPECTION

City reserves the right to enter the Property at any time and by whatever means necessary, including, but not limited to, the following situations: (a) in case of emergency, (b) to make necessary repairs and improvements, (c) to supply necessary services, (d) when City reasonably believes that the Lessee has abandoned or surrendered the Property, (e) to inspect the Property for Agreement compliance, or (f) pursuant to court order. When entering the Property, City shall take care to minimize disruption to Lessee's operations. City agrees to provide appropriate notification to Lessee of any approved entries to Property that City has given to any third party.

12. DEFAULT

12.1 Lessee shall be in default of this Agreement, if City determines that any of the following conditions exist (which conditions are not intended to constitute the exclusive basis for default):

- (a) Lessee is insolvent, bankrupt, or makes a general assignment of the benefit of the creditors.
- (b) Lessee abandons the Property.
- (c) Lessee violates any legal requirement relating to the Use of the Property.
- (d) Lessee fails to remit payment of any installment or rent or of any amount owed to City.
- (e) Lessee fails to abide by any covenant or condition contained in this Agreement, including but not limited to Use of the Property.

12.2 In the event Lessee, fails within twenty (20) calendar days after receipt of written notice, to either cure the default or provide adequate written assurance to the reasonable satisfaction of City that the cure will be promptly commenced and diligently prosecuted to its completion, the City may, in its discretion, take any or all of the following actions:

- (a) Terminate the Agreement.
- (b) File an unlawful detainer action against Lessee to regain possession of the Property.
- (c) Any other judicial remedies available to City.

13. INSURANCE

- 13.1 Lessee shall, throughout the duration of this Agreement, maintain insurance to cover Lessee, its agents, representatives, and employees in connection with the Use of the Property and this Agreement at the minimum levels set forth here.
- 13.2 Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than \$2,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
- 13.3 Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") "claims made" coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
- 13.4 Workers' Compensation coverage shall be maintained as required by the State of California.
- 13.5 Endorsements. Lessee shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:
 - 13.5.1 The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."
 - 13.5.2 For any claims related to this Agreement, Lessee's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Lessee's insurance and shall not contribute with it.
- 13.6 Notice of Cancellation. Lessee shall notify the City if the policy is canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation. Lessee shall immediately obtain a replacement policy.
- 13.7 Authorized Insurers. All insurance companies providing coverage to Lessee shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.
- 13.8 Insurance Certificate. Lessee shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City, before the City signs this Agreement.
- 13.9 Substitute Certificates. No later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement, Lessee shall provide a substitute certificate of insurance.
- 13.10 Lessee's Obligation. Maintenance of insurance by Lessee as specified in this Agreement shall in no way be interpreted as relieving Lessee of any responsibility whatsoever (including indemnity obligations under this Agreement), and Lessee may carry, at its own expense, such additional insurance as it deems necessary.

14. OPTION TO PURCHASE

The Lessee, as part of the consideration herein, is hereby granted the exclusive right, option and privilege of purchasing property at any time during the term of this Agreement or any extension thereof. The Lessee shall notify the City in writing of the exercise of this option at least ten (10) days prior to the expiration of term of this Lease or the expiration of any extension thereof, by mail to the last-provided address of City.

- 14.1 **PRICE AND TERMS:** The Lessee agrees to pay for said property the appraised fair market value (unimproved condition); the net sum to be paid by wire transfer, certified check, or cashier's check at closing.

- 14.2 **INCLUDED IN THE PURCHASE:** The property shall also include all land, together with all improvements thereon including but not limited to all appurtenant rights, privileges, easements, buildings, and fixtures.
- 14.3 **TITLE:** The City shall convey marketable title to the Property with the above described inclusions to Lessee and/or assigns, by good and sufficient Grant Deed in fee simple absolute, on or before closing; said title to be free, clear, and unencumbered.
- 14.4 **COSTS:** Lessee, as of date of closing shall be responsible for payment of (a) All real estate taxes and assessments and (b) Interest on encumbrances assumed or taken over by Lessee.

15. BREACH BY LESSEE

If the Lessee shall fail to keep and perform any of the covenants, agreements, or provisions of this Lease, or if the Lessee shall abandon the property; it shall be lawful for the City to enter into said property and again have, repossess, and enjoy the same as if this Lease had not been made, and thereupon this Lease and everything herein contained on the part of the City to be done and performed shall cease, determine and be utterly void, except as set forth in Section 16 below. The commencement of a proceeding or suit in forcible entry and detainer or in ejectment, or otherwise after any default by the Lessee, shall be equivalent in every respect to actual entry by the City.

16. IMPROVEMENTS TO BE CONSTRUCTED

Lessee shall construct, or enter into an agreement to construct, frontage improvements (curb, gutter and sidewalk) on Tracy Boulevard in accordance with the applicable City standards if Lessee exercises the Option to Purchase.

17. BINDING AGREEMENTS

The parties hereto agree that this Lease comprises the entire agreement of the parties and that no other representation or agreements have been made or relied upon, and that this Lease agreement shall inure to the benefit of and shall be binding upon the parties, their heirs, executors, administrators, personal representatives, successors or assigns.

18. ARBITRATION

Any controversy or claim arising out of or relating to this agreement, or the breach thereof, shall be settled by arbitration administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules [including the Optional Rules for Emergency Measures of Protection]. The arbitration hearing shall take place in Tracy, California before a single arbitrator. Judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof.

19. ATTORNEY FEES

In the event this agreement is placed in the hands of an attorney for enforcement the prevailing party shall be entitled to recover attorney fees.

20. WAIVER

The waiver by either party of any provision or condition of this Agreement shall not be construed to be a waiver of any other provision or condition of this Agreement and shall not preclude the other party from demanding performance in accord with the other terms thereof nor shall any such waiver be construed to be permanent unless such waiver is in writing and

signed by both City and Lessee.

21. FORCE MAJEURE

Except as to the payment of rent and for damages chargeable to the responsible party, neither City nor Lessee shall be chargeable with, liable for, or responsible to the other for anything or in any amount for any delay caused by fire, earthquake, explosion, the elements, acts of God, riots, strikes, lockouts and any delay due to said causes or any of them shall not be deemed a breach of or default in the performance of this Agreement.

22. RELATIONSHIP OF PARTIES

The relationship between City and Lessee shall always and only be that of lessor and lessee. Lessee shall never at any time during the term of this Agreement become the agent of City, and City shall not be responsible for the acts or omissions of Lessee or its agents.

23. SEVERABILITY

The unenforceability, invalidity, or illegality of any of provision herein shall not render the other provisions unenforceable, invalid, or illegal.

24. RECORDATION

Pursuant to Government Code §37393, this Agreement shall be recorded in the Office of the County Recorder, County of San Joaquin, State of California.

25. NOTICES

All notices to the parties shall be in writing and shall be addressed and mailed to their representatives as follows:

City:

City of Tracy
City Manager
333 Civic Center Plaza
Tracy, CA 95376

Lessee:

TCYBLDG, LLC
4276 N. Tracy Blvd.
Tracy, CA 95304

With a copy to:

City Attorney
333 Civic Center Plaza
Tracy, CA 95376

26. SIGNATURES

The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Lessee and City. This Agreement shall insure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties agree to the full performance of the terms set forth.

CITY OF TRACY

By: _____
Mayor

Date: _____

Attest: _____
City Clerk

Approved as to Form:

City Attorney

Date: _____

LESSEE

By: Jon Doellstedt

Title: Co-Mgr

Date: 5-6-20
(Jon Doellstedt)

By: Rich Doellstedt

Title: Manager

Date: 5/5/20
(RICH DOELLSTEDT)

EXHIBIT "A"

LEGAL DESCRIPTION

REAL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF BLOCKS 8, AS SHOWN ON THE MAP OF TRACY GARDEN FARMS AS FILED FOR RECORD IN BOOK OF MAPS AND PLATS, VOLUME 8, PAGE 1, SAN JOAQUIN RECORDS LYING WITHIN THE RANCHO EL PESCADERO, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 4 OF BLOCK 2 OF SAID TRACY GARDEN FARMS (8 M&P 1), SAID POINT BEING IN THE CENTERLINE OF HOLLY DRIVE, A COUNTY ROAD; THENCE ALONG THE SOUTHERLY LINE OF THE 935.43 ACRE PARCEL, AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 4 OF SURVEYS AT PAGE 53, SAN JOAQUIN COUNTY RECORDS, ALONG THE SOUTHERLY LINE OF LOTS 2, 3, 4 AND 6 OF BLOCK 8 (8 M&P 1), SOUTH 89°52'00" WEST 2320.66 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE LEAVING SAID SOUTHERLY LINE (8 M&P 1), AND CROSSING LOT 7 IN SAID BLOCK 8 (8 M&P 1), SOUTH 41°13'27" WEST 339.29 FEET; THENCE NORTH 89°53'56" WEST 19.03 FEET TO A POINT THAT LIES EASTERLY TWENTY FIVE (25) FEET, BY RIGHT ANGLE MEASUREMENT, FROM THE EASTERLY RIGHT OF WAY LINE OF TRACY BOULEVARD; THENCE ALONG A LINE LYING TWENTY FIVE (25) FEET AND PARALLEL TO SAID EASTERLY RIGHT OF WAY OF TRACY BOULEVARD NORTH 00°13'56" WEST 254.60 FEET TO THE NORTHERLY LINE OF SAID LOT 7 (8 M&P 1); THENCE ALONG SAID NORTHERLY OF LOT 7 (8 M&P 1) NORTH 89°52'00" EAST 243.66 FEET TO SAID TRUE POINT OF BEGINNING.

RESERVING A TEN FOOT (10) WIDE, BY RIGHT ANGLE MEASUREMENT, PUBLIC UTILITY EASEMENT, THE WESTERLY LINE BEING THE WESTERLY LINE OF THE ABOVE PARCEL. THE SIDELINES OF SAID PARCEL OF LAND SHALL BE LENGTHENED OR SHORTENED TO FORM A CONTINUOUS STRIP OF LAND.

CONTAINING 33449 SQUARE FEET, 0.77 ACRES, MORE OR LESS.

A PORTION OF A.P.N. 212-200-01

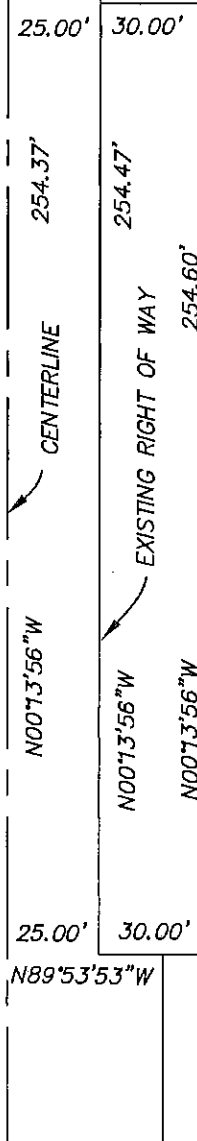
DATED APRIL 8, 2019

TRACY GARDEN FARMS
 8 M & P 1
 LOT 6

A.P.N. 212-160-05

N 89°52'00"E 243.66'

TRACY BOULEVARD



4350 TRACY BOULEVARD
 AREA= 33449 S.F., 0.77 ACRES±

LOT 7

A.P.N. 212-200-01

10' P.U.E.

339.29'
 S41°13'27"W

13 P.M. 179

PARCEL 1

A.P.N. 212-200-02

N89°53'53"W 19.03'



SCALE: 1"=50'

PREPARED UNDER THE DIRECTION OF:

David W. Enke

DAVID W. ENKE, L.S. 4071
 APRIL 9, 2019



RESOLUTION 2020-

AUTHORIZING A THIRTY (30) YEAR GROUND LEASE AGREEMENT BETWEEN THE CITY OF TRACY AND TCYBLDG, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR TCYBLDG, LLC TO EXPAND THEIR PARKING LOT ON CITY PROPERTY ADJACENT TO THEIR AMERICAN CUSTOM MEATS PROCESSING FACILITY LOCATED AT 4276 N. TRACY BOULEVARD

WHEREAS, The City owns property adjacent to the TCYBLDG, LLC property located at 4276 N. Tracy Boulevard that would provide additional parking for their American Custom Meats processing facility, and

WHEREAS, The City has negotiated a long-term lease for this property with TCYBLDG, LLC, to expand their parking lot, and

WHEREAS, All costs associated with improvements to the leased property are the responsibility of TCYBLDG, LLC, and

WHEREAS, The lease will be for approximately 33,449 square feet of property at an annual lease of \$4,300 adjusted annually based on the Consumer Price Index, and

WHEREAS, Staff recommends the City enter a thirty (30) year lease agreement with TCYBLDG, LLC;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves a thirty (30) year ground lease agreement between the City of Tracy and TCYBLDG, LLC for the expansion of TCYBLDG, LLC's parking lot on City property.

* * * * *

The foregoing Resolution 2020-_____ was adopted by the City Council on the 16th day of June, 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.D

REQUEST

APPROVE AMENDMENT No.5 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST ASSOCIATES FOR WATER PRESSURE AND CAPACITY ANALYSES AND ENGINEERING ASSISTANCE FOR VARIOUS PROJECTS, AND TO UPDATE BILLING RATES AND EXTEND THE TERM THROUGH DECEMBER 31, 2020

EXECUTIVE SUMMARY

This agenda item, with City Council approval, would amend the Master Professional Services Agreement (MPSA) with West Yost Associates (West Yost) for the completion of water pressure and capacity analyses and engineering assistance on various current development projects. The effect of the amendment is to extend the term of the MPSA to December 31, 2020 and update Exhibit B-1 for revised billing rates.

DISCUSSION

The Development Services Department staff is working with various developers on a large number of entitlement applications, most of which include the need for water pressure and capacity analyses, and other engineering support and assistance. Some examples include on-going development in Cordes Ranch (International Park of Commerce), Northeast Industrial, I-205 Corridor, Tracy Hills, Ellis, minor subdivisions, and various other development projects. Some proposed projects require technical memorandums to determine nearby infrastructure deficiencies, which aid department staff in writing the projects' conditions of approvals for their off-site and Subdivision Improvement Agreements. Consultants typically write these technical memorandums. One of these consultants is West Yost. This consultant also provides technical support for certain Capital Improvement Projects as a part of this MPSA.

The Development Services Department staff is currently negotiating new Master Professional Services Agreements (MPSA) with the successful respondents to a Request for Proposals for water pressure and capacity analyses and engineering assistance. The amendment to the West Yost MPSA will provide continuity of services until the new MPSAs are approved by Council and fully executed.

The City and West Yost originally entered into an MPSA on August 5, 2014. The City and West Yost mutually amended the MPSA on four separate occasions to increase compensation, establish a term, update billing rates, and streamline the issuance of task orders and notices to proceed.

The current MPSA is scheduled to expire on June 30, 2020. The effect of the amendment is to extend the term of the MPSA to December 31, 2020 and to update Exhibit B-1 for West Yost's current billing rates.

The remaining provisions of the MPSA would remain unchanged, including the not-to-exceed amount of \$2,000,000.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, which is to provide an outstanding quality of life by enhancing the City's amenities, business mix and services and cultivating connections to promote positive change and progress in our community.

FISCAL IMPACT

The funding for these consultants is provided through Cost Recovery Agreements executed with each developer to cover the costs of staff time and consultant work related to each project. For non-developer funded projects the monies may be provided through the Capital Improvement Project funding or funded through the Development Services operational budget.

RECOMMENDATION

Staff recommends that City Council approve, by resolution, Amendment No.5 to the Master Professional Services Agreement with West Yost Associates, for water pressure and capacity analyses and engineering assistance for various projects, and to update billing rates and extend the term through December 31, 2020.

Prepared by: Ilene Macintire, PE, Associate Civil Engineer

Reviewed by: Robert Armijo, PE, City Engineer/Assistant Development Services Director
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Amendment No.5 to Master Professional Services Agreement with West Yost Associates

Attachment B – Exhibit B-2 – 2020 Billing Rate Schedule, received January 30, 2020

**CITY OF TRACY
AMENDMENT NO. 5 TO
MASTER PROFESSIONAL SERVICES AGREEMENT
FOR VARIOUS WATER PRESSURE & CAPACITY ANALYSES**

This Amendment No. 5 (**Amendment**) to the Master Professional Services Agreement for Various Water Pressure & Capacity Analyses is entered into between the City of Tracy, a municipal corporation (**City**), and West Yost Associates, Inc., a California Corporation (**Consultant**). City and Consultant are referred to individually as "**Party**" and collectively as "**Parties**."

Recitals

- A.** The City and Consultant entered into a Master Professional Services Agreement for Various Water Pressure & Capacity Analyses (**Agreement**) for the land development and engineering services, which was approved by the City Council on August 5, 2014, under Resolution No. 2014-113.
- B.** Amendment No. 1 to the Agreement, approved by City Council on October 6, 2015, under Resolution No. 2015-167, increased the total compensation under the Agreement to Not to Exceed amount of \$1,150,000.
- C.** Amendment No. 2 to the Agreement, approved by the City Council on April 4, 2017, under Resolution No. 2017-062, increased the total compensation under the Agreement to a Not to Exceed amount of \$1,650,000.
- D.** Amendment No. 3 to the Agreement, approved by the City Council on September 5, 2017, under Resolution No. 2017-196, which added an non-exclusive agreement clause, and replaced Task Orders with Notices to Proceed to expedite technical studies.
- E.** Amendment No. 4 to the Agreement, approved by the City Council on June 26, 2019, under Resolution No. 2019-127, increased the total compensation under the Agreement to a Not to Exceed amount of \$2,000,000 and extended the term of the Agreement until June 30, 2020.
- F.** The Parties now seek to amend the Agreement to increase billing rates and extend the term of the Agreement until December 31, 2020.
- G.** This Amendment is being executed pursuant to Resolution No. 2020-_____ approved by Tracy City Council on June 16, 2020.

Now therefore, the Parties mutually agree as follows:

- 1. Incorporation by Reference.** This Amendment incorporates by reference all terms set forth in the Agreement, unless specifically modified by this Amendment. The terms which are not specifically modified by this Amendment will remain in effect.
- 2. Terms of Amendment.**
 - A.** Section 2 of the Agreement, entitled "Time of Performance" is hereby amended to read as follows

“Time is of the essence in the performance of services under this Agreement and the timing requirements set forth here shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Consultant shall begin performance, and shall complete all required services no later than the dates set forth in each individual Notice to Proceed. Any services for which times for performance are not specified in each individual Notice to Proceed shall be started and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the Consultant. Consultant shall submit all requests for extensions of time to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City shall grant or deny such requests at its sole discretion.

2.1 Term. This Agreement shall remain in effect from the date of execution until December 31, 2020, unless terminated in accordance with Section 6.”

- B.** Section 5.1 of the Agreement, entitled “General” is hereby amended to read as follows:

“**General.** For services performed by Consultant under this Agreement, City shall pay Consultant on a time and expense basis, at the billing rate amounts set forth in Exhibit “B-2” of Amendment No. 5 and Not to Exceed the amount set forth in each individual Task Order, provided however, that the aggregate total of all Notice to Proceed under this Agreement is Not to Exceed \$2,000,000. Consultant’s billing rates and Not to Exceed amount shall cover all costs and expenses for Consultant’s performance of this Agreement. No work shall be performed by Consultant in excess of the Not to Exceed amount without City’s prior written approval.

5.1. Invoices. Consultant shall submit monthly invoices to the City describing the services performed, including times, dates, and names of persons performing the service.

5.2. Payment. Within 30 days after the City’s receipt of invoice, City shall make payment to the Consultant based upon the services described on the invoice and approved by the City.”

- C.** Exhibit B-2 “2020 Billing Rate Schedule, Received January 30, 2020” attached hereto shall replace and supersede Exhibit “B-1” attached to the Agreement.

3. Modifications. This Amendment may not be modified orally or in any manner other than by an agreement in writing signed by both parties, in accordance with the requirements of the Agreement.

4. Severability. If any term of this Amendment is held invalid by a court of competent jurisdiction, the Amendment shall be construed as not containing that term, and the remainder of this Amendment shall remain in effect.


5. Signatures. The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Amendment. This Amendment shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

The Parties agree to the full performance of the terms set forth here.

City of Tracy

West Yost Associates, Inc.

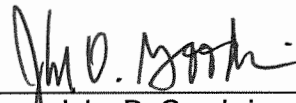
By: _____
Robert Rickman
Title: Mayor


By: Charles Duncan
Title: President & CEO

Date: _____

Date: 4.09.2020

Attest:


By: John D. Goodwin
Title: Assistant Treasurer

By: _____
Adrienne Richardson, City Clerk

Date: 4-10-20

Approved as to form

By: _____
Leticia Ramirez, City Attorney

2020 Billing Rate Schedule

(Effective January 1, 2020 through December 31, 2020) *

Exhibit B-2

POSITIONS	LABOR CHARGES (DOLLARS PER HR)
ENGINEERING	
Principal/Vice President	\$298
Engineering/Scientist/Geologist Manager I / II	\$283 / \$295
Principal Engineer/Scientist/Geologist I / II	\$257 / \$272
Senior Engineer/Scientist/Geologist I / II	\$230 / \$241
Associate Engineer/Scientist/Geologist I / II	\$198 / \$212
Engineer/Scientist/Geologist I / II	\$160 / \$185
Engineering Aide	\$92
Administrative I / II / III / IV	\$81 / \$102 / \$123 / \$135
ENGINEERING TECHNOLOGY	
Engineering Tech Manager I / II	\$291 / \$294
Principal Tech Specialist I / II	\$268 / \$279
Senior Tech Specialist I / II	\$245 / \$256
Senior GIS Analyst	\$224
GIS Analyst	\$211
Technical Specialist I / II / III / IV	\$156 / \$178 / \$200 / \$223
Cross-Connection Control Specialist I / II / III / IV	\$117 / \$127 / \$143 / \$159
CAD Manager	\$178
CAD Designer I / II	\$138 / \$155
CONSTRUCTION MANAGEMENT	
Senior Construction Manager	\$289
Construction Manager I / II / III / IV	\$174 / \$186 / \$198 / \$251
Resident Inspector (Prevailing Wage Groups 4 / 3 / 2 / 1)	\$152 / \$169 / \$188 / \$196
Apprentice Inspector	\$138
CM Administrative I / II	\$74 / \$99
Field Services	\$196

- Hourly rates include Technology and Communication charges such as general and CAD computer, software, telephone, routine in-house copies/prints, postage, miscellaneous supplies, and other incidental project expenses.
- Outside Services such as vendor reproductions, prints, shipping, and major West Yost reproduction efforts, as well as Engineering Supplies, etc. will be billed at actual cost plus 15%.
- Mileage will be billed at the current Federal Rate and Travel will be billed at cost.
- Subconsultants will be billed at actual cost plus 10%.
- Expert witness, research, technical review, analysis, preparation and meetings billed at 150% of standard hourly rates. Expert witness testimony and depositions billed at 200% of standard hourly rates.
- A Finance Charge of 1.5% per month (an Annual Rate of 18%) on the unpaid balance will be added to invoice amounts if not paid within 45 days from the date of the invoice.

* This schedule is updated annually

2020 Billing Rate Schedule (continued)

(Effective January 1, 2020 through December 31, 2020) *

Equipment Charges

EQUIPMENT	BILLING RATES
Gas Detector	\$80/day
Hydrant Pressure Gauge	\$10/day
Hydrant Pressure Recorder, Standard	\$40/day
Hydrant Pressure Recorder, Impulse (Transient)	\$55/day
Trimble GPS – Geo 7x	\$220/day
Vehicle	\$10/hour
Water Flow Probe Meter	\$20/day
Water Quality Multimeter	\$185/day
Well Sounder	\$30/day

* This schedule is updated annually

RESOLUTION 2020-_____

APPROVING AMENDMENT No.5 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST ASSOCIATES FOR WATER PRESSURE AND CAPACITY ANALYSES AND ENGINEERING ASSISTANCE FOR VARIOUS PROJECTS, AND TO UPDATE BILLING RATES AND EXTEND THE TERM THROUGH DECEMBER 31, 2020

WHEREAS, Staff is processing various applications that require engineering analyses, technical memorandums, and program management, and

WHEREAS, Project applicants expect timely completion of the required technical memorandums and review of entitlement documents, and

WHEREAS, Engineering staff also engages this consultant on various Capital Improvements Projects and various technical reviews, and

WHEREAS, On August 5, 2014, City Council approved, by Resolution No. 2014-113, a Master Professional Services Agreement with West Yost Associates (Agreement), and

WHEREAS, On October 6, 2015, City Council approved, by Resolution No. 2015-167, Amendment No.1 to the Agreement, which increased the total compensation under the Agreement to a not-to-exceed amount of \$1,150,000, and

WHEREAS, On April 4, 2017, City Council approved, by Resolution No. 2017-062, Amendment No.2 to the Agreement, which increased the total compensation under the Agreement to a not-to-exceed amount of \$1,650,000, and

WHEREAS, On September 5, 2017, City Council approved, by Resolution No. 2017-196, Amendment No.3 to the Agreement, which added a 'non-exclusive agreement' clause, and replaced Task Orders with Notices to Proceed to expedite technical studies, and

WHEREAS, On June 18, 2019, City Council approved, by Resolution No. 2019-127, Amendment No.4 to the Agreement, which increased the total compensation under the Agreement to a not-to-exceed amount of \$2,000,000, and

WHEREAS, The City wishes to extend the Agreement to December 31, 2020 and accept Exhibit B-2, that supersedes Exhibit B-1, attached to the Agreement;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves Amendment No.5 to the Master Professional Services Agreement with West Yost Associates, for engineering analysis services, program management, and engineering assistance for various projects, and to update billing rates and extend the term through December 31, 2020.

The foregoing Resolution 2020-_____ was passed and adopted by the Tracy City Council on the 16th day of June, 2020, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.E

REQUEST

AWARD A CONSTRUCTION CONTRACT TO KNIFE RIVER CONSTRUCTION OF STOCKTON, CALIFORNIA, IN THE AMOUNT OF \$1,171,930 FOR THE 2018-2019 STREET OVERLAY PROJECT (PHASE 1) CIP 73166, FEDERAL PROJECT NUMBERS STPL 5192(045), STPL 5192(046), WITH A NOT-TO-EXCEED BUDGET OF \$1,352,730, AND AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT OF \$117,200, IF NEEDED

EXECUTIVE SUMMARY

City staff requests that City Council award a construction contract for the 2018-2019 Street Overlay Project (Phase 1) CIP 73166, Federal Project Numbers STPL 5192(045), STPL 5192(046) on Grant Line Road between Lincoln Boulevard and Tracy Boulevard, Beverly Place between Holly Drive and Mae Avenue, and Beverly Place between Bessie Avenue to Parker Avenue.

DISCUSSION

This Project is part of the City's annual street improvement program and consists of asphalt concrete overlay on Grant Line Road between Lincoln Boulevard and Tracy Boulevard, Beverly Place between Holly Drive and Mae Avenue, and Beverly Place between Bessie Avenue to Parker Avenue, including pavement repair, signage and striping.

Street selections were based on life-cycle and cost-benefit analysis using the City's Pavement Management Program and coordinated with the City's Public Works Department Street, Maintenance Division.

Engineering staff prepared the plans and specifications and advertised the Project for competitive bids on April 10, and April 17, 2020.

Bids were received and publicly opened via Skype conference call at 3:00 p.m. on Tuesday, May 12, 2020, with the following results:

<u>Contractor</u>	<u>Base Bid</u>
Knife River Construction, Stockton, CA	\$1,171,930
A. Teichert & Son, Inc., Roseville, CA	\$1,223,100
Tracy Grading and Paving, Tracy, CA	\$1,013,393

Tracy Grading and Paving was the apparent lowest bidder. They withdrew their official bid the next day, on Wednesday, May 13, 2020, as shown in Attachment B.

Bid analysis indicates that the second lowest monetary bid is also responsive and the bidder, Knife River Construction, of Stockton, California, is responsible. The bidder has the appropriate contractor's license in active standing with the State of California, and has completed similar projects for other public agencies.

The total estimated cost of this Project, if awarded to the second lowest bidder, is as follows:

Construction Bid	\$1,171,930
Construction Management (5%)	\$58,600
Design Support During Construction	\$5,000
Contingency @ 10%	<u>\$117,200</u>
Total Project Cost	\$1,352,730

Tracy Municipal Code Section 2.20.090(b) authorizes the City Manager to approve change orders up to the contingency amount approved by Council. City staff recommends the contingency amount for this project to be \$117,200, which is 10% of the construction contract cost.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, which is to provide an outstanding quality of life by enhancing the City's amenities, business mix and services and cultivating connections to promote positive change and progress in our community.

FISCAL IMPACT

The estimated Project cost is \$1,352,730 and will be funded by CIP 73166 Street Patch & Overlay Program FY19. CIP 73166 has a current available budget of \$2,000,082 as follows:

F261 RSTP Grant Fund STPL 5192 (045)	\$648,082
F261 RSTP Grant Fund STPL 5192 (046)	\$550,000
F245 Gas Tax	\$135,000
F248 SB1	\$480,000
F242 Measure K	\$277,000
Total Budget Available	\$2,090,082

RECOMMENDATION

Staff recommends that City Council, by resolution, award a construction contract to Knife River Construction, of Stockton, California, in the amount of \$1,171,930 for the 2018-2019 Street Overlay Project (Phase 1) CIP 73166, Federal Project Numbers STPL 5192(045), STPL 5192(046), with a not-to-exceed budget of \$1,352,730 and authorize the City Manager to approve change orders up to the contingency amount of \$117,200, if needed.

Prepared by: Anju Pillai, PE, Associate Civil Engineer
Zabih Zaca, PE, Senior Civil Engineer

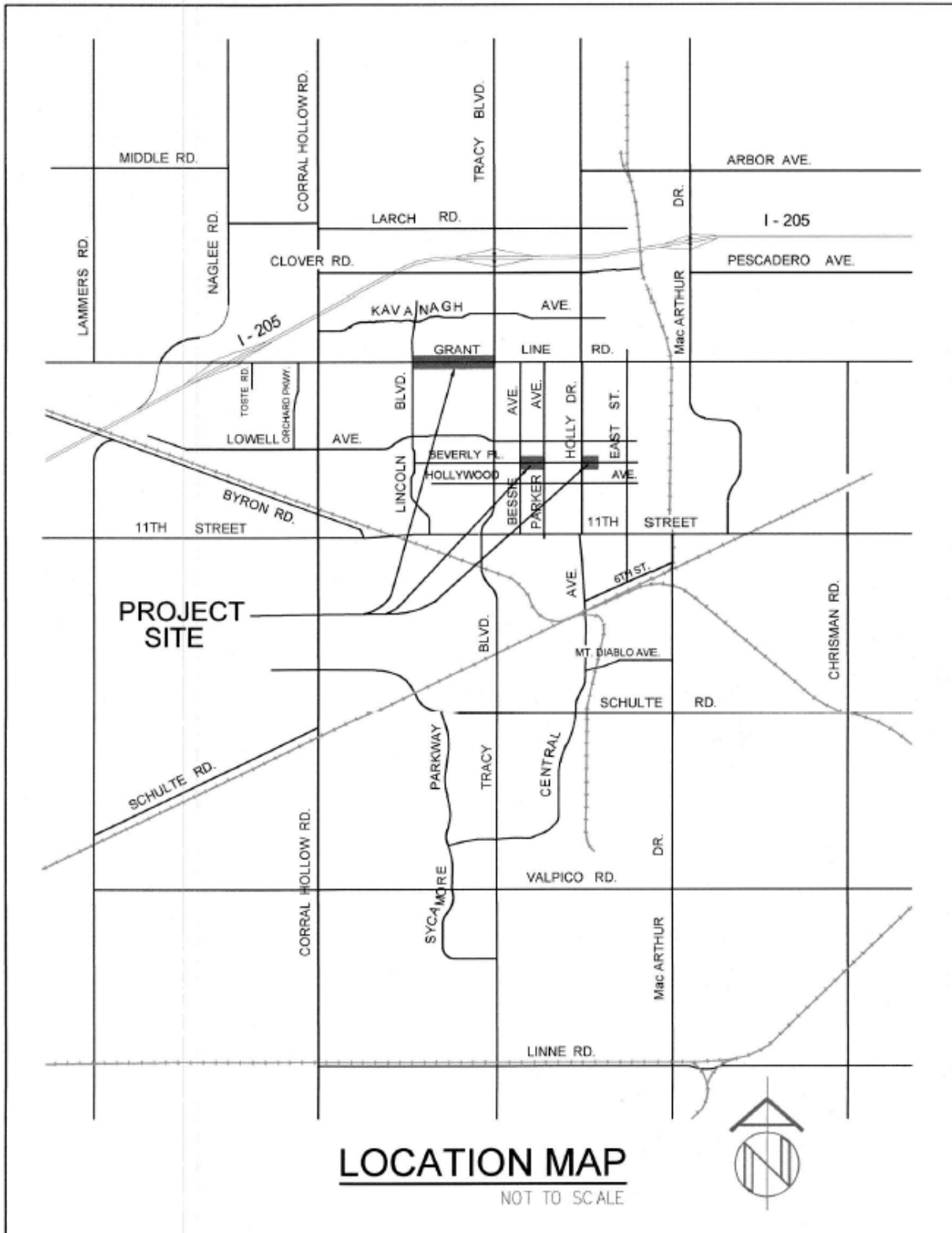
Reviewed by: Robert Armijo, PE, City Engineer/Assistant Development Services Director
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Agenda Item 1.E
June 16, 2020
Page 3

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Location Map
Attachment B – Withdrawal Letter from Lowest Bidder





May 13, 2020

CITY OF TRACY
333 Civic Center Plaza
Tracy CA, 95376

To Whom it May Concern,

There was a mistake in our bidding process and will need to formally withdraw the official bid for 2018-2019 Street Overlay Project (Phase 1) Grant Line Road (Lincoln Blvd. To Tracy Blvd.), Beverly Place (Holly Dr. to Mae Ave), and Beverly Place (Bessie Ave. to Parker Ave.) CIP 73166 Federal Project Number: STPL 5192 (045) & STPL 5192 (046) (Federal Davis-Beacon Wage Compliance Requirements Apply)

Sincerely,

Date

5/13/2020

Tracy Grading and Paving, Inc

officer, Nicole Ruffalo

P.O. Box 444
Tracy CA 95378
tel (209) 839-6590
fax (209) 839-6595
www.tracygradingandpaving.com

RESOLUTION 2020-_____

AWARDING A CONSTRUCTION CONTRACT TO KNIFE RIVER CONSTRUCTION, OF STOCKTON, CALIFORNIA, IN THE AMOUNT OF \$1,171,930 FOR THE 2018-2019 STREET OVERLAY PROJECT (PHASE 1) CIP 73166, FEDERAL PROJECT NUMBERS STPL 5192(045), STPL 5192(046), WITH A NOT-TO-EXCEED BUDGET OF \$1,352,730, AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT OF \$117,200, IF NEEDED

WHEREAS, This Project is part of the City's annual street improvement program and consists of asphalt concrete overlay on Grant Line Road between Lincoln Boulevard and Tracy Boulevard, Beverly Place between Holly Drive and Mae Avenue, and Beverly Place between Bessie Avenue to Parker Avenue, including pavement repair, signage and striping, and

WHEREAS, The street selections were based on life-cycle and cost-benefit analysis using the City's Pavement Management Program and coordinated with the City's Public Works Department Street, Maintenance Division, and

WHEREAS, The Project was advertised for competitive bids on April 10, and April 17, 2020, bids were received and publicly opened via Skype Conference at 3:00 p.m., on May 12, 2020, and

WHEREAS, Tracy Grading and Paving of Tracy, California was the apparent lowest bidder, and

WHEREAS, Tracy Grading and Paving of Tracy, California withdrew their official bid the next day on Wednesday, May 13, 2020, and

WHEREAS, Knife River Construction of Stockton, California, is the second lowest monetary bidder, bid analysis indicates their bid is "responsive" and the bidder is "responsible," and

WHEREAS, The estimated Project cost is \$1,352,730 and will be funded by CIP 73166 Street Patch & Overlay Program FY19. CIP 73166 has a current available budget of \$2,090,082 as follows:

F261 RSTP Grant Fund STPL 5192 (045)	\$648,082
F261 RSTP Grant Fund STPL 5192 (046)	\$550,000
F245 Gas Tax	\$135,000
F248 SB1	\$480,000
F242 Measure K	\$277,000
Total Budget Available	\$2,090,082, and

WHEREAS, Tracy Municipal Code Section 2.20.090(b) authorizes the City Manager to approve change orders up to the contingency amount approved by City Council, and

WHEREAS, The recommended contingency amount for this Project is \$117,200;

NOW, THEREFORE BE IT RESOLVED, That City Council of the City of Tracy hereby awards a construction contract to Knife River Construction, of Stockton, California in the amount of \$1,171,930 for the 2018-2019 Street Overlay Project (Phase 1) CIP 73166, Federal Project Numbers STPL 5192(045), STPL 5192(046), with a not-to-exceed budget of \$1,352,730, and authorize the City Manager to approve change orders up to the specified project contingency amount of \$117,200 if needed.

* * * * *

The foregoing Resolution 2020-_____ was adopted by the Tracy City Council on the 16th day of June 2020, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.F

REQUEST

APPROVE MASTER PROFESSIONAL SERVICES AGREEMENTS WITH DAVID W. ENKE, L.S., AND MCR ENGINEERING, INC., TO PROVIDE LAND SURVEYING SERVICES AND ENGINEERING ASSISTANCE FOR LAND DEVELOPMENT PROJECTS, AND AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO EXECUTE FUTURE TASK ORDERS RELATED TO THE AGREEMENTS, FOR A NOT-TO-EXCEED AMOUNT OF \$200,000 FOR EACH CONSULTANT PER YEAR

EXECUTIVE SUMMARY

This agenda item, with City Council approval, would approve Master Professional Services Agreements (MPSAs) with David W. Enke, L.S., and MCR Engineering, Inc., to retain each consultant for land surveying services and engineering assistance for a not-to-exceed amount of \$200,000 for each consultant per calendar year.

DISCUSSION

The Development Services Department staff is working with various developers on a large number of entitlement applications, most of which include the need for engineering analyses and other engineering assistance. Some examples include on-going development in the Cordes Ranch Specific Plan (aka International Park of Commerce), Northeast Industrial, I-205 Corridor, Tracy Hills, Ellis, minor subdivisions, and various other development projects. Some proposed projects require land surveying services, writing of legal descriptions of land, plating land, review of Plat and Legal Descriptions, review of Maps, and of professional Land Surveying tasks. The City also requires land surveying support for its Capital Improvement Projects.

On July 18, 2019, the City issued a Request for Proposals (RFP) for Land Surveying Services and Engineering Assistance. On August 27, 2019, David W. Enke, L.S., MCR Engineering, Inc., and six other firms submitted their proposal for this Project to the City. From this RFP, two "on-call" consultants were selected to deliver land surveying services and engineering assistance to the City. After negotiations between the City and the consultants, the parties reached an agreement for the performance of services and said services are in accordance with the terms set forth in the MPSA, with an annual not-to-exceed amount of \$200,000 per consultant.

City staff seeks the services of these consultants to assist staff in the review of developers' tentative and final maps, plats, legal descriptions, perform boundary surveys, staking, set monuments, lot line adjustments, lot mergers, other surveying related items. Lastly, the terms of the MPSA is set to expire on June 30, 2023, with an optional one-year extension by the City Manager following a written determination that Consultant has satisfactorily met all the requirements of this Agreement.

STRATEGIC PLAN

This agenda item is consistent with the City Council's Economic Development

Strategy, to ensure physical infrastructure necessary for development are constructed.

FISCAL IMPACT

The cost of the work performed by consultants will be captured through developer contributions or through the CIPs that the consultants will work on. The developer contributions include Cost Recovery Agreements, plan-check fees, and/or other fees per the City's Master Fee Schedule. It should be noted that Cost Recovery Agreements cover the costs of staff time and consultant work related to each project. The cost of the work performed by consultants for City Capital Improvement Projects (CIPs) will be funded by each CIP and that CIP's respective funding plan.

RECOMMENDATION

Staff recommends that the City Council approve, by resolution, Master Professional Services Agreements with David W. Enke, L.S., and MCR Engineering, Inc., for land surveying services and engineering assistance for land development projects, and authorize the Development Services Director to execute future task orders related to the Agreements, for a not-to-exceed amount of \$200,000 for each consultant per calendar year.

Prepared by: Al Gali, Associate Civil Engineer

Reviewed by: Robert Armijo, PE, City Engineer / Assistant Development Services Director
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Master Professional Services Agreement with David W. Enke, L.S.
Attachment B – Master Professional Services Agreement with MCR Engineering

**CITY OF TRACY
MASTER PROFESSIONAL SERVICES AGREEMENT WITH
DAVID W. ENKE, L.S.**

This Master Professional Services Agreement (**Agreement**) is entered into between the City of Tracy, a municipal corporation (**City**), and David W. Enke, L.S., a licensed professional land surveyor (**Consultant**). City and Consultant are referred to individually as “Party” and collectively as “Parties.”

Recitals

A. City desires to retain Consultant to land surveying services and engineering assistance; and

B. On July 18, 2019, the City issued a Request for Proposals (RFP) for the Land Surveying Services and Engineering Assistance (**Project**). On August 27, 2019, Consultant submitted its proposal for the Project to the City. City has determined that Consultant possesses the skills, experience and certification required to provide the services.

C. After negotiations between the City and Consultant, the Parties have reached an agreement for the performance of services in accordance with the terms set forth in this Agreement.

D. This Agreement is being executed pursuant to Resolution No. ____ approved by Tracy City Council on June 16, 2020.

Now therefore, the Parties mutually agree as follows:

1. Scope of Work. Consultant shall perform the services generally described in Exhibit "A" attached, and incorporated by reference, as directed by written Notice to Proceed by the City's Development Services Director. The services shall be performed by, or under the direct supervision of, Consultant's Authorized Representative: David W. Enke. Consultant shall not replace its Authorized Representative, nor shall Consultant replace any of the personnel listed in Exhibit "A," nor shall Consultant use or replace any subcontractor or subconsultant, without City's prior written consent. A failure to obtain the City's prior written consent for any change or replacement in personnel or subcontractor/subconsultant may result in the termination of this Agreement.

1.1 Non-Exclusive Agreement. The City reserves the right to contract with other consultants providing the same or similar scope of services described above during the term of this Agreement. The City further reserves the right to, assign work, at its sole discretion, to consultants other than Consultant based on City's budget, experience, and skills of consultants based on the City's specific needs.

2. Time of Performance. Time is of the essence in the performance of services under this Agreement and the timing requirements set forth shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Consultant shall begin performance, and shall complete all required services no later than the dates set forth in each individual Notice to Proceed. Any services for which times for performance are not specified in each individual Notice to Proceed shall be started and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated by the City to the Consultant. Consultant shall submit all requests for time extensions to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City shall grant or deny such requests at its sole discretion.

2.1 Term. The term of this Agreement shall begin on July 1, 2020 and end on June 30, 2023, unless terminated in accordance with Section 6. This Agreement may be extended for an additional

one year by the City Manager following a written determination that Consultant has satisfactorily met all the requirements of this Agreement.

3. Compensation. City shall pay Consultant on a time and expense basis, at the billing rates set forth in Exhibit "B," attached and incorporated by reference for services performed under this Agreement.

3.1 Not to Exceed Amount. Consultant's total compensation under this Agreement shall not exceed \$200,000 per year. Consultant's billing rates shall cover all costs and expenses for Consultant's performance of this Agreement. On January 1, 2021, Consultant's billing rates under this Agreement may be annually increased in January of each year by the lesser of 3% or the annual increase in the Cost of Living Index – All Items, for the Sacramento Metropolitan Region. No work shall be performed by Consultant in excess of the total compensation amount provided in this section without the City's prior written approval.

3.2 Invoices. Consultant shall submit monthly invoice(s) to the City that describe the services performed, including times, dates, and names of persons performing the services.

3.2.1 If Consultant is providing services in response to a development application, separate invoice(s) must be issued for each application and each invoice shall contain the City's designated development application number.

3.2.2 Consultant's failure to submit invoice(s) in accordance with these requirements may result in the City rejecting said invoice(s) and thereby delaying payment to Consultant.

3.3 Payment. Within 30 days after the City's receipt of invoice(s), City shall make payment to the Consultant based upon the services described on the invoice(s) and approved by the City.

4. Indemnification. Consultant shall, to the fullest extent permitted by law, indemnify, defend (with independent counsel approved by the City), and hold harmless the City from and against any claims arising out of Consultant's performance or failure to comply with obligations under this Agreement, except to the extent caused by the sole, active negligence or willful misconduct of the City.

In this section, "City" means the City, its officials, officers, agents, employees and volunteers; "Consultant" means the Consultant, its employees, agents and subcontractors; "Claims" includes claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all related costs and expenses) and any allegations of these; and "Arising out of" includes "pertaining to" and "relating to".

(The duty of a "design professional" to indemnify and defend the City is limited to claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, under Civ. Code § 2782.8.)

The provisions of this section survive completion of the services or the termination of this Agreement, and are not limited by the provisions of Section 5 relating to insurance.

5. Insurance. Consultant shall, throughout the duration of this Agreement, maintain insurance to cover Consultant, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.

5.1 Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than \$4,000,000 general aggregate and \$2,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

5.2 Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for “any auto”) “claims made” coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

5.3 Workers’ Compensation coverage shall be maintained as required by the State of California.

5.4 Professional Liability “claims made” coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of Consultant in an amount not less than \$1,000,000 per claim.

5.5 Endorsements. Consultant shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

5.5.1 The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional “insured.”

5.5.2 For any claims related to this Agreement, Consultant’s coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Consultant’s insurance and shall not contribute with it.

5.6 Notice of Cancellation. Consultant shall notify the City if the policy is canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation. Consultant shall immediately obtain a replacement policy.

5.7 Authorized Insurers. All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

5.8 Insurance Certificate. Consultant shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City, before the City signs this Agreement.

5.9 Substitute Certificates. Consultant shall provide a substitute certificate of insurance no later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement.

5.10 Consultant’s Obligation. Maintenance of insurance by the Consultant as specified in this Agreement shall in no way be interpreted as relieving the Consultant of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Consultant may carry, at its own expense, such additional insurance as it deems necessary. Failure to provide or maintain any insurance policies or endorsements required herein may result in the City terminating this Agreement.

6. Termination. The City may terminate this Agreement by giving ten days’ written notice to Consultant. Upon termination, Consultant shall give the City all original documents, including preliminary drafts and supporting documents, prepared by Consultant for this Agreement. The City shall pay Consultant for all services satisfactorily performed in accordance with this Agreement, up to the date notice is given.

7. Dispute Resolution. If any dispute arises between the City and Consultant that cannot be settled after engaging in good faith negotiations, City and Consultant agree to resolve the dispute in accordance with the following:

7.1 Each Party shall designate a senior management or executive level representative to negotiate the dispute;

7.2 The representatives shall attempt, through good faith negotiations, to resolve the dispute by any means within their authority.

7.3 If the issue remains unresolved after fifteen (15) days of good faith negotiations, the Parties shall attempt to resolve the disagreement by negotiations between legal counsel. If the aforementioned process fails, the Parties shall resolve any remaining disputes through mediation to expedite the resolution of the dispute.

7.4 The mediation process shall provide for the selection within fifteen (15) days by both Parties of a disinterested third person as mediator, shall be commenced within thirty (30) days and shall be concluded within fifteen (15) days from the commencement of the mediation.

7.5 The Parties shall equally bear the costs of any third party in any alternative dispute resolution process.

7.6 The dispute resolution process is a material condition to this Agreement and must be exhausted prior to either Party initiating legal action. This dispute resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code §§ 900 et seq.

8. Ownership of Work. All original documents prepared by Consultant for this Agreement, whether complete or in progress, are the property of the City, and shall be given to the City at the completion of Consultant's services, or upon demand from the City. No such documents shall be revealed or made available by Consultant to any third party without the City's prior written consent.

9. Independent Contractor Status. Consultant is an independent contractor and is solely responsible for the acts of its employees or agents, including any negligent acts or omissions. Consultant is not City's employee and Consultant shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation, unless the City provides prior written authorization. Consultant is free to work for other entities while under contract with the City. Consultant, and its agents or employees, are not entitled to City benefits.

10. Conflicts of Interest. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Consultant maintains or acquires such a conflicting interest, the City may terminate any contract (including this Agreement) involving Consultant's conflicting interest.

11. Rebates, Kickbacks, or Other Unlawful Consideration. Consultant warrants that this Agreement was not obtained or secured through rebates, kickbacks, or other unlawful consideration either promised or paid to any City official or employee. For breach of this warranty, City shall have the right, in its sole discretion, to terminate this Agreement without liability; to pay only for the value of the work actually performed; or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

12. Notices. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the other party to the addresses listed below. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated below, or (2) three working days after the deposit in the United States Mail of registered or certified mail, sent to the address designated below.

To City:

Development Services Department
Al Gali
333 Civic Center Plaza
Tracy, CA 95376

With a copy to:

City Attorney
333 Civic Center Plaza
Tracy, CA 95376

To Consultant:

David W. Enke, L.S.
22968 Los Ranchos Drive
Tracy, CA 95304

13. Miscellaneous.

13.1 Standard of Care. Unless otherwise specified in this Agreement, the standard of care applicable to Consultant's services will be the degree of skill and diligence ordinarily used by reputable professionals performing in the same or similar time and locality, and under the same or similar circumstances.

13.2 Amendments. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

13.3 Waivers. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

13.4 Assignment and Delegation. Consultant may not assign, transfer or delegate this Agreement or any portion of it without the City's written consent. Any attempt to do so will be void. City's consent to one assignment shall not be deemed to be a consent to any subsequent assignment.

13.5 Jurisdiction and Venue. The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

13.6 Compliance with the Law. Consultant shall comply with all applicable local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.

13.6.1 Prevailing Wage Laws. Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates; employment of apprentices (§ 1777.5), certified payroll records (§1776), hours of labor (§1813 and §1815), debarment of contractors and subcontractors (§1777.1) and the performance of other requirements on "public works" and "maintenance" projects. If the services being performed under this Agreement are part of a "public works" or "maintenance" project, as defined in the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. These prevailing rates are on file with the City and are available online at <http://www.dir.ca.gov/DLSR>. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents, harmless from any and all claims, costs, penalties, or interests arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

13.6.2 Non-discrimination. Consultant represents and warrants that it is an equal opportunity employer and it shall not discriminate against any subconsultant, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Consultant shall also comply with all applicable anti-discrimination federal and state laws, including but not limited to, the California Fair Employment and Housing Act (Gov. Code 12990 (a-f) et seq.).

13.7 Business Entity Status. Consultant is responsible for filing all required documents and/or forms with the California Secretary of State and meeting all requirements of the Franchise Tax Board, to the extent such requirements apply to Consultant. By entering into this Agreement, Consultant represents that it is not a suspended corporation. If Consultant is a suspended corporation at the time it enters this Agreement, City may take steps to have this Agreement declared voidable.

13.8 Business License. Before the City signs this Agreement, Consultant shall obtain a City of Tracy Business License. Consultant shall maintain an active City of Tracy Business License during the term of this Agreement.

13.9 Successors and Assigns. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

13.10 Construction of Agreement. Each Party hereto has had an equivalent opportunity to participate in the drafting of this Agreement and/or to consult with legal counsel. Therefore, the usual construction of an agreement against the drafting Party shall not apply hereto.

13.11 Severability. If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

13.12 Controlling Provisions. In the case of any conflict between the terms of this Agreement and the Exhibits hereto, and Consultant's proposal (if any), the Agreement shall control. In the case of any conflict between the Exhibits hereto and the Consultant's proposal (if any), the Exhibits shall control.

13.13 Entire Agreement. This Agreement and the attached Exhibits comprise the entire integrated understanding between the Parties concerning the services to be performed. This Agreement supersedes all prior negotiations, representations or agreements. All exhibits attached hereto are incorporated by reference herein.

14. Signatures. The individuals executing this Agreement on behalf of Consultant represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of Consultant.

[SIGNATURES ON FOLLOWING PAGE]

The Parties agree to the full performance of the terms set forth here.

City of Tracy

By: Robert Rickman
Title: Mayor
Date: _____

Attest:

Adrienne Richardson, City Clerk

Approved as to form:

Leticia M. Ramirez, City Attorney

Consultant
DAVID W. ENKE, L.S.

David W. Enke

By: David W. Enke, L.S.
Title: Owner
Date: 4/6/2020

Federal Employer Tax ID No. xxx-xx-5769

Exhibits:

- A Scope of Work, including personnel and time of performance (See Agreement sections 1 and 2.)
- B Compensation (See Agreement section 3.)

EXHIBIT A - Scope of Work

- 1) Services shall include review for technical accuracy various land development documents. The types of land surveying documents may include:
 - a. Tentative Tract and Tentative Parcel Maps, including non-technical specific plan plotting/site layouts
 - b. Final Tract/Subdivision Maps and Final Parcel Maps
 - c. Lot Line Adjustments
 - d. Lot Mergers
 - e. Legal Descriptions and Plats required for land acquisition and easements
- 2) Additional Services shall include field land surveying to verify topography, elevations, right-of-way, property boundaries, verifying survey monuments, establishing survey monuments, construction staking, locating field and filed records, communicating and interfacing with land surveying professionals, preparing legal descriptions and plats, and other tasks as assigned.
- 3) Act as the "Land Surveyor for the City" to certify necessary recordable documents associated with assigned projects.

PERSONNEL

David W. Enke, L.S.
Todd A. Enke

EXHIBIT B - Compensation

PER DIEM FEE SCHEDULE

OFFICE, PROFESSIONAL AND TECHNICAL SERVICES

PRINCIPAL	\$215.00 PER HOUR
LAND SURVEYOR	\$190.00 PER HOUR
PROJECT SURVEYOR	\$165.00 PER HOUR
CLERICAL	\$70.00 PER HOUR

Court appearances/Depositions (minimum charge) - \$2,000.00/half day, \$4,000.00/full day:
Preparation at applicable hourly rates.

FIELD SURVEY SERVICES

Survey Party (2 Person or 1 Person with Robotic)	\$305.00 PER HOUR
3-Man Survey Party (including EDM equipment)	\$405.00 PER HOUR

MATERIALS AND SERVICES

Consultants, Special Equipment, Reproductions, Materials and Other Outside Charges	COST PLUS 15%
GPS Receivers	\$300/day EACH
Automobile Transportation	\$0.85 per mile
Insurance	COST PLUS 15%

PAYMENTS ARE TO BE RECEIVED WITHIN 30 CALENDAR DAYS OF OUR INVOICE DATE.

SUBJECT TO REVISION ON 01/01/2021

Date: 02/07/2020, revised ALG 4/6/2020 due to C.A.O. comments

**CITY OF TRACY
MASTER PROFESSIONAL SERVICES AGREEMENT WITH
MCR Engineering, Inc.**

This Master Professional Services Agreement (**Agreement**) is entered into between the City of Tracy, a municipal corporation (**City**), and MCR Engineering, Inc., a California corporation (**Consultant**). City and Consultant are referred to individually as "Party" and collectively as "Parties."

Recitals

A. City desires to retain Consultant to land surveying services and engineering assistance; and

B. On July 18, 2019, the City issued a Request for Proposals (RFP) for the Land Surveying Services and Engineering Assistance (**Project**). On August 27, 2019, Consultant submitted its proposal for the Project to the City. City has determined that Consultant possesses the skills, experience and certification required to provide the services.

C. After negotiations between the City and Consultant, the Parties have reached an agreement for the performance of services in accordance with the terms set forth in this Agreement.

D. This Agreement is being executed pursuant to Resolution No. _____ approved by Tracy City Council on April 7, 2020.

Now therefore, the Parties mutually agree as follows:

1. Scope of Work. Consultant shall perform the services generally described in Exhibit "A" attached, and incorporated by reference, as directed by written Notice to Proceed by the City's Development Services Director. The services shall be performed by, or under the direct supervision of, Consultant's Authorized Representative: Dan Eavenson. Consultant shall not replace its Authorized Representative, nor shall Consultant replace any of the personnel listed in Exhibit "A," nor shall Consultant use or replace any subcontractor or subconsultant, without City's prior written consent. A failure to obtain the City's prior written consent for any change or replacement in personnel or subcontractor/subconsultant may result in the termination of this Agreement.

1.1 Non-Exclusive Agreement. The City reserves the right to contract with other consultants providing the same or similar scope of services described above during the term of this Agreement. The City further reserves the right to assign work at its sole discretion, to consultants other than Consultant based on City's budget, experience, and skills of consultants based on the City's specific needs.

2. Time of Performance. Time is of the essence in the performance of services under this Agreement and the timing requirements set forth shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Consultant shall begin performance, and shall complete all required services no later than the dates set forth in each individual Notice to Proceed. Any services for which times for performance are not specified in each individual Notice to Proceed shall be started and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated by the City to the Consultant. Consultant shall submit all requests for time extensions to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City shall grant or deny such requests at its sole discretion.

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3. Compensation. City shall pay Consultant on a time and expense basis, at the billing rates set forth in Exhibit "B," attached and incorporated by reference for services performed under this Agreement.

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In this section, "City" means the City, its officials, officers, agents, employees and volunteers; "Consultant" means the Consultant, its employees, agents and subcontractors; "Claims" includes claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all related costs and expenses) and any allegations of these; and "Arising out of" includes "pertaining to" and "relating to".

(The duty of a "design professional" to indemnify and defend the City is limited to claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, under Civ. Code § 2782.8.)

The provisions of this section survive completion of the services or the termination of this Agreement, and are not limited by the provisions of Section 5 relating to insurance.

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5.6 Notice of Cancellation. Consultant shall notify the City if the policy is canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation. Consultant shall immediately obtain a replacement policy.

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5.8 Insurance Certificate. Consultant shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City, before the City signs this Agreement.

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5.10 Consultant’s Obligation. Maintenance of insurance by the Consultant as specified in this Agreement shall in no way be interpreted as relieving the Consultant of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Consultant may carry, at its own expense, such additional insurance as it deems necessary. Failure to provide or maintain any insurance policies or endorsements required herein may result in the City terminating this Agreement.

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7. Dispute Resolution. If any dispute arises between the City and Consultant that cannot be settled after engaging in good faith negotiations, City and Consultant agree to resolve the dispute in accordance with the following:

7.1 Each Party shall designate a senior management or executive level representative to negotiate the dispute;

7.2 The representatives shall attempt, through good faith negotiations, to resolve the dispute by any means within their authority.

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7.4 The mediation process shall provide for the selection within fifteen (15) days by both Parties of a disinterested third person as mediator, shall be commenced within thirty (30) days and shall be concluded within fifteen (15) days from the commencement of the mediation.

7.5 The Parties shall equally bear the costs of any third party in any alternative dispute resolution process.

7.6 The dispute resolution process is a material condition to this Agreement and must be exhausted prior to either Party initiating legal action. This dispute resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code §§ 900 et seq.

8. Ownership of Work. All original documents prepared by Consultant for this Agreement, whether complete or in progress, are the property of the City, and shall be given to the City at the completion of Consultant's services, or upon demand from the City. No such documents shall be revealed or made available by Consultant to any third party without the City's prior written consent.

9. Independent Contractor Status. Consultant is an independent contractor and is solely responsible for the acts of its employees or agents, including any negligent acts or omissions. Consultant is not City's employee and Consultant shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation, unless the City provides prior written authorization. Consultant is free to work for other entities while under contract with the City. Consultant, and its agents or employees, are not entitled to City benefits.

10. Conflicts of Interest. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Consultant maintains or acquires such a conflicting interest, the City may terminate any contract (including this Agreement) involving Consultant's conflicting interest.

11. Rebates, Kickbacks, or Other Unlawful Consideration. Consultant warrants that this Agreement was not obtained or secured through rebates, kickbacks, or other unlawful consideration either promised or paid to any City official or employee. For breach of this warranty, City shall have the right, in its sole discretion, to terminate this Agreement without liability; to pay only for the value of the work actually performed; or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

12. Notices. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the other party to the addresses listed below. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated below, or (2) three working days after the deposit in the United States Mail of registered or certified mail, sent to the address designated below.

To City:

Development Services Department
Al Gali
333 Civic Center Plaza
Tracy, CA 95376

With a copy to:
City Attorney
333 Civic Center Plaza
Tracy, CA 95376

To Consultant:

MCR Engineering, Inc.
c/o Dan Eavenson
1242 Dupont Court
Manteca, CA 95336

13. Miscellaneous.

13.1 Standard of Care. Unless otherwise specified in this Agreement, the standard of care applicable to Consultant's services will be the degree of skill and diligence ordinarily used by reputable professionals performing in the same or similar time and locality, and under the same or similar circumstances.

13.2 Amendments. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

13.3 Waivers. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

13.4 Assignment and Delegation. Consultant may not assign, transfer or delegate this Agreement or any portion of it without the City's written consent. Any attempt to do so will be void. City's consent to one assignment shall not be deemed to be a consent to any subsequent assignment.

13.5 Jurisdiction and Venue. The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

13.6 Compliance with the Law. Consultant shall comply with all applicable local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.

13.6.1 Prevailing Wage Laws. Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates; employment of apprentices (§ 1777.5), certified payroll records (§1776), hours of labor (§1813 and §1815), debarment of contractors and subcontractors (§1777.1) and the performance of other requirements on "public works" and "maintenance" projects. If the services being performed under this Agreement are part of a "public works" or "maintenance" project, as defined in the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. These prevailing rates are on file with the City and are available online at <http://www.dir.ca.gov/DLSR>. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents, harmless from any and all claims, costs, penalties, or interests arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

13.6.2 Non-discrimination. Consultant represents and warrants that it is an equal opportunity employer and it shall not discriminate against any subconsultant, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Consultant shall also comply with all applicable anti-discrimination federal and state laws, including but not limited to, the California Fair Employment and Housing Act (Gov. Code 12990 (a-f) et seq.).

13.7 Business Entity Status. Consultant is responsible for filing all required documents and/or forms with the California Secretary of State and meeting all requirements of the Franchise Tax Board, to the extent such requirements apply to Consultant. By entering into this Agreement, Consultant represents that it is not a suspended corporation. If Consultant is a suspended corporation at the time it enters this Agreement, City may take steps to have this Agreement declared voidable.

13.8 Business License. Before the City signs this Agreement, Consultant shall obtain a City of Tracy Business License. Consultant shall maintain an active City of Tracy Business License during the term of this Agreement.

13.9 Successors and Assigns. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

13.10 Construction of Agreement. Each Party hereto has had an equivalent opportunity to participate in the drafting of this Agreement and/or to consult with legal counsel. Therefore, the usual construction of an agreement against the drafting Party shall not apply hereto.

13.11 Severability. If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

13.12 Controlling Provisions. In the case of any conflict between the terms of this Agreement and the Exhibits hereto, and Consultant's proposal (if any), the Agreement shall control. In the case of any conflict between the Exhibits hereto and the Consultant's proposal (if any), the Exhibits shall control.

13.13 Entire Agreement. This Agreement and the attached Exhibits comprise the entire integrated understanding between the Parties concerning the services to be performed. This Agreement supersedes all prior negotiations, representations or agreements. All exhibits attached hereto are incorporated by reference herein.

14. Signatures. The individuals executing this Agreement on behalf of Consultant represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of Consultant.

[SIGNATURES ON FOLLOWING PAGE]

The Parties agree to the full performance of the terms set forth here.

City of Tracy

Consultant
MCR ENGINEERING, INC.

By: Robert Rickman
Title: Mayor
Date: _____

By: *Rob Markler*
Title: *President, CEO*
Date: *5/11/2020*

Attest:

Adrienne Richardson, City Clerk

By: *Dan Eavenson*
Title: *CFO*
Date: *5/11/2020*

Approved as to form:

Leticia M. Ramirez, City Attorney

Federal Employer Tax ID No. *68-0438040*

Exhibits:

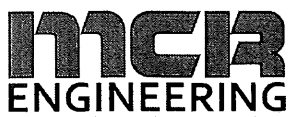
- A Scope of Work, including personnel and time of performance (See Agreement sections 1 and 2.)
- B Compensation (See Agreement section 3.)

EXHIBIT A - Scope of Work

- 1) Services shall include review for technical accuracy various land development documents. The types of land surveying documents may include:
 - a. Tentative Tract and Tentative Parcel Maps, including non-technical specific plan plotting/site layouts
 - b. Final Tract/Subdivision Maps and Final Parcel Maps
 - c. Lot Line Adjustments
 - d. Lot Mergers
 - e. Legal Descriptions and Plats required for land acquisition and easements
- 2) Additional Services shall include field land surveying to verify topography, elevations, right-of-way, property boundaries, verifying survey monuments, establishing survey monuments, construction staking, locating field and filed records, communicating and interfacing with land surveying professionals, preparing legal descriptions and plats, and other tasks as assigned. Deliverables for Additional Services will be discussed per task and outlined in each purchase order.

PERSONNEL

See Attached Exhibit A-2



12242 DUPONT COURT - MANHATTAN, CALIFORNIA 95131 TEL: (209) 239-6229 FAX: (209) 239-6335

April 2, 2020

Al Gali
Development Services Dept.
Engineering Division
Land Development Section
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Al,

The following MCR employees and their duties are listed below.

Dan Eavenson, PE – Project management and coordination of work tasks.

Doug Banks, PLS – Mapping review including but not limited to tentative maps, site layouts, subdivision maps, parcel maps, lot line adjustments, lot mergers, and legal descriptions and plat.

Kevin Hewins, PLS – Field surveying including but not limited to verifying topographic surveys, elevations, right of way, property boundaries, survey monuments, establish survey monuments, construction staking, locating field and filed records, communicating and interfacing with land surveying professionals.

Sierra Renter – Administrative support as needed.

Should you have any questions please feel free to call me (209) 239-6229. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Dan Eavenson".

Dan Eavenson, PE
Vice President
MCR Engineering, Inc.

EXHIBIT B - Compensation



JOB DESCRIPTION

HOURLY RATE

Engineering:

PRINCIPAL	\$ 190.00
CIVIL ENGINEER	\$ 160.00
PROJECT MANAGER	\$ 140.00
DESIGNER	\$ 110.00
CAD TECHNICIAN	\$ 90.00
COURT TESTIMONY	\$ 300.00

Administration:

CLERICAL.....	\$ 50.00
ADMINISTRATIVE ASSISTANT.....	\$ 65.00

Construction Management:

CONSTRUCTION MANAGER.....	\$ 140.00
CONSTRUCTION INSPECTOR.....	\$ 120.00
QUALIFIED SWPPP DEVELOPER (QSD)	\$ 125.00
QUALIFIED SWPPP PRACTITIONER (QSP)	\$ 100.00

Surveying:

OFFICE SURVEYOR.....	\$ 160.00
ASSISTANT OFFICE SURVEYOR.....	\$ 110.00
ONE-PERSON SURVEY CREW	\$ 170.00
TWO-PERSON SURVEY CREW	\$ 270.00
THREE-PERSON SURVEY CREW.....	\$ 350.00
COURT TESTIMONY	\$ 300.00

Materials:

The following services are billed at our cost plus 10%

- Sub-consultant fees
- Commercial delivery services (Fed Ex, California Overnight, messenger services, etc.)
- Copies of plans beyond those required by city or county for plan review. We encourage client to arrange for copying with an outside printing company, but if our services are used, the client will be charged \$2.00 per sheet.

RESOLUTION 2020-_____

APPROVING MASTER PROFESSIONAL SERVICES AGREEMENTS WITH DAVID W. ENKE, L.S., AND MCR ENGINEERING, INC., TO PROVIDE LAND SURVEYING SERVICES AND ENGINEERING ASSISTANCE FOR LAND DEVELOPMENT PROJECTS, AND AUTHORIZING THE DEVELOPMENT SERVICES DIRECTOR TO EXECUTE FUTURE TASK ORDERS RELATED TO THE AGREEMENTS FOR AN AMOUNT NOT-TO-EXCEED \$200,000 FOR EACH CONSULTANT PER CALENDAR YEAR

WHEREAS, A number of the City's Land Development Projects require land surveying services including topography, construction and boundary surveying, legal description review and preparation, plat review and preparation, and

WHEREAS, The City of Tracy requires the support of a Professional Land Surveyor to perform these tasks to support City Staff and is recommending that we contract out these services, and

WHEREAS, In accordance with Tracy Municipal Code, Section 2.20 a Request For Proposals for land surveying was posted on the City's website, and

WHEREAS, The City received eight proposals from known firms to provide required services, and after extensive review staff selected two firms to enter into agreements to provide required services, and

WHEREAS, The terms for these agreements are for a period of three years and can be extended for an additional year by the City Manager following a written determination that Consultant has satisfactorily met all the requirements of this Agreement, and

WHEREAS, David W. Enke, L.S. and MCR Engineering, Inc. were found to be the most qualified consultants, and

WHEREAS, Cost of required services will be paid from Land Development Projects;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy, hereby approves the Master Professional Services Agreements with David W. Enke, L.S., and MCR Engineering, Inc., to provide land surveying services and engineering assistance for Land Development projects, and authorizes the Development Services Director to execute future Task Orders related to the Agreements, with an annual not-to-exceed amount \$200,000 for each consultant per calendar year.

* * * * *

The foregoing Resolution 2020-_____ was adopted by the Tracy City Council on the 16th day of June, 2020, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.G

REQUEST

AUTHORIZE THE PURCHASE OF TRANSIT VEHICLES FOR TRACER PARATRANSIT SERVICE IN THE AMOUNT OF \$858,390 TO A-Z BUS SALES UNDER THE CALACT/MBTA PURCHASING COOPERATIVE AGREEMENT

EXECUTIVE SUMMARY

The City of Tracy has received grant funding to replace transit vehicles used for the TRACER bus service. The purchase will be done through a cooperative purchasing agreement between the Morongo Basin Transit Authority (MBTA) and the California Association for Coordinated Transportation (CalACT).

DISCUSSION

The Tracy Municipal Code (TMC) Chapter 2.20 Contracts and Purchasing allows the City to voluntarily participate in any cooperative purchasing agreements with other public agencies. The MBTA and CalACT have formed the CalACT/MBTA Purchasing Cooperative for the purchase of cutaway buses and other smaller transit vehicles. The form of procurement to be employed by the Cooperative is the development of a Local Government Purchasing Schedule as defined in the Federal Transit Administration’s (FTA) Circular 4220.1F Chapter V, Part 4, wherein the FTA extends to local governments the authority to make arrangements with multiple vendors to provide options for goods or service in the future at established prices to the local government or others that the local government chooses to share these arrangements with. This form of procurement is sometimes known as a “menu-style bid.” The bid will enable transit agencies to select vehicles from a menu of choices from different vendors and manufacturers that best suit their requirements without having to go out to bid. The City has previously used this type of contract when purchasing buses in 2010.

The City is looking to purchase 8 vehicles of various types and sizes as listed in the following table.

Vehicle	Length	Qty	Price Each	Total Price
ARBOC Low Floor Bus	26 ft	2	\$175,281	\$350,562
Glaval Bus	21 ft	4	\$90,179	\$360,716
Ford Transit Van	22 ft	2	\$73,556	\$147,112
TOTAL		8		\$858,390

The total cost for all the vehicles will be \$858,390. There will be other costs after the new vehicles arrive, such as radio installation, farebox installation and TRACER signage that is not included in this bid, but are already included in the approved grant amounts.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's Strategic Plans.

FISCAL IMPACT

A combination of Federal, State, and Local transit funds will be used to purchase these vehicles. Funding for the purchase of these vehicles has already been approved by the City Council as part of CIP 77560.

RECOMMENDATION

That the City Council authorize the purchase of transit vehicles for Tracer Paratransit service in the amount of \$858,390 to A-Z Bus Sales under the CalACT/MBTA Purchasing Cooperative Agreement.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: Brian MacDonald, Parks & Recreation Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

RESOLUTION 2020-___

AUTHORIZING THE PURCHASE OF TRANSIT VEHICLES FOR TRACER PARATRANSIT SERVICE IN THE AMOUNT OF \$858,390 TO A-Z BUS SALES UNDER THE CALACT/MBTA PURCHASING COOPERATIVE AGREEMENT

WHEREAS, The City of Tracy has received grant funding for the purchase of replacement transit vehicles for the TRACER bus system, and

WHEREAS, Tracy Municipal Code Section 2.20.220 allows the City to voluntarily participate in cooperative purchasing agreements with other public agencies, and The Morongo Basin Transit Authority (MBTA) and the California Association for Coordinated Transportation (CalACT) have formed the CalACT/MBTA Purchasing Cooperative for the purchase of cutaway buses and other smaller transit vehicles and it is financially advantageous for the City to purchase transit vehicles through this Cooperative, and

WHEREAS, A-Z Bus Sales has provided quotes from the purchasing cooperative agreement for eight (8) transit vehicles with a total price of \$858,390.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy authorizes the purchase of transit vehicles for TRACER Paratransit service in the amount of \$858,390 from A-Z Bus Sales under the CalACT/MBTA Purchasing Cooperative Agreement.

* * * * *

The foregoing Resolution 2020-___ was adopted by the Tracy City Council on the 16th day of June 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.H

REQUEST

APPROVE RESOLUTIONS: (1) INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS FOR TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FOR 2020/2021, (2) APPROVING THE PRELIMINARY ENGINEER'S REPORT FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT, AND (3) DECLARING THE INTENTION TO LEVY ANNUAL ASSESSMENTS AND SETTING THE DATE FOR A PUBLIC HEARING

EXECUTIVE SUMMARY

Each year, the City Council is required to review and consider approval of the Tracy Consolidated Landscape Maintenance District (LMD) Engineer's Report for the new fiscal year. The approval process consists of two steps: (1) the actions being requested herein; and (2) schedule a Public Hearing for July 21, 2020 where the City Council will be asked for final approval of the Engineer's Report and to authorize the levying and collection of special assessments needed to maintain the LMD's landscaping and related appurtenances in the new fiscal year.

Expenditures for Fiscal Year 2020/2021 are estimated to be \$4,957,201 including regular maintenance and capital improvement projects. The total revenues are broken down in the following manner: Levying of assessments and use of LMD reserves is estimated to be \$4,838,797; \$20,000 from the Drainage Fund to cover a portion of the costs for channel way/bike path landscape improvements and \$98,404 from General Fund for improvements and maintenance that are largely of general benefit.

DISCUSSION

The purpose of this annual agenda item is for the City Council to consider and adopt the three resolutions presented which will initiate proceedings to allow the City to: (1) proceed with the annual levy of assessments for the fiscal year commencing July 1, 2020 and ending June 30, 2021; (2) approve the preliminary Engineer's Report; and (3) set a public hearing date for July 21, 2020 at which time the City Council will consider public testimony before taking the necessary actions to finalize the assessments for fiscal year 2020/2021.

ASSESSMENT LEVIES

Maximum assessment rates were previously approved by the LMD property owners during district formations. Although maximum rates were approved, the assessments levied for the 41 assessable zones are based upon whether the needs of each zone warrant the levying of the *maximum* approved rates or a lesser rate.

It is recognized that the cost of maintaining the improvements increases slightly each year because of inflation. Therefore, in order to offset inflationary increases that affect service costs to the District, assessments include a formula for increasing the *maximum* assessment rates for each future fiscal year¹. These annual increases have not been sufficient to keep up with the cost of services. This has resulted in a reduction in service levels and an inability to perform needed renovations or amenity improvements/replacements in various zones. Several of the zones have not increased

¹ This does not necessarily mean that the inflated rate will be levied. The assessments levied will be based upon the estimated costs of maintenance.

their maximum rates in almost 30 years. On average, for the entire District, it has been almost 20 years since rates have been increased beyond the annual inflationary rate increases.

The annual inflationary rate increase allows the *maximum* rates to be increased by three percent or the percentage increase of the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area Region, whichever is less. The District's assessment formula complies with Government Code Section 54954.6 (a) and was approved by the City Council and the original District Property Owners.

The percentage difference for the CPI for the San Francisco-Oakland-San Jose Area applicable for the period of June 2018 to June 2019 was 3.1%. Therefore, the *maximum assessment* rates allowed for Fiscal Year 2020/2021 will be adjusted by 3.00% over the prior year's maximum assessment rates. Although inflationary rates may be applied to the *maximum* voter-approved rates, *only the assessment amount* needed for maintenance will be levied.

Note: To increase the rates beyond the existing maximum rates, with the exception of inflationary increases, requires a vote of the property owners within each zone, per Proposition 218.

Based upon the estimated costs and expenditures to maintain the long- and short-term landscaping and improvements within the LMD, staff recommends approval of the assigned assessment rates found in Part II ("Estimate of Costs") of the Engineer's Report for fiscal year 2020/2021. Of the 41 assessable zones, 25 zones will be assessed the maximum assessment rates allowed for Fiscal Year 2020/2021 due to operational needs including use of reserves for insufficient annual funding to cover basic maintenance costs and/or due to increased capital spending; eight zones will be assessed at a level below their maximum rate due to lower operating costs; and eight zones will not be assessed due to a Home Owners Association providing maintenance, adequate reserves, no improvements, or the zone providing a general benefit to the City of Tracy.

STRATEGIC PLAN

This agenda items is a routine operational item and does not relate to the Council's Strategic Plan.

FISCAL IMPACT

Revenue for operations, maintenance and capital replacement in the LMD is proposed to be from the following sources:

Assessments	\$3,344,452
Drainage Fund	\$ 20,000
General Fund	\$ 98,495
Zone Capital Reserves & CIP	<u>\$1,448,392</u>
Grand Total	\$4,911,339

The total expenditures for the LMD for Fiscal Year 2020/2021 are estimated to be \$4,911,339.

RECOMMENDATION

It is recommended that the City Council adopt a resolution: (1) initiating procedures for the levy and collection of assessments for the fiscal year 2020/2021; (2) approving the Preliminary Engineer's Report, and (3) declaring the City's intention to levy and collect assessments and setting a public hearing for Tuesday, July 21, 2020 at 7:00 P.M to discuss the same.

At the Public Hearing, the City Council shall hear all public testimony regarding the District and assessments before taking final action to approve the levy of assessments.

Prepared by: Robin Kloepfer, Management Analyst II

Reviewed by: Don Scholl, Public Works Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jennifer Haruyama, City Manager

ATTACHMENTS

Exhibit "A" - FY 20/21 Preliminary Engineer's Report



CITY OF TRACY

PRELIMINARY ENGINEER'S REPORT

FISCAL YEAR 2020-21

CONSOLIDATED LANDSCAPE MAINTENANCE
DISTRICT

June 2020



Harris & Associates

Prepared by

Harris & Associates

1401 Willow Pass Road, Suite 500

Concord, CA 94520

www.weareharris.com

**ENGINEER'S REPORT FOR
FISCAL YEAR 2020-21
CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT
City of Tracy
State of California**

APPROVED BY THE CITY COUNCIL FOR THE CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT OF THE CITY OF TRACY, STATE OF CALIFORNIA ON THE _____ DAY OF _____.

ADRIANNE RICHARDSON
CITY CLERK
CITY OF TRACY

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Appendices

Appendix A – Improvement Areas by Zone

Appendix B – Consolidated Landscape Maintenance Map

Appendix C – Assessment Roll

INTRODUCTION

The City of Tracy (the "City"), is the second most populated city in San Joaquin County. The City population is approximately 95,000. Tracy is located inside a geographic triangle formed by Interstate 205 on the north side, Interstate 5 to the east, and Interstate 580 to the southwest; this has given rise to Tracy's motto, now recorded on the City's website: "Think Inside the Triangle".

Prior to Fiscal Year 2003-04, the City levied and managed three individual landscape maintenance districts identified as:

- Tracy Landscape and Lighting Assessment District 8501 formed in 1985;
- Tracy Landscape and Lighting Assessment District 8801 formed in 1988; and,
- Tracy Landscape and Lighting Assessment District 9802 formed in 1998.

Each of these original districts was formed with various Zones, and with specific areas of improvement. The parcels receiving benefit from those improvements have been assessed the costs of maintaining those improvements. At that time, the three original districts included thirty (30) different Zones. Each Zone included specific improvements that were installed as a condition of approval and the Zone improvements were maintained for the benefit of those properties.

In Fiscal Year 2003-04 the City consolidated the three existing districts into a single district pursuant to Section 22605 (d) of the 1972 Act and established the Tracy Consolidated Landscape Maintenance District. As part of the consolidation, the improvements associated with various Zones were closely evaluated and it was determined that in some areas, the special benefits to properties could be more refined by expanding the existing thirty (30) Zones to thirty-seven (37) Zones.

Several annexations have taken place over the subsequent years and there are now 41 Zones within the District. Each annexation was made pursuant to the 1972 Act and the substantive and procedural requirements of the Proposition 218.

As required by the Landscaping and Lighting Act of 1972, this Engineer's Report describes the improvements to be constructed, operated, maintained and serviced by the District for FY 2020-21, provides an estimated budget for the District, and lists the proposed assessments to be levied upon each assessable lot or parcel within the District. Following the approval of the preliminary report, either as submitted or as modified, the City Council will hold a Public Hearing to provide an opportunity for any interested person to be heard. All property owners must be noticed in accordance with Section 22626 of the Streets and Highways Code prior to the Public Hearing. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the levy of assessments as originally proposed or as modified.

Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Tax Collector's office to be included on the FY 2020-21 tax roll.

IMPACTS OF PROPOSITION 218

On November 5, 1996 California voters approved Proposition 218 entitled "Right to Vote on Taxes Act" which added Article XIID to the California Constitution. While its title refers only to taxes, Proposition 218 establishes new procedural requirements for the formation and administration of assessment districts. Proposition 218 also requires that with certain specified exceptions, which are described below, all existing assessment districts must be ratified by the property owners within the District using the new procedures.

Some of these exceptions include:

- 1) Any assessment imposed exclusively to finance the capital cost or maintenance and operation expenses for streets.
- 2) Any assessments levied pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment was initially imposed.

However, even if assessments are initially exempt from Proposition 218, if the assessments are increased in the future, the City will need to comply with the provisions of Proposition 218 for that portion of the increased assessment unless the increase in assessment was anticipated in the assessment formula (e.g., CPI increase).

Proposition 218 does not define this term "streets", however, following the passage of Proposition 218 based on conversations with other public agency officials, attorneys, assessment engineers and Senate Bill 919, we determined that "streets" include all public improvements located within the street right-of-way. This would include median and parkway landscaping, traffic signals, safety lighting and street lighting.

It was also determined that if assessments were imposed as a condition of development and property owners agreed to the imposition of assessments and subsequently signed a development agreement confirming so, then this would suffice for the requirement of signing a petition.

The more difficult question arose in those situations where the levy of assessments was imposed as a condition of approval for land development or subdivision where the property owner did not enter into a development agreement. In those cases, if the landscape, park, or street light facilities and the resulting assessment were a condition of the land development or subdivisions approval and the property owner acquiesces to the levy of assessment, it is reasoned that this was a functional equivalent of giving express consent or signing a petition requesting the imposition of the assessment. Even the Howard Jarvis Taxpayers' Association seems to tacitly support this conclusion in its "Statement of Drafters' Intent". When discussing the exemption for existing assessments imposed pursuant to a petition, the taxpayers' association said:

"This provision exempts most land secured financing arrangements used by developers."

Clearly acceptance of a condition of approval of a development or subdivision which requires that imposition of assessments is a common form of land secured financing used by developers to fund street lighting or landscape maintenance.

STATEMENT OF ASSESSMENT ENGINEER

Statement of Assessment Engineer

AGENCY: CITY OF TRACY
PROJECT: CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT
TO: THE CITY COUNCIL
CITY OF TRACY
STATE OF CALIFORNIA

ENGINEER'S REPORT FOR FISCAL YEAR 2020-21

The preparation of this Annual Engineer's Report ("Report") is in conformance with the obligation of the City Council for the Consolidated Landscape Maintenance District of the City of Tracy to provide landscape maintenance services upon each lot or parcel of land in the district in proportion to the estimated benefit to be received by each such lot or parcel of land for Fiscal Year 2020-21.

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 Division 15 of the Streets and Highways Code of the State of California, commencing with Section 22500) ("Act"), Article XIIIID, Section 4(a) of the State of California Constitution, and in accordance with the City of Tracy's Resolution being adopted by the City Council for the Consolidated Landscape Maintenance District on the ____ day of _____, this Report has been ordered for:

CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT

(Hereinafter referred to as the "District"),

I, K. Dennis Klingelhofer, authorized representative of the District, the duly appointed Assessment Engineer submit the following Report which consists of the following six (6) parts and Appendices:

PART I

Plans and Specifications: Plans and specifications for the improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk and are incorporated herein by reference.

PART II

Estimate of Cost: An estimate of the costs of the proposed improvements, including incidental costs and expenses in connection therewith, is as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk and incorporated herein by reference.

PART III

Quantification of Benefit: The quantification of benefit identifies, separates and quantifies the general and special benefits received by each parcel in the District, for the services received and the improvements provided.

PART IV

Method of Assessment: The method of assessment indicates the proposed levy of the net amount of the costs and expenses of the improvements to be levied upon the parcels of land within the District, in proportion to the estimated benefits to be received by such parcels.

PART V

Assessment Diagram: The diagram of the district and zone boundaries showing the exterior boundaries of the Assessment District and all Zones, and the lines and dimensions of each lot or parcel of land within the Assessment District. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of San Joaquin for the fiscal year to which this Report applies. The Assessor's maps and records are incorporated by reference herein and made part of this Report. Appendix A describes the Improvement Areas of the District by Zone. Appendix B provides the Consolidated Landscape Maintenance District Map.

PART VI

Assessment Roll: An assessment of the estimated cost of the improvements on each benefiting lot or parcel of land within the District. The proposed Assessment Roll using the Fiscal Year 2020-21 assessment rates are included in this Report as Appendix C.

Appendices

Appendix A – Improvement Areas by Zone

Appendix B – Consolidated Landscape Maintenance District Map

Appendix C – Assessment Roll

In conclusion, it is my opinion that the costs and expenses of the District have been assessed to the lots and parcels within the boundaries of the District in proportion to the estimated benefits to be received by each lot or parcel from the services provided.

DATED this ____ day of _____, 2020

 **Harris & Associates**

K. Dennis Klingelhofer, P.E., Assessment Engineer
R.C.E. No. 50255
Engineer of Work

PART I – PLANS AND SPECIFICATIONS

The facilities, which have been constructed within the City of Tracy, and those which may be subsequently constructed, will be operated, serviced and maintained as generally described below:

**DESCRIPTION OF IMPROVEMENTS
FOR THE CITY OF TRACY
CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT
FISCAL YEAR 2020-21**

The District and assessments provide for the continued maintenance, servicing, administration and operation of specific landscaped areas and associated appurtenances for each of the forty-one (41) Zones in the District. It has been determined that the assessed parcels within each Zone receive special benefits from various landscape improvements that may include, but are not limited to: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, recreational equipment, hardscapes and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, parks or open space areas within each Zone. Services provided include the necessary operations, administration, and maintenance required to keep the improvements in a healthy, vigorous, and satisfactory condition or are necessary or convenient for the maintenance of the improvements. The continued maintenance of these improvements shall be budgeted and reviewed each fiscal year and fully or partially funded through the annual assessments. A listing of the improvement areas associated with each Zone is shown in Appendix A.

All assessable parcels identified as being within each Zone share in both the cost and the benefits of the improvements. The costs and expenses associated with the improvements in each Zone are equitably spread among all benefitting parcels within that Zone and only parcels that receive special benefit from the improvements are assessed in proportion to benefit received. The funds collected from the assessments are dispersed and used for the services and operations provided within the District. Properties receive the following special benefits from the District landscape improvements:

- Enhanced desirability of properties through association with the improvements and the aesthetic value of green space within the area.
- Improved aesthetic appeal of properties providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, dust and debris control and reduced noise and air pollution.
- Increased sense of pride in ownership of property resulting from well-maintained improvements associated with the properties.
- Reduced vandalism and criminal activity resulting from well-maintained surroundings and amenities.
- The special enhancements of the properties that results from the above benefits.

The proposed budgets and maintenance costs for various Zones may include the following long-term cyclical maintenance programs:

1. Tree Maintenance Programs (Arterial, Parkway Street and Park Tree Maintenance);
2. Streetscape Revitalization and Rehabilitation Program and;
3. Park Rehabilitation and Renovation Program.

The total amount to provide these programs in each Zone where these services apply is greater than can be conveniently raised from a single annual assessment and the estimated costs of these programs for each Zone shall be raised and collected in installments as part of the annual assessments. The individual Budget pages for each Zone detail the amounts collected and/or expended each year.

The City developed these programs to fund periodic and programmed maintenance, renovation, rehabilitation, replacement and revitalization of District improvements. The City has carefully reviewed each of the associated program costs and the corresponding collection of funds has been proportionately spread to each parcel based on special benefits received from the services to be rendered within their Zone over an extended period.

Tree Maintenance Program

The Tree Maintenance program may include both routine and emergency maintenance for the District trees, whether those trees are along streets or within parks. In the Zones assessed for this program, the following may apply:

1. Parkway street-tree maintenance, targets the trees associated with individual properties within the District installed by the City or developer that are located in the public right-of-way or City easement which the District is responsible for maintaining. This program addresses two specific maintenance issues:
 - Regular trimming and pruning of the street-trees. This program is designed to trim and prune all street-trees within the applicable Zones on a five to seven year rotation or as needed to ensure the health and growth of the trees.
 - Removal and replacement of the street-trees. The program provides for the removal and replacement of damaged or diseased trees as needed, or removal of trees whose growth has, or will potentially cause damage to existing structures such as underground utilities or sidewalks. This program may also include the replacement or repair of surrounding City improvements as needed.
2. Arterial-tree maintenance, targets the trees associated with the parkways and medians on the arterial streets adjacent to or surrounding the Zones. Similar to the parkway street-tree program, this program addresses two specific maintenance issues:
 - Regular trimming and pruning of the arterial-trees, which includes trimming and pruning of the arterial-trees as needed to ensure the health and growth of the trees.
 - Removal and replacement of the arterial-trees, including the removal or replacement of damaged or diseased trees as needed, or removal of trees whose growth has or will potentially cause damage to existing landscape improvements, sidewalks or curbs. This program may include the replacement or repair of surrounding City improvements as needed.

3. Park-tree maintenance, targets the trees within the various Parks of the District/Zones. Similar to the parkway and arterial street-tree program, this program addresses two specific maintenance issues:
 - Regular trimming and pruning of the Park-trees, which includes trimming and pruning of the trees as needed to ensure the health and growth of the trees.
 - Removal and replacement of the Park-trees, including the removal or replacement of damaged or diseased trees, or removal of trees whose growth has or will potentially cause damage to existing landscape improvements, sidewalks or curbs. This program may include the replacement or repair of surrounding City improvements as needed.

Assessments for the tree maintenance program shall be collected from only those parcels and Zones identified as receiving special benefit from each of the specific services provided. Each parcel within the District that benefits from the various tree maintenance services is assessed on an annual installment basis to meet its proportional share of the cost and expenses associated with the tree maintenance, which is planned every five to seven years, depending upon Zone funding availability.

Streetscape Revitalization and Rehabilitation Program

The Streetscape Revitalization and Rehabilitation program includes, but is not limited to the following and may include routine or emergency maintenance.

1. Removal or replacement of existing dead/dying plant materials within the medians and parkway-landscaped areas.
2. Removal of existing plant materials and replacement with new plant material or non-plant materials within the medians and parkway-landscaped areas.
3. Upgrades or renovation to the irrigation or drainage systems, electrical systems or water meters, hardscape improvements associated with the landscaping such as confirmed City sound walls, walking paths, soil and stamped concrete.

Assessments for the streetscape program shall be collected from only those parcels and Zones identified as receiving special benefit from parkway and median landscaped areas. Each parcel within the District that benefits from the streetscape revitalization and rehabilitation services is assessed on an annual installment basis to meet its proportional share of the cost and expenses associated with the program, which is planned every ten years. This program is designed to ensure the long-term maintenance of all streetscape landscaping within the District.

Park Rehabilitation and Renovation Program

There are specific costs associated the annual and regular maintenance of park improvements and facilities which are included in the annual maintenance expenses of those Zones that benefit from the parks associated with that Zone. However, the cost of periodically repairing, replacing, and upgrading the landscaping and facilities within these parks cannot be reasonably collected in a single annual assessment. Therefore, the City has established a long-term park rehabilitation and renovation program that includes the design repair and reconstruction of parks within the District.

The program anticipates revitalization design in the 13th year of a park's life, with the revitalization occurring in the 15th year. Each parcel within the District that benefits from the park rehabilitation and renovation services is assessed on an annual installment basis to meet its proportional share of the cost and expenses associated with the program. However, with current inflation rates, the majority of Zones are unable to keep up with the accelerating maintenance costs.

The costs of providing for the annual and regular maintenance of the landscape improvements as well as the long-term maintenance programs for the District have been identified as a special benefit to properties within the District. Although the location of the improvements may be visible to properties outside the District or to the public at large, the improvements have been installed and are maintained for the benefit of properties within the District. As such, there is no quantifiable general benefit from the improvements to persons or properties outside the District. The portion of the costs associated with the maintenance of the Channel-ways and the landscaped areas on Eleventh Street, generally between Lammers Road and the Railroad Tracks east of Corral Hollow Road, benefit both properties within the adjacent Zones as well as properties that are not within the District and it has been determined that the City will contribute funds to the District for the maintenance of these areas.

The assessments and Method of Assessment described in this Report utilize commonly accepted assessment engineering practices and have been established pursuant to the 1972 Act and the provisions of Proposition 218. The assessment amount for each Zone is based only on the services and improvements associated with that Zone. All assessments are apportioned based upon the special benefit received by the properties within each Zone and are over and above any general benefit conferred on the public at large. Any new or increased assessments will be subject to the substantive and procedural requirements of Proposition 218. Property owner ballot proceedings are not required if the proposed annual assessment rate is less than or equal to the maximum assessment rate previously approved for each of the Zones.

In any given fiscal year, if the assessment revenue will not allow for full maintenance service in a particular Zone, City staff will determine the scope of work to be performed, and any necessary reductions in the scope of work will likely include, but not be limited to, the reduction or elimination of the long-term renovation and rehabilitation programs and some or all of the following:

Turf Areas

- Reduced frequency of mowing and edging turf areas. Full scope includes mowing and edging turf areas regularly.
- No fertilization. Full scope includes fertilization multiple times a year. Limited/elimination of weed control.
- Limited/elimination of aeration.

Ground Cover/Shrub Areas

- Limited/elimination of emergent weed control. No fertilization.
- Limited/elimination of mowing or removal of dead plants and leaves.
- Limited/elimination of vine trimming.

General Landscaping

- Limited/elimination of removal of tree stakes and ties. Limited/elimination of trash pick-up in landscaping areas.
- Limited/elimination of weed and litter control for gutters, curbs, parking lots and walkways and adjacent to contract areas.
- Administration and operations of the landscaping Zones.

The proposed assessments described in this Report are based on the estimated costs associated with the regular annual maintenance, operation and servicing of landscape improvements within each Zone. The total cost of these improvements are proportionately spread to only the properties within each respective Zone based on a method of apportionment that reflects the direct and proportional special benefits to each property. In addition to the regular annual maintenance of the landscape improvements, various Zone budgets include the collection of funds associated with specific long-term maintenance and rehabilitation programs identified as: Tree Maintenance Programs; Streetscape Revitalization and Rehabilitation Program; and Park Rehabilitation and Renovation Program. The funds collected for these programs are proportionally collected from only those Zones for which these programs are provided.

The word “parcel”, for the purposes of this Report, refers to an individual property assigned its own Assessment Parcel Number by the San Joaquin County Assessor’s Office. The San Joaquin County Auditor/Controller uses Assessment Parcel Numbers and specific Fund Numbers to identify, on the tax roll, properties assessed for special district benefit assessments.

PART II – ESTIMATE OF COSTS

The estimated costs of maintenance and servicing the improvements for the District as described in Part B, Plans and Specifications, for each Zone are summarized in the Zone budget tables on pages 13-53. A summary table of consolidated costs for all 41 Zones in the District is provided on page 54 of this Report.

The following is a description of the budget items including maintenance, replacement, power costs for supplying electrical energy for the illumination of the decorative lights, irrigation systems, City administrative and personnel services for the annual administration, San Joaquin County costs related to placing assessments onto the tax roll, and any Reserve collections.

Description of Budget Items

Personnel – 5100

- Field & Supervisory Personnel. The cost associated to the staff of the City for providing non-scheduled repairs, graffiti removal and other services, operations and maintenance of the improvements within the Zones.

Contracted Services – 5200

- Maintenance Contracts. Includes all regularly scheduled labor, material, e.g. fertilizer, insecticides, etc., and equipment required to properly maintain and ensure the satisfactory condition of all landscaping, irrigation and drainage systems, and appurtenant facilities.
- Utilities. The cost of water, sewer, and electrical utilities necessary to maintain improvements within the Zones.
- County Collection Fee. The cost to the Consolidated District for the County to collect the assessments on the property tax bills. Cost is the lesser of \$3.00 per parcel or 1% of the total amount placed onto the tax roll.
- LMD Administration. The costs of contracting with professionals to provide services specific to the levy administration, including preparation of the Engineer's Report, resolutions, and levy submittal to the County. These fees can also include any additional administrative, legal, or engineering services specific to the District such as the cost to prepare and mail notices of the public meeting and hearing.

Materials – 5300

- Supplies. Includes supplies to maintain or repair irrigation system, playgrounds, plant material, etc

Capital Project – 5600

- Capital Improvement Projects. These costs include the long-term replacement costs of improvements that cannot be paid for during a single fiscal year. Funds are collected over several years to pay for

replacement costs.

Overhead – 5900

- Business expense not chargeable to a particular part of the District (ex insurance, ect)

Internal Service - 5400

Indirect Costs. Incidental costs and expenses of the City associated with the operation and administration of the District and the cost of maintenance, services and incidentals not included above. (ex. vehicle or building maintenance)

Long-Term Cyclical Maintenance includes the following and will be reflected in the 5200 or 5300 category for the year the funds will be expensed.

- Streetscape Revitalization & Rehabilitation. This represents the zone's annual installment for participation in the Streetscape Revitalization and Rehabilitation program.
- Arterial Street Tree Maintenance. This represents the zone's annual installment for participation in the Arterial Street Tree Maintenance program.
- Street Tree Maintenance. This represents the zone's annual installment for participation in the Street Tree Maintenance program.
- Park Tree Maintenance. This represents the zone's annual installment for participation in the Tree Maintenance program, specific to Parks.
- Park Rehabilitation & Renovation. This represents the zone's annual installment for participation in the Park Rehabilitation and Renovation program.

Zone Reserve Adjustments. Each Zone has its own Reserve Fund and monies are used from the Reserve Funds to reduce assessment amounts to individual parcels or to contribute to the Zone Reserve Funds, whether Operating Reserves or Capital Reserves.

Special Tax Support. Proceeds allocated to the City per Measure V, Special Transportation Tax, and Gas Tax that can be utilized for maintenance expenses in Zones where the City maintains the arterial, median and right-of-way landscaping.

General Fund Support. Represents the City's contribution to the Zones for any general benefit that the improvements within the Zones may have impact on other properties or the public at large.

Drainage Fund Support. Represents the City's contribution to the Zones for any channel way that the improvements within the Zones may have impact on other properties or the public at large.

Balance to Levy. This is the total amount to be levied and collected through assessments for the current fiscal year. It represents the sum of Total Expenses and Other Revenues subtracting the General Fund Support and the Drainage Fund Support.

Variance. A variance may be seen between the Levy per EDU and the Maximum Levy per EDU. The variance occurs because the Special Assessments required to meet expenses for the current fiscal year are below the maximum level. The Maximum Levy per EDU is based upon the total expenses for all improvements both existing and those planned for the future.

Total Parcels Levied. The total number of parcels within the Zones that will receive the special benefits during the current fiscal year.

Total EDUs. The total Equivalent Dwelling Units within the Zones applied to the parcels described above.

Proposed Levy per EDU. This amount represents the rate being applied to each parcel's individual EDU. The Levy per EDU is the result of dividing the "Special Assessment to Levy" by the Total EDUs of the Zones for the fiscal year. This rate is rounded to the nearest even pennies.

Maximum Levy per EDU. This is the rate per EDU approved by property owners within the Zone, in accordance with Proposition 218, adjusted for inflation as described in the Method of Apportionment. This rate is rounded to the nearest penny.

Budget Tables

Budget tables for each zone and a summary table for the District are presented on the following pages. The following footnotes apply to all the Budgets:

1. Direct Costs for 2021-22 and 2022-23 are equal to the current year's amount plus 3% escalation to account for inflation. This is shown as an estimate only.
2. Administration Costs for 2021-22 and 2022-23 are equal to the current year's amount plus 3% escalation to account for inflation, except for the County Collection Fee, which is equal to the lesser of \$3 per parcel or 1% of the levy amount.
3. Levy Adjustments for 2021-22 and 2022-23 are equal to the current year's amount plus 3% escalation to account for inflation, except for the Zone Reserve Adjustments, which equals the amount necessary to maintain the assessment rate that is at or below the maximum allowable assessment rate for that year.
4. The Maximum Assessment Rate for 2021-22 and 2022-23 are equal to the current year's Maximum Assessment Rate, plus 3% escalation for inflation. The actual escalation rate is based upon the June CPI for the San Francisco-Oakland-Hayward area, and is calculated each year.
5. The Beginning Fund Balances shown on each Budget page includes both the Operating and Cyclical Reserve amounts, and are projections of the April 2020 year-to-date estimates.

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 1			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$12,293	\$12,661	\$13,041
Contracted Services - 5200	\$13,541	\$13,947	\$14,365
Materials - 5300	\$4,775	\$4,919	\$5,066
Capital Projects - 5600	<u>\$978</u>	<u>\$1,007</u>	<u>\$1,037</u>
TOTAL DIRECT	\$31,587	\$32,534	\$33,510
ADMINISTRATION COSTS ²			
Overhead - 5900	\$2,126	\$2,190	\$2,256
Internal Services - 5400	\$1,255	\$1,293	\$1,331
County Collection Fee	<u>\$398</u>	<u>\$410</u>	<u>\$422</u>
TOTAL ADMINISTRATION	\$3,779	\$3,892	\$4,009
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$35,366	\$36,427	\$37,519
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$6,270	\$6,464	\$6,656
Gas Tax Support	\$0	\$0	\$2
General Fund - 101	(\$988)	(\$1,018)	(\$1,048)
Storm Drain Fund - 101	<u>(\$890)</u>	<u>(\$917)</u>	<u>(\$944)</u>
TOTAL ADJUSTMENTS	\$4,392	\$4,530	\$4,666
Balance to Levy	\$39,758	\$40,957	\$42,185
Total Revenue at Maximum Rate	\$39,764	\$40,957	\$42,185
Variance above/(below) Maximum Revenue	(\$6)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	294	294	294
Total Parcels Levied	294	294	294
Total EDUs	617.00	617.00	617.00
Total EDUs Levied	617.00	617.00	617.00
Proposed Levy per EDU	\$64.44	\$66.38	\$68.37
Max Levy per EDU ⁴	\$64.45	\$66.38	\$68.37
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$76,580	\$83,233	\$90,114
Reserve Fund Adjustment	\$6,270	\$6,464	\$6,656
Interest (0.5%)	<u>\$383</u>	<u>\$416</u>	<u>\$451</u>
Projected Reserve Fund Balance at End of Year	\$83,233	\$90,114	\$97,221

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 2			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$2,585	\$2,662	\$2,742
Contracted Services - 5200	\$12,576	\$12,953	\$13,342
Materials - 5300	\$463	\$477	\$491
Capital Projects - 5600	<u>\$206</u>	<u>\$212</u>	<u>\$218</u>
TOTAL DIRECT	\$15,829	\$16,304	\$16,793
ADMINISTRATION COSTS ²			
Overhead - 5900	\$447	\$461	\$474
Internal Services - 5400	\$264	\$272	\$280
County Collection Fee	<u>\$120</u>	<u>\$102</u>	<u>\$105</u>
TOTAL ADMINISTRATION	\$831	\$834	\$859
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$16,661	\$17,138	\$17,652
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$4,430)	(\$4,540)	(\$4,676)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$208)	(\$214)	(\$220)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$4,638)	(\$4,754)	(\$4,896)
Balance to Levy	\$12,023	\$12,385	\$12,756
Total Revenue at Maximum Rate	\$12,024	\$12,385	\$12,756
Variance above/(below) Maximum Revenue	(\$1)	(\$0)	\$0
DISTRICT STATISTICS			
Total Parcels	125	125	125
Total Parcels Levied	125	125	125
Total EDUs	125.00	125.00	125.00
Total EDUs Levied	125.00	125.00	125.00
Proposed Levy per EDU	\$96.18	\$99.08	\$102.05
Max Levy per EDU ⁴	\$96.19	\$99.08	\$102.05
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$16,530	\$12,182	\$7,703
Reserve Fund Adjustment	(\$4,430)	(\$4,540)	(\$4,676)
Interest (0.5%)	<u>\$83</u>	<u>\$61</u>	<u>\$39</u>
Projected Reserve Fund Balance at End of Year	\$12,182	\$7,703	\$3,066

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 3			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$168,657	\$173,717	\$178,928
Contracted Services - 5200	\$223,823	\$230,538	\$237,454
Materials - 5300	\$23,638	\$24,347	\$25,077
Capital Projects - 5600	<u>\$13,416</u>	<u>\$13,818</u>	<u>\$14,233</u>
TOTAL DIRECT	\$429,534	\$442,420	\$455,693
ADMINISTRATION COSTS ²			
Overhead - 5900	\$29,174	\$30,049	\$30,951
Internal Services - 5400	\$17,218	\$17,735	\$18,267
County Collection Fee	<u>\$4,114</u>	<u>\$4,114</u>	<u>\$4,114</u>
TOTAL ADMINISTRATION	\$50,506	\$51,898	\$53,332
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$480,041	\$494,318	\$509,024
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$51,387)	(\$52,776)	(\$54,236)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$13,555)	(\$13,962)	(\$14,381)
Storm Drain Fund - 101	<u>(\$3,703)</u>	<u>(\$3,814)</u>	<u>(\$3,929)</u>
TOTAL ADJUSTMENTS	(\$68,646)	(\$70,552)	(\$72,545)
Balance to Levy	\$411,395	\$423,766	\$436,479
Total Revenue at Maximum Rate	\$411,423	\$423,766	\$436,479
Variance above/(below) Maximum Revenue	(\$29)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	2,301	2,301	2,301
Total Parcels Levied	2,301	2,301	2,301
Total EDUs	2,878.02	2,878.02	2,878.02
Total EDUs Levied	2,878.02	2,878.02	2,878.02
Proposed Levy per EDU	\$142.94	\$147.24	\$151.66
Max Levy per EDU ⁴	\$142.95	\$147.24	\$151.66
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$437,664	\$388,465	\$337,631
Reserve Fund Adjustment	(51,387)	(52,776)	(54,236)
Interest (0.5%)	<u>2,188</u>	<u>1,942</u>	<u>1,688</u>
Projected Reserve Fund Balance at End of Year	\$388,465	\$337,631	\$285,084

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 4			
	Proposed Budget FY 2020-21	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$86	\$88	\$91
Contracted Services - 5200	\$631	\$650	\$669
Materials - 5300	\$5	\$6	\$6
Capital Projects - 5600	<u>\$7</u>	<u>\$7</u>	<u>\$7</u>
TOTAL DIRECT	\$729	\$751	\$773
ADMINISTRATION COSTS ²			
Overhead - 5900	\$15	\$15	\$16
Internal Services - 5400	\$9	\$9	\$9
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADMINISTRATION	\$24	\$24	\$25
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$752	\$775	\$798
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$865)	(\$768)	(\$791)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$7)	(\$7)	(\$7)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$872)	(\$775)	(\$798)
Balance to Levy	\$0	\$0	\$0
Total Revenue at Maximum Rate	\$19,985	\$20,585	\$21,202
Variance above/(below) Maximum Revenue	(\$19,985)	(\$20,585)	(\$21,202)
DISTRICT STATISTICS			
Total Parcels	144	144	144
Total Parcels Levied	144	144	144
Total EDUs	144.00	144.00	144.00
Total EDUs Levied	144.00	144.00	144.00
Proposed Levy per EDU	\$0.00	\$0.00	\$0.00
Max Levy per EDU ⁴	\$138.79	\$142.95	\$147.24
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$9,246	\$8,428	\$7,702
Reserve Fund Adjustment	(\$865)	(\$768)	(\$791)
Interest (0.5%)	<u>\$46</u>	<u>\$42</u>	<u>\$39</u>
Projected Reserve Fund Balance at End of Year	\$8,428	\$7,702	\$6,950

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 5			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$827	\$852	\$877
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL DIRECT	\$827	\$852	\$877
ADMINISTRATION COSTS ²			
Overhead - 5900	\$0	\$0	\$0
Internal Services - 5400	\$0	\$0	\$0
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADMINISTRATION	\$0	\$0	\$0
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$827	\$852	\$877
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$827)	(\$852)	(\$877)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$827)	(\$852)	(\$877)
Balance to Levy	\$0	\$0	\$0
Total Revenue at Maximum Rate	\$9,576	\$9,864	\$10,159
Variance above/(below) Maximum Revenue	(\$9,576)	(\$9,864)	(\$10,159)
DISTRICT STATISTICS			
Total Parcels	69	69	69
Total Parcels Levied	69	69	69
Total EDUs	69.00	69.00	69.00
Total EDUs Levied	69.00	69.00	69.00
Proposed Levy per EDU	\$0.00	\$0.00	\$0.00
Max Levy per EDU ⁴	\$138.79	\$142.95	\$147.24
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$22,467	\$23,406	\$22,672
Reserve Fund Adjustment	\$827	(\$852)	(\$877)
Interest (0.5%)	<u>\$112</u>	<u>\$117</u>	<u>\$113</u>
Projected Reserve Fund Balance at End of Year	\$23,406	\$22,672	\$21,908

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 6			
	Previous Budget FY 2020-21	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$1,973	\$2,032	\$2,093
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL DIRECT	\$1,973	\$2,032	\$2,093
ADMINISTRATION COSTS ²			
Overhead - 5900	\$0	\$0	\$0
Internal Services - 5400	\$0	\$0	\$0
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADMINISTRATION	\$0	\$0	\$0
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$1,973	\$2,032	\$2,093
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$1,973)	(\$2,032)	(\$2,093)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$1,973)	(\$2,032)	(\$2,093)
Balance to Levy	\$0	\$0	\$0
Total Revenue at Maximum Rate	\$6,225	\$6,411	\$6,604
Variance above/(below) Maximum Revenue	(\$6,225)	(\$6,411)	(\$6,604)
DISTRICT STATISTICS			
Total Parcels	45	45	45
Total Parcels Levied	45	45	45
Total EDUs	44.85	44.85	44.85
Total EDUs Levied	45.00	45.00	45.00
Proposed Levy per EDU	\$0.00	\$0.00	\$0.00
Max Levy per EDU ⁴	\$138.79	\$142.95	\$147.24
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$15,267	\$13,370	\$11,405
Reserve Fund Adjustment	(\$1,973)	(\$2,032)	(\$2,093)
Interest (0.5%)	<u>\$76</u>	<u>\$67</u>	<u>\$57</u>
Projected Reserve Fund Balance at End of Year	\$13,370	\$11,405	\$9,369

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 7			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$135,403	\$139,465	\$143,649
Contracted Services - 5200	\$126,772	\$130,575	\$134,492
Materials - 5300	\$10,040	\$10,342	\$10,652
Capital Projects - 5600	<u>\$18,646</u>	<u>\$19,205</u>	<u>\$19,781</u>
TOTAL DIRECT	\$290,861	\$299,587	\$308,574
ADMINISTRATION COSTS ²			
Overhead - 5900	\$40,547	\$41,763	\$43,016
Internal Services - 5400	\$13,823	\$14,238	\$14,665
County Collection Fee	<u>\$2,268</u>	<u>\$2,268</u>	<u>\$2,268</u>
TOTAL ADMINISTRATION	\$56,639	\$58,270	\$59,950
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$347,500	\$357,857	\$368,524
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$107,138)	(\$110,271)	(\$113,511)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$10,882)	(\$11,209)	(\$11,545)
Storm Drain Fund - 101	<u>(\$2,648)</u>	<u>(\$2,728)</u>	<u>(\$2,809)</u>
TOTAL ADJUSTMENTS	(\$120,668)	(\$124,207)	(\$127,865)
Balance to Levy	\$226,831	\$233,649	\$240,659
Total Revenue at Maximum Rate	\$226,844	\$233,649	\$240,659
Variance above/(below) Maximum Revenue	(\$13)	(\$0)	(\$0)
DISTRICT STATISTICS			
Total Parcels	1,172	1,172	1,172
Total Parcels Levied	1,172	1,172	1,172
Total EDUs	1,273.34	1,273.34	1,273.34
Total EDUs Levied	1,273.34	1,273.34	1,273.34
Proposed Levy per EDU	\$178.14	\$183.48	\$189.00
Max Levy per EDU ⁴	\$178.15	\$183.49	\$189.00
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$405,933	\$300,825	\$192,058
Reserve Fund Adjustment	(\$107,138)	(\$110,271)	(\$113,511)
Interest (0.5%)	<u>\$2,030</u>	<u>\$1,504</u>	<u>\$960</u>
Projected Reserve Fund Balance at End of Year	\$300,825	\$192,058	\$79,508

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 8			
	Proposed Budget FY 2019-20	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$32,532	\$33,507	\$34,513
Contracted Services - 5200	\$33,590	\$34,597	\$35,635
Materials - 5300	\$2,052	\$2,113	\$2,177
Capital Projects - 5600	<u>\$2,588</u>	<u>\$2,665</u>	<u>\$2,745</u>
TOTAL DIRECT	\$70,761	\$72,884	\$75,070
ADMINISTRATION COSTS ²			
Overhead - 5900	\$5,627	\$5,796	\$5,970
Internal Services - 5400	\$3,321	\$3,421	\$3,523
County Collection Fee	<u>\$390</u>	<u>\$390</u>	<u>\$390</u>
TOTAL ADMINISTRATION	\$9,339	\$9,607	\$9,884
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$80,099	\$82,491	\$84,954
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$37,941)	(\$39,065)	(\$40,225)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$2,615)	(\$2,693)	(\$2,774)
Storm Drain Fund - 101	<u>(\$531)</u>	<u>(\$547)</u>	<u>(\$564)</u>
TOTAL ADJUSTMENTS	(\$41,087)	(\$42,306)	(\$43,563)
Balance to Levy	\$39,012	\$40,185	\$41,391
Total Revenue at Maximum Rate	\$39,015	\$40,185	\$41,391
Variance above/(below) Maximum Revenue	(\$2)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	219	219	219
Total Parcels Levied	219	219	219
Total EDUs	219.00	219.00	219.00
Total EDUs Levied	219.00	219.00	219.00
Proposed Levy per EDU	\$178.14	\$183.48	\$189.00
Max Levy per EDU ⁴	\$178.15	\$183.49	\$189.00
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	(\$33,100)	(\$71,041)	(\$110,106)
Reserve Fund Adjustment	(\$37,941)	(\$39,065)	(\$40,225)
Interest (0.5%)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Projected Reserve Fund Balance at End of Year	(\$71,041)	(\$110,106)	(\$150,332)

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 9			
	Proposed Budget FY 2019-20	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$222,652	\$229,332	\$236,211
Contracted Services - 5200	\$247,115	\$254,528	\$262,164
Materials - 5300	\$14,044	\$14,465	\$14,899
Capital Projects - 5600	<u>\$17,711</u>	<u>\$18,242</u>	<u>\$18,789</u>
TOTAL DIRECT	\$501,521	\$516,567	\$532,064
ADMINISTRATION COSTS ²			
Overhead - 5900	\$38,514	\$39,670	\$40,860
Internal Services - 5400	\$22,731	\$23,413	\$24,115
County Collection Fee	<u>\$3,900</u>	<u>\$3,900</u>	<u>\$3,900</u>
TOTAL ADMINISTRATION	\$65,145	\$66,982	\$68,875
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$566,666	\$583,549	\$600,938
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$152,535)	(\$156,969)	(\$161,561)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$17,895)	(\$18,432)	(\$18,985)
Storm Drain Fund - 101	<u>(\$6,203)</u>	<u>(\$6,389)</u>	<u>(\$6,581)</u>
TOTAL ADJUSTMENTS	(\$176,634)	(\$181,790)	(\$187,127)
Balance to Levy	\$390,032	\$401,759	\$413,811
Total Revenue at Maximum Rate	\$390,057	\$401,759	\$413,811
Variance above/(below) Maximum Revenue	(\$24)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	2,368	2,368	2,368
Total Parcels Levied	2,368	2,368	2,368
Total EDUs	2,441.78	2,441.78	2,441.78
Total EDUs Levied	2,441.78	2,441.78	2,441.78
Proposed Levy per EDU	\$159.73	\$164.52	\$169.46
Max Levy per EDU ⁴	\$159.74	\$164.53	\$169.47
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	(\$134,263)	(\$286,799)	(\$443,768)
Reserve Fund Adjustment	(\$152,535)	(\$156,969)	(\$161,561)
Interest (0.5%)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Projected Reserve Fund Balance at End of Year	(\$286,799)	(\$443,768)	(\$605,329)

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 10			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$110,695	\$114,016	\$117,437
Contracted Services - 5200	\$107,792	\$111,026	\$114,357
Materials - 5300	\$16,982	\$17,491	\$18,016
Capital Projects - 5600	<u>\$12,270</u>	<u>\$12,638</u>	<u>\$13,018</u>
TOTAL DIRECT	\$247,740	\$255,172	\$262,827
ADMINISTRATION COSTS ²			
Overhead - 5900	\$26,683	\$27,483	\$28,308
Internal Services - 5400	\$11,301	\$11,640	\$11,989
County Collection Fee	<u>\$951</u>	<u>\$951</u>	<u>\$951</u>
TOTAL ADMINISTRATION	\$38,935	\$40,074	\$41,248
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$286,675	\$295,247	\$304,076
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$67,359)	(\$69,329)	(\$71,380)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$8,897)	(\$9,164)	(\$9,439)
Storm Drain Fund - 101	<u>(\$5,457)</u>	<u>(5,621)</u>	<u>(5,789)</u>
TOTAL ADJUSTMENTS	(\$81,712)	(\$84,113)	(\$86,608)
Balance to Levy	\$204,963	\$211,134	\$217,468
Total Revenue at Maximum Rate	\$204,984	\$211,134	\$217,468
Variance above/(below) Maximum Revenue	(\$22)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	317	317	317
Total Parcels Levied	317	317	317
Total EDUs	2,155.46	2,155.46	2,155.46
Total EDUs Levied	2,155.46	2,155.46	2,155.46
Proposed Levy per EDU	\$95.09	\$97.94	\$100.88
Max Levy per EDU ⁴	\$95.10	\$97.95	\$100.89
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$185,615	\$119,184	\$50,452
Reserve Fund Adjustment	(\$67,359)	(\$69,329)	(\$71,380)
Interest (0.5%)	<u>\$928</u>	<u>\$596</u>	<u>\$252</u>
Projected Reserve Fund Balance at End of Year	\$119,184	\$50,452	(\$20,676)



City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 11			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$1,873	\$1,929	\$1,987
Contracted Services - 5200	\$897	\$924	\$952
Materials - 5300	\$118	\$122	\$125
Capital Projects - 5600	<u>\$149</u>	<u>\$153</u>	<u>\$158</u>
TOTAL DIRECT	\$3,038	\$3,129	\$3,223
ADMINISTRATION COSTS ²			
Overhead - 5900	\$324	\$334	\$344
Internal Services - 5400	\$191	\$197	\$203
County Collection Fee	<u>\$3</u>	<u>\$3</u>	<u>\$3</u>
TOTAL ADMINISTRATION	\$518	\$534	\$550
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$3,556	\$3,663	\$3,772
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$1,680)	(\$1,730)	(\$1,781)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$151)	(\$155)	(\$160)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$1,830)	(\$1,885)	(\$1,941)
Balance to Levy	\$1,726	\$1,778	\$1,831
Total Revenue at Maximum Rate	\$1,726	\$1,778	\$1,831
Variance above/(below) Maximum Revenue	(\$0)	(\$0)	\$0
DISTRICT STATISTICS			
Total Parcels	1	1	1
Total Parcels Levied	1	1	1
Total EDUs	18.15	18.15	18.15
Total EDUs Levied	18.15	18.15	18.15
Proposed Levy per EDU	\$95.09	\$97.94	\$100.88
Max Levy per EDU ⁴	\$95.10	\$97.95	\$100.89
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$2,789	\$1,124	(\$600)
Reserve Fund Adjustment	(\$1,680)	(\$1,730)	(\$1,781)
Interest (0.5%)	<u>\$14</u>	<u>\$6</u>	<u>\$0</u>
Projected Reserve Fund Balance at End of Year	\$1,124	(\$600)	(\$2,382)

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 12			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$20,337	\$20,947	\$21,575
Contracted Services - 5200	\$32,345	\$33,315	\$34,314
Materials - 5300	\$1,283	\$1,321	\$1,361
Capital Projects - 5600	<u>\$1,618</u>	<u>\$1,666</u>	<u>\$1,716</u>
TOTAL DIRECT	\$55,582	\$57,249	\$58,967
ADMINISTRATION COSTS ²			
Overhead - 5900	\$3,518	\$3,623	\$3,732
Internal Services - 5400	\$2,076	\$2,138	\$2,203
County Collection Fee	<u>\$306</u>	<u>\$306</u>	<u>\$306</u>
TOTAL ADMINISTRATION	\$5,900	\$6,068	\$6,241
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$61,482	\$63,317	\$65,207
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$10,175	\$8,389	\$6,549
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,634)	(\$1,684)	(\$1,734)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$8,540	\$6,705	\$4,815
Balance to Levy	\$70,022	\$70,022	\$70,022
Total Revenue at Maximum Rate	\$140,151	\$144,355	\$148,686
Variance above/(below) Maximum Revenue	(\$70,129)	(\$74,333)	(\$78,664)
DISTRICT STATISTICS			
Total Parcels	102	102	102
Total Parcels Levied	102	102	102
Total EDUs	1,014.23	1,014.23	1,014.23
Total EDUs Levied	1,014.23	1,014.23	1,014.23
Proposed Levy per EDU	\$69.04	\$71.11	\$73.24
Max Levy per EDU ⁴	\$138.18	\$142.33	\$146.60
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$215,303	\$226,554	\$236,076
Reserve Fund Adjustment	\$10,175	\$8,389	\$6,549
Interest (0.5%)	<u>\$1,077</u>	<u>\$1,133</u>	<u>\$1,180</u>
Projected Reserve Fund Balance at End of Year	\$226,554	\$236,076	\$243,805

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 13			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$24,720	\$25,462	\$26,226
Contracted Services - 5200	\$65,256	\$67,213	\$69,230
Materials - 5300	\$3,559	\$3,666	\$3,776
Capital Projects - 5600	<u>\$200,747</u>	<u>\$206,769</u>	<u>\$212,972</u>
TOTAL DIRECT	\$294,282	\$303,110	\$312,204
ADMINISTRATION COSTS ²			
Overhead - 5900	\$5,495	\$5,660	\$5,830
Internal Services - 5400	\$2,524	\$2,599	\$2,677
County Collection Fee	<u>\$1,254</u>	<u>\$1,254</u>	<u>\$1,254</u>
TOTAL ADMINISTRATION	\$9,273	\$9,513	\$9,761
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$303,554	\$312,624	\$321,965
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$173,912)	(\$179,088)	(\$184,423)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,987)	(\$2,046)	(\$2,108)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$175,899)	(\$181,134)	(\$186,531)
Balance to Levy	\$127,655	\$131,489	\$135,434
Total Revenue at Maximum Rate	\$127,659	\$131,489	\$135,434
Variance above/(below) Maximum Revenue	(\$4)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	418	418	418
Total Parcels Levied	418	418	418
Total EDUs	418.00	418.00	418.00
Total EDUs Levied	418.00	418.00	418.00
Proposed Levy per EDU	\$305.40	\$314.57	\$324.00
Max Levy per EDU ⁴	\$305.41	\$314.57	\$324.00
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$430,481	\$258,720	\$80,926
Reserve Fund Adjustment	(\$173,912)	(\$179,088)	(\$184,423)
Interest (0.5%)	<u>\$2,152</u>	<u>\$1,294</u>	<u>\$405</u>
Projected Reserve Fund Balance at End of Year	\$258,720	\$80,926	(\$103,092)

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 14			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$23,398	\$24,100	\$24,823
Contracted Services - 5200	\$32,909	\$33,896	\$34,913
Materials - 5300	\$1,476	\$1,520	\$1,566
Capital Projects - 5600	<u>\$1,861</u>	<u>\$1,917</u>	<u>\$1,975</u>
TOTAL DIRECT	\$59,644	\$61,433	\$63,276
ADMINISTRATION COSTS ²			
Overhead - 5900	\$4,047	\$4,169	\$4,294
Internal Services - 5400	\$2,389	\$2,460	\$2,534
County Collection Fee	<u>\$620</u>	<u>\$620</u>	<u>\$620</u>
TOTAL ADMINISTRATION	\$7,056	\$7,249	\$7,448
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$66,700	\$68,682	\$70,724
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$2,781)	(\$2,842)	(\$2,908)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,881)	(\$1,937)	(\$1,995)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$4,661)	(\$4,779)	(\$4,903)
Balance to Levy	\$62,039	\$63,904	\$65,821
Total Revenue at Maximum Rate	\$62,043	\$63,904	\$65,821
Variance above/(below) Maximum Revenue	(\$4)	(\$0)	\$0
DISTRICT STATISTICS			
Total Parcels	369	369	369
Total Parcels Levied	369	369	369
Total EDUs	371.00	371.00	371.00
Total EDUs Levied	371.00	371.00	371.00
Proposed Levy per EDU	\$167.22	\$172.24	\$177.42
Max Levy per EDU ⁴	\$167.23	\$172.25	\$177.42
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$49,464	\$46,931	\$44,324
Reserve Fund Adjustment	(\$2,781)	(\$2,842)	(\$2,908)
Interest (0.5%)	<u>\$247</u>	<u>\$235</u>	<u>\$222</u>
Projected Reserve Fund Balance at End of Year	\$46,931	\$44,324	\$41,637

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 15			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$78,274	\$80,622	\$83,041
Contracted Services - 5200	\$143,593	\$147,901	\$152,338
Materials - 5300	\$4,937	\$5,085	\$5,238
Capital Projects - 5600	<u>\$6,226</u>	<u>\$6,413</u>	<u>\$6,605</u>
TOTAL DIRECT	\$233,031	\$240,022	\$247,222
ADMINISTRATION COSTS ²			
Overhead - 5900	\$13,540	\$13,946	\$14,364
Internal Services - 5400	\$7,991	\$8,231	\$8,478
County Collection Fee	<u>\$2,368</u>	<u>\$2,368</u>	<u>\$2,368</u>
TOTAL ADMINISTRATION	\$23,899	\$24,545	\$25,210
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$256,929	\$264,566	\$272,432
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$13,857)	(\$14,187)	(\$14,542)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$6,291)	(\$6,480)	(\$6,674)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$20,148)	(\$20,667)	(\$21,216)
Balance to Levy	\$236,781	\$243,899	\$251,216
Total Revenue at Maximum Rate	\$236,795	\$243,899	\$251,216
Variance above/(below) Maximum Revenue	(\$14)	(\$0)	\$0
DISTRICT STATISTICS			
Total Parcels	1,187	1,187	1,187
Total Parcels Levied	1,187	1,187	1,187
Total EDUs	1,415.98	1,415.98	1,415.98
Total EDUs Levied	1,415.98	1,415.98	1,415.98
Proposed Levy per EDU	\$167.22	\$172.24	\$177.42
Max Levy per EDU ⁴	\$167.23	\$172.25	\$177.42
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$19,766	\$6,007	(\$8,150)
Reserve Fund Adjustment	(\$13,857)	(\$14,187)	(\$14,542)
Interest (0.5%)	<u>\$99</u>	<u>\$30</u>	<u>\$0</u>
Projected Reserve Fund Balance at End of Year	\$6,007	(\$8,150)	(\$22,692)

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 16			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$14,301	\$14,730	\$15,172
Contracted Services - 5200	\$31,175	\$32,110	\$33,073
Materials - 5300	\$2,402	\$2,474	\$2,548
Capital Projects - 5600	<u>\$1,138</u>	<u>\$1,172</u>	<u>\$1,207</u>
TOTAL DIRECT	\$49,015	\$50,485	\$52,000
ADMINISTRATION COSTS ²			
Overhead - 5900	\$2,474	\$2,548	\$2,624
Internal Services - 5400	\$1,460	\$1,504	\$1,549
County Collection Fee	<u>\$518</u>	<u>\$518</u>	<u>\$518</u>
TOTAL ADMINISTRATION	\$4,452	\$4,570	\$4,692
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$53,467	\$55,055	\$56,692
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$479)	(\$475)	(\$473)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,149)	(\$1,184)	(\$1,219)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$1,628)	(\$1,659)	(\$1,693)
Balance to Levy	\$51,838	\$53,397	\$54,999
Total Revenue at Maximum Rate	\$51,842	\$53,397	\$54,999
Variance above/(below) Maximum Revenue	(\$3)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	310	310	310
Total Parcels Levied	310	310	310
Total EDUs	310.00	310.00	310.00
Total EDUs Levied	310.00	310.00	310.00
Proposed Levy per EDU	\$167.22	\$172.24	\$177.42
Max Levy per EDU ⁴	\$167.23	\$172.25	\$177.42
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$114,130	\$114,222	\$114,318
Reserve Fund Adjustment	(\$479)	(\$475)	(\$473)
Interest (0.5%)	<u>\$571</u>	<u>\$571</u>	<u>\$572</u>
Projected Reserve Fund Balance at End of Year	\$114,222	\$114,318	\$114,416

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 17			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$46,918	\$48,325	\$49,775
Contracted Services - 5200	\$108,766	\$112,029	\$115,390
Materials - 5300	\$5,959	\$6,138	\$6,322
Capital Projects - 5600	<u>\$903,926</u>	<u>\$931,044</u>	<u>\$958,975</u>
TOTAL DIRECT	\$1,065,569	\$1,097,536	\$1,130,463
ADMINISTRATION COSTS ²			
Overhead - 5900	\$11,848	\$12,203	\$12,570
Internal Services - 5400	\$4,790	\$4,934	\$5,082
County Collection Fee	<u>\$3,210</u>	<u>\$3,210</u>	<u>\$3,210</u>
TOTAL ADMINISTRATION	\$19,848	\$20,347	\$20,861
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$1,085,417	\$1,117,883	\$1,151,324
Capital Improvement Projects	(\$519,913)	\$0	\$0
Zone Reserves Adjustment	(\$240,735)	(\$783,371)	(\$806,776)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$3,771)	(\$3,884)	(\$4,000)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$764,419)	(\$787,255)	(\$810,776)
Balance to Levy	\$320,999	\$330,628	\$340,547
Total Revenue at Maximum Rate	\$320,999	\$330,628	\$340,547
Variance above/(below) Maximum Revenue	\$0	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	1,133	1,133	1,133
Total Parcels Levied	1,133	1,133	1,133
Total EDUs	1,664.79	1,664.79	1,664.79
Total EDUs Levied	1,664.79	1,664.79	1,664.79
Proposed Levy per EDU	\$192.82	\$198.60	\$204.56
Max Levy per EDU ⁴	\$192.82	\$198.60	\$204.56
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$1,309,791	\$1,075,605	\$297,612
Reserve Fund Adjustment	(\$240,735)	(\$783,371)	(\$806,776)
Interest (0.5%)	<u>\$6,549</u>	<u>\$5,378</u>	<u>\$0</u>
Projected Reserve Fund Balance at End of Year	\$1,075,605	\$297,612	(\$509,164)

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 18			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$28,577	\$29,434	\$30,317
Contracted Services - 5200	\$48,543	\$49,999	\$51,499
Materials - 5300	\$5,802	\$5,977	\$6,156
Capital Projects - 5600	<u>\$2,273</u>	<u>\$2,341</u>	<u>\$2,412</u>
TOTAL DIRECT	\$85,195	\$87,751	\$90,384
ADMINISTRATION COSTS ²			
Overhead - 5900	\$4,943	\$5,091	\$5,244
Internal Services - 5400	\$2,917	\$3,005	\$3,095
County Collection Fee	<u>\$1,164</u>	<u>\$1,164</u>	<u>\$1,164</u>
TOTAL ADMINISTRATION	\$9,025	\$9,261	\$9,503
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$94,220	\$97,012	\$99,887
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$24,495	\$25,263	\$26,056
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$2,297)	(\$2,366)	(\$2,437)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$22,198	\$22,898	\$23,619
Balance to Levy	\$116,419	\$119,909	\$123,507
Total Revenue at Maximum Rate	\$116,417	\$119,909	\$123,507
Variance above/(below) Maximum Revenue	\$2	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	968	968	968
Total Parcels Levied	968	968	968
Total EDUs	977.65	977.65	977.65
Total EDUs Levied	977.65	977.65	977.65
Proposed Levy per EDU	\$119.08	\$122.65	\$126.33
Max Levy per EDU ⁴	\$119.08	\$122.65	\$126.33
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$169,311	\$194,653	\$220,889
Reserve Fund Adjustment	\$24,495	\$25,263	\$26,056
Interest (0.5%)	<u>\$847</u>	<u>\$973</u>	<u>\$1,104</u>
Projected Reserve Fund Balance at End of Year	\$194,653	\$220,889	\$248,050

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 19			
	Forecasted Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$36,290	\$37,379	\$38,500
Contracted Services - 5200	\$88,405	\$91,058	\$93,789
Materials - 5300	\$5,289	\$5,448	\$5,611
Capital Projects - 5600	<u>\$171,097</u>	<u>\$176,230</u>	<u>\$181,517</u>
TOTAL DIRECT	\$301,082	\$310,114	\$319,418
ADMINISTRATION COSTS ²			
Overhead - 5900	\$6,430	\$6,623	\$6,822
Internal Services - 5400	\$3,705	\$3,816	\$3,931
County Collection Fee	<u>\$1,491</u>	<u>\$1,491</u>	<u>\$1,491</u>
TOTAL ADMINISTRATION	\$11,626	\$11,930	\$12,243
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$312,708	\$322,044	\$331,661
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$148,790)	(\$153,201)	(\$157,752)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$2,917)	(\$3,004)	(\$3,094)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$151,706)	(\$156,205)	(\$160,847)
Balance to Levy	\$161,001	\$165,839	\$170,814
Total Revenue at Maximum Rate	\$161,009	\$165,839	\$170,814
Variance above/(below) Maximum Revenue	(\$7)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	497	497	497
Total Parcels Levied	497	497	497
Total EDUs	736.59	736.59	736.59
Total EDUs Levied	736.59	736.59	736.59
Proposed Levy per EDU	\$218.58	\$225.14	\$231.91
Max Levy per EDU ⁴	\$218.59	\$225.14	\$231.90
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$590,311	\$444,473	\$293,494
Reserve Fund Adjustment	(\$148,790)	(\$153,201)	(\$157,752)
Interest (0.5%)	<u>\$2,952</u>	<u>\$2,222</u>	<u>\$1,467</u>
Projected Reserve Fund Balance at End of Year	\$444,473	\$293,494	\$137,209

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 20			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$533	\$549	\$565
Contracted Services - 5200	\$13,730	\$14,142	\$14,567
Materials - 5300	\$34	\$35	\$36
Capital Projects - 5600	<u>\$42</u>	<u>\$44</u>	<u>\$45</u>
TOTAL DIRECT	\$14,339	\$14,769	\$15,212
ADMINISTRATION COSTS ²			
Overhead - 5900	\$92	\$95	\$98
Internal Services - 5400	\$54	\$56	\$58
County Collection Fee	<u>\$144</u>	<u>\$144</u>	<u>\$144</u>
TOTAL ADMINISTRATION	\$291	\$295	\$300
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$14,630	\$15,064	\$15,512
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$167)	\$0	\$0
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$43)	(\$44)	(\$45)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$209)	(\$44)	(\$45)
Balance to Levy	\$14,420	\$15,020	\$15,467
Total Revenue at Maximum Rate	\$38,156	\$39,301	\$40,480
Variance above/(below) Maximum Revenue	(\$23,736)	(\$24,281)	(\$25,014)
DISTRICT STATISTICS			
Total Parcels	168	168	168
Total Parcels Levied	168	168	168
Total EDUs	174.56	174.56	174.56
Total EDUs Levied	174.56	174.56	174.56
Proposed Levy per EDU	\$82.61	\$85.09	\$87.64
Max Levy per EDU ⁴	\$218.59	\$225.14	\$231.90
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$160,426	\$161,061	\$161,867
Reserve Fund Adjustment	(\$167)	\$0	\$0
Interest (0.5%)	<u>\$802</u>	<u>\$805</u>	<u>\$809</u>
Projected Reserve Fund Balance at End of Year	\$161,061	\$161,867	\$162,676

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 21			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$23,361	\$24,062	\$24,784
Contracted Services - 5200	\$32,659	\$33,639	\$34,648
Materials - 5300	\$6,473	\$6,668	\$6,868
Capital Projects - 5600	<u>\$1,858</u>	<u>\$1,914</u>	<u>\$1,971</u>
TOTAL DIRECT	\$64,352	\$66,282	\$68,271
ADMINISTRATION COSTS ²			
Overhead - 5900	\$4,041	\$4,162	\$4,287
Internal Services - 5400	\$2,385	\$2,456	\$2,530
County Collection Fee	<u>\$649</u>	<u>\$649</u>	<u>\$649</u>
TOTAL ADMINISTRATION	\$7,075	\$7,267	\$7,466
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$71,426	\$73,550	\$75,737
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$4,667)	(\$4,784)	(\$4,908)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,878)	(\$1,934)	(\$1,992)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$6,545)	(\$6,717)	(\$6,900)
Balance to Levy	\$64,882	\$66,832	\$68,837
Total Revenue at Maximum Rate	\$64,886	\$66,832	\$68,837
Variance above/(below) Maximum Revenue	(\$4)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	388	388	388
Total Parcels Levied	388	388	388
Total EDUs	388.00	388.00	388.00
Total EDUs Levied	388.00	388.00	388.00
Proposed Levy per EDU\	\$167.22	\$172.24	\$177.40
Max Levy per EDU ⁴	\$167.23	\$172.25	\$177.42
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$76,418	\$72,133	\$67,710
Reserve Fund Adjustment	(\$4,667)	(\$4,784)	(\$4,908)
Interest (0.5%)	<u>\$382</u>	<u>\$361</u>	<u>\$339</u>
Projected Reserve Fund Balance at End of Year	\$72,133	\$67,710	\$63,141

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 22			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$17,141	\$17,655	\$18,185
Contracted Services - 5200	\$11,365	\$11,705	\$12,057
Materials - 5300	\$3,581	\$3,689	\$3,799
Capital Projects - 5600	<u>\$1,363</u>	<u>\$1,404</u>	<u>\$1,447</u>
TOTAL DIRECT	\$33,450	\$34,454	\$35,488
ADMINISTRATION COSTS ²			
Overhead - 5900	\$2,965	\$3,054	\$3,146
Internal Services - 5400	\$1,750	\$1,802	\$1,857
County Collection Fee	<u>\$358</u>	<u>\$358</u>	<u>\$358</u>
TOTAL ADMINISTRATION	\$5,073	\$5,214	\$5,360
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$38,523	\$39,668	\$40,848
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$1,358)	(\$1,388)	(\$1,419)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,378)	(\$1,419)	(\$1,462)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$2,736)	(\$2,807)	(\$2,881)
Balance to Levy	\$35,787	\$36,861	\$37,967
Total Revenue at Maximum Rate	\$35,787	\$36,861	\$37,967
Variance above/(below) Maximum Revenue	\$0	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	214	214	214
Total Parcels Levied	214	214	214
Total EDUs	214.00	214.00	214.00
Total EDUs Levied	214.00	214.00	214.00
Proposed Levy per EDU	\$167.23	\$172.25	\$177.42
Max Levy per EDU ⁴	\$167.23	\$172.25	\$177.42
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$75,278	\$74,297	\$73,280
Reserve Fund Adjustment	(\$1,358)	(\$1,388)	(\$1,419)
Interest (0.5%)	<u>\$376</u>	<u>\$371</u>	<u>\$366</u>
Projected Reserve Fund Balance at End of Year	\$74,297	\$73,280	\$72,227

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 23			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$6,110	\$6,293	\$6,482
Contracted Services - 5200	\$18,074	\$18,616	\$19,175
Materials - 5300	\$385	\$397	\$409
Capital Projects - 5600	<u>\$486</u>	<u>\$501</u>	<u>\$516</u>
TOTAL DIRECT	\$25,055	\$25,807	\$26,581
ADMINISTRATION COSTS ²			
Overhead - 5900	\$1,057	\$1,089	\$1,121
Internal Services - 5400	\$624	\$642	\$662
County Collection Fee	<u>\$582</u>	<u>\$582</u>	<u>\$582</u>
TOTAL ADMINISTRATION	\$2,263	\$2,313	\$2,365
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$27,317	\$28,120	\$28,946
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$31,373	\$32,335	\$33,323
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$491)	(\$506)	(\$521)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$30,882	\$31,830	\$32,802
Balance to Levy	\$58,200	\$59,949	\$61,748
Total Revenue at Maximum Rate	\$58,203	\$59,949	\$61,748
Variance above/(below) Maximum Revenue	(\$3)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	302	302	302
Total Parcels Levied	302	302	302
Total EDUs	348.04	348.04	348.04
Total EDUs Levied	348.04	348.04	348.04
Proposed Levy per EDU	\$167.22	\$172.24	\$177.42
Max Levy per EDU ⁴	\$167.23	\$172.25	\$177.42
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$65,572	\$97,273	\$130,095
Reserve Fund Adjustment	\$31,373	\$32,335	\$33,323
Interest (0.5%)	<u>\$328</u>	<u>\$486</u>	<u>\$650</u>
Projected Reserve Fund Balance at End of Year	\$97,273	\$130,095	\$164,068



City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 24			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$21,635	\$22,284	\$22,952
Contracted Services - 5200	\$64,424	\$66,356	\$68,347
Materials - 5300	\$11,365	\$11,706	\$12,057
Capital Projects - 5600	<u>\$1,778</u>	<u>\$1,831</u>	<u>\$1,886</u>
TOTAL DIRECT	\$99,201	\$102,177	\$105,242
ADMINISTRATION COSTS ²			
Overhead - 5900	\$3,866	\$3,982	\$4,101
Internal Services - 5400	\$2,209	\$2,275	\$2,343
County Collection Fee	<u>\$262</u>	<u>\$262</u>	<u>\$262</u>
TOTAL ADMINISTRATION	\$6,336	\$6,518	\$6,706
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$105,537	\$108,695	\$111,948
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$77,608)	\$0	(\$6,867)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,739)	(\$1,791)	(\$1,845)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$79,347)	(\$1,791)	(\$8,712)
Balance to Levy	\$26,190	\$106,904	\$103,237
Total Revenue at Maximum Rate	\$97,310	\$100,230	\$103,237
Variance above/(below) Maximum Revenue	(\$71,120)	\$6,674	\$0
DISTRICT STATISTICS			
Total Parcels	582	582	582
Total Parcels Levied	582	582	582
Total EDUs	582.00	582.00	582.00
Total EDUs Levied	582.00	582.00	582.00
Proposed Levy per EDU	\$45.00	\$46.36	\$47.76
Max Levy per EDU ⁴	\$167.20	\$172.22	\$177.38
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$420,483	\$344,977	\$346,702
Reserve Fund Adjustment	(\$77,608)	\$0	(\$6,867)
Interest (0.5%)	<u>\$2,102</u>	<u>\$1,725</u>	<u>\$1,734</u>
Projected Reserve Fund Balance at End of Year	\$344,977	\$346,702	\$341,569

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 25			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$0	\$0	\$0
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL DIRECT	\$0	\$0	\$0
ADMINISTRATION COSTS ²			
Overhead - 5900	\$0	\$0	\$0
LMD Administration	\$0	\$0	\$0
Internal Services - 5400	\$0	\$0	\$0
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADMINISTRATION	\$0	\$0	\$0
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$0	\$0	\$0
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$0	\$0	\$0
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$0	\$0	\$0
Balance to Levy	\$0	\$0	\$0
Total Revenue at Maximum Rate	\$0	\$0	\$0
Variance above/(below) Maximum Revenue	\$0	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	438	438	438
Total Parcels Levied	0	0	0
Total EDUs	438.00	438.00	438.00
Total EDUs Levied	0.00	0.00	0.00
Proposed Levy per EDU	\$0.00	\$0.00	\$0.00
Max Levy per EDU ⁴	\$0.00	\$0.00	\$0.00
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$0	\$0	\$0
Reserve Fund Adjustment	\$0	\$0	\$0
Interest (0.5%)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Projected Reserve Fund Balance at End of Year	\$0	\$0	\$0

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 26			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$85,314	\$87,874	\$90,510
Contracted Services - 5200	\$128,065	\$131,907	\$135,864
Materials - 5300	\$13,781	\$14,195	\$14,620
Capital Projects - 5600	<u>\$6,786</u>	<u>\$6,990</u>	<u>\$7,200</u>
TOTAL DIRECT	\$233,946	\$240,965	\$248,194
ADMINISTRATION COSTS ²			
Overhead - 5900	\$14,758	\$15,200	\$15,656
Internal Services - 5400	\$8,710	\$8,971	\$9,240
County Collection Fee	<u>\$2,432</u>	<u>\$2,432</u>	<u>\$2,432</u>
TOTAL ADMINISTRATION	\$25,899	\$26,603	\$27,328
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$259,845	\$267,568	\$275,522
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$9,248)	(\$9,441)	(\$9,651)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$6,857)	(\$7,062)	(\$7,274)
Storm Drain Fund - 101	(\$567)	<u>(\$584)</u>	<u>(\$601)</u>
TOTAL ADJUSTMENTS	(\$16,671)	(\$17,087)	(\$17,527)
Balance to Levy	\$243,174	\$250,481	\$257,995
Total Revenue at Maximum Rate	\$243,185	\$250,481	\$257,995
Variance above/(below) Maximum Revenue	(\$11)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	1,130	1,130	1,130
Total Parcels Levied	1,130	1,130	1,130
Total EDUs	1,130.00	1,130.00	1,130.00
Total EDUs Levied	1,130.00	1,130.00	1,130.00
Proposed Levy per EDU	\$215.20	\$221.66	\$228.31
Max Levy per EDU ⁴	\$215.21	\$221.66	\$228.31
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$430,211	\$423,114	\$415,789
Reserve Fund Adjustment	(\$9,248)	(\$9,441)	(\$9,651)
Interest (0.5%)	<u>\$2,151</u>	<u>\$2,116</u>	<u>\$2,079</u>
Projected Reserve Fund Balance at End of Year	\$423,114	\$415,789	\$408,217

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 27			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2020-23
DIRECT COSTS ¹			
Personnel - 5100	\$3,049	\$3,140	\$3,234
Contracted Services - 5200	\$3,700	\$3,811	\$3,926
Materials - 5300	\$192	\$198	\$204
Capital Projects - 5600	<u>\$243</u>	<u>\$250</u>	<u>\$257</u>
TOTAL DIRECT	\$7,184	\$7,399	\$7,621
ADMINISTRATION COSTS ²			
Overhead - 5900	\$527	\$543	\$559
Internal Services - 5400	\$311	\$321	\$330
County Collection Fee	<u>\$156</u>	<u>\$156</u>	<u>\$156</u>
TOTAL ADMINISTRATION	\$995	\$1,020	\$1,046
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$8,179	\$8,419	\$8,667
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$7,683	\$6,833	\$6,593
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$245)	(\$252)	(\$260)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$7,438	\$6,581	\$6,333
Balance to Levy	\$15,617	\$15,000	\$15,000
Total Revenue at Maximum Rate	\$87,054	\$89,665	\$92,355
Variance above/(below) Maximum Revenue	(\$71,437)	(\$74,665)	(\$77,355)
DISTRICT STATISTICS			
Total Parcels	75	75	75
Total Parcels Levied	75	75	75
Total EDUs	520.56	520.56	520.56
Total EDUs Levied	520.56	520.56	520.56
Proposed Levy per EDU	\$30.00	\$30.90	\$31.83
Max Levy per EDU ⁴	\$167.23	\$172.25	\$177.42
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$64,276	\$72,280	\$79,475
Reserve Fund Adjustment	\$7,683	\$6,833	\$6,593
Interest (0.5%)	<u>\$321</u>	<u>\$361</u>	<u>\$397</u>
Projected Reserve Fund Balance at End of Year	\$72,280	\$79,475	\$86,465

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 28			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$21,647	\$22,296	\$22,965
Contracted Services - 5200	\$26,108	\$26,891	\$27,698
Materials - 5300	\$16,365	\$16,856	\$17,362
Capital Projects - 5600	<u>\$1,650</u>	<u>\$1,700</u>	<u>\$1,750</u>
TOTAL DIRECT	\$65,770	\$67,743	\$69,775
ADMINISTRATION COSTS ²			
Overhead - 5900	\$3,744	\$3,857	\$3,972
Internal Services - 5400	\$2,210	\$2,276	\$2,345
County Collection Fee	<u>\$920</u>	<u>\$920</u>	<u>\$920</u>
TOTAL ADMINISTRATION	\$6,874	\$7,053	\$7,237
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$72,644	\$74,796	\$77,012
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$21,067	\$21,732	\$22,412
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,740)	(\$1,792)	(\$1,846)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$19,327	\$19,941	\$20,566
Balance to Levy	\$91,971	\$94,736	\$97,578
Total Revenue at Maximum Rate	\$91,977	\$94,736	\$97,578
Variance above/(below) Maximum Revenue	(\$5)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	550	550	550
Total Parcels Levied	550	550	550
Total EDUs	550.00	550.00	550.00
Total EDUs Levied	550.00	550.00	550.00
Proposed Levy per EDU	\$167.22	\$172.24	\$177.42
Max Levy per EDU ⁴	\$167.23	\$172.25	\$177.42
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$293,635	\$316,170	\$339,484
Reserve Fund Adjustment	\$21,067	\$21,732	\$22,412
Interest (0.5%)	<u>\$1,468</u>	<u>\$1,581</u>	<u>\$1,697</u>
Projected Reserve Fund Balance at End of Year	\$316,170	\$339,484	\$363,593

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 29			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$34,123	\$35,147	\$36,201
Contracted Services - 5200	\$45,969	\$47,348	\$48,769
Materials - 5300	\$2,152	\$2,217	\$2,283
Capital Projects - 5600	<u>\$2,714</u>	<u>\$2,796</u>	<u>\$2,880</u>
TOTAL DIRECT	\$84,959	\$87,508	\$90,133
ADMINISTRATION COSTS ²			
Overhead - 5900	\$5,903	\$6,080	\$6,262
Internal Services - 5400	\$3,484	\$3,588	\$3,696
County Collection Fee	<u>\$775</u>	<u>\$775</u>	<u>\$775</u>
TOTAL ADMINISTRATION	\$10,161	\$10,443	\$10,733
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$95,121	\$97,951	\$100,866
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$14,863)	(\$15,281)	(\$15,716)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$2,743)	(\$2,825)	(\$2,910)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$17,606)	(\$18,105)	(\$18,625)
Balance to Levy	\$77,515	\$79,846	\$82,241
Total Revenue at Maximum Rate	\$77,520	\$79,846	\$82,241
Variance above/(below) Maximum Revenue	(\$5)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	451	451	451
Total Parcels Levied	451	451	451
Total EDUs	489.16	489.16	489.16
Total EDUs Levied	489.16	489.16	489.16
Proposed Levy per EDU	\$158.47	\$163.22	\$168.12
Max Levy per EDU ⁴	\$158.48	\$163.23	\$168.13
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	(\$8,062)	(\$22,925)	(\$38,206)
Reserve Fund Adjustment	(\$14,863)	(\$15,281)	(\$15,716)
Interest (0.5%)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Projected Reserve Fund Balance at End of Year	(\$22,925)	(\$38,206)	(\$53,921)

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 30			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2021-22
DIRECT COSTS ¹			
Personnel - 5100	\$9,587	\$9,874	\$10,171
Contracted Services - 5200	\$21,980	\$22,639	\$23,319
Materials - 5300	\$2,105	\$2,168	\$2,233
Capital Projects - 5600	<u>\$763</u>	<u>\$785</u>	<u>\$809</u>
TOTAL DIRECT	\$34,434	\$35,467	\$36,531
ADMINISTRATION COSTS ²			
Overhead - 5900	\$1,658	\$1,708	\$1,759
Internal Services - 5400	\$979	\$1,008	\$1,038
County Collection Fee	<u>\$498</u>	<u>\$498</u>	<u>\$498</u>
TOTAL ADMINISTRATION	\$3,135	\$3,214	\$3,296
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$37,569	\$38,681	\$39,827
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$17,677	\$18,224	\$18,786
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$771)	(\$794)	(\$817)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$16,907	\$17,431	\$17,969
Balance to Levy	\$54,476	\$56,112	\$57,795
Total Revenue at Maximum Rate	\$54,478	\$56,112	\$57,795
Variance above/(below) Maximum Revenue	(\$2)	\$0	(\$0)
DISTRICT STATISTICS			
Total Parcels	166	166	166
Total Parcels Levied	166	166	166
Total EDUs	166.00	166.00	166.00
Total EDUs Levied	166.00	166.00	166.00
Proposed Levy per EDU	\$328.17	\$338.02	\$348.16
Max Levy per EDU ⁴	\$328.18	\$338.02	\$348.16
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$197,969	\$216,636	\$235,944
Reserve Fund Adjustment	\$17,677	\$18,224	\$18,786
Interest (0.5%)	<u>\$990</u>	<u>\$1,083</u>	<u>\$1,180</u>
Projected Reserve Fund Balance at End of Year	\$216,636	\$235,944	\$255,910

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 31			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$0	\$0	\$0
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL DIRECT	\$0	\$0	\$0
ADMINISTRATION COSTS ²			
Overhead - 5900	\$0	\$0	\$0
LMD Administration	\$0	\$0	\$0
Internal Services - 5400	\$0	\$0	\$0
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADMINISTRATION	\$0	\$0	\$0
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$0	\$0	\$0
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$0	\$0	\$0
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$0	\$0	\$0
Balance to Levy	\$0	\$0	\$0
Total Revenue at Maximum Rate	\$6,152	\$6,336	\$6,526
Variance above/(below) Maximum Revenue	(\$6,152)	(\$6,336)	(\$6,526)
DISTRICT STATISTICS			
Total Parcels	1	1	1
Total Parcels Levied	1	1	1
Total EDUs	27.75	27.75	27.75
Total EDUs Levied	27.75	27.75	27.75
Proposed Levy per EDU	\$0.00	\$0.00	\$0.00
Max Levy per EDU ⁴	\$221.68	\$228.33	\$235.18
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$615	\$618	\$621
Reserve Fund Adjustment	\$0	\$0	\$0
Interest (0.5%)	<u>\$3</u>	<u>\$3</u>	<u>\$3</u>
Projected Reserve Fund Balance at End of Year	\$618	\$621	\$624

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 32			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2021-22
DIRECT COSTS ¹			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$0	\$0	\$0
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL DIRECT	\$0	\$0	\$0
ADMINISTRATION COSTS ²			
Overhead - 5900	\$0	\$0	\$0
Internal Services - 5400	\$0	\$0	\$0
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADMINISTRATION	\$0	\$0	\$0
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$0	\$0	\$0
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$0	\$0	\$0
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$0	\$0	\$0
Balance to Levy	\$0	\$0	\$0
Total Revenue at Maximum Rate	\$40,427	\$41,640	\$42,889
Variance above/(below) Maximum Revenue	(\$40,427)	(\$41,640)	(\$42,889)
DISTRICT STATISTICS			
Total Parcels	2	2	2
Total Parcels Levied	0	0	0
Total EDUs	222.68	222.68	222.68
Total EDUs Levied	0.00	0.00	0.00
Proposed Levy per EDU	\$0.00	\$0.00	\$0.00
Max Levy per EDU ⁴	\$181.55	\$186.99	\$192.60
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$0	\$0	\$0
Reserve Fund Adjustment	\$0	\$0	\$0
Interest (0.5%)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Projected Reserve Fund Balance at End of Year	\$0	\$0	\$0

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 33			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$6,550	\$6,747	\$6,949
Contracted Services - 5200	\$12,929	\$13,317	\$13,717
Materials - 5300	\$413	\$426	\$438
Capital Projects - 5600	<u>\$521</u>	<u>\$537</u>	<u>\$553</u>
TOTAL DIRECT	\$20,414	\$21,026	\$21,657
ADMINISTRATION COSTS ²			
Overhead - 5900	\$1,133	\$1,167	\$1,202
Internal Services - 5400	\$669	\$689	\$709
County Collection Fee	<u>\$90</u>	<u>\$90</u>	<u>\$90</u>
TOTAL ADMINISTRATION	\$1,892	\$1,946	\$2,002
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$22,306	\$22,972	\$23,659
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$78,237	\$77,570	\$76,900
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$526)	(\$542)	(\$559)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$77,711	\$77,028	\$76,341
Balance to Levy	\$100,017	\$100,000	\$100,000
Total Revenue at Maximum Rate	\$542,792	\$559,076	\$575,848
Variance above/(below) Maximum Revenue	(\$442,775)	(\$459,076)	(\$475,848)
DISTRICT STATISTICS			
Total Parcels	30	30	30
Total Parcels Levied	30	30	30
Total EDUs	2,461.04	2,461.04	2,461.04
Total EDUs Levied	2,461.04	2,461.04	2,461.04
Proposed Levy per EDU	\$40.64	\$40.64	\$40.64
Max Levy per EDU ⁴	\$220.55	\$227.17	\$233.99
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$270,570	\$350,160	\$429,480
Reserve Fund Adjustment	\$78,237	\$77,570	\$76,900
Interest (0.5%)	<u>\$1,353</u>	<u>\$1,751</u>	<u>\$2,147</u>
Projected Reserve Fund Balance at End of Year	\$350,160	\$429,480	\$508,528

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 34			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$14,007	\$14,427	\$14,860
Contracted Services - 5200	\$10,802	\$11,126	\$11,459
Materials - 5300	\$883	\$910	\$937
Capital Projects - 5600	<u>\$1,114</u>	<u>\$1,148</u>	<u>\$1,182</u>
TOTAL DIRECT	\$26,806	\$27,610	\$28,439
ADMINISTRATION COSTS ²			
Overhead - 5900	\$2,423	\$2,496	\$2,570
Internal Services - 5400	\$1,430	\$1,473	\$1,517
County Collection Fee	<u>\$27</u>	<u>\$27</u>	<u>\$27</u>
TOTAL ADMINISTRATION	\$3,880	\$3,995	\$4,114
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$30,686	\$31,606	\$32,553
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$8,391)	(\$8,641)	(\$8,900)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,126)	(\$1,160)	(\$1,194)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$9,517)	(\$9,801)	(\$10,094)
Balance to Levy	\$21,169	\$21,805	\$22,459
Total Revenue at Maximum Rate	\$21,170	\$21,805	\$22,459
Variance above/(below) Maximum Revenue	(\$1)	(\$0)	\$0
DISTRICT STATISTICS			
Total Parcels	9	9	9
Total Parcels Levied	9	9	9
Total EDUs	84.10	84.10	84.10
Total EDUs Levied	84.10	84.10	84.10
Proposed Levy per EDU	\$251.71	\$259.26	\$267.04
Max Levy per EDU ⁴	\$251.72	\$259.27	\$267.05
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$13,545	\$5,221	(\$3,394)
Reserve Fund Adjustment	(\$8,391)	(\$8,641)	(\$8,900)
Interest (0.5%)	<u>\$68</u>	<u>\$26</u>	<u>\$0</u>
Projected Reserve Fund Balance at End of Year	\$5,221	(\$3,394)	(\$12,293)

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 35			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$16,970	\$17,479	\$18,003
Contracted Services - 5200	\$33,661	\$34,671	\$35,711
Materials - 5300	\$1,070	\$1,102	\$1,136
Capital Projects - 5600	<u>\$1,350</u>	<u>\$1,390</u>	<u>\$1,432</u>
TOTAL DIRECT	\$53,051	\$54,643	\$56,282
ADMINISTRATION COSTS ²			
Overhead - 5900	\$2,935	\$3,023	\$3,114
Internal Services - 5400	\$1,732	\$1,784	\$1,838
County Collection Fee	<u>\$472</u>	<u>\$472</u>	<u>\$472</u>
TOTAL ADMINISTRATION	\$5,140	\$5,280	\$5,424
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$58,191	\$59,922	\$61,706
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$9,639)	(\$9,914)	(\$10,197)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,364)	(\$1,405)	(\$1,447)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$11,003)	(\$11,319)	(\$11,644)
Balance to Levy	\$47,188	\$48,604	\$50,062
Total Revenue at Maximum Rate	\$47,188	\$48,604	\$50,062
Variance above/(below) Maximum Revenue	\$0	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	186	186	186
Total Parcels Levied	186	186	186
Total EDUs	186.00	186.00	186.00
Total EDUs Levied	186.00	186.00	186.00
Proposed Levy per EDU	\$253.70	\$261.30	\$269.14
Max Levy per EDU ⁴	\$253.70	\$261.31	\$269.15
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$764	(\$8,870)	(\$18,784)
Reserve Fund Adjustment	(\$9,639)	(\$9,914)	(\$10,197)
Interest (0.5%)	<u>\$4</u>	<u>\$0</u>	<u>\$0</u>
Projected Reserve Fund Balance at End of Year	(\$8,870)	(\$18,784)	(\$28,981)

City of Tracy			
Consolidated Landscape Maintenance District			
Proposed Budget for Fiscal Year 2020-21			
Zone 36			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2021-22
DIRECT COSTS ¹			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$68	\$70	\$72
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL DIRECT	\$68	\$70	\$72
ADMINISTRATION COSTS ²			
Overhead - 5900	\$0	\$0	\$0
Internal Services - 5400	\$0	\$0	\$0
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADMINISTRATION	\$0	\$0	\$0
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$68	\$70	\$72
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$68)	\$0	\$0
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$68)	\$0	\$0
Balance to Levy	\$0	\$70	\$72
Total Revenue at Maximum Rate	\$6,847	\$7,053	\$7,264
Variance above/(below) Maximum Revenue	(\$6,847)	(\$6,983)	(\$7,192)
DISTRICT STATISTICS			
Total Parcels	1	1	1
Total Parcels Levied	1	1	1
Total EDUs	72.00	72.00	72.00
Total EDUs Levied	72.00	72.00	72.00
Proposed Levy per EDU	\$0.00	\$0.00	\$0.00
Max Levy per EDU ⁴	\$95.10	\$97.95	\$100.89
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$2,363	\$2,307	\$2,319
Reserve Fund Adjustment	(\$68)	\$0	\$0
Interest (0.5%)	<u>\$12</u>	<u>\$12</u>	<u>\$12</u>
Projected Reserve Fund Balance at End of Year	\$2,307	\$2,319	\$2,330

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 37			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$0	\$0	\$0
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL DIRECT	\$0	\$0	\$0
ADMINISTRATION COSTS ²			
Overhead - 5900	\$0	\$0	\$0
Internal Services - 5400	\$0	\$0	\$0
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADMINISTRATION	\$0	\$0	\$0
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$0	\$0	\$0
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$0	\$0	\$0
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$0	\$0	\$0
Balance to Levy	\$0	\$0	\$0
Total Revenue at Maximum Rate	\$7,228	\$7,444	\$7,668
Variance above/(below) Maximum Revenue	(\$7,228)	(\$7,444)	(\$7,668)
DISTRICT STATISTICS			
Total Parcels	10	10	10
Total Parcels Levied	10	10	10
Total EDUs	76.00	76.00	76.00
Total EDUs Levied	76.00	76.00	76.00
Proposed Levy per EDU	\$0.00	\$0.00	\$0.00
Max Levy per EDU ⁴	\$95.10	\$97.95	\$100.89
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$4,886	\$4,910	\$4,935
Reserve Fund Adjustment	\$0	\$0	\$0
Interest (0.5%)	<u>\$24</u>	<u>\$25</u>	<u>\$25</u>
Projected Reserve Fund Balance at End of Year	\$4,910	\$4,935	\$4,960

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 40			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$2,828	\$2,913	\$3,001
Contracted Services - 5200	\$2,886	\$2,973	\$3,062
Materials - 5300	\$178	\$184	\$189
Capital Projects - 5600	<u>\$225</u>	<u>\$232</u>	<u>\$239</u>
TOTAL DIRECT	\$6,118	\$6,302	\$6,491
ADMINISTRATION COSTS ²			
Overhead - 5900	\$489	\$504	\$519
Internal Services - 5400	\$289	\$297	\$306
County Collection Fee	<u>\$3</u>	<u>\$3</u>	<u>\$3</u>
TOTAL ADMINISTRATION	\$781	\$804	\$828
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$6,899	\$7,106	\$7,319
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$2,303)	(\$2,372)	(\$2,443)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$227)	(\$234)	(\$241)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	(\$2,530)	(\$2,606)	(\$2,684)
Balance to Levy	\$4,369	\$4,500	\$4,635
Total Revenue at Maximum Rate	\$4,369	\$4,500	\$4,635
Variance above/(below) Maximum Revenue	(\$0)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	1	1	1
Total Parcels Levied	1	1	1
Total EDUs	9.00	9.00	9.00
Total EDUs Levied	9.00	9.00	9.00
Proposed Levy per EDU	\$485.42	\$499.98	\$514.98
Max Levy per EDU ⁴	\$485.43	\$499.99	\$514.99
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	(\$1,711)	(\$4,014)	(\$6,386)
Reserve Fund Adjustment	(\$2,303)	(\$2,372)	(\$2,443)
Interest (0.5%)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Projected Reserve Fund Balance at End of Year	(\$4,014)	(\$6,386)	(\$8,829)

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 41			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$331	\$340	\$351
Contracted Services - 5200	\$292	\$300	\$309
Materials - 5300	\$21	\$21	\$22
Capital Projects - 5600	<u>\$26</u>	<u>\$27</u>	<u>\$28</u>
TOTAL DIRECT	\$669	\$689	\$710
ADMINISTRATION COSTS ²			
Overhead - 5900	\$57	\$59	\$61
Internal Services - 5400	\$34	\$35	\$36
County Collection Fee	<u>\$17</u>	<u>\$3</u>	<u>\$3</u>
TOTAL ADMINISTRATION	\$108	\$97	\$99
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$778	\$786	\$810
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$986	\$1,030	\$1,061
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$27)	(\$27)	(\$28)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$959	\$1,003	\$1,033
Balance to Levy	\$1,737	\$1,789	\$1,843
Total Revenue at Maximum Rate	\$1,737	\$1,789	\$1,843
Variance above/(below) Maximum Revenue	(\$0)	\$0	\$0
DISTRICT STATISTICS			
Total Parcels	1	1	1
Total Parcels Levied	1	1	1
Total EDUs	4.15	4.15	4.15
Total EDUs Levied	4.15	4.15	4.15
Proposed Levy per EDU	\$418.53	\$431.10	\$444.02
Max Levy per EDU ⁴	\$418.54	\$431.10	\$444.03
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$9,446	\$10,479	\$11,562
Reserve Fund Adjustment	\$986	\$1,030	\$1,061
Interest (0.5%)	<u>\$47</u>	<u>\$52</u>	<u>\$58</u>
Projected Reserve Fund Balance at End of Year	\$10,479	\$11,562	\$12,681

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 42			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$1,408	\$1,450	\$1,494
Contracted Services - 5200	\$968	\$998	\$1,027
Materials - 5300	\$89	\$91	\$94
Capital Projects - 5600	<u>\$112</u>	<u>\$115</u>	<u>\$119</u>
TOTAL DIRECT	\$2,577	\$2,655	\$2,734
ADMINISTRATION COSTS ²			
Overhead - 5900	\$244	\$251	\$258
Internal Services - 5400	\$144	\$148	\$153
County Collection Fee	<u>\$6</u>	<u>\$6</u>	<u>\$6</u>
TOTAL ADMINISTRATION	\$393	\$405	\$417
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$2,971	\$3,060	\$3,151
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$4,199	\$4,057	\$3,969
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$113)	(\$117)	(\$120)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$4,085	\$3,940	\$3,849
Balance to Levy	\$7,056	\$7,000	\$7,000
Total Revenue at Maximum Rate	\$28,199	\$29,045	\$29,916
Variance above/(below) Maximum Revenue	(\$21,143)	(\$22,045)	(\$22,916)
DISTRICT STATISTICS			
Total Parcels	2	2	2
Total Parcels Levied	2	2	2
Total EDUs	441.00	441.00	441.00
Total EDUs Levied	441.00	441.00	441.00
Proposed Levy per EDU	\$16.00	\$16.48	\$16.97
Max Levy per EDU ⁴	\$63.94	\$65.86	\$67.84
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$46,127	\$50,556	\$54,866
Reserve Fund Adjustment	\$4,199	\$4,057	\$3,969
Interest (0.5%)	<u>\$231</u>	<u>\$253</u>	<u>\$274</u>
Projected Reserve Fund Balance at End of Year	\$50,556	\$54,866	\$59,109

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Zone 43			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$1,322	\$1,362	\$1,403
Contracted Services - 5200	\$1,982	\$2,041	\$2,102
Materials - 5300	\$83	\$86	\$88
Capital Projects - 5600	<u>\$105</u>	<u>\$108</u>	<u>\$112</u>
TOTAL DIRECT	\$3,493	\$3,597	\$3,705
ADMINISTRATION COSTS ²			
Overhead - 5900	\$229	\$236	\$243
Internal Services - 5400	\$135	\$139	\$143
County Collection Fee	<u>\$82</u>	<u>\$82</u>	<u>\$82</u>
TOTAL ADMINISTRATION	\$446	\$457	\$468
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$3,938	\$4,054	\$4,173
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$4,358	\$4,056	\$3,940
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$106)	(\$109)	(\$113)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL ADJUSTMENTS	\$4,252	\$3,946	\$3,827
Balance to Levy	\$8,190	\$8,000	\$8,000
Total Revenue at Maximum Rate	\$22,356	\$23,026	\$23,717
Variance above/(below) Maximum Revenue	(\$14,166)	(\$15,026)	(\$15,717)
DISTRICT STATISTICS			
Total Parcels	105	105	105
Total Parcels Levied	105	105	105
Total EDUs	105.00	105.00	105.00
Total EDUs Levied	105.00	105.00	105.00
Proposed Levy per EDU	\$78.00	\$80.34	\$82.75
Max Levy per EDU ⁴	\$212.91	\$219.30	\$225.88
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$37,886	\$42,434	\$46,701
Reserve Fund Adjustment	\$4,358	\$4,056	\$3,940
Interest (0.5%)	<u>\$189</u>	<u>\$212</u>	<u>\$234</u>
Projected Reserve Fund Balance at End of Year	\$42,434	\$46,701	\$50,875

City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2020-21			
Consolidated Totals - 41 Zones			
	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS ¹			
Personnel - 5100	\$1,225,506	\$1,261,902	\$1,299,759
Contracted Services - 5200	\$1,750,189	\$1,802,289	\$1,856,357
Materials - 5300	\$161,997	\$166,714	\$171,715
Capital Projects - 5600	<u>\$1,375,993</u>	<u>\$1,417,243</u>	<u>\$1,459,760</u>
TOTAL DIRECT	\$4,513,685	\$4,648,148	\$4,787,592
ADMINISTRATION COSTS ²			
Overhead - 5900	\$241,874	\$249,066	\$256,538
Internal Services - 5400	\$125,113	\$128,828	\$132,693
County Collection Fee	<u>\$30,549</u>	<u>\$30,516</u>	<u>\$30,531</u>
TOTAL ADMINISTRATION	\$397,535	\$408,410	\$419,762
LEVY ADJUSTMENTS ³			
TOTAL DIRECT AND ADMIN COSTS	\$4,911,220	\$5,056,558	\$5,207,354
Capital Improvement Projects	(\$519,913)	\$0	\$0
Zone Reserves Adjustment	(\$928,479)	(\$1,417,554)	(\$1,472,054)
Gas Tax Support	\$0	\$0	\$0
General Fund - 101	(\$98,495)	(\$101,420)	(\$104,463)
Storm Drain Fund - 101	<u>(\$20,000)</u>	<u>(\$20,573)</u>	<u>(\$21,191)</u>
TOTAL ADJUSTMENTS	(\$1,566,887)	(\$1,539,548)	(\$1,597,707)
Balance to Levy	\$3,344,452	\$3,517,010	\$3,609,647
Total Revenue at Maximum Rate	\$4,155,557	\$4,279,031	\$4,407,402
Variance above/(below) Maximum Revenue	(\$811,105)	(\$762,020)	(\$797,754)
DISTRICT STATISTICS			
Total Parcels	16,851	16,851	16,851
Total Parcels Levied	16,411	16,411	16,411
Total EDUs	25,582.88	25,582.88	25,582.88
Total EDUs Levied	24,922.35	24,922.35	24,922.35
Proposed Levy per EDU	\$5,488.66	\$5,650.24	\$5,818.67
Max Levy per EDU ⁴	\$7,325.98	\$7,543.83	\$7,770.14
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	\$6,063,981.14	\$5,161,709	\$3,771,931
Reserve Fund Adjustment	(\$926,825.03)	(\$1,417,554)	(\$1,472,054)
Interest (0.5%)	<u>\$31,205.59</u>	<u>\$27,777</u>	<u>\$20,519</u>
Projected Reserve Fund Balance at End of Year	\$5,168,362	\$3,771,931	\$2,320,396

PART III – QUANTIFICATION OF BENEFIT

The Act allows cities to establish benefit zones for the purpose of providing certain public improvements which provide a special benefit to the parcels. This includes the construction, maintenance, and servicing of street lights, traffic signals, and landscaping facilities. Section 22573 of the Act requires that maintenance assessments be levied according to benefit rather than according to the assessed value of property. This section states:



The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.

— Streets and Highways Code Section 22573

Section 22574 of the Act permits the designation of zones of benefit within any individual assessment district if “by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvements.”

In addition, Proposition 218, the “Right to Vote on Taxes Act,” which was approved on the November 1996 Statewide ballot and added Article XIII D to the California Constitution, requires that a parcel’s assessment not exceed the reasonable cost of the proportional special benefit conferred on that parcel. Proposition 218 provides that only special benefits are assessable and the City must separate the general benefits from the special benefits. In addition, Proposition 218 also requires that publicly owned property which benefits from the improvements be assessed, unless there is clear and definite evidence that those properties receive no special benefit. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways.

The amount to be assessed may be apportioned by any formula or method which fairly distributes the amount among all assessable lots or parcels. Additionally, it’s required that the City separate the general benefits from the special benefits, because only special benefits may be assessed. The quantification and separation of general benefit from special benefits follows for each of the Zones and associated benefit areas.

PART IV – METHOD OF ASSESSMENT

General

The Method of Assessment outlines the formula by which property that receives special benefit from the improvements and services provided will be assessed annually. The Method of Assessment for the District follows:

Each parcel within the District is deemed to receive special benefit from the landscaping improvements. Each parcel that has a special benefit conferred upon it as a result of the maintenance and operation of the improvements is identified and the proportionate special benefit derived by each identified parcel is determined in relationship to the entirety of the costs of the maintenance, operation, and servicing of the improvements.

Each parcel is assigned a weighting factor known as an Equivalent Dwelling Unit (EDU) to identify the parcel's proportionate special benefit from the improvements. Each parcel's EDU is calculated based on the parcel's land use, development status and/or size as compared to other parcels that are associated with the improvements. All single-family residential properties are assigned an EDU of 1.00, and all other property types are assigned an EDU proportionate to the special benefits they receive as compared to this single-family residential property. The total EDU's in a Zone is divided into the total amount to be assessed (Balance to Levy) to establish the Levy per EDU (Rate). This Rate is then multiplied by the parcel's individual EDU to establish the parcel's levy amount.

The following formulas are used to calculate each property's assessment:

$$\text{Total Balance to Levy} \div \text{Total EDUs} = \text{Levy per EDU}$$

$$\text{Levy per EDU} \times \text{Parcel EDU} = \text{Parcel Levy Amount}$$

The formula used for each Zone reflects the composition of the parcels and properties, and the services provided, to accurately proportion the costs based on estimated special benefit to each parcel. The total Levy per EDU will vary between Zones due to the different costs to maintain the improvements within each Zone and the number of EDU within the Zone.

Land Use Classifications

Every parcel within the District is assigned a land use classification based on available parcel information obtained from the County Assessor's Office and City records. To assess benefits equitably, it is necessary to relate the different type of parcel improvements to each other. The Equivalent Dwelling Unit method of assessment apportionment uses the single-family home site as the basic unit of assessment. A single-family home site equals one Equivalent Dwelling Unit (EDU). Every other land use is converted to EDU's based on an assessment formula that equates the property's specific development status, type of development (land use), and size of the property, as compared to a single-family home site.

The EDU method of apportioning benefit is typically seen as the most appropriate and equitable assessment methodology for districts formed under the 1972 Act, as the benefit to each parcel from the improvements are apportioned as a function of land use type, size and development.

Single-Family Residential Subdivided Lot. This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.00 EDU per lot or parcel. This is the base value that all other land use types are compared and weighted against.

Planned-Residential Subdivision. This land use is defined as any property not fully subdivided, but has a specific number of proposed residential lots to be developed on the parcel (approved tract map). This land use type is assessed at 1.00 EDU per planned (proposed) residential lot.

Vacant, Undeveloped Private Property. This land use is defined as vacant property (undeveloped) that is not a fully subdivided residential lot or planned residential subdivision. This land use is assessed at 4.00 EDU per acre. Parcels less than 0.25 acres are assigned a minimum of 1.00 EDU. In Zones 10, 11, 36 and 37 this land use is assessed at 5.0 EDU per acre. Parcels less than 0.20 acres are assigned a minimum of 1.00 EDU.

Developed Non-Residential. This land use is defined as property developed for non-residential use, including, but not limited to, commercial and industrial properties, offices, churches and not-for-profit institutions and private schools. This land use type is assessed at 5.00 EDU per gross acre. Parcels less than 0.20 acres are assigned a minimum of 1.00 EDU.

Developed Multiple Residential Units. This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. This land use is assessed 1.00 EDU per unit for properties that the number of units can be identified. For properties that the number of units cannot be identified the property is assessed as Developed Commercial/Industrial property at 5.00 EDU per gross acre, but a minimum of 1.00 EDU similar.

Undeveloped, Public Property. This land use identifies properties that are exempt and are assigned 0.00 EDU. This land use classification may include, but is not limited to lots or parcels identified as:

- Public streets and other roadways (typically not assigned an APN by the County);
- Dedicated public easements such as utility right-of-ways, detention basins, channel ways, greenbelts, parkways, parks and open space areas;
- Privately owned property that cannot be developed or is associated with another property such as common areas, sliver parcels and bifurcated lots or properties that have little or no land value;

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment. Government-owned properties commonly identified as non-taxable properties by the County Assessor's Office are not exempt from District assessments unless:

- The property has restricted development or limited land use potential and the improvements clearly provide no benefit to the property; or
- The property provides additional or substantially similar improvements being provided by the

District (such is the case with parks, open space areas and common areas).

Developed Public Property. This land use is defined as developed property owned by a public agency such as City buildings or facilities owned by the utility companies. This land use type is assessed at 0.30 EDU per gross acre.

Developed Regional Commercial. This land use is defined as property that has been designated for regional commercial development (i.e. Shopping mall). This land use type is assessed at 0.36 EDU per gross acre.

Restricted/Special Land Use. This land use classification identifies properties that benefit from the improvements, but cannot be fairly categorized by one of the other land use designations. This land use classification may include, but is not limited to:

- Developed Commercial/Industrial properties that only a small portion of the parcel has been developed;
- Properties identified as planned residential subdivisions, but currently have development restrictions; or
- Vacant properties with development limitations or development plans that identify large portions of the property as open space areas, parklands or similar exempt land uses.

The following table shows the EDU factors assigned to each property type in the District:

Property Type	Factor	Basis
Single Family Residential – Subdivided Lot	1.00	Parcel
Planned Residential Subdivision	1.00	Planned Lot
Vacant, Undeveloped Private Property ⁽¹⁾	4.00	Acre
Vacant, Undeveloped Private Property (Zones 10, 11, 36 & 37) ⁽¹⁾	5.00	Acre
Developed, Non-Residential Property	5.00	Acre
Developed, Multi-Family Residential	1.00	Unit
Undeveloped, Public Property ⁽²⁾	0.00	Acre
Developed, Public Property ⁽³⁾	0.30	Acre
Developed, Regional Commercial ⁽⁴⁾	0.36	Acre

Notes

1. The Undeveloped Private property factor for Zones, 10, 11, 36 and 37 (5.00 EDU/Acre) reflects the more intense use of property within these Zones when the properties are developed as compared to property development in other Zones of the District, which are assigned a weighting factor of 4.00 EDU/Acre. It is important to note that the factors shown above are used to apportion the assessment within each specific Zone, not across the entire District and therefore this distinction is an appropriate reflection of these parcels' benefit compared to other property types within the respective Zones.

2. It has been determined that undeveloped public properties generally do not benefit from the improvements and services provided by the District and are not assessed. These types of properties generally include easements, detention basins, parks or properties that have little or no development potential and therefore receive no special benefits from the District improvements.
3. Developed Public properties typically receive comparatively less benefit from the improvements and services provided by the District, since the use and enhancement of these properties has little direct benefit from aesthetics of the local environment. The factor shown was originally established based on typical proportionate cost of service and hours of use for this land use type.
4. Regional Commercial properties have been assigned a reduced benefit because of their size and their more distant proximity to the District improvements. Additionally, due to the nature and hours of use, the benefit received by such properties from the improvements and services is substantially less than other developed properties. The factor shown was originally established based on a calculation of the proportionate cost of service, average floor area ratios, and hours of use.

Assessment Range Formula

The annual landscaping assessment shall be calculated for each parcel annually by multiplying each parcel's number of EDU's by the actual assessment rate for the specific fiscal year. The actual annual assessment rate levied in any fiscal year for the District may not exceed the maximum annual assessment rate for such fiscal year without receiving property owner approval for the increase. The actual assessment rate shall be as approved by the City Council, not to exceed the maximum annual assessment rate for such fiscal year, after a noticed public hearing has been conducted, as required by law.

In each year, starting in the first year after the consolidation of the District (2003-04), the maximum annual assessment rate for each Zone shall be increased in an amount equal to the lesser of: (1) three percent (3.0%), or (2) the annual percentage increase of the Local Consumer Price Index ("CPI") for All Urban Consumers, for the San Francisco-Oakland-San Jose Area.

Each fiscal year, the City shall identify the percentage difference between the CPI for June and the CPI for the previous June (or similar time period). This percentage difference shall then establish the range of increased assessments allowed based on CPI. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the City shall use the revised index or comparable system as approved by the City Council for determining fluctuations in the cost of living.

The actual annual assessment rate and actual assessments levied in any fiscal year will be as approved by the City Council and may not exceed the maximum annual assessment rate for that fiscal year without property owner approval via a Proposition 218 compliant increase procedure.

The percentage difference for the CPI for the San Francisco-Oakland-Hayward Area June 2018 to June 2019 was 3.2%. The maximum assessment rates allowed for Fiscal Year 2020-21 therefore, have been adjusted by 3.00% over the prior year's maximum assessment rates.

PART V – ASSESSMENT DIAGRAM

The assessment diagrams for each Zone in the District are on file with the City's Office of the City Clerk and available for public inspection.

The lines and dimensions of each lot or parcel within each Zone are those lines and dimensions shown on the maps of the Assessor of the County of San Joaquin for the fiscal year to which this Report applies. The Assessor's maps and records are incorporated by reference herein and made part of this Report.

An overview map of the District showing the locations of each Zone is included herein as Appendix B.

PART VI – ASSESSMENT ROLL

The assessment set forth for each parcel is shown on the Assessment Roll for the District, submitted separately, as "Assessment Roll for the City of Tracy, Consolidated Landscape Maintenance District, Fiscal Year 2020-21", which exhibit is incorporated by reference herein as Appendix C under separate cover, and is on file in the Office of the City Clerk.

The Assessment Roll lists all parcels within the boundaries of the District as shown on the Assessment Diagram, Part D herein, and on the last equalized roll of the Assessor of the County of San Joaquin, which is by reference made part of this report.

A list of names and addresses of the owners of all parcels within this District is shown on the last equalized Property Tax Roll of the Assessor of the County of San Joaquin, which by reference is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the office of the City Clerk of the City of Tracy.

APPENDIX A – IMPROVEMENT AREAS BY ZONE

Zone 1 Sycamore subdivision on east side of Tracy Boulevard

Arterial Street Landscaping

Tracy Boulevard – Southeast corner of Tracy Boulevard and Central Avenue, north to 1688 S. Tracy Boulevard

Zone 2 Fairhaven subdivision on west side of Tracy Boulevard

Arterial Street Landscaping

S. Tracy Boulevard – West side, approximately 1,000 feet south of Valpico to Sycamore Parkway (Fairhaven subdivision)

Rockport Way – Median strip and side strips

Zone 3 Northwest section of Tracy, bordered by I-205 to the north, Byron Road to the south and O'Hare Drive to the east

Arterial Street Landscaping

Grant Line Road – North side from Corral Hollow Road to O'Hare Drive; south side from 1820 W. Grant Line Road, east to Lincoln Road; median island from Lincoln Road, west to Orchard Parkway; south side from Corral Hollow Road, west to Henley Parkway

Corral Hollow Road – West side from Grant Line Road, south to Byron Road; east side from Byron Road to approximately 150 feet north of Alegre; median island from Byron Road, north to Grant Line Road; east side from Grant Line Road, north to beginning of the channel way; median island on Corral Hollow Road, north of Grant Line Road to the Mall entrance

Kavanagh Avenue – South side from Corral Hollow Road, east to Golden Springs Drive

Lowell Avenue – Corral Hollow, west to Regency (both sides), north side from Henley Parkway heading west to the end of the sound wall; south side from Henley Parkway, west to Blandford Lane; median island from Corral Hollow Road, east to Lincoln Boulevard; south side from Corral

Hollow Road, east to Promenade Circle; north side between the sound wall and curb, from Bridle Creek to Joe Pombo

Parkway; south side from east end of subdivision to the end of the soundwall/Joe Pombo Parkway; south side from Joe Pombo Parkway to Blandford Lane; south side from Promenade Circle, east to the end of the sound wall; northside from Henley Parkway, west to the end of the sound wall

Orchard Parkway – East side from Lowell Avenue to Grant Line Road; median island from Hillcrest, north to Joseph Damon Drive; west side from Lowell Avenue, north to approximately 500 feet north of Hillcrest, and from Joseph Damon Drive to Grant Line Road (to be weed free between curb and fence line); west side between curb and fence line, approximately 500 feet south of Joseph Damon Drive

Henley Parkway – East side between sound wall and curb, from Lowell Avenue to Bridle Creek Drive; west side from Lowell Avenue, north to the end of the sound wall (north of Giovanni)

Blandford Lane – East side from Lowell Avenue heading south to the end of the sound wall, including traffic circle at Lowell Avenue and Blandford Lane

Subdivision Landscaping

Arnaudo Village – Entryways at Lincoln Boulevard and Grant Line Road

Blossom Valley – Entryways at Travao Lane and Grant Line Road, including median-island

Foothill Ranch Estates – Entryway at Foothill Ranch Drive and Corral Hollow Road, including median-island

Woodfield Estates – Entryway at Fieldview, including north and south side sound wall and median strip along Fieldview; entryway at Promenade Circle, including west side of sound wall and median island

Sterling Estates – Alegre – north side and median-island

Pheasant Run – Entryways at Corral Hollow Road and Fieldview, including median-island; Annie Court adjacent to Fieldview, including south side of sound wall

Bridle Creek – Entryway at Lowell Avenue and Bridle Creek Circle, including median island on Bridle Creek Circle; entryway at Bridle Creek Circle and Joe Pombo Parkway

Entryways at Lowell Avenue and Oxford Way, including median-island on Oxford Way; entryway at Hampshire Lane, including median strip

Laurelbrook – Entryway at Laurelbrook Drive and Southbrook Lane, including median strip

Foothill Vista – Entryway at Hillcrest Drive between Orchard Parkway and Isabel Virginia

Countryside – Giovanni Lane, both sides, including median-island, from Henley Parkway, west to Rochester Street

Park Maintenance

Arnaudo Village – Slater Park on Suellen Drive

Buena Vista Estates – Kelly Park on Tammi Court

Foothill Ranch Estates – New Harmon Park on Hillcrest Drive

Laurelbrook – Dr. Ralph Allen Park at Veranda Court and Dorset Lane

Sterling Estates – Pombo Family Park on Joseph Damon Drive and Mary Alice Court

Park Atherton – Eagan Park on Oxford Lane and Lowell Avenue; Thrasher Park on Lowell Avenue and Joseph Menusa Drive; McCray Park on Fieldview Drive and Vivian Lane

Weed Abatement

Corral Hollow – Byron Road, north to Grant Line Road

Grant Line – North side from Corral Hollow Road heading west 500 feet from curb to 10 feet behind curb

Orchard Parkway – East side from Lowell Avenue to Hillcrest Drive curb to sidewalk; Orchard Parkway median island from Lowell Avenue to Grant Line Road

Pombo Parkway – East side from existing landscape, north to the end of the sound wall



Zone 4 Located in front of the Summergate Apartments on Grant Line Road

Weed Abatement

Grant Line Road – In front of apartment complex

Zone 5 Located south of East Grant Line Road and east of Esther Drive. No maintenance activity currently being performed

Zone 6 Located on the southwest corner of Clover Drive and North Tracy Boulevard. No maintenance activity currently being performed

Zone 7 Located within the boundaries of 11th Street to the south, Corral Hollow Road, the SPRR tracks to the south and Hickory Avenue on the east

Arterial Street Landscaping

Lauriana Lane – West side of Cypress Drive, south to Schulte Drive

Cypress Drive – North side from approximately 100 feet west of Hickory Avenue, west to Lauriana Lane; south side and median island from Lauriana Lane to Corral Hollow Road

Corral Hollow Road – East side approximately 300 feet north of Tennis Lane, south to the railroad tracks; east side, south from 11th Street to Cypress Drive (Safeway frontage only to include from face of curb to face of sidewalk); median strip from 11th Street, south to railroad tracks, south of Schulte Road; west side from Krohn Road, south to Cypress curb, to bike path

Schulte Road – From Corral Hollow Road heading east. The south side ends 1,000 feet before the railroad tracks. The north side ends at the railroad tracks and includes the median island

Subdivision Landscaping

Fox Hollow – Entryways at Tennis Lane and Lauriana Lane; entryways at Cypress Drive and Fox Hollow; entryways at Cypress Drive and Hunter's Trail; entryways at Tennis Lane and Corral Hollow Road, including median strip and two cul-de-sacs at Pheasant Run Court and Thomas Dehaven Court

Harvest Country West – Entryways at Raywood Lane, including median strip

Quail Meadows – Entryway at Golden Leaf Lane, including median strip; entryway at Quail Meadows, including median strip

Candlewood Estates – Entryway at Alden Glen Drive and Cypress Drive, including median strip

Corral Hollow Estates – Entryway at Lauriana Lane, both side, including median strip from Schulte Road, south approximately 92 feet

Park Maintenance

Fox Hollow – Kit Fox Park at Foxwood Court and Fox Hollow Way; Rippin Park at Tennis Lane and Firefly

Harvest Country West – Harvest Park at Birchwood Court and Fireside Lane

Candlewood Estates – Patzer Park at Alden Glen Drive and Meadowlark

Quail Meadows – Bailor-Hennan Park on Golden Leaf Lane

Weed Abatement

11th Street – Church frontage west of Alden Glen Drive, from face of curb to chain link fence

Schulte Road – from railroad tracks east of Lauriana Lane, heading west 1,000 feet to start of landscaping, 10 feet from the curb

Zone 8 **Located within the boundaries of Corral Hollow Road on the west and 11th Street on the south**

Arterial Street Landscaping

Belconte Drive – From 11th Street to Byron Road, east and west sides, including median-island

Redington Drive – Median-island, east and west of Belconte Drive

Byron Road – From Corral Hollow Road, west approximately 2,280 feet to the end of the subdivision sound wall

Corral Hollow Road – West side from Byron Road to 11th Street

Park Maintenance

Fabian – Fabian Park on Redington Drive

Zone 9 **Located west of Tracy Boulevard from the UPRR spur line to Corral Hollow Road on the west, and to the south, Edgewood and Brookview West subdivisions**

Arterial Street Landscaping

Tracy Boulevard – Circle B Ranch – west side from 245 feet north of Mt. Diablo Avenue, heading south past Schulte Road, approximately 650 feet to the end of the shopping center

Heritage subdivision – West side starting from approximately 200 feet north of Menay Drive, heading south to West Central Avenue

West side from Central Avenue heading south approximately 970 feet south of Valpico Road, next to the baseball field

West side from Sycamore Parkway heading south approximately 570 feet, to the end of the sound wall

Corral Hollow Road – From the railroad tracks south to Parkside drive, approximately 600 feet

Sycamore Parkway – West side and medians from Amberwood Lane south to Dove Lane; south of Central Avenue to Tracy Boulevard; west side, from Schulte Road, south to Amberwood Lane

Schulte Road – Median strip from Tracy Boulevard to railroad tracks; north side from Tracy Boulevard to Sycamore Parkway; south side from Tracy Boulevard to west end of shopping center; south side, from Sycamore Parkway, west to the end of the sound wall; south side from Sycamore Parkway, east to the shopping center

Valpico Road – Tracy Boulevard, both side, west to the City limits; median islands from Tracy Boulevard, west to the City limits

West Central Avenue – Median from Tracy Boulevard to Sycamore Parkway; north side from Tracy Boulevard, west to the end of Cedrus Drive

Subdivision Landscaping

Circle B Ranch – Entryways at Morris Phelps and Schulte Road; entryways at Mt. Diablo Avenue and Tracy Boulevard

Hearthstone – Entryways at Menay Drive and Tracy Boulevard; entryways at Amberwood Ln. and Sycamore Parkway cul-de-sac at Yorkshire Loop and Hampton Ct.

Regency Square – Entryways at Monument Drive, Tracy Boulevard and Sycamore Parkway; Monument Drive (north and south sides), including

Median islands at Monterey and Vintage Courts; cul-de-sac at southeast corner of Tahoe Court and northwest corner; cul-de-sacs at northeast and southwest corners of Tahoe Circle; court adjacent to Mt. Oso Mini Park on Henderson Court; court adjacent to Mt. Diablo Mini Park on Alpine Court

Muirfield – Entryway at Steinbeck; entryway at Petrig; cul-de-sac at Whitman Court; cul-de-sac at Longfellow Court; entryway at Dove Lane; median island on Chaplin, east and west of Sycamore Parkway; entry at Cagney; cul-de-sac at Shaw Creek; cul-de-sac at Williams Court; cul-de-sac at Bogart Court; cul-de-sac at Mansfield Court; cul-de-sac at Hepburn Court; entryway at Allegheny

Glen Creek – Entryway at Glen Creek Way

Greystone Station – Median-island at Windham; median-island at Sudley Drive

Harvest Glen – Entryway at Ray Harvey Drive; entryway at Meadow Lane; cul-de-sac at Cornucopia

Ironwood – Entryway at Monument Drive; walking path from Whitehaven Court, heading west to Mountain View Road; cul-de-sac at Newcastle Court; cul-de-sac at Clairmont Court; cul-de-sac at Hampton Court

Park Maintenance

Hearthstone – Valley Oak Park at Larkspur and Honeysuckle Court;
Evelyn Costa Park at Claremont Drive and Whitehaven Court

Parkside Estates – Evans Park on Parkside Drive

Harvest Glen – Fitzpatrick Park on Savanna Drive; Albert Emhoff Park on
Jonathon Place and Moonlight Way

Regency Square – Mt. Oso Park at Henderson Court; Mt. Diablo Park at
Alpine Court

Muirfield – Golden Spike Park on Christy Court; Fred Icardi Park on
Russell Street at Steinbeck Way; Westside Pioneer Park at Cagney Drive
and Hepburn Street

Circle B – Sister Cities Park at Morris Phelps Drive and Saddleback Court

Greystone Station – John Kimball Park at Tom Fowler Drive and Sudley

Sienna Park – Tracy Press Park at Schulte Road and Weeping Willow Lane

Zone 10 **Includes the MacArthur Drive area, bounded by I-205 to the north and 11th Street to the south**

Arterial Street Landscaping

MacArthur Drive – East side, from Pescadero Avenue south to 2020
MacArthur Drive (curb to sidewalk); west side from Grant Line Road to
11th Street, approximately 35 feet from curb; median strip from I-205 to
11th Street; west side from Pescadero Avenue, south to end of the
California Esprit subdivision; east side from Pescadero Avenue, north 165
feet; west side from Pescadero to a private canal; North side of 11th
Street at channelway

Pescadero Avenue – North side, from MacArthur Drive, east to the end of
the Outlet Center, curb to sidewalk and median strip; adjacent to Yellow
Freight, from redwood header to sidewalk; south side adjacent to
Market Wholesale, from face of curb approximately 30 feet; south side
adjacent to the California Esprit subdivision, from MacArthur Drive west
to the end of the sound wall; south side from MacArthur Drive, east to
McLane Food Services; north side starting at 3403 Bungalows Drive to
MacArthur Drive

Grant Line Road – North side, MacArthur Drive, east to the City limits, including median strip; south side, east of channelway to Skylark (ground cover only)

Zone 11 Located southwest at the corner of W. Eleventh Street and N. MacArthur Drive.
In front of storage facility

Zone 12 Located northwest of I-205 including the existing arterial landscaping along the right-of-way on Naglee Road and Grant Line Road

Arterial Street Landscaping

Naglee Road – From Grant Line Road to Auto Plaza Drive, median and 5 foot strip between curb and sidewalk on the east side; west side from Pavilion Parkway to Robertson Drive, turf and curb strip only; Grant Line Road to Auto Plaza drive sidewalk on west side

Auto Plaza Drive – South side curb face to sidewalk, from Naglee Road, east to dead end

Robertson Drive – Both sides of the street curb face to sidewalk, from Naglee Road, west to Pavilion Parkway

Grant Line Road – South side from 2850 W. Grant Line Road, west to 3292 W. Grant Line Road; north side from west driveway of Chevron at 2615 W. Grant Line Road, west to the western edge of the property at 2785 W. Grant Line Road

Pavilion Parkway – Both sides of the street curb face to sidewalk, from Naglee Road to Power Road; median from Naglee Road, west to Power Road

Corral Hollow – Median from I-205 to Mall entrance; east side from I-205 to Mall entrance

Zone 13 Located southwest of I-205 with 11th Street bordering on the south, Lammers Road on the west and Byron Road on the north

Arterial Street Landscaping

Fabian Road – North side from the edge of the sound wall, east to Montgomery Lane, west to Lammers Road; both sides and median on Montgomery Lane from King Loop to Fabian Rd

Lammers Road – East side from Fabian Road, north to Feteira Way

Subdivision Landscaping

Westgate – Entryway at Westgate Drive, both sides, east to Antonio Loop; entryway from Feteira Way to Glazzy Lane, both sides, from Lammers Road, east to Glazzy Lane; median on Souza Way, from Thelma Loop to Antonio Loop

Park Maintenance

Souza Park South – On Antonio Loop between Souza Way and Ann Marie Way

Souza Park North – On Thelma Loop between Milton Jenson Court and Michael Drive

Zone 14 **Bounded on the west by Lammers Road, on the east by Corral Hollow Road and on the south by Schulte Road and the railroad tracks**

Arterial Street Landscaping

Corral Hollow Road – West side, 234 feet north of Tracey Jean Way, including the walking path between Corral Hollow Road and Tracey Jean Court

Subdivision Landscaping

Gabriel Estates – Entryway at Tracey Jean Way, including median strip

Park Maintenance

Joan Sparks Park – On Carol Ann Drive

Chandayne Kingsley Park – On Robert Gabriel Drive

Zone 15 **Located in the southwest section of the City, bordered by Tracy Boulevard, Linne Road and Corral Hollow Road**

Arterial Street Landscaping

Tracy Boulevard – West side, from approximately 700 feet north of Whispering Wind, south to the end of the sound wall

Whispering Wind – Both sides, including medians from Tracy Boulevard, west to English Oaks Lane

Applebrook Lane – Both sides, including median from Whispering Wind, south to approximately 75 feet

English Oak Lane – East side from Whispering Wind, north to approximately 80 feet

Windsong Drive – Both sides, including median from Tracy Boulevard, west to approximately 370 feet

Corral Hollow Road – East side from 75 feet north of Peony Drive, heading south to railroad tracks

Subdivision Landscaping

Edgewood VI – Entryway at Peony Drive, both sides, including median strip from Corral Hollow Road, east to Maison Court; entryway at Middlefield Drive, both sides, including median strip from Corral Hollow Road, east to Whispering Wind Drive

Park Maintenance

William Adams Park – On Edgewood Terrace Drive

Don Cose Park – On Whirlway Lane

Bill Schwartz Park – On Peony Drive

Zone 16 **Bordered on the north by Byron Road, 11th Street on the south, Palomar Drive on the west and Mamie Anderson on the east**

Subdivision Landscaping

Crossroads Drive – Crossroads Drive, east and west from 11th Street to Solomon Drive; Crossroads Dr from Solomon Dr to fence line of 2506 Spencer Lane

Park Maintenance

Dan Busch Park – On the northeast corner of Crossroads Drive and Tolbert Drive

Zone 17 Includes all areas east of Tracy Boulevard between the SPRR tracks on the north and 100 feet north of Deerwood Lane on the south

Arterial Street Landscaping

Tracy Boulevard – East side from Valpico Road, north to the end of the shopping center (on-site landscape contractor maintains the 5,150 sq. ft. of shrubs and 800 sq. ft. of turf); east side from Valpico Road, south to the end of the shopping center

Central Avenue – West side from Schulte Road, south to Ferdinand Street and the east side from Schulte Road, south to Deerwood Lane; west side from Schulte Road, north to Country Court, including ground cover in front of fence on Mt. Oso

Schulte Road – North side from Tracy Boulevard, east to the cemetery; medians from east of Tract Boulevard to Gianelli; south side from Central Avenue to 300 feet east of Independence Drive

MacArthur Boulevard – West side from Krider Court, south to the north edge of the cemetery

Third Street – North side from Jaeger to Tudor

Leamon Street – South side of California Cameo Parkway from MacArthur Boulevard, west to Third Street and Jaeger Street

Mt. Diablo Avenue – South side (est. 1,000 sq. ft.) and median-island from MacArthur, west to Third Street

Valpico Boulevard – South side from Tracy Boulevard, east to end of landscaping; north side from Tracy Boulevard, east to end of landscaping (on-site landscape contractor maintains the 4,906 sq. ft. of shrubs)

Subdivision Landscaping

Meadow Glen – Entryways at Edenvale and Schulte Road; parkway from Cedar Mountain Drive to San Simeon Way

Victoria Park I – Entryways at Gianelli, including median, south side of Schulte Road; cul-de-sacs at Elizabeth Court, Henry Court and Edward Court

Victoria Park II (American Classics) – Cul-de-sacs at James Court and Mary Court

Victoria Park II (Traditions) – Cul-de-sacs at Elysan, Lavender and Primrose Courts, and entrance at Junior Harrington, north side to 100 feet east

California Collections – Entryways at MacArthur Drive and Wagtail Drive; cul-de-sac at Krider Court

California Renaissance – Entryway median at Third Street; entryway and median at Hotchkiss Street; cul-de-sac at Sir Lancelot

California Cameo – Entryway median at Leamon Street; cul-de-sac at Versailles Court; cul-de-sac at Czerny Street

Park Maintenance

Meadow Glen – Florence Stevens Park at Tassajero Court

Victoria Park – Sullivan Park on Victoria Street

California Collections – Huck Park on Wagtail Drive

Zone 18 Bounded on the north by Valpico Road, on the east by MacArthur Drive and on the south by Linne Road

Arterial Street Landscaping

Valpico Road (Glenbriar Estates) – South side from MacArthur Drive, west to the end of the sound wall; south side from Pebblebrook Drive, west to the end of the sound wall, approximately 600 feet (Pebblebrook Estates)

MacArthur Drive (Glenbriar Estates) – West side from Valpico Road, south to the end of the landscaping, approximately 290 south of Fair Oaks Road; west side from Glenbrook Drive, south 237 feet to end of landscape; north 220 feet to the end of the landscaping

Subdivision Landscaping

Glenbriar Estates – Glenbriar Drive from Valpico Road, south to Glenbriar Circle, both sides and median

Pebblebrook Estates – Entryway at Pebblebrook Drive, including median; cul-de-sac at Pebblebrook Court

Zone 19 Located north of the UPRR tracks, south of Valpico Road, east of Tracy Boulevard and west of Glenbriar Estates

Arterial Street Landscaping

Tracy Boulevard – East side including median from Valpico Road, south to UPRR tracks, Whispering Winds, Regency and Brookview,

Park Maintenance

William Kendal Lowes Park

Subdivision Landscaping

Regis Drive – West side from Whispering Wind Drive, south to Dietrick Avenue; from Regis Drive, east to 418 feet east of Reids Way; from Whispering Wind Drive, north to Arezzo Way, then east on Arezzo Way to Escatta Avenue

Brookview Drive – From Perennial Place, east to Glenhaven Drive, north side; from Regis Drive, east to Glenhaven Drive, south side

Zone 20 (Larkspur Estates) located generally south of Montclair Lane, west of MacArthur Drive, and north of Valpico Road

Arterial Street Landscaping

MacArthur Boulevard – West side from DeBord Drive, north 415 feet to the end of the sound wall, and south from DeBord Drive 213 feet to the end of the sound wall; median on DeBord Drive

Park Maintenance

Stalsberg Drive – Clyde Abbot Park located on the south dead end of Stalsberg Drive

Zone 21 (Huntington Park) located generally between Byron Road, south to Fabian Road and Gentry Lane, east to Jones Lane

Subdivision Landscaping

Huntington Park – Entryway on Montgomery Lane, both sides from Fabian Road, north to King Loop, including median; entryway on

Lankershire Drive, both sides from Byron Road, south to Kensington Court, including median; cul-de-sac on Kensington Court; Byron Road south side from Lankershire Drive, west 243 feet to the end of the sound wall, and east from Lankershire Drive 554 feet to the end of the sound wall; entryway at Byron Road, 100 feet to Ogden Sannazor, east and west side of the pathway

Mini-Park Maintenance

Richard Hastie Park – located on Huntington Park Drive

Zone 22 Generally located between Corral Hollow Road, east to Egret Drive, and from Persimmon Way, south to Starflower Drive on the western half and Dove Drive on the eastern half

Arterial Street Landscaping

Corral Hollow Road – East side from Starflower Drive, north to the end of the sound wall of the sound wall

Subdivision Landscaping

Parkview (Muirfield 7) – North side of Persimmon Way along the sound wall from Geranium, west to Corral Hollow Road; west side of Lotus Way, along sound wall from Starflower Drive, north to Petunia; north side of Starflower along sound wall from Corral Hollow Road, east to Lotus Way, including median

Zone 23 Starflower Drive south to canal between Corral Hollow Road, Monroe Street and Gretchen Talley Park

Arterial Street Landscaping

Corral Hollow Road – From Starflower Drive, south to Kagehiro Dr.; east side of Corral Hollow, Kagehiro Dr. to Lotus Way

Starflower Drive – From Corral Hollow Rd south side to Lotus way

Kagehiro Drive – From Corral Hollow Road, east to Lotus Way

Zone 24 (Eastlake) - Located south of 26102 S. MacArthur Drive, north of Valpico Road and east of MacArthur Drive

Park Maintenance Only

Tiago Park – Located on Eastlake Circle between Crater Place and McKenna Court

Zone 25 Located north of Brichetto Road and Schulte Road, east of Zone 32. No maintenance activity currently being performed

Zone 26 Located generally west of Corral Hollow Road, east of Lammers Road, north of Zone 14 and south of W. 11th Street

Arterial Street Landscaping

Corral Hollow Road – 60 feet north of Cypress Drive to the end of the sound wall, south approximately 240 feet; north side, 31 feet north of Cypress Drive

Sterling Park II – From San Marcos subdivision at Tennis Lane, 290 feet north to the Sterling Park subdivision; Tennis Lane, west of Corral Hollow Road center median and south side

Krohn Road – South side from Corral Hollow Road, west to end of landscaping

Subdivision Landscaping

Sterling Park – Cypress Drive, north and south side, including median; Banff, east and west side, including median

San Marcos – Schulte, north and south side, including median; Babcock entryway and median; Cabana entryway and median; Schulte Road, north 922 feet to Tennis Lane; Schulte Road, south to Golden Leaf Lane; Nabor Ct

Park Maintenance

Verner Harrison – Located at Jill Drive and Brittany

Marlow Brothers – Located at Adaire Lane and Golden Leaf Lane

John Erb Park – located Barcelona Drive and Cypress Drive

Zone 27 Located generally west of Zone 26, south of Zone 28, north of Zones 25 and 14, approximately one mile east of Lammers Road

Arterial Street Landscaping

South Gate – Schulte Road, east from Mabel Josephine to the end of the landscaping

South Gate – Mabel Josephine, south from Schulte Road to Patrick McCaffrey Drive

South Gate – Schulte Road median, east from Mabel Josephine to Barcelona

Zone 28 Located generally south of W. 11th Street, west of Zone 26, north of Zone 27 and east of Lammers Road

Subdivision Landscaping

Crossroads Drive – From 11th Street, heading south on west side of the dead end of Crossroads Drive, curb to sound wall (curb to mow strip in front of Sports Complex); from 11th Street, heading south on the east side of the dead end of Crossroads Drive; median from 11th Street, heading south to the end of Crossroads Drive; Cranston Court; Wyman Court; Bennet Court; Marshall Court

Jefferson Parkway – 11th Street, heading south to Safford Lane; median from 11th Street, heading south to Safford Lane; east side from 11th Street to end of Sports Complex

Zone 29 Located generally south of Schulte Road, north of Valpico Road, west of Chrisman Road and east of Zone 24

Arterial Street Landscaping

Valpico Road – North side of Valpico Road from Chrisman Road, heading west 1,018 feet to the end of the sound wall; north side from Elissagaray Drive, heading west 145 feet; north side starting 440 feet west of Elissagaray Drive at sound wall, heading 238 feet west to the end of the sound wall

Chrisman Road – West side of Valpico Road, heading north 960 feet past Elissagaray Drive

Subdivision Landscaping

Elissagaray Drive – East side from Valpico Road to Rodger Drive; east side from Rodger Drive, heading northeast to Chrisman Road, including Amatchi Drive entrances, east and west; west side from Rodger Drive, heading north to Dominique Drive; north side from Aldacourrou Street, heading east to Chrisman Road

Dominique Drive – South side from Elissagaray Drive, heading west 525 feet past Basque Drive

Mount Pellier Street – West side from 125 feet south of Montauban Street, heading south 225 feet to the end of the fence at 2203 Mt. Pellier Street

Subdivision Court Landscaping

Baigorry Court – East side from 130 feet south of Rodger Drive, starting at the sound wall 210 feet to the end of the sound wall

Park Maintenance

Robert Kellogg Park – Located on Elissagaray Street

Zone 30 Yosemite Vista Housing Development located on S. MacArthur Drive

Arterial Street Landscaping

S. MacArthur Drive – From Yosemite Drive, heading north to the end of the sound wall; from Yosemite Drive, heading south to Jesse J. Martinez Drive; from Jesse J. Martinez Drive, heading south to the end of the landscaping

Yosemite Drive – Median-island from S. MacArthur Drive, east approximately 100 feet

Park Maintenance

Sentinel Drive – Jim Raymond Park

Zone 31 Tracy Mini Storage

Arterial Street Landscaping

Tracy Boulevard – East of Tracy Boulevard, west of Zone 28 and south of Valpico Road

Zone 32 Located north of Schulte Road, east of Lammers Road. No maintenance activity currently being performed

Zone 33 Generally located south of I-205, north of the SPRR tracks and east of Chrisman Road

Arterial Street Landscaping

Grant Line Road – From Best Buy warehouse, east to Skylark Way

Zone 34 The triangle area located south of the SPRR tracks, north of W. 11th Street and east of Corral Hollow Road

Arterial Street Landscaping

Corral Hollow Road – East side from 11th Street, north to railroad tracks at Byron Road

11th Street – From railroad tracks east of Alden Glen, heading west to Corral Hollow Road, north side from sidewalk to mow strip

Zone 35 East side of Tracy Boulevard between Centre Court and Tennis Lane

Arterial Street Landscaping

Tracy Boulevard – East side from BSC, heading south 375 feet past Tennis Lane

11th Street – From railroad tracks east of Alden Glen, heading west to Corral Hollow Road, north side from sidewalk to mow strip

Subdivision Landscaping

Ryland Junction – Entryway at Tracy Boulevard and Tennis Lane, including median; entryway at Tracy Boulevard and Centre Court, including median; Rockingham Court cul-de-sacs

Park Maintenance

Fisher Park – Located on Tracy Boulevard between Tennis Lane and Centre Court

Zone 36 El Pescadero at Grant Line Road

Arterial Street Landscaping

El Pescadero Park – South of El Pescadero Park, north of Grant Line Road and east of Buthmann – **Any activity here?**

Zone 37 Forrest Greens

Arterial Street Landscaping

Acacia Street – North side of Acacia Street between East Street and MacArthur Drive – **Any activity here?**

Zone 38 This Zone is split into four different areas within the District (Funded by City's General Fund, and not assessment revenue)

Zone A

Arterial Street Landscaping

11th Street – North side of 11th Street from Belconte Drive, west to Lammers Road; north side of 11th Street from Corral Hollow Road, west to Belconte Drive, from curb to sidewalk; north side of 11th Street from rail road tracks east of Alden Glen Drive, west to Corral Hollow Road, from curb to sidewalk; south side of 11th Street from Corral Hollow Road, west to the end of the landscaping west of Jefferson Drove, curb to sidewalk; south side of 11th Street from railroad tracks east of Alden Glen Drive, west to Corral Hollow Road, curb to sidewalk; median on 11th Street from rail road tracks east of Alden Glen Drive, heading west to Lammers Road; Lammers Rd – westside, median and eastside from 11th Street to end of Kimball High School; on eastside from curb to fence.

Grant Line Road – South side of Grant Line Road from 1820 W. Grant Line Road, east to Lincoln Boulevard; Corral Hollow Road, west side from Grant Line Road, north to I-205

Tracy Transit Station – Plaza area in the middle of 6th Street from Central Avenue to D Street; traffic circle at the intersection of 6th Street and



Central Avenue; traffic circle at the intersection of 6th Street and D Street; all on-site landscaping around the transit building and parking lot

Zone B

Valpico Town Center – North side of Valipco Rd. from Glebriar Drive heading east to MacArthur Dr.

Zone 40 Located at the northwest corner of Valpico Road and MacArthur

Arterial Street Landscaping

Rite-Aid – North side of Valpico Road from MacArthur Drive, heading west 370 feet to second driveway; west side of MacArthur Drive from Valpico Road, heading north 135 feet

Zone 41 Located at east side of Corral Hollow Road, north of Tennis Lane and south of Cypress Drive

Arterial Street Landscaping

Corral Hollow Road – east side of Corral Hollow Road fronting 350 N. Corral Hollow Road, starting from 285 feet north of Cypress Drive, heading north 375 feet to the end of the landscaping

Zone 42 Located at south side of W. Grant Line Road, north of Byron Road and west of S. Lammers Road

Arterial Street Landscaping

Grant Line – Center median and south side from east to west of complex

Zone 43 Located east of MacArthur Drive and north of Valpico Road

Arterial Street Landscaping

Tract 3290 (Ventana) – Ongoing maintenance, servicing and operation of the landscaping improvements within the public right-of-ways, to be installed in connection with this development

Channel Way with Arterial Landscaping

Located in Zone 1

Central Avenue – From Silkwood Lane, west to Tracy Boulevard (channel way in front of the Sycamore Village apartments); Central Avenue channel along the eastern side of the Sycamore Village apartments

Transit Corridor – Bike path to face of curb; from Silkwood lane west to Tracy Blvd in front of the Sycamore Apartments

Located in Zone 3

Grant Line Road – East side from Grant Line Road to the I-205 freeway right-of-way, approximately 1,600 linear feet; east side from Grant Line Road, north to I-205 (no mow), weed down as needed

Orchard Parkway – West side of Orchard Parkway from Lowell Avenue to Grant Line Road

Vivian Lane/Rita Way – From south end of Vivian Lane, heading north past Rita Way to Lowell Avenue

Lowell Avenue – North side of Lowell Avenue to Orchard Parkway

Transit Corridor (bike path to face of curb) – East side of Corral Hollow Road from Grant Line Road to I-205; Orchard Parkway shrubs; Orchard Parkway, west side from Lowell Avenue to Grant Line Road; Vivian Lane/Rita Way from rail road tracks, south of Vivian Lane, north to Lowell Avenue; north side of Lowell Avenue, west to Orchard Parkway

Located in Zone 7

From edge of property to bike path – North side of Cypress Drive from Corral Hollow Road to Lauriana lane; east side of Lauriana Lane from Cypress Drive to Schulte Road; north side of Schulte Road from Lauriana Lane, east to the rail road tracks

Transit Corridor (bike path to face of curb) – Starting at the rail road tracks on Schulte Road west of Sycamore Parkway, heading west to Lauriana Lane, then on Lauriana, then west on Cypress Drive to Corral Hollow Road

Located in Zone 9

From edge of property to bike path – North side of Schulte Road channel way from railroad tracks to Sycamore Parkway; east side of Sycamore

Parkway from Schulte Road, south to Windham Drive; south side of Central Avenue from Tracy Boulevard to Sycamore Parkway; east side of Windham Drive, south from Sycamore Parkway to Cherry Blossom

Transit Corridor (bike path to face of curb) – From Cherry Blossom, north to Sycamore Parkway on the east side, north to Schulte Road then west to rail road tracks; Central Avenue from Tracy Boulevard, west to Sycamore Parkway; north side of Schulte Road from Sycamore Parkway, west to Lauriana Lane

Located in Zone 10

MacArthur Drive – Landscaped channel way, east side from 11th Street overpass, north to driveway at 2020 MacArthur Drive-edge of property to bike path; non-landscaped channel area, east side from driveway at 2020 MacArthur Drive to Grant Line Road, north to Pescadero Road; I-205, west to rail road tracks west of MacArthur

Pescadero Avenue – Starting from the east driveway of the Outlet Mall, heading east 835 feet to the curve, then heading north 975 feet to the curve, then west 2,080 feet, ending at MacArthur Drive; starting from the south side of Pescadero Avenue from the east driveway of the Outlet Mall, heading south 2,550 feet to Grant Line Road; starting on the eastern edge of the property at 800 Grant Line Road, heading south 485 feet, then picking back up on the south side of the rail road tracks and heading south 950 feet to MacArthur Drive (Channel way is approximately 50 feet wide)

Transit Corridor (bike path to face of curb) – East side of MacArthur Drive from the 11th Street overpass, north to 1820 MacArthur Drive

Located in Zone 12

Naglee Detention Basin – Around fence line to bottom of the berm; entrance on Naglee Road, northwest side of Auto Plaza Drive

Park and Ride Lot – Transit corridor Park & Ride

Located in Zone 26

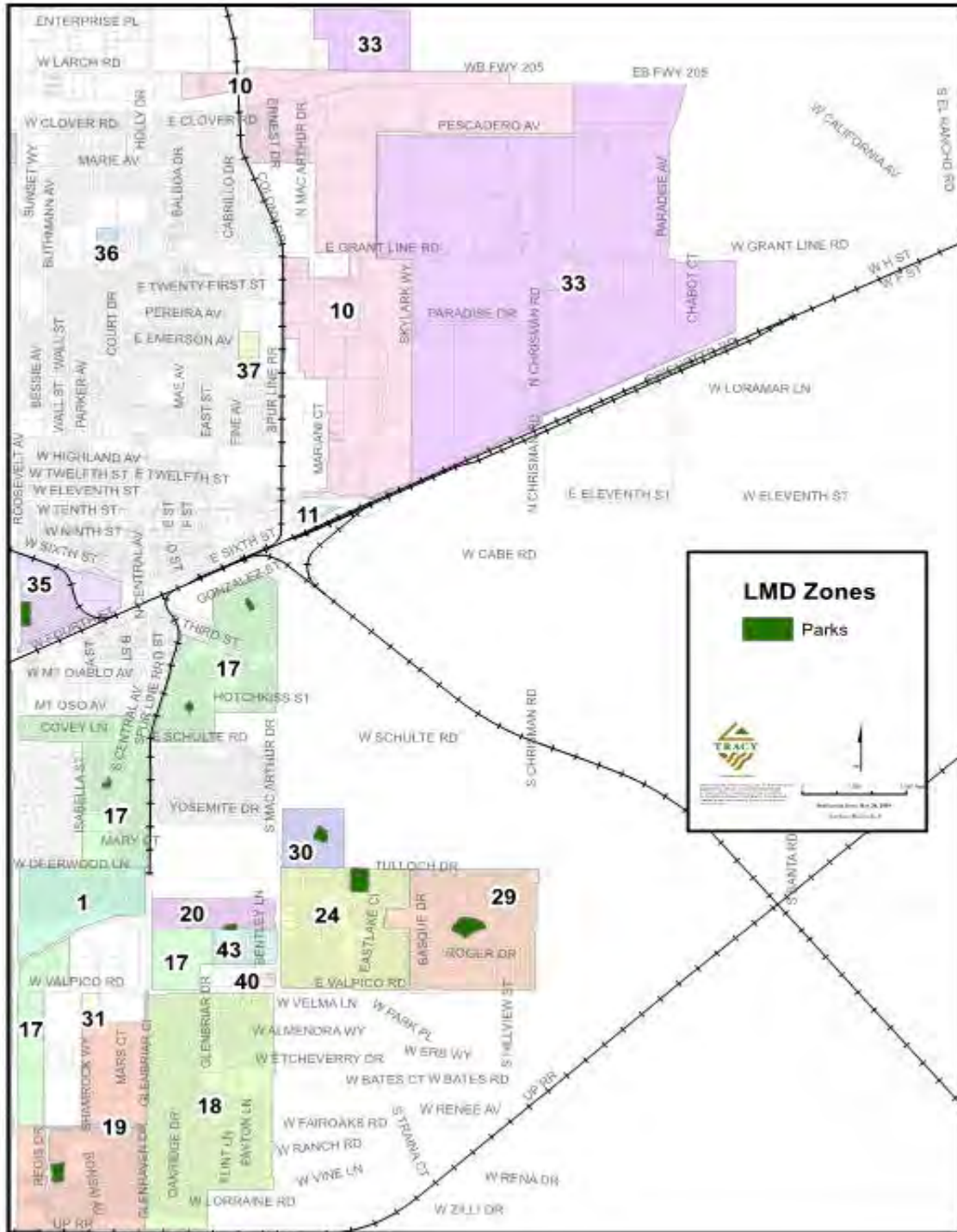
From edge of property to bike path – West side of Corral Hollow Road from Cypress Drive, north to Krohn Road; end of channel way from Krohn Road, 300 feet west to DB-V Detention Basin;

Placentia Fields Channel Way (General Fund Channel Way) – North of Cypress Drive towards 11th Street, then east to the end of the channel way

Transit Corridor (bike path to face of curb) – West side of Corral Hollow Road from Cypress Drive, north to Krohn Road

APPENDIX B – CONSOLIDATED LANDSCAPE MAINTENANCE MAP

A Diagram showing the District and Zone boundaries is on the following page.



APPENDIX C – ASSESSMENT ROLL

The assessment set forth for each parcel is shown on the Assessment Roll for the District, submitted separately, as "Assessment Roll for the City of Tracy, Consolidated Landscape Maintenance District, Fiscal Year 2020-21", which exhibit is incorporated by reference herein as Appendix C under separate cover, and is on file in the Office of the City Clerk.

The Assessment Roll lists all parcels within the boundaries of the District as shown on the Assessment Diagram, Part D herein, and on the last equalized roll of the Assessor of the County of San Joaquin, which is by reference made part of this report.

A list of names and addresses of the owners of all parcels within this District is shown on the last equalized Property Tax Roll of the Assessor of the County of San Joaquin, which by reference is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the office of the City Clerk of the City of Tracy.

RESOLUTION _____

INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT, PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR FISCAL YEAR 2020/2021

WHEREAS, The City Council of the City of Tracy has previously formed a special maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972" (the 1972 Act"), being Division 15, Part 2 of the Streets and Highways Code of the State of California (commencing with Section 22500). Said special maintenance district is known and identified as the Tracy Consolidated Landscape Maintenance District (hereafter referred to as the District"), and

WHEREAS, The City Council has retained Harris & Associates ("Harris") for the purpose of assisting with the annual levy of the District and to prepare and file with the City Clerk, the Annual Assessment Report ("Report") for the District in accordance with the 1972 Act;

NOW, THEREFORE, IT IS HEREBY RESOLVED, That the City Council of the City of Tracy hereby resolves as follows:

1. Annual Engineer's Report: The City Council wishes to initiate proceedings for the preparation of the Annual Assessment Report and hereby orders Harris to prepare and file with the City Clerk, the Report concerning the annual levy and collection of assessments for the District. Said levy and collection shall be for the fiscal year commencing July 1, 2020 and ending June 30, 2021 in accordance with *Chapter 3, Section 22622* of the 1972 Act.

2. Proposed Improvements: The improvements within the District may include, but are not limited to the maintenance, operation and incidental expenses related to: street trees; turf; ground cover and shrubs; irrigation and electrical systems; monuments; fountains; hardscape improvements; masonry walls and other fencing, and all necessary appurtenances and services connected with the landscaped channelways, medians, parkways, entryways, parks and public easements and facilities designated and maintained as part of the District improvements. The Report shall provide a more detailed description of the improvements and services provided by the District.

* * * * *

The foregoing Resolution _____ was passed and adopted by the City Council of the City of Tracy on the 16 day of June, 2020 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

RESOLUTION _____

APPROVING THE PRELIMINARY ENGINEER'S REPORT REGARDING THE PROPOSED
LEVY AND COLLECTION OF ASSESSMENTS FOR THE TRACY CONSOLIDATED
LANDSCAPE MAINTENANCE DISTRICT, PURSUANT TO THE PROVISIONS OF THE
LANDSCAPING AND LIGHTING ACT OF 1972 FOR
FISCAL YEAR 2020/2021

WHEREAS, The City Council pursuant to provisions of the *Landscaping and Lighting Act of 1972 (commencing with Section 22500) Part 2, Division 15 of the California Streets and Highways Code* (hereinafter referred to as the "Act") did by previous Resolution, order the preparation of the Fiscal Year 2020/2021 Engineer's Report for the Tracy Consolidated Landscape Maintenance District (hereinafter referred to as the "District"), and

WHEREAS, The City Council pursuant to provisions of the Act proposes to levy and collect assessments against lots and parcels of land within the various Zones of the District for Fiscal Year 2020/2021, to pay the maintenance, servicing and operation of the improvements related thereto, and

WHEREAS, Harris & Associates, (the designated Assessment Engineer) in accordance with *Section 22623* of the Act, has prepared and filed with the City Clerk an Engineer's Report (Report) for Fiscal Year 2020/2021 and said Report has been presented to the City Council and is incorporated herein by reference, and

WHEREAS, This City Council has examined and reviewed the Report as presented, and is preliminarily satisfied with the description of the District, the Zones and improvements identified therein, each of the budget items and documents as set forth, and is satisfied that the proposed assessments have been spread proportionately in accordance with the special benefit each property receives from the improvements, operation, maintenance and services to be performed, as set forth in the Report or as modified by Council action and incorporated herein;

NOW, THEREFORE, BE IT RESOLVED, The City Council of the City of Tracy does hereby resolve as follows:

1. The above recitals are true and correct.
2. Contents of the Engineer's Report: The Report as presented, consists of the following:
 - a. A sufficient description of the territory and properties within the District, the Zones therein and the improvements and services to be provided.
 - b. The Annual Budgets associated with the various improvements and services provided by the District (An estimate of the costs and expenses required for the operation and maintenance of the improvements within the various Zones of the District).
 - c. An Assessment Rate per benefit unit and description of the Method of Apportionment sufficient to calculate the proportional special benefit assessment to be applied to each

parcel for Fiscal Year 2020/2021 and identification of the maximum assessment rates that may be applied to properties within each Zone of the District.

- d. An assessment roll identifying the proposed levy amount for each assessed parcel within the District for Fiscal Year 2020/2021.
3. Approval of the Engineer's Report: The Report as presented is hereby preliminarily approved pursuant to *Section 22623* of the Act, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

* * * * *

The foregoing Resolution _____ was passed and adopted by the City Council of the City of Tracy on the 16th day of June, 2020 by the following vote:

- AYES: COUNCIL MEMBERS:
- NOES: COUNCIL MEMBERS:
- ABSENT: COUNCIL MEMBERS:
- ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

RESOLUTION _____

DECLARING THE CITY OF TRACY 'S INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT, FISCAL YEAR 2020/2021 AND SETTING A PUBLIC HEARING ON JULY 21, 2020 AT 7:00 PM TO CONSIDER SAME IN ACCORDANCE WITH THE LANDSCAPING AND LIGHTING ACT OF 1972

WHEREAS, The City Council pursuant to provisions of the *Landscaping and Lighting Act of 1972 (commencing with Section 22500) Part 2, Division 15 of the California Streets and Highways Code* (hereinafter referred to as the "Act"), did by previous Resolution, initiate proceedings for the levy and collection of assessments against lots and parcels within the Tracy Consolidated Landscape Maintenance District (hereinafter referred to as the "District") for Fiscal Year 2020/2021, and

WHEREAS, Harris & Associates (the Assessment Engineer for the District) has prepared and filed the District Engineer's Report for Fiscal Year 2020/2021 with the City Clerk pursuant to *Section 22623* of the Act, and said report has been presented to the City Council, and is incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED, The City Council of the City of Tracy hereby resolves as follows:

1. The above recitals are true and correct.
2. Intention: The City Council pursuant to *Section 22624* of the Act hereby declares its intention to order the District improvements and to levy and collect assessments against lots and parcels of land therein for Fiscal Year 2020/2021, to pay the costs and expenses of the improvements that provide special benefits to said properties. The City Council finds that the District improvements and the levy and collection of the assessments related thereto is in the best interest of the property owners.
3. Description of Improvements: The District improvements and services include but are not limited to the maintenance, operation and incidental expenses related to: street trees; turf; ground cover and shrubs; irrigation and electrical systems; monuments; fountains; hardscape improvements; masonry walls and other fencing, and all necessary appurtenances and services connected with the landscaped channelways, medians, parkways, entryways, parks and public easements and facilities designated and maintained as part of the District improvements. No substantial changes in the improvements or services are proposed for Fiscal Year 2020/2021 other than to services levels as they correspond to each Zone's funding availability or for the addition of planned improvement areas that were anticipated as part of on going development within specific zones. The Engineer's Report for Fiscal Year 2020/2021 shall provide a more detailed description of the improvements and services provided by the District and by reference this Report shall describe any substantial changes or expansion of the improvements for which properties are assessed.
4. Report: The Assessment Engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council, an Engineer's Report in connection with the proposed improvements, the assessments, and the levy and collection of assessments against lots and parcels of land within the District for Fiscal Year 2020/2021 in accordance with *Chapter 1, Article 4* of the Act and as required by *Section 22623* of the Act, and the City Council did by Resolution preliminarily approve said Report. Reference is

hereby made to the Engineer's Report for a detailed description of improvements, the boundaries of the District consisting of forty-one (41) benefit Zones designated as Zones 1 through 37, and Zones 40 through 43; and the proposed assessments upon assessable lots and parcels of land within the said District and Zones.

5. Assessment: The proposed District assessments for Fiscal Year 2020/2021 are apportioned according to the rates and method identified in the Engineer's Report and do not exceed the maximum assessments previously authorized by the City Council and approved by property owners through protest ballot proceedings conducted in accordance with the provisions of the California Constitution Article XIID.
6. Public Hearing(s): The City Council hereby declares its intention to conduct a Public Hearing concerning the District, the improvements, and the levy of assessments and in accordance with *Section 22624 (e) and 22625* of the Act, notice is hereby given that on **Tuesday, July 21, 2020** at 7:00 P.M., the City Council will hold a Public Hearing for the District and the levy and collection of assessments for Fiscal Year 2020/2021, or as soon thereafter as feasible. The Public Hearing will be held in the City Council chambers, located at 333 Civic Center Plaza, Tracy, at the time so fixed. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.
7. Notice: The City shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the Public Hearing, and by posting a copy of this resolution on the official bulletin board customarily used by the City Council for the posting of notices, pursuant to Sections 22552, 22553, 22554 and 22626 of the Act. For Fiscal Year 2020/2021 no new or increased assessments are proposed and a mailing of a notice and ballot to the property owners is not required.
8. The City Clerk is hereby authorized and directed to give notice of such Public Hearing as provided by law.

The foregoing Resolution 2020_____ was adopted by the City Council of the City of Tracy on the 16th day of June, 2020, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.I

REQUEST

APPROVE AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MTM TRANSIT, LLC TO EXTEND THE CONTRACT FOR ONE YEAR

EXECUTIVE SUMMARY

The City of Tracy currently has a Professional Services Agreement (PSA) with Ride Right, LLC to operate the Tracer Bus System. Ride Right, LLC is now operating as MTM Transit, LLC (MTM Transit). The term of the PSA is set to expire June 30, 2020. Both the City and MTM Transit wish to exercise that option to extend the contract for one additional year from July 1, 2020 through June 30, 2021.

DISCUSSION

The City of Tracy has a Professional Services Agreement (PSA) with Ride Right, LLC to operate the Tracer Bus System. Ride Right, now operating as MTM Transit, has been the operating contractor for Tracer since August 2016. The current agreement expires on June 30, 2020. The City and MTM Transit have agreed to extend the contract for one additional year, from July 1, 2020 through June 30, 2021.

The amendment to the contract will increase the contract price by \$399,247 for FY20/21. The increased cost is primarily due to the City requesting an additional 6,135 vehicle revenue hours and necessary staff to begin a pilot on-demand program as outlined in the Council approved Short Range Transit Plan. As part of the pilot program, MTM Transit will set up an on-demand mobile application to allow passengers to use their smartphones to book rides. The costs are included as part of this amendment which will be a \$10,000 set-up cost, plus a fee of \$500 per month per vehicle. The on-demand service will add service on Sundays as well as early morning and later evening service outside of regular TRACER fixed route operating hours. The increase also covers increased contractor costs related to staffing and vehicle maintenance.

The increased costs will be funded through operating assistance grants from the Federal Transit Administration and the state's Transportation Development Act.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's Strategic Plans.

FISCAL IMPACT

Funding to operate the Tracer Bus System comes out of the Transit Fund and is paid through a combination of Federal and State grants, which are incorporated into the annual budget adopted by City Council. Increases in cost are included as part of the

FY20/21 budget. There is currently funding available through Federal and State grants to fund the increase in costs.

RECOMMENDATION

Staff recommends that City Council approve Amendment No. 3 to the Professional Services Agreement with MTM Transit, LLC to extend the contract for one year.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: Brian MacDonald, Parks & Recreation Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

Attachment A: Amendment 3 to Professional Services Agreement with MTM Transit, LLC

**CITY OF TRACY
AMENDMENT 3 TO PROFESSIONAL SERVICES AGREEMENT
WITH MTM Transit, LLC**

This Amendment No. 3 (hereafter "Amendment") to the Professional Services Agreement between the City of Tracy, a municipal corporation ("City") and MTM Transit, LLC, a Missouri Limited Liability Company ("Contractor"). City and Contractor are referred to individual as "Party" and collectively as "Parties."

RECITALS

- A.** On July 5, 2016, City entered into a Professional Services Agreement ("Agreement") with Contractor for Public Transportation Services.
- B.** On May 31, 2019, City and Contractor entered into Amendment No. 1 to the Agreement to extend the term of the Agreement for one year, increase the "Not to Exceed" amount to adjust the base wages for Contractor staff, and to add three service vehicles for the duration of the Agreement's term.
- C.** On August 27, 2019, City and Contractor entered into Amendment No. 2 to the Agreement to amend the "Not to Exceed" amount of the Agreement from July 1, 2018 to June 30, 2019, to cover costs of increased service.
- D.** City and Contractor wish to amend the Agreement to extend the term of the Agreement, to add vehicle revenue hours, to add provisions for a mobile application, and to reflect the change to Contractor's business name.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

- 1. RECITALS TRUE AND CORRECT.** City and Contractor hereby agree that the recitals set forth above are true and correct.
- 2. INCORPORATION OF AGREEMENT.** This Amendment hereby incorporates by reference all terms and conditions set forth in the Agreement, unless specifically deleted or modified hereby. Such deletions or modifications shall not be deemed to extinguish any monetary obligation that Contractor assumed thereunder.
- 3. TERMS OF AMENDMENT.**

- A.** Contractor has changed its business name to “MTM Transit, LLC.” All references in this Agreement to “Ride Right, LLC” are hereby deleted and replaced with “MTM Transit, LLC.”
- B.** Section 1 of Exhibit A, “TERM,” is hereby amended to read as follows:
- “The Term of this Agreement shall be from July 1, 2020 through June 30, 2021.
- C.** Subsection 3.1 of Section 3, “Compensation,” is hereby deleted and replaced with the following:
- “3.1 General. For services performed by Contractor under this Agreement, City shall pay Contractor on a time and expense basis, at the billing rates set forth in Exhibit “B-3,” attached and incorporated by reference. Contractor’s fee for this Agreement is Not to Exceed \$3,593,478. No payment shall be made to Contractor for any amount that is in excess of the Not to Exceed amount without the City’s prior written approval.
- D.** Exhibit “B-3,” attached hereto shall supplement Exhibit “B” and “Exhibit B-2” of the Agreement. City and Contractor agree to add 6,135 vehicle revenue hours and the cost for implementation of an on-demand mobile application for up to three vehicles in order to implement on-demand service as outlined in the City’s adopted Short Range Transit Plan.
- 3. MODIFICATIONS.** This Amendment may not be modified orally or in any manner other than by an agreement in writing signed by both parties, in accordance with the requirements of the Agreement.
- 4. SEVERABILITY.** If any term of this Amendment is held invalid by a court of competent jurisdiction, the Amendment shall be construed as not containing that term, and the remainder of this Amendment shall remain in effect.
- 5. SIGNATURES.** The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this amendment on behalf of the respective legal entities of the Contractor and the City. This Amendment shall inure to the benefit of and be binding upon the parties hereto and their

respective successors and assigns.

IN WITNESS WHEREOF the parties do hereby agree to this full performance of the terms set forth herein.

City of Tracy	Contractor MTM Transit, LLC
_____	<i>Alaina Maciá</i>
By: Robert Rickman	By: Alaina Maciá
Title: Mayor	Title: Manager
Date: _____	Date: <u>06/03/2020</u>
Approved by City Council on _____ by Resolution No. _____.	Federal Employer Tax ID No. 26-3937729
Attest:	

Adrienne Richardson, City Clerk	
Approved as to form:	

Leticia Ramirez, City Attorney	

EXHIBIT “B-3”

RATES

	MTM Transit (Operations & Maintenance)
Contractor Costs	FY 20/21
Monthly Fixed Rate	\$144,362
Annual Fixed Cost	\$1,732,344
Hourly Variable Rate	\$44.30
Annual Variable Cost	\$1,833,134
On-Demand App Set-up (one time)	\$10,000
On-Demand App Monthly Per Vehicle Rate	\$500
On-Demand App Annual Cost (3 Vehicles Max)	\$18,000
Annual Revenue Hours Fixed Route	25,133
Annual Revenue Hours Paratransit	10,112
Annual Revenue Hours On-Demand Service	6,135
Not to exceed amount:	\$3,593,478

RESOLUTION 2020-_____

APPROVING AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH
MTM TRANSIT, LLC EXTENDING THE CONTRACT FOR ONE YEAR

WHEREAS, The City of Tracy has entered into a Professional Services Agreement
(Agreement) with Ride Right, LLC which runs through June 30, 2020, and

WHEREAS, Ride Right, LLC is now operating as MTM Transit, LLC (MTM Transit), and

WHEREAS, Both the City and MTM Transit agree to amend the Agreement to extend
the term for one additional year from July 1, 2020 through June 30, 2021 and incorporate the
changes contained within the amendment;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy
approves Amendment No. 3 to the Professional Services Agreement with MTM Transit, LLC
extending the contract for one year.

* * * * *

The foregoing Resolution 2020-_____ was adopted by the Tracy City Council on the 16th
day of June, 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.J

REQUEST

ADOPT RESOLUTION AUTHORIZING THE SUBMITTAL OF A PROJECT NOMINATION AND ALLOCATION REQUEST FOR THE LOW CARBON TRANSIT OPERATION PROGRAM (LCTOP), EXECUTION OF CERTIFICATIONS AND ASSURANCES, AND AUTHORIZING THE PARKS & RECREATION DIRECTOR TO EXECUTE FUNDING DOCUMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR ALLOCATION OF THE FY 2019-20 LCTOP FUNDS (\$67,962)

EXECUTIVE SUMMARY

The Low Carbon Transit Operations Program (LCTOP) is one of several State funding programs that are part of the Transit, Affordable Housing, and Sustainable Communities Program established by the California Legislature in 2014. The City of Tracy is eligible to receive \$67,962 from the program. Staff would like to use these funds as a pilot program to provide free rides to students for the 2020-21 school year.

The LCTOP project for the City of Tracy was initially approved by City Council on April 7, 2020. Since the initial approval, additional funding in the amount of \$16,271 has been made available to the City, which requires an approval for the new amount now available to the City.

DISCUSSION

The LCTOP is one of several State funding programs that are part of the Transit, Affordable Housing, and Sustainable Communities Program established by the California Legislature in 2014. The LCTOP was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility, with a priority on serving designated Disadvantaged Communities (DAC).

The LCTOP program is administered by Caltrans in coordination with the California Air Resource Board (CARB) and the State Controller's Office (SCO). Funds are distributed based on prior use of State Transit Assistance (STA) funds with 50% to the regional agencies, and the other 50% to local transit operators. The San Joaquin Council of Governments (SJCOG) receives the regional apportionment for San Joaquin County. For the FY 2019-20 LCTOP funding cycle, the City of Tracy is eligible to receive \$2,253 in a direct allocation as a transit operator. In addition, SJCOG's regional allocation of \$1.4 million will be allocated among the transit providers with the City of Tracy receiving \$65,709. This provides a total LCTOP allocation of \$67,962.

Because the LCTOP administration and reporting requirements are disproportionately onerous in relation to the relatively small direct allocations to transit operators, LCTOP funds were pooled to benefit larger, regional projects undertaken by San Joaquin RTD and the San Joaquin Regional Rail Commission. This LCTOP funding cycle, however, provides a larger allocation for transit operators and, therefore, a larger project and greater benefit to the community with the same reporting requirements.

Staff proposes to utilize the City's FY 2019-20 allocation of \$67,962 in LCTOP funds for a fare subsidy pilot program. The fare subsidies will provide free transit fares to students for a one-year period beginning July 1, 2020 and ending June 30, 2021. An on-going marketing program will promote the project, with a focus on disadvantaged communities

in the City. If successful, it is anticipated that student ridership will increase by 10% during the one-year period.

To complete the application process and receive LCTOP funds, the City is required to submit several supporting documents approved by the City Council, (Attachment A):

1. An "Authorized Agent" form to designate the Parks & Recreation Director, and/or designee, as signatory on any documents associated with obtaining and managing LCTOP funds.
2. The "Certification and Assurances" which contain general conditions of the LCTOP program as well as some additional cost principles and record retention requirements that are standard for other State-funded projects.
3. Project Allocation form acknowledging the City of Tracy as the Lead Agency and SJCOG as the Contributing Sponsor of LCTOP funds.
4. A Resolution adopted by Council approving all of the submittals on behalf of the LCTOP program.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's Strategic Plans.

FISCAL IMPACT

A total \$67,962 in LCTOP funds will be used as additional revenue to offset fares in the Transit Fund. There is no matching requirement and there is no impact to the General Fund.

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the submittal of a project nomination and allocation request for the Low Carbon Transit Operation Program (LCTOP), execution of certifications and assurances, and authorizing the Parks & Recreation Director to execute funding documents with Caltrans for allocation of the FY 2019-20 LCTOP funds in the amount of \$67,962.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: Brian MacDonald, Parks & Recreation Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – FY19-20 LCTOP Allocation Request Signature Pages



**FY 2019-2020 LCTOP
Authorized Agent**

AS THE Mayor

(Chief Executive Officer/Director/President/Secretary)

OF THE City of Tracy

(Name of County/City/Transit Organization)

I hereby authorize the following individual(s) to execute for and on behalf of the named Regional Entity/Transit Operator, any actions necessary for the purpose of obtaining Low Carbon Transit Operations Program (LCTOP) funds provided by the California Department of Transportation, Division of Rail and Mass Transportation. I understand that if there is a change in the authorized agent, the project sponsor must submit a new form. This form is required even when the authorized agent is the executive authority himself. I understand the Board must provide a resolution approving the Authorized Agent. The Board Resolution appointing the Authorized Agent is attached.

Brian MacDonald, Parks & Recreation Director

(Name and Title of Authorized Agent)

OR

(Name and Title of Authorized Agent)

OR

(Name and Title of Authorized Agent)

OR

(Name and Title of Authorized Agent)

OR

Robert Rickman

(Print Name)

Mayor

(Title)

(Signature)

Approved this 7 day of April, 2020



FY 2019-2020 LCTOP Certifications and Assurances

Lead Agency: City of Tracy

Project Title: Free Student Fares

Prepared by: Ed Lovell, Management Analyst II

The California Department of Transportation (Caltrans) has adopted the following Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP). As a condition of the receipt of LCTOP funds, Lead Agency must comply with these terms and conditions.

A. General

1. The Lead Agency agrees to abide by the current LCTOP Guidelines and applicable legal requirements.
2. The Lead Agency must submit to Caltrans a signed Authorized Agent form designating the representative who can submit documents on behalf of the project sponsor and a copy of the board resolution appointing the Authorized Agent.

B. Project Administration

1. The Lead Agency certifies that required environmental documentation is complete before requesting an allocation of LCTOP funds. The Lead Agency assures that projects approved for LCTOP funding comply with Public Resources Code § 21100 and § 21150.
2. The Lead Agency certifies that a dedicated bank account for LCTOP funds only will be established within 30 days of receipt of LCTOP funds.
3. The Lead Agency certifies that when LCTOP funds are used for a transit capital project, that the project will be completed and remain in operation for its useful life.
4. The Lead Agency certifies that it has the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of that project.
5. The Lead Agency certifies that they will notify Caltrans of pending litigation, dispute, or negative audit findings related to the project, before receiving an allocation of funds.
6. The Lead Agency must maintain satisfactory continuing control over the use of project equipment and facilities and will adequately maintain project equipment and facilities for the useful life of the project.
7. Any interest the Lead Agency earns on LCTOP funds must be used only on approved LCTOP projects.
8. The Lead Agency must notify Caltrans of any changes to the approved project with a Corrective Action Plan (CAP).



FY 2019-2020 LCTOP

9. Under extraordinary circumstances, a Lead Agency may terminate a project prior to completion. In the event the Lead Agency terminates a project prior to completion, the Lead Agency must (1) contact Caltrans in writing and follow-up with a phone call verifying receipt of such notice; (2) pursuant to verification, submit a final report indicating the reason for the termination and demonstrating the expended funds were used on the intended purpose; (3) submit a request to reassign the funds to a new project within 180 days of termination.

C. Reporting

1. The Lead Agency must submit the following LCTOP reports:
 - a. Semi-Annual Progress Reports by May 15th and November 15th each year.
 - b. A Close Out Report within six months of project completion.
 - c. The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of LCTOP funds. A copy of the audit report must be submitted to Caltrans within six months of the close of the year (December 31) each year in which LCTOP funds have been received or expended.
 - d. Project Outcome Reporting as defined by CARB Funding Guidelines.
 - e. Jobs Reporting as defined by CARB Funding Guidelines.
2. Other Reporting Requirements: CARB develops and revises Funding Guidelines that will include reporting requirements for all State agencies that receive appropriations from the Greenhouse Gas Reduction Fund. Caltrans and project sponsors will need to submit reporting information in accordance with CARB's Funding Guidelines, including reporting on greenhouse gas reductions and benefits to disadvantaged communities.

D. Cost Principles

1. The Lead Agency agrees to comply with Title 2 of the Code of Federal Regulations 225 (2 CFR 225), Cost Principles for State and Local Government, and 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
2. The Lead Agency agrees, and will assure that its contractors and subcontractors will be obligated to agree, that:
 - a. Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allow ability of individual project cost items and
 - b. Those parties shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving LCTOP funds as a contractor or sub-contractor shall comply with



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Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

3. Any project cost for which the Lead Agency has received funds that are determined by subsequent audit to be unallowable under 2 CFR 225, 48 CFR, Chapter 1, Part 31 or 2 CFR, Part 200, are subject to repayment by the Lead Agency to the State of California (State). All projects must reduce greenhouse gas emissions, as required under Public Resources Code section 75230, and any project that fails to reduce greenhouse gases shall also have its project costs subject to repayment by the Lead Agency to the State. Should the Lead Agency fail to reimburse moneys due to the State within thirty (30) days of demand, or within such other period as may be agreed in writing between the Parties hereto, the State is authorized to intercept and withhold future payments due the Lead Agency from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.

A. Record Retention

1. The Lead Agency agrees and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the Lead Agency, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP) and enable the determination of incurred costs at interim points of completion. All accounting records and other supporting papers of the Lead Agency, its contractors and subcontractors connected with LCTOP funding shall be maintained for a minimum of three (3) years after the "Project Closeout" report or final Phase 2 report is submitted (per ARB Funding Guidelines, Vol. 3, page 3.A-16), and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the Lead Agency, its contractors, and subcontractors upon receipt of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the Lead Agency pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the Lead Agency's external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.
2. For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of the Lead Agency's contracts with third parties pursuant to Government Code § 8546.7, the project sponsor, its contractors and subcontractors and the State shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times



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during the entire project period and for three (3) years from the date of final payment. The State, the California State Auditor, or any duly authorized representative of the State, shall each have access to any books, records, and documents that are pertinent to a project for audits, examinations, excerpts, and transactions, and the Lead Agency shall furnish copies thereof if requested.

- 3. The Lead Agency, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

F. Special Situations

Caltrans may perform an audit and/or request detailed project information of the project sponsor’s LCTOP funded projects at Caltrans’ discretion at any time prior to the completion of the LCTOP.

I certify all of these conditions will be met.

Brian MacDonald

(Print Authorized Agent)

Parks & Recreation Director

(Title)

(Signature)

(Date)



FY 2019-2020 LCTOP Allocation

Lead Agency:	City of Tracy
Project Title:	Free Student Fares
Regional Entity:	San Joaquin Council of Governments
County:	San Joaquin

Lead Agency: I certify the scope, cost, schedule, and benefits as identified in the attached Allocation Request (Request) and attachments are true and accurate and demonstrate a fully funded operable project. I understand the Request is subject to any additional restrictions, limitations or conditions that may be enacted by the State Legislature, including the State's budgetary process and/or auction receipts. In the event the project cannot be completed as originally scoped, scheduled and estimated, or the project is terminated prior to completion, Lead Agency shall, at its own expense, ensure that the project is in a safe and operable condition for the public. I understand this project will be monitored by the California Department of Transportation - Division of Rail and Mass Transportation.

Authorized Agent:	Brian MacDonald
Title:	Parks & Recreation Director
Lead Agency:	City of Tracy

Signature:	
PUC Funds Type:	99313 \$
PUC Funds Type:	99314 \$ 2,253

Contributing Sponsor(s): The contributing sponsor is an entity that passes funds to the Lead Agency to support a project. The contributing sponsor could be the regional entity (PUC 99313) passing their funds to a recipient agency within their region or a recipient agency (PUC 99314) passing their funds through to either a regional entity or a recipient agency within their region. The contributing sponsor(s) must also sign and state the amount and type of LCTOP funds (PUC Sections 99313 and 99314) they are contributing the project. Sign below or attach a separate officially signed letter providing that information. If there is more than one contributing sponsor, please submit additional page, or a letter from the additional Contributing Sponsors.

Authorized Agent:	Ryan Niblock
Title:	Senior Regional Planner
Lead Agency:	San Joaquin Council of Governments

Signature:	
PUC Funds Type:	99313 \$ 65,709
PUC Funds Type:	99314 \$

RESOLUTION 2020-_____

AUTHORIZING THE SUBMITTAL OF A PROJECT NOMINATION AND ALLOCATION REQUEST FOR THE LOW CARBON TRANSIT OPERATION PROGRAM (LCTOP), THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES AND AUTHORIZED AGENT FORMS FOR LCTOP FOR THE FOLLOWING PROJECT: FREE STUDENT FARES, \$67,962

WHEREAS, The City of Tracy is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) for transit projects, and

WHEREAS, The statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations, and

WHEREAS, Senate Bill 862 (2014) named the Department of Transportation (Department) as the administrative agency for the LCTOP, and

WHEREAS, The Department has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies), and

WHEREAS, The City of Tracy wishes to delegate authorization to execute these documents and any amendments thereto to the City of Tracy Parks & Recreation Director, and

WHEREAS, The City of Tracy wishes to implement the following LCTOP project(s) listed above;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tracy that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances and the Authorized Agent documents and applicable statutes, regulations and guidelines for all LCTOP funded transit projects.

BE IT FURTHER RESOLVED, that the City Council of the City of Tracy authorizes the Parks & Recreation Director to execute all required documents of the LCTOP program and any Amendments thereto with the California Department of Transportation.

BE IT FURTHER RESOLVED, that the City Council of the City of Tracy authorizes the submittal of the following project nomination(s) and allocation request(s) to the Department in FY19-2020 LCTOP funds:

Project Name:	Free Student Fares
Amount of LCTOP funds requested:	\$67,962
Short description of project:	Fare subsidy for students K-12 attending schools in the City of Tracy
Benefit to a Priority Populations:	Free fares for students to encourage ridership on the fixed-route bus system.
Contributing Sponsors (if applicable):	San Joaquin Council of Governments

* * * * *

Resolution _____
Page 2

The foregoing Resolution 2020-_____ was adopted by the Tracy City Council on the 16th day of June, 2020, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.K

REQUEST

APPROVE MASTER PROFESSIONAL SERVICES AGREEMENT WITH REINARD W. BRANDLEY, CONSULTING AIRPORT ENGINEER TO PERFORM AIRPORT DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE TRACY MUNICIPAL AIRPORT, NOT-TO-EXCEED \$600,000

EXECUTIVE SUMMARY

The City issued a Request for Statement of Interest and qualifications for Airport Consulting Services for Federal Aviation Administration ("FAA") Qualified Grant Funded Airport Improvement Projects. Reinard W. Brandley, Consulting Airport Engineer's submittal was the only one received by the City. Reinard W. Brandley is the City of Tracy's current engineering firm and has had a successful long standing business relationship. The selection committee recommended Reinard W. Brandley, Consulting Airport Engineer to continue airport design and construction engineering services for the City of Tracy. Staff is requesting City Council approve a Master Professional Services Agreement between the City of Tracy and Reinard W. Brandley.

DISCUSSION

A Request for Statement of Interest and Qualifications for Airport Consulting Services was posted on the City's website and advertised in the Tracy Press. One proposal was submitted to the City of Tracy. After review and discussion with the selection committee, it was determined that the proposal from Reinard W. Brandley, Consulting Airport Engineer met the needs of the airport. Staff has negotiated an agreement with Reinard W. Brandley to provide airport design and construction engineering services.

Per Federal Aviation Administration's Advisory Circular 150/1500-14C, Title IX of the Federal Property and Administrative Services Act of 1949 requires that qualification based selection procedures are used for the selection of firms to perform architectural and engineering services. Qualification-based procedures require that a contract for Architectural/Engineering services be awarded pursuant to a fair and open selection process based on the qualifications of the firms. The fees for such services are established following selection of a firm through a negotiation process to determine a fair and reasonable price.

The Statement of Qualifications requested consultants to provide airport and aviation-related design and engineering services as required by the City of Tracy to include, but not be limited to: geotechnical studies, pavement evaluation studies, drainage studies, airport design and engineering, terminal area design and engineering, value engineering, cost estimating, development of plans and specifications, bid documents, construction observation, testing and inspection, and project coordination. Over the next five year period, these engineering services may be required on projects such as: construction of runways, taxiways, aprons, roads, parking lots, lighting, hangar buildings, etc., as required by the City of Tracy. The selected Engineering firm may need to provide miscellaneous airport engineering, operational and management support services as requested by the City of Tracy. The firm will also provide construction

engineering services including resident engineering, testing and inspection of all contractor operations during construction of specific projects. Due to the specialized skillset required of an Airport Engineer, City staff has maintained an airport engineering consultant to fulfill these tasks rather than utilizing City engineers.

Reinard W. Brandley and his associated staff have extensive knowledge, qualifications and experience in the areas of Airport Planning, Pavement Evaluation Studies, Runway and Taxiway projects, Construction Administration and have demonstrated successful project management for the City of Tracy Municipal Airport.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, which is to provide an outstanding quality of life by enhancing the City's amenities, business mix and services and cultivating connections to promote positive change and progress in our community.

FISCAL IMPACT

The airport design and construction engineering incurred by Reinard W. Brandley is a cost that is incorporated into the Federal Aviation Administration Airport Improvement grants that the Tracy Municipal Airport receives for capital improvement. Currently there are 3 CIPs and these costs are charged into: 77552 – PAPI & AWOS Replacement, 77582 – Airport RDA Improvements, and 77583 – Airport Layout Plan. The Master Professional Services Agreement with Reinard W. Brandley, Consulting Airport Engineer is not to exceed \$600,000.

RECOMMENDATION

That City Council approve the Master Professional Services Agreement with Reinard W. Brandley, Consulting Airport Engineer to perform airport design and construction engineering services for the City of Tracy Municipal Airport, not-to-exceed \$600,000.

Prepared by: Paula Jessup, Airport Manager

Reviewed by: Brian MacDonald, Parks & Recreation Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENT A: Master Professional Services Agreement with Reinard W. Brandley, Consulting Airport Engineer

**CITY OF TRACY
MASTER PROFESSIONAL SERVICES AGREEMENT
TRACY MUNICIPAL AIRPORT, FEDERAL AVIATION ADMINISTRATION QUALIFIED GRANT
FUNDED AIRPORTS IMPROVEMENTS PROJECT**

This Master Professional Services Agreement (**Agreement**) is entered into between the City of Tracy, a municipal corporation (**City**), and Reinard W. Brandley, Consulting Airport Engineer, a California sole proprietor company in California (**Consultant**) for airport design and construction engineering services. City and Consultant are referred to individually as "Party" and collectively as "Parties."

Recitals

- A. On August 23, 2019, the City issued a Request For Statement of Qualifications for Federal Aviation Administration ("FAA") Qualified Grant Funded Airport Improvement Projects. On September 30, 2019, Consultant submitted its Statement of Qualifications for the Project to the City.
- B. The City, as an Airport Sponsor, followed FAA requirements for the Airport Consultant selection process in accordance with FAA Advisory Circular # AC-150/1500-14.
- C. After negotiations between the City and Consultant, the parties have reached an agreement for the performance of services in accordance with the terms set forth in this Agreement.
- D. This Agreement is being executed pursuant to Resolution No. ____ approved by Tracy City Council on _____, 2020.

Now therefore, the Parties mutually agree as follows:

1. Scope of Work. Consultant shall perform the services described in Exhibit "A" attached, and incorporated by reference, as directed by written Task Order by the City's Parks and Recreation Director. The services shall be performed by, or under the direct supervision of, Consultant's Authorized Representatives: Reinard W. Brandley, Damon Brandley, or Melissa Brandley. Consultant shall not replace its Authorized Representatives, nor shall Consultant replace any of the personnel listed in the attached Exhibits nor shall Consultant use or replace any subcontractor or subconsultant, without City's prior written consent. A failure to obtain the City's prior written consent for any change or replacement in personnel or subcontractor/subconsultant may result in the termination of this Agreement.

2. Time of Performance. Time is of the essence in the performance of services under this Agreement and the timing requirements set forth shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Consultant shall begin performance and shall complete all required services no later than the dates set forth in each individual Task Order. Any services for which times for performance are not specified in each individual Task Order shall be started and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated by the City to the Consultant. Consultant shall submit all requests for time extensions to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City shall grant or deny such requests at its sole discretion.

3. Compensation. City shall pay Consultant on a time and expense basis, at the billing rates set forth in Exhibit "C," attached and incorporated by reference for services performed under this Agreement.

3.1 Not to Exceed Amount. Consultant's total compensation under this Agreement shall not exceed \$600,000. Consultant's billing rates shall cover all costs and expenses for Consultant's performance of this Agreement. No work shall be performed by Consultant in excess of the total compensation amount provided in this section without the City's prior written approval.

3.1.1 Task Orders: Based upon the City's requirements contained within each Task Order, Consultant shall provide cost of services for each Task Order for City's review and approval.

3.1.2 Consultant shall be compensated for engineering services rendered hereunder as provided in each Task Order hereinafter executed. As full payment for all work and services to be provided by Consultant hereunder, City shall make payments to Consultant at the times and in accordance with the rates as indicated in Exhibit C and procedures set forth in each task order.

3.2 Invoices. Consultant shall submit monthly invoice(s) to the City that describe the services performed, including times, dates, and names of persons performing the services. For lump sum services, Consultant shall submit an invoice showing estimated percent complete.

3.2.1 If Consultant is providing services in response to a development application, separate invoice(s) must be issued for each application and each invoice shall contain the City's designated development application number.

3.2.2 Consultant's failure to submit invoice(s) in accordance with these requirements may result in the City rejecting said invoice(s) and thereby delaying payment to Consultant.

3.3 Payment. Within 30 days after the City's receipt of invoice(s), City shall make payment to the Consultant based upon the services described on the invoice(s) and approved by the City.

3.4. In the event that Consultant's negligence or misconduct results in damages to the City, Consultant shall, upon receipt of written notice from City, either: (a) reimburse City (and Consultant's payment may be offset) for the damages incurred, or (b) re-perform (without additional compensation to the Consultant) any services which have not been performed in accordance with the terms of this Agreement. Nothing in this section shall be construed as limiting City's rights to recover the full amount of its damages from Consultant or limiting, in any manner, Consultant's indemnity and hold harmless obligations under this Agreement.

4. Indemnification. Consultant shall, to the fullest extent permitted by law, indemnify, defend (with independent counsel approved by the City), and hold harmless the City from and against any claims arising out of Consultant's performance or failure to comply with obligations under this Agreement, except to the extent caused by the sole, active negligence or willful misconduct of the City.

In this section, "City" means the City, its officials, officers, agents, employees and volunteers; "Consultant" means the Consultant, its employees, agents and subcontractors; "Claims" includes claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all related costs and expenses) and any allegations of these; and "Arising out of" includes "pertaining to" and "relating to".

(The duty of a "design professional" to indemnify and defend the City is limited to claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, under Civ. Code § 2782.8.)

The provisions of this section survive completion of the services or the termination of this Agreement, and are not limited by the provisions of Section 5 relating to insurance.

5. Insurance. Consultant shall, throughout the duration of this Agreement, maintain insurance to cover Consultant, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.

5.1 Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) “per occurrence” coverage shall be maintained in an amount not less than \$4,000,000 general aggregate and \$2,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

5.2 Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for “any auto”) “claims made” coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

5.3 Workers’ Compensation coverage shall be maintained as required by the State of California.

5.4 Professional Liability “claims made” coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of Consultant in an amount not less than \$1,000,000 per claim.

5.5 Endorsements. Consultant shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

5.5.1 The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional “insured.”

5.5.2 For any claims related to this Agreement, Consultant’s coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Consultant’s insurance and shall not contribute with it.

5.6 Notice of Cancellation. Consultant shall notify the City if the policy is canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation. Consultant shall immediately obtain a replacement policy.

5.7 Authorized Insurers. All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

5.8 Insurance Certificate. Consultant shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City, before the City signs this Agreement.

5.9 Substitute Certificates. Consultant shall provide a substitute certificate of insurance no later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement.

5.10 Consultant’s Obligation. Maintenance of insurance by the Consultant as specified in this Agreement shall in no way be interpreted as relieving the Consultant of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Consultant may carry, at its own expense, such additional insurance as it deems necessary. Failure to provide or maintain any insurance policies or endorsements required herein may result in the City terminating this Agreement.

6. Termination. The City may terminate this Agreement by giving ten days’ written notice to Consultant. Upon termination, Consultant shall give the City all original documents, including preliminary drafts and supporting documents, prepared by Consultant for this Agreement. The City shall pay Consultant for all services satisfactorily performed in accordance with this Agreement, up to the date notice is given.

7. Dispute Resolution. If any dispute arises between the City and Consultant that cannot be settled after engaging in good faith negotiations, City and Consultant agree to resolve the dispute in accordance with the following:

7.1 Each Party shall designate a senior management or executive level representative to negotiate the dispute.

7.2 The representatives shall attempt, through good faith negotiations, to resolve the dispute by any means within their authority.

7.3 If the issue remains unresolved after fifteen (15) days of good faith negotiations, the Parties shall attempt to resolve the disagreement by negotiations between legal counsel. If the aforementioned process fails, the Parties shall resolve any remaining disputes through mediation to expedite the resolution of the dispute.

7.4 The mediation process shall provide for the selection within fifteen (15) days by both Parties of a disinterested third person as mediator, shall be commenced within thirty (30) days and shall be concluded within fifteen (15) days from the commencement of the mediation.

7.5 The Parties shall equally bear the costs of any third party in any alternative dispute resolution process.

7.6 The dispute resolution process is a material condition to this Agreement and must be exhausted prior to either Party initiating legal action. This dispute resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code §§ 900 et seq.

8. Ownership of Work. All original documents prepared by Consultant for this Agreement, whether complete or in progress, are the property of the City, and shall be given to the City at the completion of Consultant's services, or upon demand from the City. No such documents shall be revealed or made available by Consultant to any third party without the City's prior written consent.

9. Independent Contractor Status. Consultant is an independent contractor and is solely responsible for the acts of its employees or agents, including any negligent acts or omissions. Consultant is not City's employee and Consultant shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation, unless the City provides prior written authorization. Consultant is free to work for other entities while under contract with the City. Consultant, and its agents or employees, are not entitled to City benefits.

10. Conflicts of Interest. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Consultant maintains or acquires such a conflicting interest, the City may terminate any contract (including this Agreement) involving Consultant's conflicting interest.

11. Rebates, Kickbacks, or Other Unlawful Consideration. Consultant warrants that this Agreement was not obtained or secured through rebates, kickbacks, or other unlawful consideration either promised or paid to any City official or employee. For breach of this warranty, City shall have the right, in its sole discretion, to terminate this Agreement without liability; to pay only for the value of the work actually performed; or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

12. Notices. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the other party to the addresses listed below. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated below, or (2) three working days after the deposit in the United States Mail of registered or certified mail, sent to the address designated below.

To City:

To Consultant:

Brian MacDonald
Parks & Recreation Department
333 Civic Center Plaza
Tracy, CA 95376

Reinard W. Brandley
6125 King Rd., Suite 201
Loomis, CA 95650-8004

With a copy to:
City Attorney
333 Civic Center Plaza
Tracy, CA 95376

13. Miscellaneous.

13.1 Standard of Care. Unless otherwise specified in this Agreement, the standard of care applicable to Consultant's services will be the degree of skill and diligence ordinarily used by reputable professionals performing in the same or similar time and locality, and under the same or similar circumstances.

13.2 Amendments. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

13.3 Waivers. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

13.4 Assignment and Delegation. Consultant may not assign, transfer or delegate this Agreement or any portion of it without the City's written consent. Any attempt to do so will be void. City's consent to one assignment shall not be deemed to be a consent to any subsequent assignment.

13.5 Jurisdiction and Venue. The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

13.6 Compliance with the Law. Consultant shall comply with all applicable local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.

13.6.1 Prevailing Wage Laws. Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates; employment of apprentices (§ 1777.5), certified payroll records (§1776), hours of labor (§1813 and §1815), debarment of contractors and subcontractors (§1777.1) and the performance of other requirements on "public works" and "maintenance" projects. If the services being performed under this Agreement are part of a "public works" or "maintenance" project, as defined in the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. These prevailing rates are on file with the City and are available online at <http://www.dir.ca.gov/DLSR>. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents, harmless from any and all claims, costs, penalties, or interests arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

13.6.2 Non-discrimination. Consultant represents and warrants that it is an equal opportunity employer and it shall not discriminate against any subconsultant, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Consultant shall also comply with all applicable anti-discrimination federal and state laws, including but not limited to, the California Fair Employment and Housing Act (Gov. Code 12990 (a-f) et seq.).

13.7 Business Entity Status. Consultant is responsible for filing all required documents and/or forms with the California Secretary of State and meeting all requirements of the Franchise Tax

Board, to the extent such requirements apply to Consultant. By entering into this Agreement, Consultant represents that it is not a suspended corporation. If Consultant is a suspended corporation at the time it enters this Agreement, City may take steps to have this Agreement declared voidable.

13.8 Business License. Before the City signs this Agreement, Consultant shall obtain a City of Tracy Business License. Consultant shall maintain an active City of Tracy Business License during the term of this Agreement.

13.9 Successors and Assigns. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

13.10 Construction of Agreement. Each Party hereto has had an equivalent opportunity to participate in the drafting of this Agreement and/or to consult with legal counsel. Therefore, the usual construction of an agreement against the drafting Party shall not apply hereto.

13.11 Severability. If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

13.12 Controlling Provisions. In the case of any conflict between the terms of this Agreement and the Exhibits hereto, and Consultant's proposal (if any), the Agreement shall control. In the case of any conflict between the Exhibits hereto and the Consultant's proposal (if any), the Exhibits shall control.

13.13 Entire Agreement. This Agreement and the attached Exhibits comprise the entire integrated understanding between the Parties concerning the services to be performed. This Agreement supersedes all prior negotiations, representations or agreements. All exhibits attached hereto are incorporated by reference herein.

13.14 Hazardous Materials and Waste/Soil Borings
In the event this agreement directly or indirectly involves the study or handling of hazardous or potentially hazardous material or waste, the clauses set forth in Exhibit B are applicable.

13.15 Federal Requirements. Consultant agrees to adhere to all federal requirements as listed in Exhibit B pertaining to federally funded projects through the Federal Aviation Administration. If any terms of this Agreement conflict with the federal requirements set forth in Exhibit B, the federal requirements shall prevail.

14. Signatures. The individuals executing this Agreement on behalf of Consultant represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of Consultant.

[SIGNATURES ON FOLLOWING PAGE]

The Parties agree to the full performance of the terms set forth here.

City of Tracy

By: Robert Rickman
Title: Mayor
Date: _____

Consultant



By: Reinard W. Brandley
Title: Owner
Date: 4/29/2020
Federal Employer Tax ID No. 94-1263809

Attest:

Adrienne Richardson, City Clerk

Approved as to form:

Leticia M. Ramirez, City Attorney

Exhibit:

- A A Scope of Work, including personnel and time of performance (See Agreement sections 1 and 2.)
- B Contract Provisions For Obligated Sponsors and Airport Improvement Projects, including Hazardous Materials and Hazardous Waste Clauses
- C Compensation

EXHIBIT A SCOPE OF SERVICES

1. Consultant's Responsibilities. Consultant shall undertake the work covered by this Agreement and Task Orders thereto at such time as he is authorized to do so by City and shall diligently prosecute each project to completion at the predetermined progress schedule established by the parties for each project. No work shall be undertaken by Consultant under this Agreement or Task Order until Consultant is specifically authorized in writing by City's authorized representative, the Director of Parks and Community Services or other designee of the City Manager who serves as the Airport Manager.

This Agreement sets forth the general contract clauses that will be applicable for all consulting services performed for City by Consultant. For each specific study or design project assigned to Consultant a Task Order will be entered into that will include, as a minimum, the following:

1. Inclusion of terms of the Professional Services Agreement.
 2. Scope of specific study or design project.
 3. Time for performance.
 4. Fee schedule for specific study or design project.
- 1.1 Consultant's services hereunder shall include but not necessarily be limited to:
1. Topographic surveys
 2. Soil tests and pavement evaluation studies
 3. Preparation of applications for State and Federal aid
 4. Environmental studies
 5. Special engineering studies, including drainage, structural, paving, etc.
 6. Preliminary engineering studies, designs and cost estimates
 7. Engineering design, including complete construction plans and specifications, as-built plans, and final engineer's reports
 8. Periodic engineering inspection and surveillance of project required during construction
 9. Resident engineering, testing and inspection during construction
 10. All engineering consultation required by City.
- 1.2 Consultant's drawings shall be made on standard-sized sheets subject to the approval of City. All original drawings shall remain the property of the City; however, transparent Vellum copies of each drawing shall be provided by Consultant to City at no cost to City. All drawings will be prepared on AutoCad and all specifications will be prepared on Microsoft Word. Electronic media with all computer files will be provided by Consultant at no cost to City.
- 1.3 Consultant shall furnish complete plans and specifications for all work covered by this Agreement and supplements thereto in typewritten form. With the plans and specifications for each project, Consultant shall prepare and submit to City the estimate of the construction quantities and cost of the respective project together with a detailed Engineer's Report that clearly identifies all design features.
- 1.4 Consultant shall provide consultation and advice to City during the bidding, and to City and contractors to whom construction contracts are awarded during the construction of each project, and shall check all working drawings prepared and used by contractors on such projects.
- 1.5 Consultant shall coordinate all of his activities on behalf of City hereunder with City's duly authorized representative and shall be available when required for consultation and review during the construction of each project.
- 1.6 Consultant shall prepare all change orders and supplemental agreements as required for each project.

1.7 Consultant shall provide to City final record drawings and a final engineer's report after the construction of each respective project.

1.8 All work and services provided by Consultant under this Agreement and supplements thereto shall be done to the complete satisfaction of City and of representatives of Federal or State agencies involved.

2. City's Responsibilities. The City's responsibilities are as follows:

2.1 City shall provide all pertinent existing City data concerning the Tracy Municipal Airport.

2.2 Whenever any item of service set forth in this Exhibit A hereof is completed by Consultant and submitted to City for approval, City shall review the item and, if satisfactory, shall approve the same. If unsatisfactory, City shall inform Consultant in writing of the changes or revisions necessary to acquire City's approval.

2.3 City shall obtain all necessary rights of entry to enable Consultant to enter upon public and private property, if required, in the performance of its services under this agreement.

2.4 City shall provide space on the airport property for a temporary field laboratory.

EXHIBIT B

CONTRACT PROVISIONS FOR OBLIGATED SPONSORS AND AIRPORT IMPROVEMENT PROJECTS

B1 ACCESS TO RECORDS AND REPORTS

2 CFR § 200.333

2 CFR § 200.336

FAA Order 5100.38

The Consultant must maintain an acceptable cost accounting system. The Consultant agrees to provide the Owner, the Federal Aviation Administration and the Comptroller General of the United States or any of their duly authorized representatives access to any books, documents, papers and records of the Consultant which are directly pertinent to the specific contract for the purpose of making audit, examination, excerpts and transcriptions. The Consultant agrees to maintain all books, records and reports required under this contract for a period of not less than three years after final payment is made and all pending matters are closed.

B2 BREACH OF CONTRACT TERMS

2 CFR § 200 Appendix II(A)

Any violation or breach of terms of this contract on the part of the Consultant or its subconsultants may result in the suspension or termination of this contract or such other action that may be necessary to enforce the rights of the parties of this agreement.

Owner will provide Consultant written notice that describes the nature of the breach and corrective actions the Consultant must undertake in order to avoid termination of the contract. Owner reserves the right to withhold payments to Consultant until such time the Consultant corrects the breach or the Owner elects to terminate the contract. The Owner's notice will identify a specific date by which the Consultant must correct the breach. Owner may proceed with termination of the contract if the Consultant fails to correct the breach by the deadline indicated in the Owner's notice.

The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder are in addition to, and not a limitation of, any duties, obligations, rights and remedies otherwise imposed or available by law.

B3 CIVIL RIGHTS - GENERAL

49 USC § 47123

GENERAL CIVIL RIGHTS PROVISIONS

The Consultant agrees to comply with pertinent statutes, Executive Orders and such rules as are promulgated to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance.

This provision binds the Consultant and subconsultants from the bid solicitation period through the completion of the contract. This provision is in addition to that required by Title VI of the Civil Rights Act of 1964.

B4 CIVIL RIGHTS – TITLE VI ASSURANCE

49 USC § 47123

FAA Order 1400.11

The City of Tracy in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Title VI Clauses for Compliance with Nondiscrimination Requirements

Compliance with Nondiscrimination Requirements:

During the performance of this contract, the Consultant, for itself, its assignees, and successors in interest (hereinafter referred to as the “Consultant”), agrees as follows:

1. **Compliance with Regulations:** The Consultant (hereinafter includes consultants) will comply with the Title VI List of Pertinent Nondiscrimination Acts and Authorities, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The Consultant, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subconsultants, including procurements of materials and leases of equipment. The Consultant will not participate directly or indirectly in the discrimination prohibited by the Nondiscrimination Acts and Authorities, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21.
3. **Solicitations for Subcontracts, including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the Consultant for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subconsultant or supplier will be notified by the Consultant of the Consultant’s obligations under this contract and the Nondiscrimination Acts and Authorities on the grounds of race, color, or national origin.
4. **Information and Reports:** The Consultant will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the sponsor or the Federal Aviation Administration to be pertinent to ascertain compliance with such Nondiscrimination Acts and Authorities and instructions. Where any information required of a Consultant is in the exclusive possession of another who fails or refuses to furnish the information, the Consultant will so certify to the sponsor or the Federal Aviation Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a Consultant’s noncompliance with the non-discrimination provisions of this contract, the sponsor will impose such contract sanctions as it or the Federal Aviation Administration may determine to be appropriate, including, but not limited to:

- a. Withholding payments to the Consultant under the contract until the Consultant complies; and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The Consultant will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The Consultant will take action with respect to any subcontract or procurement as the sponsor or the Federal Aviation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Consultant becomes involved in, or is threatened with litigation by a subconsultant, or supplier because of such direction, the Consultant may request the sponsor to enter into any litigation to protect the interests of the sponsor. In addition, the Consultant may request the United States to enter into the litigation to protect the interests of the United States.

Title VI List of Pertinent Nondiscrimination Acts and Authorities

During the performance of this contract, the Consultant, for itself, its assignees, and successors in interest (hereinafter referred to as the "Consultant") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 USC § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (Non-discrimination in Federally-assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 USC § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973 (29 USC § 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 USC § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (49 USC § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the 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, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 USC §§ 12131 – 12189) as implemented by U.S. Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 USC § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination 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;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 USC 1681 et seq).

B5 CLEAN AIR AND WATER POLLUTION CONTROL

2 CFR § 200, Appendix II(G)

Consultant agrees to comply with all applicable standards, orders, and regulations issued pursuant to the Clean Air Act (42 USC § 740-7671q) and the Federal Water Pollution Control Act as amended (33 USC § 1251-1387). The Consultant agrees to report any violation to the Owner immediately upon discovery. The Owner assumes responsibility for notifying the Environmental Protection Agency (EPA) and the Federal Aviation Administration.

Consultant must include this requirement in all subcontracts that exceeds \$150,000.

B6 DEBARMENT AND SUSPENSION

2 CFR part 180 (Subpart C)

2 CFR part 1200

DOT Order 4200.5

CERTIFICATION OF OFFEROR/BIDDER REGARDING DEBARMENT

By submitting a bid/proposal under this solicitation, the bidder or offeror certifies that neither it nor its principals are presently debarred or suspended by any Federal department or agency from participation in this transaction.

CERTIFICATION OF LOWER TIER CONTRACTORS REGARDING DEBARMENT

The successful bidder, by administering each lower tier subcontract that exceeds \$25,000 as a “covered transaction”, must verify each lower tier participant of a “covered transaction” under the project is not presently debarred or otherwise disqualified from participation in this federally assisted project. The successful bidder will accomplish this by:

1. Checking the System for Award Management at website: <http://www.sam.gov>.
2. Collecting a certification statement similar to the Certification of Offerer /Bidder Regarding Debarment, above.
3. Inserting a clause or condition in the covered transaction with the lower tier contract.

If the Federal Aviation Administration later determines that a lower tier participant failed to disclose to a higher tier participant that it was excluded or disqualified at the time it entered the covered transaction, the FAA may pursue any available remedies, including suspension and debarment of the non-compliant participant.

B7 DISADVANTAGED BUSINESS ENTERPRISE

49 CFR part 26

The requirements of 49 CFR part 26 apply to this contract. It is the policy of the City of Tracy to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. The Owner encourages participation by all firms qualifying under this solicitation regardless of business size or ownership.

Contract Assurance (§ 26.13) –

The Consultant or subconsultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Consultant shall carry out applicable requirements of 49 CFR part 26 in the award and administration of Department of Transportation-assisted contracts. Failure by the Consultant to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the Owner deems appropriate, which may include, but is not limited to:

- 1) Withholding monthly progress payments;
- 2) Assessing sanctions;
- 3) Liquidated damages; and/or
- 4) Disqualifying the Consultant from future bidding as non-responsible.

Prompt Payment (§26.29) – The prime Consultant agrees to pay each subconsultant under this prime contract for satisfactory performance of its contract no later than 7 days from the receipt of each payment the prime Consultant receives from City of Tracy. The prime Consultant agrees further to return retainage payments to each subconsultant within 7 days after the subconsultant’s work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City of Tracy. This clause applies to both DBE and non-DBE subconsultants.

B8 DISTRACTED DRIVING

Executive Order 13513
DOT Order 3902.10

TEXTING WHEN DRIVING

In accordance with Executive Order 13513, “Federal Leadership on Reducing Text Messaging While Driving”, (10/1/2009) and DOT Order 3902.10, “Text Messaging While Driving”, (12/30/2009), the Federal Aviation Administration encourages recipients of Federal grant funds to adopt and enforce safety policies that decrease crashes by distracted drivers, including policies to ban text messaging while driving when performing work related to a grant or subgrant.

In support of this initiative, the Owner encourages the Consultant to promote policies and initiatives for its employees and other work personnel that decrease crashes by distracted drivers, including policies that ban text messaging while driving motor vehicles while performing work activities associated with the project. The Consultant must include the substance of this clause in all sub-tier contracts exceeding \$3,500 that involve driving a motor vehicle in performance of work activities associated with the project.

B9 ENERGY CONSERVATION REQUIREMENTS

2 CFR § 200, Appendix II(H)

Consultant and Subconsultant agree to comply with mandatory standards and policies relating to energy efficiency as contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 USC 6201 *et seq.*).

B10 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

2 CFR 200, Appendix II(C)
41 CFR § 60-1.4
41 CFR § 60-4.3
Executive Order 11246

EQUAL OPPORTUNITY CLAUSE

During the performance of this contract, the Consultant agrees as follows:

(1) The Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identify, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff, or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The Consultant will, in all solicitations or advertisements for employees placed by or on behalf of the Consultant, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.

(3) The Consultant will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Consultant's commitments under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Consultant will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Consultant will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Consultant's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Consultant may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Consultant will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subconsultant or vendor. The Consultant will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* that in the event a Consultant becomes involved in, or is threatened with, litigation with a subconsultant or vendor as a result of such direction by the administering agency the Consultant may request the United States to enter into such litigation to protect the interests of the United States.

STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS

1. As used in these specifications:

- a. “Covered area” means the geographical area described in the solicitation from which this contract resulted;
- b. “Director” means Director, Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, or any person to whom the Director delegates authority;
- c. “Employer identification number” means the Federal social security number used on the Employer’s Quarterly Federal Tax Return, U.S. Treasury Department Form 941;
- d. “Minority” includes:
 - (1) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
 - (2) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin regardless of race);
 - (3) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
 - (4) American Indian or Alaskan native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

2. Whenever the Consultant, or any subconsultant at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.

3. If the Consultant is participating (pursuant to 41 CFR part 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Consultants shall be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Consultant or subconsultant participating in an approved plan is individually required to comply with its obligations under the EEO clause and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Consultants or subconsultants toward a goal in an approved Plan does not excuse any covered Consultant’s or subconsultant’s failure to take good faith efforts to achieve the Plan goals and timetables.

4. The Consultant shall implement the specific affirmative action standards provided in paragraphs 7a through 7p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Consultant should reasonably be able to achieve in each construction trade in which it

has employees in the covered area. Covered construction Consultants performing construction work in a geographical area where they do not have a Federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the Federal Register in notice form, and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The Consultant is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement nor the failure by a union with whom the Consultant has a collective bargaining agreement to refer either minorities or women shall excuse the Consultant's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

6. In order for the non-working training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees shall be employed by the Consultant during the training period and the Consultant shall have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees shall be trained pursuant to training programs approved by the U.S. Department of Labor.

7. The Consultant shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Consultant's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Consultant shall document these efforts fully and shall implement affirmative action steps at least as extensive as the following:

a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Consultant's employees are assigned to work. The Consultant, where possible, will assign two or more women to each construction project. The Consultant shall specifically ensure that all foremen, superintendents, and other onsite supervisory personnel are aware of and carry out the Consultant's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Consultant or its unions have employment opportunities available, and maintain a record of the organizations' responses.

c. Maintain a current file of the names, addresses, and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source, or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Consultant by the union or, if referred, not employed by the Consultant, this shall be documented in the file with the reason therefore along with whatever additional actions the Consultant may have taken.

d. Provide immediate written notification to the Director when the union or unions with which the Consultant has a collective bargaining agreement has not referred to the Consultant a minority person or female sent by the Consultant, or when the Consultant has other information that the union referral process has impeded the Consultant's efforts to meet its obligations.

- e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Consultant's employment needs, especially those programs funded or approved by the Department of Labor. The Consultant shall provide notice of these programs to the sources compiled under 7b above.
- f. Disseminate the Consultant's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Consultant in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
- g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination, or other employment decisions, including specific review of these items, with onsite supervisory personnel such as superintendents, general foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
- h. Disseminate the Consultant's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Consultant's EEO policy with other consultants and subconsultants with whom the Consultant does or anticipates doing business.
- i. Direct its recruitment efforts, both oral and written, to minority, female, and community organizations, to schools with minority and female students; and to minority and female recruitment and training organizations serving the Consultant's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Consultant shall send written notification to organizations, such as the above, describing the openings, screening procedures, and tests to be used in the selection process.
- j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer, and vacation employment to minority and female youth both on the site and in other areas of a Consultant's workforce.
- k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR part 60-3.
- l. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel, for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.
- m. Ensure that seniority practices, job classifications, work assignments, and other personnel practices do not have a discriminatory effect by continually monitoring all personnel and employment

related activities to ensure that the EEO policy and the Consultant's obligations under these specifications are being carried out.

n. Ensure that all facilities and company activities are non-segregated except that separate or single user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction consultants and suppliers, including circulation of solicitations to minority and female consultant associations and other business associations.

p. Conduct a review, at least annually, of all supervisor's adherence to and performance under the Consultant's EEO policies and affirmative action obligations.

8. Consultants are encouraged to participate in voluntary associations, which assist in fulfilling one or more of their affirmative action obligations (7a through 7p). The efforts of a contractor association, joint contractor union, contractor community, or other similar groups of which the Consultant is a member and participant may be asserted as fulfilling any one or more of its obligations under 7a through 7p of these specifications provided that the Consultant actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Consultant's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Consultant. The obligation to comply, however, is the Consultant's and failure of such a group to fulfill an obligation shall not be a defense for the Consultant's noncompliance.

9. A single goal for minorities and a separate single goal for women have been established. The Consultant, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, if the particular group is employed in a substantially disparate manner (for example, even though the Consultant has achieved its goals for women generally), the Consultant may be in violation of the Executive Order if a specific minority group of women is underutilized.

10. The Consultant shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.

11. The Consultant shall not enter into any subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

12. The Consultant shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination, and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any consultant who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

13. The Consultant, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Consultant fails to comply with the requirements of the Executive Order, the

implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR part 60-4.8.

14. The Consultant shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government, and to keep records. Records shall at least include for each employee, the name, address, telephone number, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, Consultants shall not be required to maintain separate records.

15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g. those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

B11 FEDERAL FAIR LABOR STANDARDS ACT (FEDERAL MINIMUM WAGE)

29 USC § 201, et seq

All contracts and subcontracts that result from this solicitation incorporate by reference the provisions of 29 CFR part 201, the Federal Fair Labor Standards Act (FLSA), with the same force and effect as if given in full text. The FLSA sets minimum wage, overtime pay, recordkeeping, and child labor standards for full and part-time workers.

The Consultant has full responsibility to monitor compliance to the referenced statute or regulation. The Consultant must address any claims or disputes that arise from this requirement directly with the U.S. Department of Labor – Wage and Hour Division.

B12 LOBBYING AND INFLUENCING FEDERAL EMPLOYEES

31 USC § 1352 – Byrd Anti-Lobbying Amendment

2 CFR part 200, Appendix II(J)

49 CFR part 20, Appendix A

CERTIFICATION REGARDING LOBBYING

The Bidder or Offeror certifies by signing and submitting this bid or proposal, 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 Bidder or Offeror, to any person for influencing or attempting to influence an officer or employee of an 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-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients 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.

B13 OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

29 CFR part 1910

All contracts and subcontracts that result from this solicitation incorporate by reference the requirements of 29 CFR Part 1910 with the same force and effect as if given in full text. The employer must provide a work environment that is free from recognized hazards that may cause death or serious physical harm to the employee. The employer retains full responsibility to monitor its compliance and their subconsultant's compliance with the applicable requirements of the Occupational Safety and Health Act of 1970 (20 CFR Part 1910). The employer must address any claims or disputes that pertain to a referenced requirement directly with the U.S. Department of Labor – Occupational Safety and Health Administration.

B14 TAX DELINQUENCY AND FELONY CONVICTIONS

CERTIFICATION OF OFFEROR/BIDDER REGARDING TAX DELINQUENCY AND FELONY CONVICTIONS

The applicant must complete the following two certification statements. The applicant must indicate its current status as it relates to tax delinquency and felony conviction by inserting a checkmark (✓) in the space following the applicable response. The applicant agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification in all lower tier subcontracts.

Certifications

- 1) The applicant represents that it is () is not (✓) a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
- 2) The applicant represents that it is () is not (✓) is not a corporation that was convicted of a criminal violation under any Federal law within the preceding 24 months.

Note

If an applicant responds in the affirmative to either of the above representations, the applicant is ineligible to receive an award unless the sponsor has received notification from the agency suspension and debarment official (SDO) that the SDO has considered suspension or debarment and determined that further action is not required to protect the Government's interests. The applicant therefore must provide information to the owner about its tax liability or conviction to the Owner, who will then notify the FAA Airports District Office, which will then notify the agency's SDO to facilitate completion of the required considerations before award decisions are made.

Term Definitions

Felony conviction: Felony conviction means a conviction within the preceding twentyfour (24) months of a felony criminal violation under any Federal law and includes conviction of an offense defined in a section of the U.S. code that specifically classifies the offense as a felony and conviction of an offense that is classified as a felony under 18 U.S.C. § 3559.

Tax Delinquency: A tax delinquency is any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

TERMINATION OF CONTRACT

2 CFR § 200 Appendix II(B)

FAA Advisory Circular 150/5370-10, Section 80-09

TERMINATION FOR CONVENIENCE (PROFESSIONAL SERVICES)

The Owner may, by written notice to the Consultant, terminate this Agreement for its convenience and without cause or default on the part of Consultant. Upon receipt of the notice of termination, except as explicitly directed by the Owner, the Consultant must immediately discontinue all services affected.

Upon termination of the Agreement, the Consultant must deliver to the Owner all data, surveys, models, drawings, specifications, reports, maps, photographs, estimates, summaries, and other documents and materials prepared by the Engineer under this contract, whether complete or partially complete.

Owner agrees to make just and equitable compensation to the Consultant for satisfactory work completed up through the date the Consultant receives the termination notice. Compensation will not include anticipated profit on non-performed services.

Owner further agrees to hold Consultant harmless for errors or omissions in documents that are incomplete as a result of the termination action under this clause.

TERMINATION FOR DEFAULT (PROFESSIONAL SERVICES)

Either party may terminate this Agreement for cause if the other party fails to fulfill its obligations that are essential to the completion of the work per the terms and conditions of the Agreement. The party initiating the termination action must allow the breaching party an opportunity to dispute or cure the breach.

The terminating party must provide the breaching party [7] days advance written notice of its intent to terminate the Agreement. The notice must specify the nature and extent of the breach, the conditions necessary to cure the breach, and the effective date of the termination action. The rights and remedies in this clause are in addition to any other rights and remedies provided by law or under this agreement.

a) **Termination by Owner:** The Owner may terminate this Agreement in whole or in part, for the failure of the Consultant to:

1. Perform the services within the time specified in this contract or by Owner approved extension;
2. Make adequate progress so as to endanger satisfactory performance of the Project; or
3. Fulfill the obligations of the Agreement that are essential to the completion of the Project.

Upon receipt of the notice of termination, the Consultant must immediately discontinue all services affected unless the notice directs otherwise. Upon termination of the Agreement, the Consultant must deliver to the Owner all data, surveys, models, drawings, specifications, reports, maps, photographs, estimates, summaries, and other documents and materials prepared by the Engineer under this contract, whether complete or partially complete.

Owner agrees to make just and equitable compensation to the Consultant for satisfactory work completed up through the date the Consultant receives the termination notice. Compensation will not include anticipated profit on non-performed services.

Owner further agrees to hold Consultant harmless for errors or omissions in documents that are incomplete as a result of the termination action under this clause.

If, after finalization of the termination action, the Owner determines the Consultant was not in default of the Agreement, the rights and obligations of the parties shall be the same as if the Owner issued the termination for the convenience of the Owner.

b) **Termination by Consultant:** The Consultant may terminate this Agreement in whole or in part, if the Owner:

1. Defaults on its obligations under this Agreement;
2. Fails to make payment to the Consultant in accordance with the terms of this Agreement;
3. Suspends the Project for more than [180] days due to reasons beyond the control of the Consultant.

Upon receipt of a notice of termination from the Consultant, Owner agrees to cooperate with Consultant for the purpose of terminating the agreement or portion thereof, by mutual consent. If Owner and Consultant cannot reach mutual agreement on the termination settlement, the Consultant may, without prejudice to any rights and remedies it may have, proceed with terminating all or parts of this Agreement based upon the Owner's breach of the contract.

In the event of termination due to Owner breach, the Engineer is entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all justified reimbursable expenses incurred by the Consultant through the effective date of termination action. Owner agrees to hold Consultant harmless for errors or omissions in documents that are incomplete as a result of the termination action under this clause.

B15 TRADE RESTRICTION CERTIFICATION

49 USC § 50104

49 CFR part 30

TRADE RESTRICTION CERTIFICATION

By submission of an offer, the Offeror certifies that with respect to this solicitation and any resultant contract, the Offeror –

- 1) is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms as published by the Office of the United States Trade Representative (USTR);
- 2) has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country included on the list of countries that discriminate against U.S. firms as published by the USTR; and
- 3) has not entered into any subcontract for any product to be used on the Federal project that is produced in a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18 USC Section 1001.

The Offeror/Consultant must provide immediate written notice to the Owner if the Offeror/Consultant learns that its certification or that of a subconsultant was erroneous when submitted or has become erroneous by reason of changed circumstances. The Consultant must require subconsultants provide immediate written notice to the Consultant if at any time it learns that its certification was erroneous by reason of changed circumstances.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR 30.17, no contract shall be awarded to an Offeror or subconsultant:

- 1) who is owned or controlled by one or more citizens or nationals of a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR or
- 2) whose subconsultants are owned or controlled by one or more citizens or nationals of a foreign country on such USTR list or
- 3) who incorporates in the public works project any product of a foreign country on such USTR list.

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 provision. The knowledge and information of a Consultant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

The Offeror agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in all lower tier subcontracts. The Consultant may rely on the certification of a prospective subconsultant that it is not a firm from a foreign country included on the list of countries that discriminate against U.S. firms as published by USTR, unless the Offeror has knowledge that the certification is erroneous.

This certification is a material representation of fact upon which reliance was placed when making an award. If it is later determined that the Consultant or subconsultant knowingly rendered an erroneous certification, the Federal Aviation Administration (FAA) may direct through the Owner cancellation of the contract or subcontract for default at no cost to the Owner or the FAA.

HAZARDOUS MATERIALS AND HAZARDOUS WASTE CLAUSES

1. No Certification

No report produced by Consultant pursuant to this agreement shall be interpreted as a certification that no hazardous materials, substances, wastes, or constituents are located on, under, or about the project property investigated.

2. Hazardous Substances or Conditions

Consultant has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic, irritant, pollutant, or otherwise dangerous substances or condition at the project site, and its compensation hereunder is in no way commensurate with the potential risk of injury or loss that may be caused by exposures to such substances or conditions. Nothing in this Agreement shall be interpreted as requiring Consultant to assume the status of a generator, treater, storer, transporter, or disposer of hazardous materials within the meaning of federal, state, or local law.

3. Soil Borings

The clauses listed below apply if Consultant is required to take soil borings.

A. City recognizes that the use of exploration and test equipment may unavoidably affect, alter, or damage the terrain and affect subsurface vegetation, buildings, structures, and equipment in, at, or upon the site. City hereby acknowledges that such facts are inherent to Consultant's work and will not hold Consultant liable or responsible for any such effect, alteration, or damage unless such effect, alteration, or damage is a direct result of the sole negligence of Consultant.

B. Consultant will not be liable for any property damage or bodily injury arising from damage to or interference with surface or subterranean structures (including but not limited to, pipes, tanks, telephone cables, etc.) that are not called to Consultant's attention in writing and correctly shown on the plans furnished by City in connection with work performed under this agreement unless such damage or injury is the direct result of the sole negligence of Consultant.

4. Test Samples

In the event that any test samples taken by Consultant in the performance of this agreement contain substances or constituents hazardous or detrimental to human health, safety, or the environment as defined by federal, state, or local statutes, regulations, or ordinances, Consultant will, after completion of testing and at City's expense, return such samples to City. City recognizes and agrees that Consultant is acting as a bailee and at no time does Consultant assume title of such samples.

5. Notification

City agrees to promptly notify Consultant of any hazardous substance and any special risk to human health, the environment, or equipment on the site of which City is, or becomes, aware.

6. Duty to Report

By virtue of entering into this Agreement or providing services hereunder, Consultant does not assume control of or responsibility for reporting to any federal, state, or local public agencies any conditions at the site that present a potential danger to health, safety, or the environment.

7. Indemnification

In connection with hazardous substances and constituents, City agrees to the maximum extent permitted by law to defend, hold harmless, and indemnify Consultant from and against any and all claims and liabilities resulting from City's violation of any federal, state, or local statutes, regulations, or ordinances relating to the disposal of hazardous substances or constituents; City's undertaking of or arrangement for the handling, removal, treatment, storage, transportation, or disposal of hazardous substances or constituents found or identified at the site.

EXHIBIT C - Compensation

**Reinard W. Brandley
Consulting Airport Engineer
Standard Billing Rates**

Personnel

Reinard W. Brandley.....	\$250.00/Hour
Senior Engineer/Resident Engineer.....	\$120.00/Hour
Junior Engineer.....	\$90.00/Hour
Senior Drafter/Senior Inspector.....	\$100.00/Hour
Junior Drafter/Junior Inspector.....	\$80.00/Hour
Testing Technician.....	\$75.00/Hour
Project Administrator.....	\$75.00/Hour

Travel and Equipment Rental

Per Diem.....	\$140.00/Day
Vehicle Rental.....	\$25.00/Day + \$0.40/Mile
Laboratory Rental.....	\$200.00/Month
Survey Equipment Rental.....	\$200.00/Month

Laboratory Tests

Testing Services by Outside Laboratory.....	Cost
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RESOLUTION 2020-

APPROVING THE MASTER PROFESSIONAL SERVICES AGREEMENT WITH REINARD W. BRANDLEY, CONSULTING AIRPORT ENGINEER TO PERFORM AIRPORT DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE TRACY MUNICIPAL AIRPORT, NOT-TO-EXCEED \$600,000

WHEREAS, The City of Tracy uses an Airport Consultant for airport construction projects at the Tracy Municipal Airport and as an Airport Sponsor, is required to go out to bid for a new Airport Consultant every five to seven years, and

WHEREAS, On August 23, 2019, staff issued a Request For Statement of Interest and Qualifications for Airport Consulting Services for Federal Aviation Administration ("FAA") Qualified Grant Funded Airport Improvement Projects resulting in one statement of qualification being submitted to the City, and

WHEREAS, The City commenced the Airport Consultant selection process in accordance with FAA Advisory Circular# AC-150/1500-14C and selected Reinard W. Brandley, Consulting Airport Engineer (Consultant) as the consultant that best fit the needs of the City, and

WHEREAS, Staff has negotiated an agreement with Consultant to perform the services and tasks necessary;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, That the City Council of the City of Tracy approves a Master Professional Services Agreement with Reinard W. Brandley, Consulting Airport Engineer to perform airport design and construction engineering services for the City of Tracy Municipal Airport, not-to-exceed \$600,000.

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 16th day of June, 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.L

REQUEST

WAIVE READING OF FULL TEXT AND ADOPT ORDINANCE 1290, AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 3.08.580, OF ARTICLE 12, OF CHAPTER 3.08 (TRAFFIC REGULATIONS) OF TITLE 3 (PUBLIC SAFETY) OF THE TRACY MUNICIPAL CODE

EXECUTIVE SUMMARY

Ordinance 1290 was introduced at the regular Council meeting held on June 2, 2020. Ordinance 1290 is before Council for adoption.

DISCUSSION

On June 2, 2020, City Council approved the introduction of Ordinance 1290 amending Section 3.08.580, Article 12, Chapter 3.08 of the Tracy Municipal Code (TMC) establishing speed zones on various streets in the City. The speed limit on streets is established on the basis of engineering and traffic surveys and the applicable traffic engineering standards. Speed limits in the vicinity of schools are posted in accordance with the requirements of the CVC and CAMUTCD. Since these surveys are good for a period of five years, an amendment to the Municipal Code is necessary after every five years to update these surveys resulting in an update of posted speeds. An engineering and traffic survey was completed in December 2019 on a total of 33 segments of arteria and collector streets by the Engineering Division.

The amendments to Section 3.08.580 of Chapter 3.08 of Title 3 will amend and delete some previously established Declared Prima Facie Speed Limits (Miles per Hour) and add new Prima Facie Speed Limits, to certain streets.

Ordinance 1290 is before Council for adoption.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Public Safety Priority, and specifically implements the following goal:

Goal 1: Support Efforts to Enhance Citywide Traffic Conditions

FISCAL IMPACT

Enforcement of speed limits is a budgeted item and is the Police Department's responsibility. Signing and striping changes as the result of speed changes will be performed by Public Works staff. Signing and striping is also a budgeted item.

RECOMMENDATION

That Council waive the reading of the full text and adopts Ordinance 1290 amending Section 3.08.580, "Special Speed Zone," Article 12, Chapter 3.08 of the Traffic Regulations of the Tracy Municipal Code.

Prepared by: Necy Lopez, Deputy City Clerk

Reviewed by: Adrienne Richardson, City Clerk
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

Attachment A: Ordinance 1290

ORDINANCE 1290

AMENDING SECTION 3.08.580, OF ARTICLE 12, OF CHAPTER 3.08 (TRAFFIC REGULATIONS) OF TITLE 3 (PUBLIC SAFETY) OF THE TRACY MUNICIPAL CODE

WHEREAS, The use of radar equipment is one of the most effective tools for enforcing speed limits and traffic safety on City streets, and

WHEREAS, Subsection (c) of California Vehicle Code section 40803 provides that evidence of conducting a speed zone survey within the last five years to establish the prima facie speed for a local street or road shall constitute a prima facie case that such local street or road is not a speed trap for the purposes of radar enforcement, and

WHEREAS, City staff completed an Engineering & Traffic survey in December 2019, and

WHEREAS, The survey supports prima facie speed limits for certain new street portions as set forth below;

NOW THEREFORE, The City Council of the City of Tracy does ordain as follows:

SECTION 1: Amended Section. Section 3.08.580 of Article 12 of Chapter 3.08 of Title 3 of the Tracy Municipal Code is hereby amended to change the previously established Declared Prima Facie Speed Limit (Miles per Hour) for the below described street portions:

Name of Street and Portion Affected	Declared Prima Facie Speed Limit (Miles per Hour)
- Arbor Road Holly Drive to MacArthur Drive	40
- Byron Road Corral Hollow Road to Lammers Road	45
- Chrisman Road Valpico Road to North City Limits	50
- East Street - Grant Line Road to Eleventh Street	30
- Holly Drive - Grant Line Road to Clover Road	30
- MacArthur Drive Eleventh Street to SPRR Tracks	35
- Parkside Drive Winter Lane to Corral Hollow Drive	30
- Pescadero Avenue 2,500' East of MacArthur Drive to East City Limits	45

- Tracy Blvd Linne Road to South City Limits	45
- Tracy Blvd North City Limits to Larch Road	40

SECTION 2: Amended Section. Section 3.08.580 of Article 12 of Chapter 3.08 of Title 3 of the Tracy Municipal Code is hereby amended to add the below described street portions and their previously established Declared Prima Facie Speed Limit (Miles per Hour):

Name of Street and Portion Affected	Declared Prima Facie Speed Limit (Miles per Hour)
- East Street Grant Line Road to Eleventh Street	30
- East Street Eleventh Street to Sixth Street	25
- Holly Drive Grant Line Road to Clover Road	30
- Holly Drive Eleventh Street to Grant Line Road	25
- Lowell Avenue Blandford Lane to Orchard Parkway	30
- Lowell Avenue Orchard Parkway to Corral Hollow Road	30

SECTION 3: Amended Section. Section 3.08.580 of Article 12 of Chapter 3.08 of Title 3 of the Tracy Municipal Code is hereby amended to delete the below street sections to avoid duplication of street segments:

Name of Street and Portion Affected	Declared Prima Facie Speed Limit (Miles per Hour)
- East Street Sixth Street to Grant Line Road	25
- Holly Drive Eleventh Street to Clover Road	25
- Lowell Avenue Blandford Lane to Corral Hollow Road	25

SECTION 4: Remaining sections. Except as herein added or changed, the remaining sections of the Tracy Municipal Code, including the Declared Prima Facie Speed Limit (Miles per Hour) for the Portions of Streets not set forth above, shall remain in full force.

SECTION 5: Title, chapter, and section headings. Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof.

SECTION 6: Constitutionality. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7: Effective date. This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 8: Publication. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

* * * * *

The foregoing Ordinance 1290 was introduced at a regular meeting of the Tracy City Council on the 2nd day of June 2020, and finally adopted on the 16th day of June, 2020, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.M

REQUEST

FIND THAT IT IS IN THE BEST INTEREST OF THE CITY TO FORGO THE FORMAL REQUEST FOR PROPOSAL PROCESS AND APPROVE AMENDMENTS TO LEGAL SERVICES AGREEMENTS WITH THE LAW OFFICE OF DANIEL P. DOPORTO AND THE LAW FIRM OF MEYERS, NAVE, RIBACK, SILVER & WILSON

EXECUTIVE SUMMARY

This agenda item, with City Council approval, would authorize the City of Tracy to amend existing legal services agreements with the Law Office of Daniel P. Doporto (“Doporto”) and the law firm of Meyers, Nave, Riback, Silver & Wilson (“Meyers Nave”). Doporto currently provides transactional legal services related to general legal and land use matters, including matters that are paid for through cost recovery agreements. Meyers Nave provides legal services to the City on various general public law matters including elections, administrative hearing appeals, public contracting, eviction and rent control issues, emergency powers, and First Amendment issues.

This item requests that Council find that it is in the best interest of the City to forgo the formal request for proposal process given staff’s satisfaction with the services of Doporto and Meyers Nave. If approved, the amendment to the agreement with Doporto would extend the term to June 30, 2021 and increase compensation for cost recovery matters to \$150,000. If approved, the amendment to the agreement with Meyers Nave would increase compensation from \$50,000 to \$100,000.

DISCUSSION

The City Attorney’s Office (CAO) typically consists of three full-time attorneys and a legal secretary. One of the attorney positions has been vacant since June 2019. Even while fully staffed the CAO relies on assistance from outside counsel to provide advice on specialized areas of law and increase the office’s capacity to serve its departmental clients, including Development Services. Depending on the complexity of a development project, developers enter into Cost Recovery Agreements with the City to cover the costs associated with staff and consultant time, including outside legal counsel.

Doporto has been advising the City on land use matters, including the process of land use entitlements and compliance with the California Environmental Quality Act (CEQA). The City last entered into a legal services agreement with Doporto in June 2019 with a not-to-exceed amount of \$50,000 for general legal services and \$100,000 for cost recovery legal services, meaning matters paid by developers through a cost recovery agreement. That agreement was executed by the City Attorney pursuant to subsections (a) and (b) of Section 2.20.095 of the Tracy Municipal Code. The proposed amendment would extend the term of the agreement from June 30, 2020 to June 30, 2021 and increase the not-to exceed amount for cost recovery legal services from \$100,000 to \$150,000. Doporto has extensive knowledge of the City of Tracy’s development processes and has been performing similar work for the City with excellent results for the

last several years. As such, the CAO believes that it is in the best interest of the City to continue its contractual relationship with the firm without conducting the formal Request for Proposal process, as allowed under Tracy Municipal Code section 2.20.140(b)(6). The CAO intends to issue a request for proposals for legal services prior to the end of Fiscal Year 2020-21.

Meyers Nave is a statewide law firm specializing in advising public agencies. The City last entered into a legal services agreement with Meyers Nave in June 2019 for a not-to-exceed amount of \$50,000. That agreement was executed by the City Attorney pursuant to Section 2.20.095(a) of the Tracy Municipal Code. During this fiscal year, Meyers Nave has provided valuable legal services regarding administrative hearing appeals, public contracting, eviction and rent control issues, emergency powers, and First Amendment issues. The CAO is satisfied with the performance of Meyers Nave including their extensive knowledge regarding changes in the law, responsiveness, and available staff and wishes to increase the compensation under the agreement by an additional \$50,000 to a total not-to-exceed amount of \$100,000. As such, the CAO believes that it is in the best interest of the City to continue its contractual relationship with the firm without conducting the formal Request for Proposal process, as allowed under Tracy Municipal Code section 2.20.140(b)(6). The CAO intends to issue a request for proposals for legal services prior to the end of Fiscal Year 2020-21.

STRATEGIC PLAN

The proposal is a routine item without direct connection to the City's strategic priorities.

FISCAL IMPACT

Costs associated with the cost recovery legal services provided by Doporto will be paid for by developers through Cost Recovery Agreements. Costs associated with Meyers Nave's services under the agreement (an additional \$50,000) will be covered by the City Attorney's Office operating budget.

RECOMMENDATION

Staff recommends that the City Council find it is in the best interest of the City to forgo the formal request for proposal process and approve the amendments to legal services agreements with the Law Office of Daniel P. Doporto and the law firm of Meyers, Nave, Riback, Wilson & Silver.

Prepared by: Leticia Ramirez, City Attorney

Reviewed by: Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Amendment to Legal Services Agreement – Law Office of Daniel P. Doporto
Attachment B – Amendment to Legal Service Agreement – Meyers Nave

**CITY OF TRACY
AMENDMENT NO. 1 TO
LEGAL SERVICES AGREEMENT WITH
THE LAW OFFICE OF DANIEL P. DOPORTO, A PROFESSIONAL CORPORATION**

This Amendment (**Amendment**) to the Legal Services Agreement is entered into between the City of Tracy, a municipal corporation (**City**), and The Law Office of Daniel P. Doport, a professional corporation (**Consultant**). City and Consultant are referred to individually as "**Party**" and collectively as "**Parties**."

Recitals

- A.** The City and Consultant entered into a Legal Services Agreement on July 1, 2019, (**Agreement**) to retain Consultant to provide general legal services to the City of Tracy in the amount of \$50,000, and cost recovery legal services in the amount of \$100,000 for the term of July 1, 2019 to June 30, 2020.
- B.** The Parties now seek to amend the Agreement to extend the term until June 30, 2021 and increase compensation to \$150,000 for cost recovery legal services.
- C.** This Amendment is being executed pursuant to Tracy Municipal Code section 2.20.080.

Now therefore, the Parties mutually agree as follows:

1. Incorporation by Reference. This Amendment incorporates by reference all terms set forth in the Agreement, unless specifically modified by this Amendment. The terms which are not specifically modified by this Amendment will remain in effect.

2. Terms of Amendment.

Section 2 (Term of Agreement and Not To Exceed Amounts) is hereby amended to read as follows:

"This Agreement shall be effective on July 1, 2019, and shall terminate on June 30, 2021, unless amended or superseded by a subsequent agreement. The maximum amount payable by the City under this Agreement for general legal services (services for which the City is not reimbursed for its payment by a third party) is Fifty Thousand Dollars (\$50,000.00). The maximum amount payable by the City under this Agreement for Cost Recovery legal services is One Hundred and Fifty Thousand Dollars (\$150,000.00)."

3. Modifications. This Amendment may not be modified orally or in any manner other than by an agreement in writing signed by both parties, in accordance with the requirements of the Agreement.

4. Severability. If any term of this Amendment is held invalid by a court of competent jurisdiction, the Amendment shall be construed as not containing that term, and the remainder of this Amendment shall remain in effect.

5. Signatures. The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Amendment. This Amendment shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

The Parties agree to the full performance of the terms set forth here.

City of Tracy,
a municipal corporation

The Law Office of Daniel P. Doporto,
a professional corporation

By: _____
Robert Rickman

By: *Daniel P. Doporto*
Daniel P. Doporto

Title: Mayor
Date: _____

Title: Chief Executive Officer
Date: *June 9, 2020*

Attest:

By: _____
Adrienne Richardson, City Clerk

Approved as to form

By: _____
Leticia Ramirez, City Attorney

555 Capitol Mall, Suite 1200
Sacramento, California 95814
tel (916) 556-1531
fax (916) 556-1516
www.meyersnave.com

Jose M. Sanchez
Attorney at Law
jsanchez@meyersnave.com



June 9, 2020

PERSONAL & CONFIDENTIAL

Leticia Ramirez
City Attorney
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Re: Amendment No. 1 to Engagement of Legal Services

Dear Ms. Ramirez:

Thank you for retaining Meyers, Nave, Riback, Silver & Wilson (“Meyers Nave”) to perform legal services in connection with City of Tracy of which you are City Attorney. We appreciate the continued opportunity to serve as your lawyers.

The purpose of this letter is to amend Section 2 of the June 14, 2019, Engagement of Legal Services as specified below:

“2. **Fees and Personnel.** As compensation for our services, our fees will be based on our current standard billing rate for the personnel performing services under this agreement at the time such services are rendered. Our standard billing rates for attorneys and paralegals are attached as Attachment 1. The total compensation under this agreement shall not exceed \$100,000.”

The June 14, 2019, Engagement of Legal Services and this letter contain our entire agreement about our representation. Any modifications or additions to them must be made in writing.

We would request that you review this letter carefully and, if it is consistent with your understanding of our respective responsibilities, please so indicate by returning a signed copy of this letter to me at your earliest convenience. Enclosed is an additional copy of this letter which you should retain for your records. Again, we thank you for allowing us the opportunity to serve as your lawyers.

CONFIDENTIAL: This material is subject to the attorney-client and/or attorney work product privileges. Do not disclose the contents hereof. Do not file with publicly accessible records.

Leticia Ramirez
June 9, 2020
Page 2

Very truly yours,



Jose M. Sanchez
Attorney at Law

Enclosures
c: Conflicts Department
Billing Department
3538253.1

These terms are accepted and agreed to as of the date of this letter.

City of Tracy

By: _____
Leticia Ramirez
City Attorney

CONFIDENTIAL: This material is subject to the attorney-client and/or attorney work product privileges. Do not disclose the contents hereof. Do not file with publicly accessible records.

ATTACHMENT 1

**MEYERS, NAVE, RIBACK, SILVER & WILSON
RATE SHEET**

GENERAL RATES	SPECIALTY	COST RECOVERY
Principals: \$330-375/hour Of Counsels: \$285-330/hour Associates: \$250-280/hour Paralegals: \$165/hour	<u>Transaction:</u> Principal: \$330-\$375/hour Of Counsel: \$300-\$330/hour Associate: \$265-\$295/hour Paralegal: \$165/hour <u>Litigation:</u> Principal: \$330-\$450/hour Of Counsel: \$330-\$395/hour Associate: \$275-\$325/hour Paralegal: \$175/hour	Principal: \$350-\$495/hour Of Counsel: \$350-\$425/hour Associate: \$275-\$350/hour Paralegal: \$175/hour

Our rates adjust every July 1st by the greater of 3% or the relevant local CPI increase over the prior 12 month period, rounded to the nearest \$5.

CONFIDENTIAL: This material is subject to the attorney-client and/or attorney work product privileges. Do not disclose the contents hereof. Do not file with publicly accessible records.

ATTACHMENT 2

MEYERS, NAVE, RIBACK, SILVER & WILSON STATEMENT OF FEE AND BILLING INFORMATION

The following is a general description of our fee and billing policies. These general policies may be modified by the specific engagement letter or agreement to which this summary is attached.

Professional Fees. Our fees for professional services are based on the fair value of the services rendered. To help us determine the value of our services, our attorneys and paralegals maintain time records for each client and matter. Our attorneys and paralegals are assigned hourly rates which are based on years of experience, specialization, training and level of professional attainment. We adjust our rates periodically (usually at the beginning of each year) to take into account inflation and the increased experience of our professional personnel.

To keep professional fees at a minimum, legal work that does not require more experienced attorneys will be performed, where feasible, by attorneys with lower billing rates. Of course, the quality of the work is paramount, and we do not sacrifice quality to economy.

Before undertaking a particular assignment, we will, if requested, provide you with a fee estimate to the extent possible. Estimates are not possible for some matters, however, and cannot be relied on in many others because the scope of our work will not be clear at the outset. When a fee estimate is given, it is only an estimate; it is not a maximum or minimum fee quotation. The actual fee may be more or less than the quoted estimate.

Billing And Payment Procedures. Unless other arrangements are made at the time of the engagement, invoices will be sent monthly. Invoices for outside services exceeding \$100 may be billed separately. Occasionally, however, we may defer billing for a given month or months if the accrued fees and costs do not warrant current billing or if other circumstances would make it appropriate to defer billing.

Our invoices contain a brief narrative description of the work performed; if requested, the initials of the attorney who performed the work will appear on the statement. The invoice will include a line item reflecting in-house administrative costs. The firm's in-house administrative costs include duplicating, facsimile charges, telephone charges, E-mail, postage, mileage and other administrative expenses.

The firm will be reimbursed for all outside services incurred in the course of providing legal services to our client(s). Outside services will include, but are not limited to, all third-party expenses, delivery charges, travel expenses, outside research services, filing fees, expert witness and expert consultant fees.

CONFIDENTIAL: *This material is subject to the attorney-client and/or attorney work product privileges. Do not disclose the contents hereof. Do not file with publicly accessible records.*

If you have any questions regarding an invoice, the Finance Director or Executive Director is available to answer your questions. For any unresolved matters, the Bar Association has an arbitration mechanism that can be used to resolve such matters.

Late Payments. Statements for services are payable upon presentation and, in all events, within thirty (30) days after receipt. Occasionally a client has difficulty in making timely payments. To avoid burdening those clients who pay their statements promptly with the added costs we incur as a result of late payments, a late charge will be assessed on statements not paid within thirty (30) days. The maximum monthly late payment charge will be 1.5% per month. In the unlikely event we are required to institute legal proceedings to collect fees and costs, the prevailing party will be entitled to reasonable attorneys' fees and other costs of collection.

CONFIDENTIAL: This material is subject to the attorney-client and/or attorney work product privileges. Do not disclose the contents hereof. Do not file with publicly accessible records.

RESOLUTION 2020-_____

FINDING IT IS IN THE BEST INTEREST OF THE CITY TO FORGO THE FORMAL REQUEST FOR PROPOSAL PROCESS AND APPROVING AN AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH THE LAW OFFICE OF DANIEL P. DOPORTO FOR LEGAL SERVICES RELATED TO GENERAL LEGAL AND LAND USE MATTERS

WHEREAS, The City Attorney Office's (CAO) relies on assistance from outside counsel to provide advice on specialized areas of law and increase the office's capacity to serve its departmental clients, including Development Services and developer-initiated work that is subject to a Cost Recovery Agreement, and

WHEREAS, The Law Office of Daniel P. Doporto (Doporto) has been advising the City on land use matters, including the process of land use entitlements and compliance with the California Environmental Quality Act (CEQA) under an existing agreement entered into in June 2019, and

WHEREAS, The CAO wishes to amend the existing agreement to extend the term until June 30, 2021 and increase compensation for cost recovery legal services to \$150,000, and

WHEREAS, Section 2.20.140(b)(6) of the Tracy Municipal Code allows the procurement of professional services without conducting a formal Request for Proposal (RFP) process if the City Council finds that it is in the best interest of the City to forgo that process, and

WHEREAS, The City Attorney's Office recommends that Council find that it is in the best interest of the City to continue its contractual relationship with Doporto without conducting a formal RFP process given staff's satisfaction with Doporto's performance, expertise, and extensive knowledge of City's rules, processes and of pending matters, and

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby finds that it is in the best interest of the City to forgo the formal request for proposal process and approves an amendment to the Legal Services Agreement with the Law Office of Daniel P. Doporto to extend the term until June 30, 2021 and increase compensation for cost recovery legal services to \$150,000.

The foregoing Resolution 2020-_____ was adopted by the Tracy City Council on the 16th day of June, 2020, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

RESOLUTION 2020-_____

FINDING IT IS IN THE BEST INTEREST OF THE CITY TO FORGO THE FORMAL REQUEST FOR PROPOSAL PROCESS AND APPROVING AN AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH THE LAW FIRM OF MEYERS, NAVE, RIBACK, SILVER & WILSON FOR LEGAL SERVICES

WHEREAS, The City Attorney Office's (CAO) relies on assistance from outside counsel to provide advice on specialized areas of law and increase the office's capacity to serve its departmental clients and address changes in federal and state law, and

WHEREAS, The law firm of Meyers, Nave, Riback, Silver & Wilson ("Meyers Nave") has been advising the City on various general public law matters including elections, administrative hearing appeals, public contracting, eviction and rent control issues, emergency powers, and First Amendment issues under an existing agreement entered into in June 2019, and

WHEREAS, The CAO wishes to amend the existing agreement to increase compensation from \$50,000 to \$100,000, and

WHEREAS, Section 2.20.140(b)(6) of the Tracy Municipal Code allows the procurement of professional services without conducting a formal Request for Proposal (RFP) process if the City Council finds that it is in the best interest of the City to forgo that process, and

WHEREAS, The City Attorney's Office recommends that Council find that it is in the best interest of the City to continue its contractual relationship with Meyers Nave without conducting a formal RFP process given staff's satisfaction with Meyers Nave's performance, expertise, and extensive knowledge of City's processes and pending matters, and

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby finds that it is in the best interest of the City to forgo the formal request for proposal process and approves an amendment to the Legal Services Agreement with the law firm of Meyers, Nave, Riback, Silver & Wilson to increase compensation to \$100,000.

The foregoing Resolution 2020-_____ was adopted by the Tracy City Council on the 16th day of June, 2020, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.N

REQUEST

FIND THAT IT IS IN THE BEST INTEREST OF THE CITY TO FORGO THE FORMAL REQUEST FOR PROPOSAL PROCESS, AND APPROVE THE PURCHASE OF GEOGRAPHIC INFORMATION SYSTEM SOFTWARE LICENSES THROUGH THE ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. SMALL GOVERNMENT ENTERPRISE LICENSING AGREEMENT

EXECUTIVE SUMMARY

On July 15, 2008, Council approved the implementation of a citywide Geographic Information Systems (GIS) and subsequently authorized the purchase of GIS software licenses from Environmental Systems Research Institute, Inc. (ESRI) through their Small Government Enterprise License Agreement. This agreement renews the City's existing GIS software licenses for an additional three years.

DISCUSSION

The City has been using ESRI software for GIS data since 2008. This software is being used by multiple departments including Police (crime analysis), Fire (planning and response analysis), Development Services (zoning, specific plan, traffic, and engineering), Public Works (landscape maintenance, water, wastewater, and signage), Utilities (CMMS), Finance (water meter routes for billing), and the City Manager's Office (property research). The City also provides and shares GIS data with the development community for projects concerning parcel boundaries, addressing, and street development.

Normally this software renewal would go out to formal bid via the RFP process. However, because the City has invested a great deal of staff time and money in the overall ESRI infrastructure over the past twelve years, it can be sole-sourced pursuant to Tracy Municipal Code section 2.20.140(b)(6). ESRI is the leader in the GIS software space and is used by most government agencies.

This license agreement includes all the maintenance, support, and upgrades associated with the software. It is an unlimited license giving the City flexibility to deploy it when and where needed.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to Council's Strategic Priorities.

FISCAL IMPACT

Funding for the software has already been included in the FY2020-21 budget. No additional funds are being requested. The cost of the Enterprise License Agreement is \$54,125 per year (including tax) with a three-year commitment for a total obligation of \$162,375.

RECOMMENDATION

Staff recommends that City Council find that it is in the best interest of the City to forgo the formal request for proposal process, and approve the purchase of GIS software licenses through ESRI.

Prepared by: Matt Engen, IT Manager

Reviewed by: Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – ESRI Corporate Resolution
Attachment B – ESRI License Renewal Agreement

ATTACHMENT A

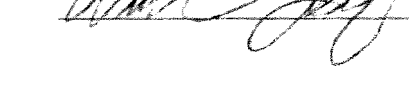
ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.

DELEGATION OF AUTHORITY


I, Laura Dangermond, as Secretary of Environmental Systems Research Institute, Inc. (the "Corporation"), hereby appoint the following employee(s) to act for and on behalf of the Corporation, each acting solely, with full authority to sign agreements in accordance with the Signature Delegation Policy for the Contracts and Legal Services Department, on behalf of the Corporation. The authority delegation is not subject to further delegation without my prior written consent.

This authority hereby delegated to the named persons shall completely expire as of midnight in San Bernardino County, California on December 31, 2017.

In order of priority:

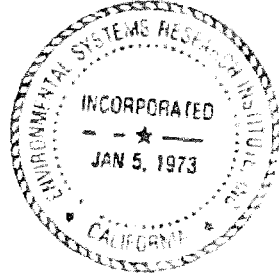
<u>NAME</u>	<u>TITLE</u>	<u>SIGNATURE</u>
ALEJANDRA MERINO	Manager, International Contracts	
DONALD J. BERRY, JR.	Director, Operations	
CHRIS JOHNSON	Manager, Commercial & Government Contracts	
KRISTA MORENO	Director, Contracts and Legal	
TIMOTHY BRAZEAL	Manager, Domestic Contracts	
WILLIAM FLEMING	Managing Business Attorney	

Effective Date: January 1, 2017



Laura Dangermond
Secretary

Corporate Seal of
Environmental Systems
Research Institute, Inc.





Environmental Systems Research Institute, Inc.
 380 New York St
 Redlands, CA 92373-8100
 Phone: (909) 793-2853 Fax: (909) 307-3049
 DUNS Number: 06-313-4175 CAGE Code: 0AMS3

Quotation # Q-387504

Date: May 27, 2020

Customer # 155777 Contract #

City of Tracy
 Information Services
 325 Civic Center Plz
 Tracy, CA 95376

To expedite your order, please attach a copy of
 this quotation to your purchase order.
 Quote is valid from: 2/3/2020 To: 8/1/2020

ATTENTION: Jeff Davis
 PHONE: (209) 831-6811
 EMAIL: jeff.davis@ci.tracy.ca.us

Material	Qty	Term	Unit Price	Total
168179	1	Year 1	\$50,000.00	\$50,000.00
Populations of 50,001 to 100,000 Small Government Term Enterprise License Agreement				
168179	1	Year 2	\$50,000.00	\$50,000.00
Populations of 50,001 to 100,000 Small Government Term Enterprise License Agreement				
168179	1	Year 3	\$50,000.00	\$50,000.00
Populations of 50,001 to 100,000 Small Government Term Enterprise License Agreement				
Subtotal:				\$150,000.00
Sales Tax:				\$0.00
Estimated Shipping and Handling (2 Day Delivery):				\$0.00
Contract Price Adjust:				\$0.00
Total:				\$150,000.00

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact: Sandi McDaniel	Email: smcdaniel@esri.com	Phone: (916) 448-2412 x2058 x2058
<p>The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at https://go.esri.com/MAPS apply to your purchase of that item. Federal government entities and government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at https://www.esri.com/en-us/legal/terms/state-supplemental apply to some state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin.</p>		

MCDANIELS

This offer is limited to the terms and conditions incorporated and attached herein.



Quotation # Q-387504

Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853 Fax: (909) 307-3049
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

Date: May 27, 2020

Customer # 155777 Contract #

City of Tracy
Information Services
325 Civic Center Plz
Tracy, CA 95376

To expedite your order, please attach a copy of this quotation to your purchase order.
Quote is valid from: 2/3/2020 To: 8/1/2020

ATTENTION: Jeff Davis
PHONE: (209) 831-6811
EMAIL: jeff.davis@ci.tracy.ca.us

If you have made ANY alterations to the line items included in this quote and have chosen to sign the quote to indicate your acceptance, you must fax Esri the signed quote in its entirety in order for the quote to be accepted. You will be contacted by your Customer Service Representative if additional information is required to complete your request.

If your organization is a US Federal, state, or local government agency; an educational facility; or a company that will not pay an invoice without having issued a formal purchase order, a signed quotation will not be accepted unless it is accompanied by your purchase order.

In order to expedite processing, please reference the quotation number and any/all applicable Esri contract number(s) (e.g. MPA, ELA, SmartBuy, GSA, BPA) on your ordering document.

BY SIGNING BELOW, YOU CONFIRM THAT YOU ARE AUTHORIZED TO OBLIGATE FUNDS FOR YOUR ORGANIZATION, AND YOU ARE AUTHORIZING ESRI TO ISSUE AN INVOICE FOR THE ITEMS INCLUDED IN THE ABOVE QUOTE IN THE AMOUNT OF \$ _____, PLUS SALES TAXES IF APPLICABLE. DO NOT USE THIS FORM IF YOUR ORGANIZATION WILL NOT HONOR AND PAY ESRI'S INVOICE WITHOUT ADDITIONAL AUTHORIZING PAPERWORK.

Please check one of the following:

I agree to pay any applicable sales tax.

I am tax exempt, please contact me if exempt information is not currently on file with Esri.

Environmental Systems Research Institute, Inc.

Signature of Authorized Representative

Date

By: Chris Johnson

Name: Chris Johnson

Name (Please Print)

Title: Manager, Commercial & Government Contracts

Title

Date: 6-1-20

The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (Esri).

Any estimated sales and/or use tax reflected on this quote has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. Esri reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state tax directly, then prior to invoicing, your organization must provide Esri with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact: Sandi McDaniel	Email: smcdaniel@esri.com	Phone: (916) 448-2412 x2058 x2058
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The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at <https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf>, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at <https://go.esri.com/MAPS> apply to your purchase of that item. Federal government entities and government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at <https://www.esri.com/en-us/legal/terms/state-supplemental> apply to some state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin.

MCDANIELS

This offer is limited to the terms and conditions incorporated and attached herein.

Esri Use Only:

Cust. Name _____
Cust. # _____
PO # _____
Esri Agreement # _____



**SMALL ENTERPRISE AGREEMENT
COUNTY AND MUNICIPALITY GOVERNMENT
(E214-3)**

This Agreement is by and between the organization identified in the Quotation ("Customer") and **Environmental Systems Research Institute, Inc. ("Esri")**.

This Agreement sets forth the terms for Customer's use of Products and incorporates by reference (i) the Quotation and (ii) the Master Agreement. Should there be any conflict between the terms and conditions of the documents that comprise this Agreement, the order of precedence for the documents shall be as follows: (i) the Quotation, (ii) this Agreement, and (iii) the Master Agreement. This Agreement shall be governed by and construed in accordance with the laws of the state in which Customer is located without reference to conflict of laws principles, and the United States of America federal law shall govern in matters of intellectual property. The modifications and additional rights granted in this Agreement apply only to the Products listed in Table A.

**Table A
List of Products**

Uncapped Quantities

Desktop Software and Extensions (Single Use)

ArcGIS Desktop Advanced
ArcGIS Desktop Standard
ArcGIS Desktop Basic
ArcGIS Desktop Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Publisher, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Workflow Manager, ArcGIS Data Reviewer

Enterprise Software and Extensions

ArcGIS Enterprise and Workgroup (Advanced and Standard)
ArcGIS Enterprise Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Workflow Manager

ArcGIS Monitor

Enterprise Additional Capability Servers

ArcGIS Image Server

Developer Tools

ArcGIS Engine
ArcGIS Engine Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Engine Geodatabase Update, ArcGIS Network Analyst, ArcGIS Schematics
ArcGIS Runtime (Standard)
ArcGIS Runtime Analysis Extension

Limited Quantities

One (1) Professional subscription to ArcGIS Developer
Two (2) Esri CityEngine Single Use Licenses
250 ArcGIS Online Viewers
250 ArcGIS Online Creators
37,500 ArcGIS Online Service Credits
250 ArcGIS Enterprise Creators
5 Insights in ArcGIS Enterprise
5 Insights in ArcGIS Online
50 Tracker for ArcGIS Enterprise
50 Tracker for ArcGIS Online
4 ArcGIS Parcel Fabric User Type Extensions (Enterprise)
4 ArcGIS Utility Network User Type Extensions (Enterprise)

OTHER BENEFITS

Number of Esri User Conference registrations provided annually	4
Number of Tier 1 Help Desk individuals authorized to call Esri	4
Maximum number of sets of backup media, if requested*	2
Self-Paced e-Learning	Uncapped
Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside this Agreement	

*Additional sets of backup media may be purchased for a fee

Customer may accept this Agreement by signing and returning the whole Agreement with (i) the Quotation attached, (ii) a purchase order, or (iii) another document that matches the Quotation and references this Agreement ("**Ordering Document**"). **ADDITIONAL OR CONFLICTING TERMS IN CUSTOMER'S PURCHASE ORDER OR OTHER DOCUMENT WILL NOT APPLY, AND THE TERMS OF THIS AGREEMENT WILL GOVERN.** This Agreement is effective as of the date of Esri's receipt of an Ordering Document, unless otherwise agreed to by the parties ("**Effective Date**").

Term of Agreement: Three (3) years

This Agreement supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to the licensing of the Products. Except as provided in Article 4—Product Updates, no modifications can be made to this Agreement.

Accepted and Agreed:

(Customer)

By: _____
Authorized Signature

Printed Name: _____

Title: _____

Date: _____

Environmental Systems Research Institute, Inc.

By: Chris Johnson

Name: Chris Johnson

Title: Manager, Commercial & Government Contracts

Date: 6-1-20

CUSTOMER CONTACT INFORMATION

Contact: _____

Telephone: _____

Address: _____

Fax: _____

City, State, Postal Code: _____

E-mail: _____

Country: _____

Quotation Number (if applicable): _____

1.0—ADDITIONAL DEFINITIONS

In addition to the definitions provided in the Master Agreement, the following definitions apply to this Agreement:

"Case" means a failure of the Software or Online Services to operate according to the Documentation where such failure substantially impacts operational or functional performance.

"Deploy", "Deployed" and "Deployment" mean to redistribute and install the Products and related Authorization Codes within Customer's organization(s).

"Fee" means the fee set forth in the Quotation.

"Maintenance" means Tier 2 Support, Product updates, and Product patches provided to Customer during the Term of Agreement.

"Master Agreement" means the applicable master agreement for Esri Products incorporated by this reference that is (i) found at <https://www.esri.com/en-us/legal/terms/full-master-agreement> and available in the installation process requiring acceptance by electronic acknowledgment or (ii) a signed Esri master agreement or license agreement that supersedes such electronically acknowledged master agreement.

"Product(s)" means the products identified in Table A—List of Products and any updates to the list Esri provides in writing.

"Quotation" means the offer letter and quotation provided separately to Customer.

"Technical Support" means the technical assistance for attempting resolution of a reported Case through error correction, patches, hot fixes, workarounds, replacement deliveries, or any other type of Product corrections or modifications.

"Tier 1 Help Desk" means Customer's point of contact(s) to provide all Tier 1 Support within Customer's organization(s).

"Tier 1 Support" means the Technical Support provided by the Tier 1 Help Desk.

"Tier 2 Support" means the Esri Technical Support provided to the Tier 1 Help Desk when a Case cannot be resolved through Tier 1 Support.

2.0—ADDITIONAL GRANT OF LICENSE

2.1 Grant of License. Subject to the terms and conditions of this Agreement, Esri grants to Customer a personal, nonexclusive, nontransferable license solely to use, copy, and Deploy quantities of the Products listed in Table A—List of Products for the Term of Agreement (i) for the applicable Fee and (ii) in accordance with the Master Agreement.

2.2 Consultant Access. Esri grants Customer the right to permit Customer's consultants or contractors to use the Products exclusively for Customer's benefit. Customer will be solely responsible for compliance by consultants and contractors with this Agreement and will ensure that the consultant or contractor discontinues use of Products upon completion of work for Customer. Access to or use of Products by consultants or contractors not exclusively for Customer's benefit is prohibited. Customer may not permit its consultants or contractors to install Software or Data on consultant, contractor, or third-party computers or remove Software or Data from Customer locations, except for the purpose of hosting the Software or Data on Contractor servers for the benefit of Customer.

3.0—TERM, TERMINATION, AND EXPIRATION

3.1 Term. This Agreement and all licenses hereunder will commence on the Effective Date and continue for the duration identified in the Term of Agreement, unless this Agreement is terminated earlier as provided herein. Customer is only authorized to use Products during the Term of Agreement. For an Agreement with a limited term, Esri does not grant Customer an indefinite or a perpetual license to Products.

3.2 No Use upon Agreement Expiration or Termination. All Product licenses, all Maintenance, and Esri User Conference registrations terminate upon expiration or termination of this Agreement.

3.3 Termination for a Material Breach. Either party may terminate this Agreement for a material breach by the other party. The breaching party will have thirty (30) days from the date of written notice to cure any material breach.

3.4 Termination for Lack of Funds. For an Agreement with government or government-owned entities, either party may terminate this Agreement before any subsequent year if

Customer is unable to secure funding through the legislative or governing body's approval process.

3.5 Follow-on Term. If the parties enter into another agreement substantially similar to this Agreement for an additional term, the effective date of the follow-on agreement will be the day after the expiration date of this Agreement.

4.0—PRODUCT UPDATES

4.1 Future Updates. Esri reserves the right to update the list of Products in Table A—List of Products by providing written notice to Customer. Customer may continue to use all Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Products are incorporated into the standard program, they will be offered to Customer via written notice for incorporation into the Products schedule at no additional charge. Customer's use of new or updated Products requires Customer to adhere to applicable additional or revised terms and conditions in the Master Agreement.

4.2 Product Life Cycle. During the Term of Agreement, some Products may be retired or may no longer be available to Deploy in the identified quantities. Maintenance will be subject to the individual Product Life Cycle Support Status and Product Life Cycle Support Policy, which can be found at <https://support.esri.com/en/other-resources/product-life-cycle>. Updates for Products in the mature and retired phases may not be available. Customer may continue to use Products already Deployed, but Customer will not be able to Deploy retired Products.

5.0—MAINTENANCE

The Fee includes standard maintenance benefits during the Term of Agreement as specified in the most current applicable Esri Maintenance and Support Program document (found at <https://www.esri.com/en-us/legal/terms/maintenance>). At Esri's sole discretion, Esri may make patches, hot fixes, or updates available for download. No Software other than the defined Products will receive Maintenance. Customer may acquire maintenance for other Software outside this Agreement.

a. Tier 1 Support

1. Customer will provide Tier 1 Support through the Tier 1 Help Desk to all Customer's authorized users.
2. The Tier 1 Help Desk will be fully trained in the Products.
3. At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.
4. The Tier 1 Help Desk will be the initial point of contact for all questions and reporting of a Case. The Tier 1 Help Desk will obtain a full description of each reported Case and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Case.
5. If the Tier 1 Help Desk cannot resolve the Case, an authorized Tier 1 Help Desk individual may contact Tier 2 Support. The Tier 1 Help Desk will provide support in such a way as to minimize repeat calls and make solutions to problems available to Customer's organization.
6. Tier 1 Help Desk individuals are the only individuals authorized to contact Tier 2 Support. Customer may change the Tier 1 Help Desk individuals by written notice to Esri.

b. Tier 2 Support

1. Tier 2 Support will log the calls received from Tier 1 Help Desk.
2. Tier 2 Support will review all information collected by and received from the Tier 1 Help Desk including preliminary documented troubleshooting provided by the Tier 1 Help Desk when Tier 2 Support is required.
3. Tier 2 Support may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.
4. Tier 2 Support will attempt to resolve the Case submitted by Tier 1 Help Desk.

5. When the Case is resolved, Tier 2 Support will communicate the information to Tier 1 Help Desk, and Tier 1 Help Desk will disseminate the resolution to the user(s).

6.0—ENDORSEMENT AND PUBLICITY

This Agreement will not be construed or interpreted as an exclusive dealings agreement or Customer's endorsement of Products. Either party may publicize the existence of this Agreement.

7.0—ADMINISTRATIVE REQUIREMENTS

7.1 OEM Licenses. Under Esri's OEM or Solution OEM programs, OEM partners are authorized to embed or bundle portions of Esri products and services with their application or service. OEM partners' business model, licensing terms and conditions, and pricing are independent of this Agreement. Customer will not seek any discount from the OEM partner or Esri based on the availability of Products under this Agreement. Customer will not decouple Esri products or services from the OEM partners' application or service.

7.2 Annual Report of Deployments. At each anniversary date and ninety (90) calendar days prior to the expiration of this Agreement, Customer will provide Esri with a written report detailing all Deployments. Upon request, Customer will provide records sufficient to verify the accuracy of the annual report.

8.0—ORDERING, ADMINISTRATIVE PROCEDURES, DELIVERY, AND DEPLOYMENT

8.1 Orders, Delivery, and Deployment

- a. Upon the Effective Date, Esri will invoice Customer and provide Authorization Codes to activate the nondestructive copy protection program that enables Customer to download, operate, or allow access to the Products. If this is a multi-year Agreement, Esri may invoice the Fee up to thirty (30) calendar days before the annual anniversary date for each year.
- b. Undisputed invoices will be due and payable within thirty (30) calendar days from the date of invoice. Esri reserves the right to suspend Customer's access to and use of Products if

Customer fails to pay any undisputed amount owed on or before its due date. Esri may charge Customer interest at a monthly rate equal to the lesser of one percent (1.0%) per month or the maximum rate permitted by applicable law on any overdue fees plus all expenses of collection for any overdue balance that remains unpaid ten (10) days after Esri has notified Customer of the past-due balance.

- c. Esri's federal ID number is 95-2775-732.
- d. If requested, Esri will ship backup media to the ship-to address identified on the Ordering Document, FOB Destination, with shipping charges prepaid. Customer acknowledges that should sales or use taxes become due as a result of any shipments of tangible media, Esri has a right to invoice and Customer will pay any such sales or use tax associated with the receipt of tangible media.

8.2 Order Requirements. Esri does not require Customer to issue a purchase order. Customer may submit a purchase order in accordance with its own process requirements, provided that if Customer issues a purchase order, Customer will submit its initial purchase order on the Effective Date. If this is a multi-year Agreement, Customer will submit subsequent purchase orders to Esri at least thirty (30) calendar days before the annual anniversary date for each year.

- a. All orders pertaining to this Agreement will be processed through Customer's centralized point of contact.
- b. The following information will be included in each Ordering Document:
 - (1) Customer name; Esri customer number, if known; and bill-to and ship-to addresses
 - (2) Order number
 - (3) Applicable annual payment due

9.0—MERGERS, ACQUISITIONS, OR DIVESTITURES

If Customer is a commercial entity, Customer will notify Esri in writing in the event of (i) a consolidation, merger, or reorganization of Customer with or into another corporation or entity; (ii) Customer's acquisition of another entity; or (iii) a transfer or sale of all or part of Customer's organization (subsections i, ii, and iii, collectively referred to as "**Ownership Change**"). There will be

no decrease in Fee as a result of any Ownership Change.

- 9.1 If an Ownership Change increases the cumulative program count beyond the maximum level for this Agreement, Esri reserves the right to increase the Fee or terminate this Agreement and the parties will negotiate a new agreement.
- 9.2 If an Ownership Change results in transfer or sale of a portion of Customer's organization, that portion of Customer's organization will transfer the Products to Customer or uninstall, remove, and destroy all copies of the Products.
- 9.3 This Agreement may not be assigned to a successor entity as a result of an Ownership Change unless approved by Esri in writing in advance. If the assignment to the new entity is not approved, Customer will require any successor entity to uninstall, remove, and destroy the Products. This Agreement will terminate upon such Ownership Change.

RESOLUTION 2020-_____

FINDING IT IS IN THE BEST INTEREST OF THE CITY TO FORGO THE FORMAL REQUEST FOR PROPOSAL PROCESS, AND APPROVING THE PURCHASE OF GEOGRAPHIC INFORMATION SYSTEM SOFTWARE LICENSES THROUGH THE ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. SMALL GOVERNMENT ENTERPRISE LICENSING AGREEMENT

WHEREAS, The City Council approved the implementation of a citywide Geographic Information System (GIS) and the purchase of Environmental Systems Research Institute, Inc. (ESRI) software licenses in 2008, and

WHEREAS, This license agreement renews our existing GIS software licenses for an additional three years, and

WHEREAS, This software is currently being utilized by multiple departments including Police, Fire, Development Services, Public Works, Utilities, and Finance, and

WHEREAS, Staff recommends that City Council find it is in the best interest of the City to forgo the formal request for proposal process because the City has invested heavily over the last 12 years into building the overall GIS infrastructure using ESRI software and ESRI is the industry leader in the field used by most government agencies, and

WHEREAS, This is an unlimited license giving the City flexibility to deploy ESRI software when and where needed, and

WHEREAS, The cost of Enterprise License Agreement is \$54,125 per year (including tax) with a three year commitment for a total obligation of \$162,375;

NOW, THEREFORE, BE IT RESOLVED, The City Council of the City of Tracy hereby approves the purchase of Geographic Information System software licenses through the Environmental Systems Research Institute, Inc. Small Government Enterprise Licensing Agreement.

* * * * *

The foregoing Resolution 2020-_____ was adopted by the Tracy City Council on the 16th day of June 2020 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.O

REQUEST

APPROVE RESOLUTION RECOGNIZING THE IMPORTANCE OF THE 2020 U.S. CENSUS AND SUPPORTING A COMPLETE, FAIR AND ACCURATE COUNT OF ALL CALIFORNIANS

EXECUTIVE SUMMARY

The United States Census Bureau is required by Article I, Section 2 of the U.S. Constitution to conduct an accurate count of the population every ten years. The Census enumeration began on April 1, 2020 and will be the first to rely heavily on online responses. The primary and perpetual challenge facing the U.S. Census Bureau is the undercount of certain population groups.

The California Complete Count Census 2020 effort is a statewide outreach and awareness campaign designed to ensure an accurate and complete count of all Californians in the upcoming 2020 U. S, Census .The City of Tracy, in partnership with State and community organizations, is committed to robust outreach and communication strategies, focusing on reaching the hardest-to-count individuals.

DISCUSSION

The California Complete Count Census 2020 effort is a statewide outreach and awareness campaign designed to ensure an accurate and complete count of all Californians in the upcoming 2020 U.S. Census. The U.S. Census Bureau is required by Article I, Section 2 of the U.S. Constitution to conduct an accurate count of the population every ten years. The Census enumeration began on April 1, 2020 and will be the first to rely heavily on online responses. The primary and perpetual challenge facing the U.S. Census Bureau is the undercount of certain population groups. That challenge is amplified in California, given the size of the state and the diversity of communities. California has a large percentage of individuals that are considered traditionally hard to count. These diverse communities and demographic populations are at risk of being missed in the 2020 Census.

The results are used to allocate Congressional seats, electoral votes, and distribute billions of dollars in federal funds to state and local governments. California receives nearly \$77 billion in federal funding that relies, in part, on census data. A complete and accurate count of California's population is essential. The data is also used in the redistricting of state legislatures, county boards of supervisors and city councils.

The decennial census is a massive undertaking that requires cross-sector collaboration and partnership in order to achieve a complete and accurate count. U.S. Census Bureau is facing several challenges with Census 2020, including constrained fiscal environment, rapidly changing use of technology, declining response rates, increasingly diverse and mobile population, thus support from partners and stakeholders is critical.

California began its outreach and engagement efforts in 2019 for the 2020 Census. The City of Tracy, in partnership with community organizations, is committed to robust outreach and communication strategies, focusing on reaching the hardest-to-count individuals. Staff attended the California Complete Count – Census 2020 Implementation Plan Workshop and has been actively participating on the San Joaquin County Complete County Committee and conducting community outreach through the City website and social media platforms. Staff intends to continue to conduct community outreach to raise awareness and promote participating in the U.S. Census.

FISCAL IMPACT

None.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Economic Development Strategic Priority.

RECOMMENDATION

That the City Council, by resolution, recognize the importance of the 2020 U.S. Census and support ensuring a complete, fair, and accurate count of all Californians.

Prepared by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

RESOLUTION 2020-_____

RECOGNIZING THE IMPORTANCE OF THE 2020 U.S. CENSUS AND SUPPORTING A COMPLETE, FAIR, AND ACCURATE COUNT OF ALL CALIFORNIANS

WHEREAS, The U.S. Census Bureau is required by Article I, Section 2 of the U.S. Constitution to conduct an accurate count of the population every ten years; and

WHEREAS, The primary and perpetual challenge facing the U.S. Census Bureau is the undercount of certain population groups; and

WHEREAS, California has a large percentage of individuals that are considered traditionally hard to count; and

WHEREAS, These diverse communities and demographic populations are at risk of being missed in the 2020 Census; and

WHEREAS, Tracy is home to populations that are most frequently undercounted, including children under six, youths, immigrants, renters, homeless populations, and those with limited English proficiency; and

WHEREAS, Census data is used to allocate Congressional seats, electoral votes, and government program funding to state and local governments; and

WHEREAS, The data is also used in the redistricting of state legislatures, county boards of supervisors and city councils; and

WHEREAS, A fair and accurate count on the 2020 Census will help ensure that the City's neighborhoods, families, and residents are represented and receive critical services; and

WHEREAS, The decennial census is a massive undertaking that requires cross-sector collaboration and partnership in order to achieve a complete and accurate count; and

WHEREAS, The City of Tracy in cooperation with other local governments, the State, businesses, schools, and community organizations, is committed to robust outreach and communication strategies, focusing on reaching the hardest-to-count individuals;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby recognizes the importance of the 2020 U.S. Census and supports helping to ensure a complete, fair, and accurate count of all Californians.

* * * * *

The foregoing Resolution 2020-_____ was passed and adopted by the Tracy City Council on the 16th day of June, 2020, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 3.A

REQUEST

PUBLIC HEARING OF THE CITY COUNCIL TO CONSIDER ADOPTION OF THE CITY OF TRACY FISCAL YEARS 2020-21 OPERATING AND CAPITAL BUDGET, ADOPTION OF THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2020-21, AUTHORIZATION OF AMENDMENTS TO GENERAL FUND FOR FISCAL YEAR 2019-20 OPERATING BUDGET; ADOPTION OF THE GASB 54 COMMITTED FUND BALANCES AS OF JUNE 30, 2020, AND ADOPTION OF THE DEBT AND INVESTMENT POLICIES

EXECUTIVE SUMMARY

On April 7, 2020, Council was presented with the ten-year General Fund forecast. Budget workshops took place on May 19, 2020 and June 2, 2020 to discuss the proposed Operating and Capital Improvement Program (CIP). Focus was given to the City's General Fund budget which projected a deficit of approximately \$11 million, much of which was attributable to COVID-19 revenue losses. Ultimately, Council directed to close the budget shortfall with a variety of one-time temporary measures, including the use of the City's Economic/Budget Stabilization Reserve and Measure V Fund.

The public hearing scheduled for this evening will allow for additional discussion and community input prior to Council consideration and adoption of the Proposed FY 2020-21 Operating and Capital Budget.

DISCUSSION

On May 19, 2020, the City Council held a special meeting and discussed the proposed FY 2020-21 Operating and CIP Budget, with particular emphasis on the City's projected revenue loss of \$14 million over FY 2019-20 and FY 2020-21 and anticipated General Fund FY 2020-21 shortfall of approximately \$11 million. The Council considered recommended budget modifications coupled with public testimony, and directed staff to bring back alternative service reductions for consideration.

On June 2, 2020, the City Council held a special meeting to discuss service reduction options in light of the City's pre-existing budget deficit and revenue loss due to COVID-19. In order to present a balanced budget, approximately 15 vacant positions were recommended to go unfilled in the short-term. Other cost reduction measures included deferring vehicle and equipment replacement funding, reducing professional services contracts and supplies, using the City's set-aside reserves as intended for budget stabilization purposes, and temporarily borrowing from the Measure V Fund.

Council directed staff to return with an updated budget that incorporates the aforementioned modifications and reductions.

While the FY 2020-21 Proposed Operating and Capital budget maintains existing service levels and addresses the City Council's goals and objectives, resources will be limited due to unprecedented economic impacts related to COVID-19, including a projected revenue loss of \$14 million over FY 2019-20 and FY 2020-21.

That being said, implementing short-term, temporary budget measures will provide the City with time to develop a permanent and comprehensive long-term fiscal plan that reflects diversified budget strategies, including but not limited to revenue enhancement, cost containment and service delivery modifications. To facilitate this approach, the City Council formed a two-member Council ad hoc subcommittee through December 31, 2020 to guide the development of a fiscal sustainability plan.

The City is fortunate to have a strong fiscal General Fund reserve policy that has positioned the City to thoughtfully plan and implement permanent, long-term fiscal solutions to meet the City's growing service demands. The months ahead will be a time of self-assessment and the prioritization of services by Council and the community. A long-term plan requires time and energy to formulate lasting actions that positively impact the fiscal health of the City.

It should be noted that our economic environment remains volatile where weekly data vacillates between a more positive outcome and a less favorable outcome. There are many variables that are unknown until realized. These variables include how quickly businesses reopen, unemployment among our residents, how receptive consumers are in this environment to in-store shopping, dining, or travel, and whether or not there will be further interruptions due to new outbreaks.

Given this, frequent budget updates will be provided to Council throughout the year as early as September 2020. At this time, Q20 data (April, May, and June) will be available to determine the extent of the COVID-19 revenue loss anticipated for FY 2019-20. This information will further inform any necessary FY 2020-21 budget revenue and/or expenditure appropriations.

The following sections provide a high level overview of the d FY 2020-21 Proposed Operating and Capital Budget and recommended resolution budget appropriations for consideration and adoption.

FY 2020-21 CITYWIDE BUDGET OVERVIEW

On April 7, 2020, staff presented the City's ten year financial forecast with the estimated revenues and proposed appropriations for the General Fund. Council directed the development of a status quo budget which is reflected in the tables below. Table 1 presents a citywide summary of revenues and expenditure categories for each fund type.

The goal of the City's annual budget is to provide a plan that allocates resources for citywide core services that maintain the City's quality of life. It balances available revenues and anticipated expenses within the context of the community priorities. In

preparing the FY 2020-21 Annual Budget, City staff reviewed the FY 2019-20 budget and estimated the expenditures and revenues anticipated for the next year. In addition, on May 16, 2020, the City revised the FY 2019-20 budget to reflect the projected impacts of COVID-19, which also included recommending budget reductions in the General Fund to mitigate the loss of revenue in FY 2020-21.

Overall, 534 Full Time Equivalent (FTEs) positions are being proposed for FY 2020-21, this represents a status quo staffing with the addition of three new police officers. This was a part of a 2018 Council initiative to enhance police staffing to meet increased service demands due to growth over a period of three (3) fiscal years. FY 2020-21 position control roster will reflect these three positions; however, fiscal constraints of the General Fund will delay the hiring of the positions for six months or longer. In addition, the General Fund is using vacancy and attrition to create short term appropriations savings, estimated at \$3.5 million.

Fund Level Operating Budget: The proposed FY 2020-21 Fund Level Operating and Capital Budget was presented to City Council at a Budget Workshop on May 19, 2020. The FY 202-21 Proposed Budget includes appropriations of \$194.5 million; of which, the City's General Fund is \$75 million. These totals are shown net of Transfers In/Out.

Summary of the Citywide Operating Budget

(without Transfers In/Out)

(in thousands)

	FY 2019 Actuals	FY 2020 Revised Projections	FY 2021 Proposed Budget
REVENUES			
General Fund	80,060	77,387	78,927
Special Revenue Funds	54,168	41,342	46,238
Debt	6,763	6,474	6,143
Internal Services	13,985	13,122	12,895
Enterprise Funds	78,186	66,833	62,313
TOTAL REVENUE	233,162	205,158	206,516
EXPENDITURES			
General Fund	70,896	72,697	75,007
Special Revenue Funds	42,652	48,635	38,837
Debt	3,269	3,269	3,300
Internal Services	11,356	15,324	13,591
Enterprise Funds	57,246	109,042	63,808
TOTAL EXPENDITURES	185,419	248,967	194,543
NET CHANGE	47,743	(43,809)	11,973

FY 2020-21 PROPOSED GENERAL FUND BUDGET

In light of current economic conditions, the FY 2020-21 Proposed General Fund Budget is presented with the assumed impacts of COVID-19. To accomplish this, a fluid, financial model was developed, allowing for different scenarios to forecast how the General Fund might be impacted based on available information. Staff continues to benchmark its approach with local jurisdictions and regional economic data, while consulting with financial experts to peer review the City's financial forecasting model and approach.

Table 2A: Summary of the General Fund Operating Budget (includes transfers in/out)

	<u>FY 18/19</u>	<u>FY19/20</u>	<u>FY20/21</u>
<u>REVENUES (in thousands)</u>	<u>Actuals</u>	<u>Projected</u>	<u>Proposed</u>
TAXES	\$ 62,924	\$ 61,023	\$ 60,104
LICENSES AND PERMITS	3,588	3,664	5,739
FINES AND FORFEITURES	209	135	134
USE OF MONEY	1,299	621	544
CHARGES FOR SERVICES	9,820	10,214	10,830
INTERGOVERNMENTAL	1,476	1,124	1,012
SPECIAL ASSESSMENT	464	340	353
CONTRIBUTIONS	147	146	146
OTHER REVENUES	132	120	66
TRANSFERS IN	\$ 1,250	-	-
TOTAL REVENUES	\$ 81,309	\$ 77,387	\$ 78,928
<u>EXPENDITURES (in thousands)</u>	<u>Actuals</u>	<u>Projected</u>	<u>Proposed</u>
PERSONNEL	\$ 53,871	\$ 56,967	\$ 58,846
PURCHASED SERVICES AND SUPPLIES	13,951	12,755	13,166
UTILITIES	1,650	1,702	1,720
CAPITAL	185	35	-
DEBT	1,238	1,238	1,276
TRANSFERS OUT*	18,174	11,379	7,096
TOTAL EXPENDITURES	\$ 89,069	\$ 84,076	\$ 82,104
Total Change in Net Position	\$ (7,760)	\$ (6,689)	\$ (3,176)
<u>Use of Reserves</u>			
Prior Year Carryover	7,760	2,105	
10% Econ/Budget Stability (replenished by FYE 2026)		4,584	3,176
New Reductions in Expenses			
*Transfers Out (Measure V) (replenished by FYE 2023)			2,236

**COUNCIL RECOMMENDED GENERAL FUND BUDGET STRATEGIES AND
 ADDITIONAL BUDGET MODIFICATIONS**

In light of the impacts of COVID-19, the FY 2020-21 revised General Fund budget shortfall is \$11.0 million. Approximately \$8.8 million in budget reductions have been identified to close the budget gap. These reductions include approaches recommended by Council on May 19, 2020 and additional modifications for consideration. Recommended reductions strategies include:

- Implement citywide hiring freeze of approximately 15 positions (\$3.5 million)
- Use remaining balance of the 10% Budget Stabilization Reserve (\$3.2 million)
- Defer vehicle and equipment contributions and purchases (\$1.3 million)
- Delay the allocation of Mayor’s Community Youth Support Network (MCYSN) Grant Program(\$200,000)
- Reduce professional services contracts and supplies citywide by 10% (\$600,000)

While approximately \$8.8 million in proposed modifications have been identified, a shortfall of \$2.2 million remains as reflected in Table 2B below. On June 2, 2020, Council directed staff to close the remaining projected \$2.2 million shortfall with one-time bridge funding from Measure V. Use of these funds were contingent upon replenishing the Measure V Fund in two years or less, barring any additional economic impacts.

Table 2B: FY 2020-21 (June 2, 2020) Proposed General Fund Budget Adjustments

(in thousands)		<u>FYE 2021</u>
Forecast Pre-COVID-19		
Revenues		92,299
Expenditures		97,052
Forecast Surplus/ (Deficit) Subtotal		(4,753)
COVID-19 Budget Impacts		
▪ Total Revenue loss*	(8,429)	
▪ Transfers out Reduction	2,137	
Net Loss from COVID-19*		(6,292)
Proposed Budget Surplus/(Deficit)		(11,045)
Budget Reductions		
Council Recommended Strategies		
▪ Implement Citywide Hiring Freeze (15 positions)	3,500	
▪ Use Remaining Balance of 10% Econ/Budget Stabilization Reserve	3,179	
Proposed Budget Modifications		
▪ Deferral of Vehicle and Equipment Contributions	1,330	
▪ Delay MCYSN Grant Program	200	
▪ Reduce Contract Services/Supplies	600	
Budget Reductions Subtotal		8,809
Remaining Shortfall		(2,236)

*Net Loss and Total Revenue loss related to COVID-19 improved by the adjustment to reflect the increase in TOT revenue adjustment.

Table 3A/B below represents the estimated fund reserves at fiscal year ending 2020 and 2021 respectively. In Table 3A, the General Fund reserves for Measure V will increase \$8.5 million, while the prior year carryover and 10% Econ/Budget Stabilization reserves will decrease to fund the \$6.6 million General Fund deficit. The General Fund FY 2020 ending reserves will have a projected net increase of \$1.7 million. In Table 3B, the General Fund reserves for Measure V will increase \$5.5 million, while the 10% Econ/Budget Stabilization reserves will decrease to fund the \$3.1 million General Fund deficit. The General Fund FY 2020 ending reserves will have a projected net increase of \$1.3 million.

Table 3A FY 2019-20 Estimated Fund Reserves

COMPONENTS OF FUND BALANCE (IN THOUSANDS)	ACTUALS FY 18-19	NET CHANGE TO FUND BALANCE	ESTIMATED FY 19-20
Ending Fund Balance	30,884	1,787	32,671
<i>(less Committed Reserves)</i>			
20% Catastrophic Reserves	14,883	0	14,883
10% Econ/Budget Stability	7,759	(4,583)	3,176
Measure V Reserves	5,645	8,475	14,120
Other Committed Reserves	<u>492</u>	<u>0</u>	<u>492</u>
Uncommitted/Carryover Reserves	2,105	(2,105)	0

*assumes \$4.5M appropriated to GF to mitigate COVID-19 anticipated revenue losses

**previously appropriated carryover \$2.1M

Table 3B 2020-21 Projected Fund Reserves

COMPONENTS OF FUND BALANCE (IN THOUSANDS)	ESTIMATED FY 19-20	NET CHANGE TO FUND BALANCE	PROJECTED FY 20-21
Ending Fund Balance	32,671	1,295	33,966
<i>(less Committed Reserves)</i>			
20% Catastrophic Reserves	14,883	0	14,883
10% Econ/Budget Stability	3,176	(3,176)	0
Measure V Reserves**	14,120	5,471	19,591
Other Committed Reserves	<u>492</u>	<u>0</u>	<u>492</u>

*assumes \$3.1M appropriated to GF to mitigate COVID-19 anticipated revenue losses

**City Council approved the use of Measure V funds to close the remaining deficit

CAPITAL FUND

Table 4 below is the list of new capital projects proposed for FY 2020-21, approximately \$6 million. The funding for the new projects is primarily related to special revenue funds dedicated to road and traffic improvements. Additionally, the Transit Fund has grant funds available to purchase land near the City's existing service yards to expand the transit maintenance yard in the future.

Table 4 Proposed New Capital Projects FY 2020-21

CIP Group	Project Number	New Proposed Project	Fund	FY2020/21
Traffic Safety	72117	Traffic Cameras Repair/Replacement	Gas Tax	275,000
	72118	Upgrade and Maintenance of Traffic Management Center Software	Gas Tax	140,000
	72119	Local Roadway Safety Plan (LRSP)	Gas Tax	8,000
	72119	Local Roadway Safety Plan (LRSP)	ISTEA	72,000
	<i>SUBTOTAL TS</i>			<i>\$ 495,000</i>
Streets and Highways	73178	Street Patch & Overlay Program FY21	Transp Sales Tax	540,000
	73178	Street Patch & Overlay Program FY21	Gas Tax	135,000
	73178	Street Patch & Overlay Program FY21	SB1 RMRA	1,752,699
	73178	Street Patch & Overlay Program FY21	ISTEA	1,284,163
	73179	Pavement Management System Update	Gas Tax	50,000
	73180	Sidewalk, Curb, and Gutter Repair	Gas Tax	250,000
<i>SUBTOTAL SH</i>			<i>\$ 4,011,862</i>	
Airport and Transit	77585	Tracer Bus Stop Improvements	Transit Capital	500,000
	77586	Transit Maintenance & Storage Yard (Land Acquisition)	Transit Capital	1,000,000
<i>SUBTOTAL AT</i>			<i>\$ 1,500,000</i>	
TOTAL			\$ 6,006,862	

RECOMMENDED RESOLUTION BUDGET APPROPRIATIONS

Each year, the City of Tracy must formally adopt, by resolution, the annual operating, debt, and capital financial plans of each entity and include appropriations presented to the City Council. In addition to adopting a resolution approving the FY 2020-21 Operating and Capital Budget, the Council must also adopt the following budget resolutions described in detail below:

Resolution Recommended Budget Appropriations for FY 2020-21: Each year, the City of Tracy must formally adopt, by resolution, the annual operating, debt, and capital appropriations presented to the City Council. The FY 2020-21 citywide budget is estimated to be \$194.5 million, with a General Fund Budget of \$75 million (net of transfers). The FY 2020-21 General Fund budget (with transfers) reflects a projected shortfall of \$11.0 million, driven by COVID-19 related revenue losses. The General Fund deficit was closed through several strategies, including the use of Measure V funds and Economic/Budget Stabilization Reserve, both of which must be replenished within 2 and 5 years respectively. By resolution, the City Council is authorizing the use of the reserves to cover the budget shortfall. The impacts of the City's General Fund reserves are provided in Table 3A-3B above.

Resolution Adoption of the 2020-21 Appropriations Limit (GANN Limit): Article XIII-B of the California Constitution, informally known as the Gann Appropriations Limit, provides limits to the total amount of appropriations in any fiscal year from the "proceeds of taxes". The article further provides that appropriations from designated reserve funds are not appropriations from the proceeds from taxes. Additionally, appropriations from sources other than taxes are not controlled by the limit. Section 9710 of the Government Code provides that "each year the governing body of each jurisdiction shall, by resolution, establish its appropriation limit for the following year..."

The 2019-20 appropriations' limit base year was established at \$69,054,298 by Resolution 2019-125 on June 14, 2019. Each year the California Department of Finance provides the inflationary and population growth factors to be used to establish the Appropriation Limit for the upcoming fiscal year. Based upon the information received from the State of California, the 2020-21 Appropriation Limit is established at \$72,727,205 and the City's FY 2020-21 appropriation limit is \$60,747,828. Resolution adopts the annual Appropriations Limit. Since proposed appropriations subject to the limit are \$11,969,377 below the 2020-2021 Appropriations Limit, adopting the FY 2020-21 Operating and Capital Budget is a reasonable action.

Resolution Adoption of the FY 2020-21 Debt and Investment Policies: California law requires that the governing board of each local governmental unit adopt its policies governing the management of debt and investment of local funds annually. There are no amendments presented in the debt policy. There are minor amendments in the investment policy that have been approved by the Investment Review Committee during their regular meetings. The first amendment establishes the requirement that investment reports are to be completed within 60 days (two months) of the period ending. The second amendment was to clarify that the annual report could be presented to the City Council on consent following the close of each fiscal year.

Resolution Adoption of the Committed Fund Balances as of June 30, 2020: The City Council, as the City's highest level of decision-making authority, may commit fund

balance for specific purposes pursuant to constraints imposed by formal actions taken, such as an ordinance or resolution. These committed amounts cannot be used for any other purpose unless the City Council removes or changes the specified purpose/use through the same type of formal action taken to establish the commitment. City Council action to commit fund balance needs to occur prior to the close of the fiscal reporting period; however, the amount can be determined subsequently.

The resolution or ordinance for committed fund balance should include:

- A. List specific purpose of funds
- B. List specific conditions to expend funds
- C. State if funds are expected to be replenished/maintained
- D. Establishment of order of priority when setting funds aside

Resolution Adoption to Amend the Operating Budget June 30, 2020: On February 18, 2020, the City Council adopted Resolution 2020-032 amending the City's General Fund FY 2019-20 adopted budget. The amendments included the use of \$2.1 million in prior year carryover to balance the budget. Shortly after the midyear update to the City Council, the City's General Fund revenues were negatively impacted by the economic impacts related to the COVID-19 public health emergency which has created a net loss to the General Fund budget of approximately \$4.6 million. To close this funding gap, the City Council has authorized the use of the City's 10% Budget/Economic Stabilization Reserves as reflected in Table 3A. The City Council further directed the replenishment of these reserves within 5 years or less (FYE 2026). By resolution, the City Council is authorizing the use of the reserves to cover the budget shortfall. The impacts of the City's General Fund reserves are provided in Table 3A-3B above.

STRATEGIC PLAN

This item is in accordance with Goal 3, Objective 1 of City Council's Governance Strategy:

Strategy:

- Goal 2: Ensure Short and Long Term Financial Sustainability
- Objective 1) Develop cost containment and revenue enhancement strategies for consideration as part of the FY 2020/21 budget development process

FISCAL IMPACT

The FY 2020-21 citywide budget is estimated to be \$194.5 million, with a General Fund Budget of \$75 million (net of transfers). The FY 2020-21 General Fund budget (with transfers) reflects a projected shortfall of \$11.0 million, driven by COVID-19 related revenue losses. The General Fund deficit was closed through several strategies, including the use of Measure V funds and Economic/Budget Stabilization Reserve, both of which must be replenished within 2 and 5 years respectively.

Partial funding is available through the 10% Economic/Budget Stabilization Reserves fund to reduce the City's projected deficit to \$2.2 million. Per the City Council's Reserve Policy, a super majority (4/5 vote) is required to pass the budget. More permanent budget solutions will be developed under the guidance of the Council Ad Hoc Fiscal Sustainability Subcommittee and presented to Council for feedback and consideration.

RECOMMENDATION

It is recommended that the Council conduct a public hearing to consider and adopt the Proposed FY 2020-21 City of Tracy Operating and Capital Budget and corresponding budget resolutions:

1. Adopt a resolution of the City Council of the City of Tracy adopting the Operating and Capital Budget for Fiscal Year 2020-21.
2. Operating and Capital Budget Adopt a resolution of the City Council of the City of Tracy establishing an appropriations limit pursuant to Article XIII-B of the California State Constitution for Fiscal Year FY 2020-21.
3. Adopt a resolution of the City Council of the City of Tracy approving the City's Debt and Investment Policies.
4. Adopt a resolution of the City Council of the City of Tracy approving the City's GASB 54 Committed Fund Balances for June 30, 2020.
5. Adopt a resolution of the City Council of the City of Tracy approving the amending the General Fund budget for FY 2019-20.

It is recommended that the City Council adopt a balanced budget prior to June 30, 2020.

Prepared by: Karin Schnaider, Finance Director

Reviewed by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

Attachment: Proposed FY 2020-21 City of Tracy Operating and Capital Budget (Oversized) available on the City of Tracy Website at: <https://www.ci.tracy.ca.us/?navid=11153> on Friday, June 12, 2020

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRACY
ADOPTING THE OPERATING, DEBT AND CAPITAL BUDGET
FOR FISCAL YEAR 2020-2021

WHEREAS, Tracy Municipal Code section 2.12.050 requires the City Manager of the City of Tracy to submit a proposed budget to the City Council, and

WHEREAS, The City Manager presented a proposed budget for fiscal year 2020-21 to the City Council on May 19, 2020 and June 2, 2020 during Council Workshops, for all Municipal Funds, and

WHEREAS, On June 16, 2020 the City Manager proposed the adoption of the Financial Plan along with specific adjustments directed by the City Council and listed in the attached Financial Plan Summaries attached to this resolution and hereby included herein, and

WHEREAS, The City Council has reviewed the employee positions listed in the budget document and has considered authorizing the City Manager to fill those positions not specifically exempted, provided said positions have sufficient appropriations, and

WHEREAS, The City Council has reviewed the level of budgeting control needed by the City Manager to ensure efficiency in managing the operations of the City, including the authorization of budget transfers within a single fund and within given appropriations of said fund, and

WHEREAS, The City's General Fund revenues have been negatively impacted by the economic impacts related to the COVID-19 public health emergency which has created a net loss to the General Fund budget of approximately \$11 million, and

WHEREAS, The City's General Fund expenditures were reduced by \$11 million in one-time temporary budget reductions to mitigate the budget deficit; which includes;

- Implement a Citywide Hiring Freeze (\$3.5 million)
- Exhaust Remaining Balance of General Fund 10% Economic/Budget Stabilization Reserve (\$3.2 million)
- Suspend Citywide Vehicle and Equipment Contributions (\$1.3 million)
- Reduce Professional Contracts and Supplies (\$600,000)
- Delay MCYSN Grant Allocation Process (\$200,000)
- Borrow revenue from General Fund Measure V Reserve (\$2.2 million), and

WHEREAS, The City Council desires that funds borrowed from the General Fund Measure V Reserve (\$2.2 million) be replenished within 2 years or less (FYE 2023). The City Council further desires that the General Fund 10% Economic/Budget Stabilization Reserve (\$7.7million) be replenished within 5 years or less (FYE 2026), and

WHEREAS, to identify needed short and long-term budget solutions, the City Council established a Council Ad Hoc Fiscal Sustainability Subcommittee on May 19, 2020, under Resolution No. 2020-067, to provide policy guidance as it relates to the development of multi-year fiscal sustainability plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Tracy hereby adopts the City of Tracy the FY 2020-21 Operating and Capital budget estimated to be \$194.5 million, with a General Fund Budget of \$75 million (net of transfers), plus \$6 million in new capital projects;

BE IT FURTHER RESOLVED that the City Council has provided partial funding through the one-time use of the General Fund's Measure V Reserve to reduce the unfunded portion of the FY 2020-21 General Fund appropriations; these funds should be replenished within two (2) years or less (FYE 2023);

BE IT FURTHER RESOLVED that the City Council, through a majority vote of the City Council, has provided partial funding through the one-time use of the General Fund's 10% Economic/Budget Stabilization Reserve to reduce the unfunded portion of the FY 2020-21 General Fund appropriations; these funds should be replenished within five (5) years or less (FYE 2026).

* * * * *

The foregoing Resolution _____ is hereby passed and adopted by the Tracy City Council this 16th day of June 2020, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

MAYOR

ATTEST:

CITY CLERK

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRACY ESTABLISHING FISCAL YEAR 2020-21 APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION

WHEREAS, Article XIII B of the Constitution of the State of California provides that the total amount appropriations subject to limitation of the State and of each local government shall not exceed the appropriations limit of such entity of government for the prior year adjusted for changes in the cost of living and population except as otherwise provided in said Article XIII B, and

WHEREAS, Pursuant to said Article XIII B of the Constitution of the State of California, the City Council of the City of Tracy deems it to be in the best interests of the City of Tracy to establish an appropriations limit for the fiscal year 2020-21, and

WHEREAS, The Finance Director of the City of Tracy has determined that the percentage change in per capita income and the county population is the preferred method of calculation in the cost of living adjustment, and

WHEREAS, The calculation results in an appropriation limit of \$72,717,205 and

WHEREAS, The City Council adopted the fiscal year 2020-21 budget on June 2, 2020, and

WHEREAS, The City has \$60,747,828 in appropriations subject to the limit for FY 2020-21, and

WHEREAS, The City is currently \$11,969,377 below the establishment limit;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Tracy, by resolution, establishes the fiscal year 2020-21 appropriation limit in the amount of \$72,717,205 pursuant to Article XIII B of the California Constitution.

The foregoing Resolution _____ is hereby passed and adopted by the Tracy City Council this 16th day of June 2020, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

MAYOR

ATTEST:

CITY CLERK

CITY OF TRACY
2020-21 Appropriations Limit Calculation

<u>Description</u>	<u>Amount</u>
2019-20 Appropriations Limit	\$ 69,054,298
2020-21 City population	1.0142
2020-21 Per capita income	1.0383
2020-21 Appropriations Limit	\$ 72,717,205

2020-21 Projected Tax Revenues

<u>Description</u>	<u>Amount</u>
Property Taxes	\$ 25,775,590
Sales & Use Tax	31,966,282
Transient Occupancy Tax	1,600,000
Franchise Fees	5,703,962
Business License Tax	762,466
Real Property Transfer Tax	1,254,219
Interest Earnings	432,136

2020-21 Projected Qualifying Expenses

<u>Exemptions</u>	
Debt Service	(1,275,552)
Qualified Capital Outlays	(5,471,275)

Appropriations Subject to Limitation	\$ 60,747,828
Margin	\$ 11,969,377

RESOLUTION _____

AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR 2019-2020

WHEREAS, the City Council, on June 4, 2019, adopted the FY 2019-20 Operating and Capital Budget for the City of Tracy, and

WHEREAS, The City Manager presented a revised budget for fiscal year 2019-20 to the City Council on May 19, 2020 and June 2, 2020 during Council Workshops, for all Municipal Funds, and

WHEREAS, Based upon a review of revenues and expenditures, the City Manager has prepared and proposed additional amendments to the FY 2019-20 budget, and

WHEREAS, The City's General Fund has a projected deficit of \$6.6 million, which will be funded through the use of the following reserves:

- General Fund prior year appropriation carryover (\$2.1M)
- General Fund 10% Economic/Budget Stabilization Reserve (\$4.5M), and

WHEREAS, The City Council desires that funds borrowed from the General Fund 10% Economic/Budget Stabilization Reserve (\$7.7million) be replenished within 5 years or less (FYE 2026), and

WHEREAS, The City Council has considered information related to these matters, as presented at a public meeting of the City Council, including any supporting documents and reports by City staff, and any information provided during that public meeting, and

WHEREAS, The City Council has reviewed the level of budgeting control needed by the City Manager to ensure efficiency in managing the operations of the City, including the authorization of budget transfers between funds;

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Tracy hereby adopts the Amended Municipal Budget for the Fiscal Year 2019-20 as evidenced by the attached summary of FY 2019-20 Revised General Fund Budget and Capital Improvement Projects Exhibit A;

BE IT FURTHER RESOLVED that the City Council, through a majority vote of the City Council, has provided partial funding through the one-time use of the General Fund's 10% Economic/Budget Stabilization Reserve to reduce the unfunded portion of the FY 2020-21 General Fund appropriations; these funds should be replenished within five (5) years or less (FYE 2026).

* * * * *

The foregoing Resolution 2020 _____ was passed and adopted by the Tracy City Council on the 16th day of June, 2020, by the following vote:

Resolution _____
Page 2

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

	<u>FY19/20 Projected</u>
REVENUES (in thousands)	
TAXES	\$ 61,023
LICENSES AND PERMITS	3,664
FINES AND FORFEITURES	135
USE OF MONEY	621
CHARGES FOR SERVICES	10,214
INTERGOVERNMENTAL	1,124
SPECIAL ASSESSMENT	340
CONTRIBUTIONS	146
OTHER REVENUES	120
TRANSFERS IN (GENERAL FUND)	7,029
TRANSFERS IN	-
TOTAL REVENUES	<u>\$ 84,416</u>

	<u>FY19/20 Projected</u>
EXPENDITURES (in thousands)	
PERSONNEL	\$ 56,967
PURCHASED SERVICES AND SUPPLIES	12,755
UTILITIES	1,702
CAPITAL	35
DEBT	1,238
TRANSFERS OUT (GEN FUND)	7,029
TRANSFERS OUT*	11,379
TOTAL EXPENDITURES	<u>\$ 91,105</u>
Total Change in Net Position	<u>\$ (6,689)</u>

Use of Reserves	
Prior Year Carryover	2,105
10% Econ/Budget Stability	4,584

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRACY
APPROVING THE COMMITTED FUND BALANCES FOR
FISCAL YEAR ENDING JUNE 30, 2020

WHEREAS, City of Tracy follows Governmental Accounting Standards Board (GASB) for the basis its financial reporting; and

WHEREAS, GASB issued Statement 54: Fund Balance Reporting and Governmental Fund Type Definition and the requirements of this Statement are effective for financial statements for periods beginning after June 15, 2010; and

WHEREAS, The objective of this Statement is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions; and

WHEREAS, The City Council through budget adoption, committed one-time reserves to capital improvement projects, and

WHEREAS, The City Council has committed revenues collected from the passage of Measure V to amentizing the City of Tracy;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Tracy hereby approves the attached list as the Committed Fund Balances for the City's governmental funds, including the General Fund and Special Revenue funds for June 30, 2020.

The foregoing Resolution _____ is hereby passed and adopted by the Tracy City Council this 16th day of June 2020, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

MAYOR

ATTEST:

CITY CLERK

RESOLUTION _____

APPROVING THE CITY OF TRACY DEBT AND INVESTMENT POLICIES FOR FY 2020-21

WHEREAS, The City has an adopted investment policy that provides guidance regarding investment of City funds which is consistent with the California Government Code that governs the investment of public funds, and

WHEREAS, The City has an adopted debt policy that provides guidance regarding debts of City funds which is consistent with the California Government Code that governs the debt management of public funds, and

WHEREAS, Annually the City Treasurer reviews this policy with support from its registered investment advisors for any changes that would require revisions to the investment policy, and

WHEREAS, The debt and investment policies are consistent with the City Council's overall Strategic Priorities to have a fiscally responsible and efficiently operated City organization that is committed to maintaining its fiscal health;

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Tracy approves the City's Debt and Investment Policies for Fiscal Year 2020-21.

The foregoing Resolution _____ is hereby passed and adopted by the Tracy City Council this 16th day of June 2020, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 3.B

REQUEST

**CONDUCT A PUBLIC HEARING TO ADOPT A RESOLUTION APPROVING THE
UPDATED CITYWIDE MASTER FEE SCHEDULE FOR FISCAL YEAR 2020-2021**

EXECUTIVE SUMMARY

As part of the consolidated citywide Master Fee Schedule (“Schedule”) update, administrative clerical adjustments and clarifications have been made, such as updating personnel names, as well as deleting programs that are no longer offered from the Parks and Recreation Department.

In anticipation of the completion and presentation of a fee study to Council in the upcoming months, no new programs or fees have been added other than inflationary adjustments for each of the past three years in which an inflationary adjustment would have been automatically applied. The rates are based on the Consumer Price Index (CPI) for the San Francisco-Oakland-Hayward Metropolitan Area from December-December of the 3 prior years (2016 to 2017 at 2.9%, or less than 3¢ per dollar; 2017 to 2018, 4.5%, or 4 1/2¢ per dollar; and 2018-2019, 2.5% or 2 1/2 ¢ per dollar). Exceptions to this adjustment are those fees that are legislatively set.

DISCUSSION

In May 2011, the City Council consolidated citywide fees in a master schedule, centralizing fees in a single document. This action established consistency and clarity regarding the fee update process, which included an automatic cost of living adjustment.

The proposed Schedule reflects fees charged for City services. It **does not** include the following types of fees and charges:

- Development impact fees adopted under the Mitigation Fee Act
- Mitigation fees (i.e., habitat and agricultural mitigation fees)
- Business license fees (taxes)
- Enterprise fund charges (water, sewer, storm water, airport, transit)
- Fees adopted under franchise agreements (cable franchise under TMC Chapter 8.10; franchise contractor for collection of solid and yard waste, and recycling under TMC Chapter 5.20)
- Landscape Maintenance District (special assessments)
- Fines (imposed as penalties)
- Leases of City property
- Rates established by separate agreements (i.e., Tracy Unified School District and performance artists)

The fees set forth in the Schedule represent no more than the estimated reasonable costs, or actual costs of the services or facilities provided. The City has hired NBS Government Group (NBS) to perform a cost of services study in addition to related financial studies. The results of the study and recommended fee changes will be

presented to Council upon its completion, which is expected to be completed during the next few months.

In keeping with Council action, the Master Fee Schedule has been prepared with an automatic adjustment for inflation using the Consumer Price Index (CPI) for the San Francisco-Oakland-Hayward Metropolitan Area. These inflationary adjustments (as described in this report's executive summary) were applied to the fees, which were then rounded to the nearest dollar except where cents are already used. Exceptions to this adjustment are those fees that are legislatively set and are identified by an asterisk in the attached proposed Schedule.

The adoption of this Schedule is permitted under the California Constitution, Article XIII C, including the exceptions under Article XIII C, Section 1(e). The City has given notice of the proposed Schedule update as required by Government Code Section 66016 to interested parties who filed a written request for such notice with the City. Notice has also been given by publication, pursuant to Government Code Sections 66018 and 6062a.

The adoption of the Schedule is not subject to the California Environmental Quality Act because it is not a project that has the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)(3)).

STRATEGIC PLAN

This item is in accordance with Council Governance Strategic Plan, Goal 3: "Ensure Short and Long-Term Financial Sustainability."

FISCAL IMPACT

The estimated revenues have been included into the City's annual appropriations as part of the budget adoption. The inflationary increase are projected to increase City-wide revenues by approximately \$500,000 to \$800,000. Staff is currently in the process of updating the internal cost allocation rates and will return with an updated City-wide fee study during the next year. As needed, staff may return with other amendments to the Schedule for the City Council's consideration.

RECOMMENDATION

It is recommended that the Mayor open a Public Hearing to receive and consider comments on the Schedule update, after which staff recommends that Council adopt the resolution approving the updated Fiscal Year 2020-2021 City-wide Master Fee Schedule. Upon adoption, fees will be effective on July 1, 2020 with the exception of Development Services Department fees which will become effective on August 17, 2020 (60 days after adoption, as required by law).

Agenda Item 3.B
June 16, 2020
Page 3

Prepared by: Anne Bell, Management Analyst II, Finance Department

Reviewed by: Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENT

Attachment A - Proposed Master Fee Schedule for Fiscal Year 2020-2021 and
appendices

City of Tracy

Master Fee Schedule

Fiscal Year 2020/2021

Adopted by City Council Resolution No. 2011-101, May 17, 2011

Amended by Resolution No. 2013-047, April 2, 2013
Amended by Resolution No. 2013-086, June 4, 2013
Amended by Resolution No. 2014-059, April 15, 2014
Amended by Resolution No. 2015-075, May 19, 2015
Amended by Resolution No. 2016-094, May 17, 2016
Amended by Resolution No. 2017-098, May 16, 2017
Amended by Resolution No. 2020-__, June 16, 2020

Effective July 1, 2020; Development Service Fees, August 17, 2020

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Introduction

The City of Tracy Master Fee Schedule is a compilation of most of the fees charged by the City for services.

It is organized by Department and **does not** include the following types of fees:

- development impact fees adopted under the Mitigation Fee Act;
- mitigation fees (ie habitat mitigation, agricultural mitigation fees);
- business license fees (taxes);
- enterprise fund charges (water, sewer, storm water, airport, transit);
- fees adopted under franchise agreements (cable franchise under TMC Chapter 8.10; franchise contractor for collection of solid waste, yard waste and recycling under TMC Chapter 5.20);
- landscape maintenance district assessments;
- fines (imposed as penalties);
- leases of City property; and
- Rates established by separate agreements (ie Tracy Unified School District).

The Master Fee Schedule will generally be updated annually, and most fees will increase by an inflationary adjustment (Consumer Price Index --"CPI"--for San Francisco, Oakland, and Hayward) rounded to the nearest dollar. The fees which are updated by some other method are indicated as such. **Fees that are not subject to an annual CPI adjustment are indicated by an asterisk.**

Public services may be classified as community-supported public services, such as police and fire services. These are typically provided to the community as a whole and are supported by general tax dollars from the City's general fund.

Personal choice services are optional, such as taking a class, and are Requested by the customer.

Property development services (requiring a building permit or land Use entitlement) is done at the request, and for the benefit, of the owner. Fees are usually charged for these types of services, though some may be subsidized with general tax dollars when they have some social, safety, or welfare benefit.

City Staff whom worked to update this Master Fee Schedule include the following representatives from each Department:

Finance Department	Karin Schnaider, Anne Bell, Jessica Ornellas
City Manager's Office, City Clerk Division	Adrienne Richardson
City Manager's Office, Cultural Arts and Theater Divisions	Kim Scarlata
City Manager's Office, Public Information Division	Carissa Higginbotham, Dan Suma
Development Services, Building Division	Kevin Jorgensen
Development Services, Engineering Division	Robert Armijo
Development Services, Planning Division	William Dean
Parks and Recreation Services Department	Jolene Jauregui-Correll, Paula Jessup, Thien Nguyen
Police Department, Support Operations Division	Beth Lyons-McCarthy
Public Works Department, Administration Division	Robin Kloepfer, Stephanie Garcia

FINANCE DEPARTMENT
Karin Schnaider, Director

Finance Department

Division Contact: Robert Harmon, Senior Accountant; Jessica Ornellas, Accounting Coordinator

SERVICE OR APPLICATION	UNIT BY WHICH CHARGED	Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-
Business Licenses:				
• Transfer, assignment or duplication fee	Per Transaction	\$5	\$5	\$0
• State disability access fee	Per License	\$1	\$4	\$3

CITY MANAGER'S OFFICE
Jenny Haruyama, City Manager

**City Manager's Office
City Clerk**

Division Contacts: Adrienne Richardson, City Clerk

Items with asterisk () are not subject to inflationary increases*

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Annual Subscriptions (City Council, Planning Commission)				
Agendas	Per Month	\$41	\$45	\$4
	Per Disc / Agenda	\$2	\$2	\$0
Minutes	Per Page	\$0.15	\$0.15	\$0
Appeals				
To City Council	Per Appeal	\$177	\$194	\$18
To City Manager	Per Appeal	\$177	\$194	\$18
By Impartial Hearing Officer	Per Appeal (May be Shared Equally by Parties)	Per Appeal (May be Shared Equally by Parties)		
Document Certification	Per Document b	\$18	\$19	\$2
Photocopies				
Paper Copy	Per Page	\$0.15	\$0.15	\$0
Oversized Copy		At Cost	At Cost	
*Maps		At Cost	At Cost	
Duplicating Recording of Public Meeting:				
Video or Audio	Per Video or Audio	\$5	\$5	\$0
DVD of Council Meeting	Per DVD	\$5	\$5	\$0
Lobbyists				
Registration	Each	\$72	\$80	\$7
Annual Renewal	Each	\$36	\$40	\$4
*Notary Fee	Each	\$10	\$10	\$0

Public Information

Division Contact: Carissa Higginbotham, Public Information Officer

Video Production Fees				
Single HD Camera with Operator (Up to 8 Hrs)	Per Day	\$207	\$227	\$20
	Per Half Day	\$104	\$114	\$10
	Per Hour if Over 8 Hours	\$41	\$45	\$4
Flypack with 4 Crew (Includes a portable switcher, 3 HD Cameras, graphics & audio feed)	Per Day	\$932	\$1,024	\$92
	Per Hour if Over 8 Hours	\$155	\$171	\$15
City Council Chamber Recording with 2 Crew (Includes 4 SD Cameras and audio, Up to 8 Hrs)	Per Day	\$466	\$512	\$46
	Per Half Day	\$233	\$256	\$23
	Per Hour if Over 8 Hours	\$78	\$85	\$8
Editing Suite with Editor	Per Hour	\$29	\$32	\$3
Motion Graphics Editor	Per Hour	\$29	\$32	\$3
Advance Lighting	Per Hour	\$29	\$32	\$3
TV Studio Rental with 1 Crew (2 Hour Minimum)	Per Hour	\$29	\$32	\$3
Producer	Per Hour	\$29	\$32	\$3
Teleprompter Operator	Per Hour	\$29	\$32	\$3
General Crew (Audio Tech, Extra Studio Crew, Grip, etc...)	Per Hour	\$29	\$32	\$3
Miscellaneous				
Green Screen (2 Hrs Minimum)	Per Hour	\$16	\$17	\$2
Camera Crane and Operator	Per Hour	\$26	\$28	\$3
Additional HD Cameras	Per Hour	\$26	\$28	\$3
Graphics	Each	\$26-\$78	\$28-\$85	\$2-\$7
Audio Files	Each	\$26-\$78	\$28-\$85	\$2-\$7

City Manager's Office

Grand Theatre\Cultural Arts Divisions

Division Contact: Kim Scarlata, Division Manager II

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-
Deposits				
ETK Theatre ¹	Per Use	\$500	\$550	\$50
Studio Theatre ²	Per Use	\$250	\$275	\$25
Dance Studio	Per Use	\$100	\$110	\$10
Visual Arts I & II	Per Use	\$100	\$110	\$10
Art Studio	Per Use	\$100	\$110	\$10
Children's Art Studio	Per Use	\$100	\$110	\$10

Note:

¹ ETK Theatre base rental is 8 Hrs and includes: House sound system, House lighting system, One (1) wired microphone with stand, two (2) floor monitor wedges J.B.L, and two (2) dressing rooms

² Equipment included with base rental of Studio Theatre: House sound system, House lighting system, one (1) wired microphone with stand, two (2) floor monitor wedges J.B.L., and two (2) dressing rooms

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT			COMMERCIAL		
		Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-	Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-
ETK Theatre							
Prime Time Rental: Performance	First 8 Hours	\$574 or 10%	\$631 or 10%	57	1,722 or 15%	\$1,892 or 15%	\$170
	Each Additional Hour	\$100	\$110	10	\$300	\$330	\$30
Prime Time Rental: Rehearsal	First 8 Hours	\$574	\$631	57	\$1,722	\$1,892	\$170
	Each Additional Hour	\$100	\$110	10	\$300	\$330	\$30
Non-Prime Time Rental: Performance	First 8 Hours	\$287	\$315	28	\$750	\$824	\$74
	Each Additional Hour	\$100	\$110	10	\$300	\$330	\$30
Non-Prime Time Rental: Rehearsal	First 8 Hours	\$143	\$157	14	\$300	\$330	\$30
	Each Additional Hour	\$100	\$110	10	\$300	\$330	\$30
Prime Time Resident Company	Rental Performance or Rehearsal (per 8 Hours)	\$460	\$506	46	Not Applicable		
Non-Prime Time Resident Company	Rental Performance (per 8 Hours)	\$230	\$253	23	Not Applicable		
Non-Prime Time Rental: Performance	Rental Rehearsal (per 8 Hours)	\$115	\$126	11	Not Applicable		
Studio Theatre							
Prime Time Rental: Performance	First 5 Hours	\$110 or 10%	\$121 or 10%	11	\$300 or 15%	\$330 or 15%	\$30
	Each Additional Hour	\$60	\$66	6	\$180	\$198	\$18
Prime Time Rental: Rehearsal	First 5 Hours	\$110	\$121	11	\$330	\$363	\$33
	Each Additional Hour	\$60	\$66	6	\$180	\$198	\$18
Non-Prime Time Rental: Performance	First 5 Hours	\$80	\$88	8	240 or 15%	\$264	\$24
	Each Additional Hour	\$60	\$66	6	\$180	\$198	\$18
Non-Prime Time Rental: Rehearsal	First 5 Hrs	\$80	\$88	8	\$240	\$264	\$24
	Each Additional Hour	\$60	\$66	6	\$180	\$198	\$18
Meeting	First 2 Hours	\$225	\$247	22	\$115	\$126	\$11
	Each Additional Hour	\$40	\$44	4			
Prime Time Resident Company Rental: Performance or Rehearsal	Per 5 Hours	\$88	\$97	9	Not Applicable		
Non-Prime Time Resident Company Rental - Performance	Per 5 Hours	\$64	\$70	6	Not Applicable		
Non-Prime Time Resident Company Rental - Rehearsal	Per 5 Hours	\$64	\$70	6	Not Applicable		

Note: Prime time is Friday through Sunday. Percentage payment is based on gross receipts. Fee is either minimum or 10% of ticket sales, whichever is greater.

Grand Theatre/Cultural Arts, continued

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT			COMMERCIAL			
		Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-	Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-	
Note: Studios are specialized and need accurate tiered fees based on current amenities and applicable types of use.								
Dance Studio	First 2 Hours	\$100	\$110	\$10	\$200	\$220	\$20	
Private & Group Instruction	Each Additional Hour	\$50	\$55	\$5	\$100	\$110	\$10	
Educational Events Rehearsal & Facility Event Use >Includes Basic Furniture Set & Studio Amenities >Non-Dance/Movement Use Requires Floor Covering Use of In-House Rack Stereo & Mic	Per use	\$10	\$11	\$1	\$20	\$22	\$2	
Studio Theater	First 2 Hours	\$100	\$110	\$10	\$200	\$220	\$20	
Private and Group Instruction	Each Additional Hour	\$50	\$55	\$5	\$100	\$110	\$10	
Group Recital, Educational Events Meeting and Facility Event Use Rehearsal (Non-event Use) >Does Not Include Furniture Set or A/V Amenities (See >Does Not Include Tech Support (See Labor Fees) >Non-Educational/Performance Use (See Theatre								
Visual Arts I & II	First 2 Hours	\$75	\$82	\$7	\$150	\$165	\$15	
Children's Studio	Each Additional Hour	\$40	\$44	\$4	\$75	\$82	\$7	
- Private & Group Instruction - Visual Arts Lab - Meeting and Facility Event Use Includes Basic Furniture Set & Studio Amenities - Private Art Making Event >Includes Staff Assigned Room Use >Includes Basic Furniture Set & Studio Amenities >Requires Staff Supervision (See Labor Fees) >Activity Dependent Materials Fee	Each Additional Hour	\$35	\$38	\$3	\$75	\$82	\$7	
Lobby Areas	Upstairs	Per 4 Hours	\$250	\$275	\$25	\$500	\$550	\$50
	Downstairs				\$400	\$440	\$40	
(LOGGIA) May only be rented as part of another rental	Reception	Per Hour	\$50	\$55	\$5	\$150	\$165	\$15
Box Office Services	Per Performance	\$100	\$110	\$10	\$300	\$330	\$30	
	Per Ticket Charge to Patron	\$3	\$3	\$0	\$0	\$0	\$0	
	General Admission Per Ticket to Patron	\$1	\$1	\$0	\$0	\$0	\$0	
Miscellaneous Rentals								
Baby Grand Piano	Per Use	\$500	\$550	\$50	\$500	\$550	\$50	
Piano Tuning at Renter's Expense	Each	\$150	\$165	\$15	\$150	\$165	\$15	
Installation/Removal of Floor for Orchestra Pit (4 Stage Hands (8 Hours)	Per Use	\$500	\$550	\$50	\$500	\$550	\$50	
Wireless Microphone	Per 1 Mic Per Stand	\$25	\$27	\$2	\$25	\$27	\$2	
	Discount 10 or more	\$20	\$22	\$2	\$20	\$22	\$2	
Follow Spot with One In-house Tech	Per 2 Maximum	\$350	\$385	\$35	\$350	\$385	\$35	
Video Projector (ETK Theatre)	Per 6 Hour Rental	\$130	\$143	\$13	\$130	\$143	\$13	
Marquee Sign Listing (One-Side)	Per Installation	\$50	\$55	\$5	\$100	\$110	\$10	
Marley Mat Dance Floor	Per Use (2 Stage Hands at 6 Hours)	\$200	\$220	\$20	\$200	\$220	\$20	
6' Mity-Lite Folding Tables (12 max.)	Each	\$5	\$5	\$0	\$5	\$5	\$0	
46" Round Folding Tables (8 max.)	Each	\$10	\$11	\$1	\$10	\$11	\$1	
36" Round Tables (10 max.)	Each	\$10	\$11	\$1	\$10	\$11	\$1	
Cocktail Table High Top (7 max.)	Each	\$10	\$11	\$1	\$10	\$11	\$1	
Cocktail Table Purple Stools High Top (22 max.)	Each	\$15	\$16	\$1	\$15	\$16	\$1	
Wooden Classroom Chairs (25 max.)	Each	\$5	\$5	\$0	\$5	\$5	\$0	
	Discount 10 or more	\$3	\$3	\$0	\$3	\$3	\$0	
Music Stands	Each	\$5	\$5	\$0	\$5	\$5	\$0	
	Discount 6 or more	\$3	\$3	\$0	\$3	\$3	\$0	
Black Wenger Orchestra Chairs (80 max.)	Each	\$10	\$11	\$1	\$10	\$11	\$1	
	Discount 25 or more	\$5	\$5	\$0	\$5	\$5	\$0	
Black Pipe and Drape - Studio Theatre ONLY	Per Installation	\$100	\$110	\$10	\$100	\$110	\$10	
Black Resin Chairs (50 max.)	Each	\$5	\$5	\$0	\$5	\$5	\$0	
Spinnet Piano	Each	\$100	\$110	\$10	\$100	\$110	\$10	
Easels (8 max.)	Each	\$5	\$5	\$0	\$5	\$5	\$0	
Pedestals/Stage Boxes (10 max.)	Each	\$15	\$16	\$1	\$15	\$16	\$1	
TV Monitor	Per 8 Hour Rental	\$50	\$55	\$5	\$50	\$55	\$5	
DVD Player	Per 8 Hour Rental	\$25	\$27	\$2	\$25	\$27	\$2	

Grand Theatre/Cultural Arts, continued

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT			COMMERCIAL		
		Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-	Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-
Labor Fees							
Technical Theatre Supervisor	Per Hour	\$56	\$62	\$6	\$56	\$62	\$6
Theatre Technicians	Per Hour	\$40	\$44	\$4	\$40	\$44	\$4
General Stagehands	Per Hour	\$20	\$22	\$2	\$20	\$22	\$2
Follow Spot Operator	Per Hour	\$15	\$16	\$1	\$15	\$16	\$1
Merchandise Sales Person	Per Hour	\$15	\$16	\$1	\$15	\$16	\$1
Gallery Supervisor	Per Hour	\$56	\$62	\$6	\$56	\$62	\$6
Gallery Docents	Per Hour	\$10	\$11	\$1	\$10	\$11	\$1
Arts Education Instructor	Per Hour	\$25	\$27	\$2	\$25	\$27	\$2
Recreation Leader	Per Hour	\$15	\$16	\$1	\$15	\$16	\$1
Additional Fees							
Janitorial Fees	Per Day	\$150	\$165	\$15	\$150	\$165	\$15
Agreement Processing Fee	Per Contract	\$35	\$38	\$3	\$35	\$38	\$3
Arts Education Program Fees							
Ceramics & Fussed Glass							
- Assembly, Handbuilding & Wheel Throwing	Per Person	\$20-\$300	\$22-\$330	\$2-\$30	\$20-\$300	\$22-\$330	\$2-\$30
- Technical (Firing/Kiln Tech/Equipment)	Per Person	\$20-\$300	\$22-\$330	\$2-\$30	\$20-\$300	\$22-\$330	\$2-\$30
- Glazes & Finishing	Per Person	\$20-\$300	\$22-\$330	\$2-\$30	\$20-\$300	\$22-\$330	\$2-\$30
- Camps, Demos, Presentations, Workshops	Per Person	\$10-\$300	\$11-\$330	\$1-\$30	\$10-\$300	\$11-\$330	\$1-\$30
Drama							
- Acting & Performance	Per Person	\$20-\$250	\$22-\$275	\$2-\$25	\$20-\$250	\$22-\$275	\$2-\$25
- Technical Theatre	Per Person	\$20-\$250	\$22-\$275	\$2-\$25	\$20-\$250	\$22-\$275	\$2-\$25
- Camps, Workshops	Per Person	\$10-\$300	\$11-\$330	\$1-\$30	\$10-\$300	\$11-\$330	\$1-\$30

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fee (FY1718)	Proposed Fee (FY2021)	Fee Change +/-
Visual Arts				
- Camps, Demos, Presentations, Workshops (Retitled from "Adult Workshops")	Per Person	\$10-\$300	\$11-\$330	\$1-\$30
Senior Tuesdays				
- 3 Days in Designated Months	Per Person	\$5-\$15	\$5-\$16	\$1
- Includes Choice of Two (2) Activities per Day				

DEVELOPMENT SERVICES DEPARTMENT

Andrew Malik, Assistant City Manager

- Note: The DS Department fees in this Schedule do not include:*
- *Development Impact Fees adopted under the Mitigation Fee Act*
 - *Mitigation Fees (ie habitat mitigation, agricultural mitigation fees)*
 - *Fees adopted by separate agreement with a developer*

Development Services Department
Building Safety

Department Contact: William Dean, Assistant Director of Development Services
Kevin Jorgensen, Chief Building Official

Note: Whenever called for, employee Hourly Rates are based on the particular employee position, salary, benefits & overhead.

Building Safety				
SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Building, Electrical, Mechanical and Plumbing Permits	Based upon project value, as determined by building valuation data table, with regional modifiers, as most recently published in the "Building Safety Journal".	Amount established by 1997 Uniform Administrative Code, Tables 3-A through 3-D and §304 including but not limited to: 1. The actual cost (fully burdened rate) to the jurisdiction for inspections for which no fee is specifically indicated. 2. The actual cost to the jurisdiction for the Use of outside consultants for plan checking and inspections or both. 3. The actual cost (fully burdened rate) to the jurisdiction for additional plan reviews required by changes, additions or revisions to plans (minimum charge – one-half hour).		
Investigation Fee (when work was begun without permit)	Per Inspection	Equal to amount of permit fee, in addition to permit		
Title 24 Energy Inspection (including Photovoltaic Systems)	Per Inspection	Employee Hourly Rates		
Strong Motion Instrumentation Tax (SMI) Group R (Residential) Occupancies, one to three stories in height except for hotels and motels: All other buildings (commercial):	Valuation	Valuation X \$0.00013 (minimum \$0.50) Valuation X \$0.00028 (minimum \$0.50)		
Elevator Permit Elevator, escalator or moving walk	Valuation	\$105 plus \$2 For Each \$1,000 or Fraction > \$40,000	\$115 plus \$2 For Each \$1,000 or Fraction > \$40,000	\$0
Commercial dumbwaiter	Valuation	\$29 plus \$2 For Each \$1,000 or Fraction > \$40,000	\$32 plus \$2 For Each \$1,000 or Fraction > \$40,000	\$0
Electrical Meter Re-Set (City safety inspection before PG&E turns on utilities.)	Per Inspection	\$64	\$70	\$6
Bldg./Moving or Oversized Load-Initial insp. Fee	Per Inspection	\$118	\$129	\$12
Expedited Plan Check and Inspection Fees	Per Inspection	Employee Hourly Rates	Employee Hourly Rates	
Micro-Imaging Fees: 1(+ 2% of invoice total for pick-up and delivery):				
▪ 11" x 17" and smaller, black & white or gray scale Document with 2" field index	Each	\$.08 + 2% ¹	\$.09 + 2% ¹	\$0.01
▪ Anything larger than 11" x 17", black & white or gray scale Document with a two field index	Each	\$0.88 + 2% ¹	\$0.97 + 2% ¹	\$0.09
▪ 11" x 17" and smaller, color Document, with a two-field index	Each	\$0.15 + 2% ¹	\$0.17 + 2% ¹	\$0.02
▪ 18" x 24" color document, with a two-field index	Each	\$0.53 + 2% ¹	\$0.58 + 2% ¹	\$0.05
▪ 24" x 36" color document, with a two field index	Each	\$2	\$2	\$0.15
Sign Permit	Based on Valuation for Building and Electrical Permits	Based on Valuation for Building and Electrical Permits		

Development Services Department
Engineering Division

Department Contact: Robert Armijo, City Engineer

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
SERVICE OR APPLICATION	FEE			
Agreement Processing Fee				
Inspection Improvement Agreement	Per Agreement	\$7,378	\$8,108	\$730
Subdivision Improvement Agreement				
Deferred Improvement Agreement				
Off-site Improvement Agreement				
Park Improvement and Reimbursement Agreement				
Grading	Base Amount - 0-10,000 Cubic Yards (CY)	\$2,890	\$3,176	\$286
	10,001-100,000 CY: Base Amount Plus the Following Per 10,000 CY	\$158	\$174	\$16
Grading plan check	100,001-200,000 CY: Base Amount Plus the Following Per 10,000 CY	\$134	\$148	\$13
Grading plan check	200,000+ CY: Base Amount Plus the Following Per 10,000 CY	\$105	\$115	\$10
Grading permit and inspection				
5 or fewer lots (residential or commercial)		\$1,634	\$1,796	\$162
Additional plan review required by multiple changes, additions, or revisions after initial review completed.	Subdivisions (5 or more lots)	\$4,129	\$4,538	\$409
	Hourly Personnel costs	\$118	\$130	\$12
	Hourly Personnel costs			
Subdivisions				
Tentative subdivision map	(See Planning)			
Vesting tentative subdivision map	(See Planning)			
Final Parcel Map Review	Per Review	\$2,677	\$2,942	\$265
Final Subdivision Map Review	Per Review	\$2,171	\$2,385	\$215
Map amendment review	Per Review	\$1,333	\$1,465	\$132
Certificate of correction	Per Review	\$4,070	\$4,473	\$403
Certificate of compliance – lot line adjustment	Per Review	\$3,185	\$3,500	\$315
Public Improvements				
Inspection Improvement Agreement (SIA, DIA, OIA, PIRA, Any Amendment)	Per Agreement	\$7,378	\$8,108	\$730
Plan check	Per Amendment			
Inspection	% of Improvement Construction Cost			
As-builts, review after construction	% of Improvement Construction Cost			
	Per Lot	\$35	\$39	\$4
Micro-Imaging Fees:				
¹(+ 2% of invoice total for pick-up and delivery):		\$.08 + 2% ¹	\$.09 + 2% ¹	\$0
• 11" x 17" and smaller, black & white or gray scale Document with 2" field index	Each			
• Anything larger than 11" x 17", black & white or gray scale Document with a two field index	Each	\$0.88 + 2% ¹	\$0.97 + 2% ¹	\$0.09
• 11" x 17" and smaller, color Document, with a two-field index	Each	\$0.15 + 2% ¹	\$0.17 + 2% ¹	\$0.02
• 18" x 24" color document, with a two-field index	Each	\$0.53 + 2% ¹	\$0.58 + 2% ¹	\$0.05
• 24" x 36" color document, with a two field index	Each	\$2	\$2	\$0.15
Segregation of Assessment				
(Within any assessment districts)	Per Lot	\$47	\$52	\$4.67
Record of Survey	Per Lot	\$349	\$384	\$34.57
Street Easement Abandonment	Per Lot	\$1,699	\$1,867	\$168.17

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	
Encroachment Permit	Encroachment Base Fee:	\$413	\$454	\$41	
	Plus \$21 / Sq Ft	\$19	\$21	\$2	
	or \$71/ Hour (Whichever is Less)	\$64	\$71	\$6	
	Sidewalks	Side Walk Base Fee:	\$65	\$71	\$6
		Plus \$20 / Sq Ft	\$18	\$20	\$2
	or \$70/ Hour (Whichever is Less)	\$64	\$70	\$6	
Driveways and Curbs	Driveways and Curb Base Fee:	\$64	\$71	\$6	
	plus \$65 per Hour	\$59	\$65	\$6	
Trees, Utility Boxes	Per Permit Base Fee:	\$64	\$71	\$6	
	Plus \$107 Per Hour (1 Hour Minimum)	\$97	\$107	\$10	
Miscellaneous Encroachment Permit	Miscellaneous Encroachment Permit, Plus Hourly Personnel Rate for Inspection and Engineering Review	\$130	\$143	\$13	
OVERSIZE LOAD PERMIT	Single Permit Base Fee:	\$19	\$21	\$2	
	Annual or Blanket Permit (fix route)	\$106	\$117	\$11	
BUILDING MOVING OR OVERSIZED LOAD	Permit fee	Per Permit	\$675	\$742	\$67
	Other	Hourly Rate for City Personnel			
REPRODUCTION, MAP AND Document SALES:					
Standard Plans, Standard Specs, and Design Standards	Per Document	\$18	\$19	\$2	
Parks Manual	Per Document	\$88	\$97	\$9	
Storm Drainage Master Plans	Per Document	\$24	\$26	\$2	
Subdivision Maps	Per Document	\$6	\$6	\$1	
Reproduction Fees	Per Sheet	\$2	\$2	\$0	
CONSTRUCTION WATER METERS					
Deposit for Use of City-owned meter	Per Meter	\$885	\$972	\$88	
Service reinstatement fee	Per Meter	\$59	\$65	\$6	
Winter Rates (Nov - Apr) (100 cubic feet or 748 gal)					
0 - 12 CCF	Per Cubic Feet	\$1	\$1	\$0	
13 - 19 CCF	Per Cubic Feet	\$2	\$2	\$0	
20 - 191 CCF	Per Cubic Feet	\$2	\$2	\$0	
191+ CCF	Per Cubic Feet	\$2	\$2	\$0	
Summer Rates per ccf (May - Oct)					
0 - 18 CCF	Per Cubic Feet	\$1	\$1	\$0	
19 - 29 CCF	Per Cubic Feet	\$2	\$2	\$0	
30 - 287 CCF	Per Cubic Feet	\$2	\$2	\$0	
288+ CCF	Per Cubic Feet	\$2	\$2	\$0	
Service Charge	Monthly	\$12	\$13	\$1	
(Meter code and size)					
LL (LIRA) – 1"	Meter Size and Type	\$10	\$11	\$1	
WL (LIRA) – varies	Meter Size and Type			\$0	
W1 - 5/8" or 3/4"	Meter Size and Type	\$14	\$15	\$1	
W2 – 1"	Meter Size and Type	\$24	\$26	\$2	
W3 – 1 1/2"	Meter Size and Type	\$55	\$60	\$5	
W4 – 2"	Meter Size and Type	\$98	\$107	\$10	
W5 – 3"	Meter Size and Type	\$220	\$241	\$22	
W6 – 4"	Meter Size and Type	\$391	\$429	\$39	
W7 – 6"	Meter Size and Type	\$879	\$966	\$87	
W8 – 8"	Meter Size and Type	\$1,563	\$1,718	\$155	
W9 – 10"	Meter Size and Type	\$2,442	\$2,684	\$242	
NEW ADDRESS MAPPING FEES					
Single-family	Per Lot	\$75	\$83	\$7	
Multi-family projects, Plus dwelling unit cost In buildings with 5 or more units	Per Lot Plus Dwelling Unit Cost in Buildings with 5 or More Units	\$75	\$83	\$7	
	Dwelling Unit Cost	\$38	\$41	\$4	

Development Services Department

Planning Division

Department Contact: William Dean, Assistant Director of Development Services

The Planning Division fees represent application processing fees only, and do not reflect capital improvement in lieu fees, school fees, or any other fees.

Regarding building permit fees, plan check fees and inspection fees, see Building Division.

Regarding encroachment permit fees, see Engineering Division.

Note: The City may require the applicant to enter into a cost recovery agreement (CRA) to pay actual costs instead of the fixed processing fee when (1) the anticipated costs of the project's environmental review or CEQA Documentation is likely to exceed the project's fixed fee or (2) the DS Director and the applicant mutually agree that a cost recovery agreement will be appropriate for the project in order to hire City consultants to work on the project. In such cases, the CRA may be used to pay for staff time and other City costs.

Symbol Key

- Plus Actual Costs Incurred: including fees for consultant services, environmental Documentation filing fees, other agency fees, etc.
- Environmental Assessment Fee not applicable.

^a Conditional Use Permit - Classification by type of project:

	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
Class A:	4+ lots	+3,000 Sq Ft or 4+ lots	+10,000 Sq Ft or 4+ lots
Class B:	1-3 lots	-3,000 Sq Ft or 1-3 lots	-10,000 Sq Ft or 1-2 lots

^b Development Review Permit - Classification by type of project:

	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
Class A:	4+ units	+3,000 Sq Ft	+10,000 Sq Ft
Class B:	1-3 units	-3,000 Sq. Ft.	-10,000 Sq Ft

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
PLANNING DIVISION APPLICATION PROCESSING FEES				
Adult Business Use Permit	Per Cost Recovery Agreement			
Annexation		\$12,386	\$13,613	\$1,226
● Appeal to City Council	Per Appeal	\$326	\$358	\$32
● Appeal to Planning Commission	Per Appeal	\$326	\$358	\$32
Conditional Use Permit ^a				
Class A	Per Permit	\$6,252	\$6,871	\$619
Class B	Per Permit	\$3,981	\$4,375	\$394
Conditional Use Permit (Non-Profit Organizations)				
Class A	Per Permit	\$644	\$708	\$64
Class B	Per Permit	\$413	\$454	\$41
Development Review ^b				
Class A	Per Application	\$4,617	\$5,074	\$457
Class B	Per Application	\$3,281	\$3,605	\$325
Ellis Specific Plan Pattern Book Certification	Per Ellis Specific Plan, Section 6.3	\$3,281	\$3,605	\$325
ENVIRONMENTAL				
Environmental Assessment	Charged for all Projects Not Requiring a Negative Declaration or EIR, Except as Noted by "●"	\$118	\$130	\$12
Environmental Initial Study / Negative Declaration	Per Study / Negative Declaration	\$1,675	\$1,841	\$166
Environment Impact Report	Per Cost Recovery Agreement	Per Cost Recovery Agreement		
Environmental Consistency Analysis	Per Cost Recovery Agreement	Per Cost Recovery Agreement		
General Plan Amendment	Per Cost Recovery Agreement	Per Cost Recovery Agreement		
Lot Line Adjustment	Per Lot Line Adjustment	\$481	\$529	\$48

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Micro-Imaging Fees:				
¹(+ 2% of invoice total for pick-up and delivery):		\$.08 + 2% ¹	\$.09 + 2% ¹	\$0.01
▪ 11" x 17" and smaller, black & white or gray scale Document with 2" field index	Each			
▪ Anything larger than 11" x 17", black & white or gray scale Document with a two field index	Each	\$0.88 + 2% ¹	\$0.97 + 2% ¹	\$0.09
▪ 11" x 17" and smaller, color Document, with a two-field index	Each	\$0.15 + 2% ¹	\$0.17 + 2% ¹	\$0.02
▪ 18" x 24" color document, with a two-field index	Each	\$0.53 + 2% ¹	\$0.58 + 2% ¹	\$0.05
▪ 24" x 36" color document, with a two field index	Each	\$2	\$2	\$0.15
Noise Ordinance Variation	Per Variation	\$4,719	\$5,186	\$467
Planned Unit Development	Per PUD	\$9,260	\$10,177	\$917
Planned Unit Development Amendment	Per Amendment	\$5,308	\$5,834	\$526
Planning Commission Determination	Per Commission Determination	\$1,186	\$1,303	\$117
Residential Growth Allotment	Per RGA	\$1,969	\$2,164	\$195
Sign Permit				
Master Sign Program	Master Sign Program	\$1,194	\$1,312	\$118
Sign Permit	Per Permit	\$538	\$591	\$53
Specific Plan	Per Cost Recovery Agreement	Per Cost Recovery Agreement		
Specific Plan Amendment	Per Amendment	\$6,016	\$6,612	\$596
Specific Plan Minor Variation	Per Application	Same as Development Review Class B		
Temporary Use Permit	Per Permit	\$85	\$93	\$8
Tentative Map				
Parcel map	Map	\$8,611	\$9,464	\$853
5 – 100 lots	Lot Number	\$11,796	\$12,964	\$1,168
100 & over lots	Lot Number	\$18,402	\$20,224	\$1,822
Time Extension	Per Extension Request	\$495	\$545	\$49
Variance	Per Variance	\$793	\$871	\$78
Zoning				
Zone Change	Per Change	\$3,008	\$3,306	\$298
Zone Text Amendment	Per Amendment	\$2,949	\$3,241	\$292
• Zoning Research Letter	Per Letter	\$94	\$104	\$9

PARKS AND RECREATION DEPARTMENT
Brian MacDonald, Director

Parks and Recreation Department

Facilities Division

Division Contact: Thien Nguyen, Recreation Services Supervisor

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT (OR PRIVATE AS INDICATED)			COMMERCIAL			
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	
Administration								
Special Event Permit Application & Review Fee (To be charged for every permitted reservation requiring "further review," per published list)	Per Application	\$75	\$82	\$7	\$150	\$165	\$15	
Community Center Rentals								
Main Hall (5,300 Sq Ft)	Non-Profit Classification	Week Day Only - Per Hour (4 Hour Minimum)	\$40	\$44	\$4			
	Private Classification		\$68	\$75	\$7	\$97	\$107	\$10
Conference Room A or B (250 Sq Ft)	Non-Profit Classification	Week Day Only - Per Hour (4 Hour Minimum)	\$8	\$9	\$1			
	Private Classification		\$13	\$14	\$1	\$18	\$19	\$2
Entire Facility (6,200 Sq Ft)	Non-Profit Classification	Week Day Only - Per Hour (4 Hour Minimum)	\$45	\$49	\$4			
	Private Classification		\$79	\$87	\$8	\$112	\$123	\$11
	Non-Profit Classification	Weekend Only - Per Hour (4 Hour Minimum)	\$66	\$73	\$7			
	Private Classification		\$113	\$125	\$7	\$161	\$177	\$16
Additional Fees								
Extra Dumpster Disposal Fee (Required for Crab-Feeds and Other Rentals as Deemed Necessary by Staff)	Per Rental, Per Dumpster	\$100	\$110	\$10	\$100	\$110	\$10	
Deposits								
An additional Deposit is Required for all Activities where Alcohol is Sold or Served.								
Main Hall	Per Rental	\$472	\$519	\$47	\$472	\$519	\$47	
Conference Room A or B	Per Rental	\$236	\$259	\$23	\$236	\$259	\$23	
Entire Facility	Per Rental	\$472	\$519	\$47	\$472	\$519	\$47	
Alcohol Deposit	Per Rental	\$472	\$519	\$47	\$472	\$519	\$47	
TRACY SPORTS COMPLEX MEETING ROOM RENTAL								
TSC Meeting Room (700 Sq Ft)								
Non-Profit Classification	Per Hour	\$17	\$18	\$2				
Private Classification		\$29	\$32	\$3	\$41	\$45	\$4	
Deposits								
An additional Deposit is required for all activities where alcohol is sold or served.								
Meeting Room	Per Rental	\$236	\$259	\$23	\$236	\$259	\$23	
Alcohol Deposit		\$236	\$259	\$23	\$236	\$259	\$23	
TRACY TRANSIT STATION								
Room 103 or 104 (590 Sq Ft)								
Non-Profit Classification	Week Day Per Hour (2 Hour Minimum)	\$20	\$22	\$2				
Private Classification		\$36	\$39	\$4	\$50	\$55	\$5	
Non-Profit Classification	Weekend Per Hour (2 Hour Minimum)	\$30	\$33	\$3				
Private Classification		\$53	\$58	\$5	\$0	\$0	\$0	
Room 103 and 104 (Combined 1,180 Sq Ft)								
Non-Profit Classification	Week Day Per Hour (2 Hour Minimum)	\$39	\$43	\$4				
Private Classification		\$36	\$39	\$4	\$101	\$111	\$10	
Non-Profit Classification	Weekend Per Hour (2 Hour Minimum)	\$59	\$65	\$6				
Private Classification		\$106	\$117	\$11	\$151	\$166	\$15	
Room 105 (913 Sq Ft)								
Includes Projector and Screen Use								
Non-Profit Classification	Week Day - Per Hour (2 Hour Minimum)	\$31	\$34	\$3				
Private Classification		\$55	\$60	\$5	\$78	\$86	\$8	
Non-Profit Classification	Weekend Per Hour (2 Hour Minimum)	\$47	\$52	\$5				
Private Classification		\$83	\$91	\$8	\$117	\$129	\$12	

Community Facilities, Continued

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT (OR PRIVATE AS INDICATED)			COMMERCIAL		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Entire Facility (4,445 Sq Ft)							
Non-Profit Classification	Week Day - Per Hour (4 Hour Minimum)	\$92	\$101	\$9			
Private Classification		\$161	\$177	\$16	\$229	\$252	\$23
Non-Profit Classification	Weekend Per Hour (4 Hour Minimum)	\$138	\$151	\$14			
Private Classification		\$242	\$266	\$24	\$344	\$379	\$34
Deposits							
An additional deposit is required for all activities where alcohol is sold or served.							
All Conference Rooms	Per Rental	\$236	\$259	\$23	\$236	\$259	\$23
Lobby or Entire Facility	Per Rental	\$472	\$519	\$47	\$472	\$519	\$47
Alcohol Deposit	Per Rental	\$472	\$519	\$47	\$472	\$519	\$47
TRACY CIVIC CENTER RENTAL							
Council Chambers (3,500 Sq Ft)							
Non-Profit Classification	Week Day - Per Hour (4 Hour Minimum)	\$22	\$25	\$2			
Private Classification		\$52	\$57	\$5	\$89	\$98	\$9
Non-Profit Classification	Weekend Per Hour (4 Hour Minimum)	\$39	\$43	\$4			
Private Classification		\$94	\$103	\$9	\$134	\$148	\$13
Conference Room #109 (500 Sq Ft)							
Non-Profit Classification	Week Day - Per Hour (2 Hour Minimum)	\$17	\$18	\$2			
Private Classification		\$29	\$32	\$3	\$43	\$47	\$4
Non-Profit Classification	Weekend Per Hour (2 Hour Minimum)	\$26	\$28	\$3			
Private Classification		\$44	\$48	\$4	\$63	\$69	\$6
Conference Room #203 (825 sf)							
Non-Profit Classification	Week Day - Per Hour (2 Hour Minimum)	\$28	\$31	\$3			
Private Classification		\$49	\$54	\$5	\$70	\$77	\$7
Non-Profit Classification	Weekend Per Hour (2 Hour Minimum)	\$43	\$47	\$4			
Private Classification		\$74	\$81	\$7	\$105	\$116	\$10
Lobby and Both Conference Rooms							
Non-Profit Classification	Week Day - Per Hour (4 Hour Minimum)	\$45	\$49	\$4			
Private Classification		\$78	\$86	\$8	\$112	\$123	\$11
Non-Profit Classification	Weekend Per Hour (4 Hour Minimum)	\$46	\$50	\$5			
Private Classification		\$81	\$89	\$8	\$168	\$184	\$17
Special Events in Civic Center Park (May through October)							
Full Service Event Coordination	Flat Fee	\$1,678	\$1,844	\$166	\$1,678	\$1,844	\$166
Deposits							
An additional deposit is required for all activities where alcohol is sold or served.							
All Conference Rooms	Per Rental	\$236	\$259	\$23	\$236	\$259	\$23
Lobby or Entire Facility	Per Rental	\$472	\$519	\$47	\$472	\$519	\$47
Alcohol Deposit	Per Rental	\$472	\$519	\$47	\$472	\$519	\$47
Park and Picnic Areas							
Park/Picnic ~ 1 to 50 people							
Non-Profit Classification	Per Hour (4 Hours Minimum)	\$15	\$16	\$1	\$15	\$16	\$1
Private Classification	Per Hour (4 Hours Minimum)	\$26	\$28	\$3	\$37	\$41	\$4
Park/Picnic ~ 51 to 100 people							
Non-Profit Classification	Per Hour (4 Hours Minimum)	\$21	\$23	\$2			
Private Classification	Per Hour (4 Hours Minimum)	\$37	\$41	\$4	\$54	\$59	\$5
Park/Picnic ~ 101 + people							
Non-Profit Classification	Per Hour (4 Hours Minimum)	\$28	\$31	\$3			
Private Classification	Per Hour (4 Hours Minimum)	\$49	\$54	\$5	\$70	\$77	\$7
Inflatable Structures Administrative Fee							
All Classifications: Fee is Applied to all Approved Inflatable Requests to Accompany a Park Rental.							
	Per Day, Per Structure	\$50	\$55	\$5	\$50	\$55	\$5
Non-Profit Org ~ \$100 Max	Per Rental	\$112	\$123	\$11	Not Applicable		

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT (OR PRIVATE AS INDICATED)			COMMERCIAL		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Deposits							
Less than 50, Traditional Activity	Per Rental	\$0	\$0	\$0	\$0	\$0	\$0
50-100; or Less than 5 Non-traditional	Per Rental	\$112	\$124	\$11	\$112	\$124	\$11
101-200 Attendees	Per Rental	\$224	\$246	\$22	\$224	\$246	\$22
201-300 attendees	Per Rental	\$336	\$369	\$33	\$336	\$369	\$33
301 and above attendees	Per Rental	\$559	\$615	\$55	\$559	\$615	\$55
Parking Lot Rental (Locations and Availability at City Discretion)							
Base Fee	10 Hour Maximum	\$110	\$121	\$11	\$110	\$121	\$11
Plus Use Fee							
Non-Profit Classification	Per Parking Lot Space	\$2	\$2	\$0			
Private Classification		\$4	\$5	\$0	\$6	\$6	\$0
Mobile Stage Rental					Not Applicable		
"A" Set Up (36' X 14')	Non-Profit	Per Rental	\$350	\$384			
Deposits	All Stage Rentals	Per Rental	\$472	\$519	\$47		

Community Facilities, Continued

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT (OR PRIVATE AS INDICATED)			COMMERCIAL			
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	
Tennis Court Rental								
Non-Profit Youth - League	Per Hour Per Court	\$5	\$6	\$1	Not Applicable			
Non-Profit Youth - Tournament	Per Hour Per Court	\$11	\$12	\$1				
Non-Profit Adult League	Per Hour Per Court	\$5	\$6	\$1				
Non-Profit Adult Tournament	Per Hour Per Court	\$12	\$14	\$1				
Private	Per Hour Per Court	\$5	\$6	\$1				
Private League	Per Hour Per Court	\$8	\$8	\$1				
Private Tournament	Per Hour Per Court	\$16	\$18	\$2				
Commercial - Private Use	Per Hour Per Court					\$11	\$12	\$1
Commercial League	Per Hour Per Court					\$11	\$12	\$1
Commercial Tournament	Per Hour Per Court				\$16	\$18	\$2	
Lights								
Non-Profit Youth - League	Per Hour Per Court	\$5	\$6	\$1	Not Applicable			
Non-Profit Youth - Tournament	Per Hour Per Court	\$8	\$8	\$1				
Non-Profit Adult League	Per Hour Per Court	\$5	\$6	\$1				
Non-Profit Adult Tournament	Per Hour Per Court	\$11	\$12	\$1				
Private	Per Hour Per Court	\$5	\$6	\$1				
Private League	Per Hour Per Court	\$11	\$12	\$1				
Private Tournament	Per Hour Per Court	\$13	\$14	\$1				
Commercial - Private Use	Per Hour Per Court					\$5	\$6	\$1
Commercial League	Per Hour Per Court					\$11	\$12	\$1
Commercial Tournament	Per Hour Per Court				\$13	\$14	\$1	
Deposits								
Tennis Court Rental Deposit	Per Hour Per Court	\$56	\$61	\$6	\$56	\$61	\$6	
Lolly Hansen Senior Center Rental								
Multi-Purpose Room (2,225 Sq Ft)					Not Applicable			
Non-Profit Classification	Week Day & Weekend (4 Hour Minimum)	\$15	\$16	\$1				
Private Classification		\$26	\$28	\$3				
Arts and Crafts Room (675 Sq Ft)								
Non-Profit Classification	Week Day & Weekend (4 Hour Minimum)	\$6	\$6	\$1				
Private Classification		\$10	\$11	\$1				
Entire Facility (4, 350 Sq Ft)								
Non-Profit Classification	Week Day & Weekend (4 Hour Minimum)	\$29	\$32	\$3				
Private Classification		\$51	\$57	\$5				
MOU – Hrs Provided to Non-Profits/Gov		\$0	\$0	\$0				
Deposits								
An additional deposit is required for all activities where alcohol is sold or served.					Not Applicable			
Multi-Purpose Room	Per Rental	\$224	\$246	\$22				
Arts and Crafts Room	Per Rental	\$224	\$246	\$22				
Entire Facility	Per Rental	\$472	\$519	\$47				
Alcohol Deposit	Per Rental	\$472	\$519	\$47				

Community Facilities, Continued

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT (OR PRIVATE AS INDICATED)			COMMERCIAL		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
SPORT FACILITIES (TBP, TSC, Placentia Fields, Tiago, Galli, & Bland, Veterans & Legacy Fields)							
League/Individual (TBP, Tiago, Galli, & Bland Fields)							
Non-Profit Youth Classification	Per Hour, Per Field	\$8	\$9	\$1			
Non-Profit Adult Classification	Per Hour, Per Field	\$12	\$14	\$1			
Private Classification	Per Hour, Per Field	\$23	\$25	\$2	\$32	\$35	\$3
Premium Field							
League/Individual (TSC, Placentia Fields, Legacy Fields)							
Non-Profit Youth Classification	Per Hour, Per Field	\$10	\$11	\$1			
Non-Profit Adult Classification	Per Hour, Per Field	\$16	\$17	\$2			
Private Classification	Per Hour, Per Field	\$23	\$25	\$2	\$32	\$35	\$3
Lights Fee ~ League/Individual							
Non-Profit Youth Classification	Per Hour, Per Field	\$8	\$9	\$1			
Non-Profit Adult Classification	Per Hour, Per Field	\$11	\$12	\$1			
Private Classification	Per Hour, Per Field	\$13	\$15	\$1	\$20	\$22	\$2
Deposit for Baseball/Softball Bases	Per Rental	\$250	\$275	\$25	\$250	\$275	\$25
Storage Container License	Per Square Foot of Ground Space	\$0.42	\$0.46	\$0.04	\$0.42	\$0.46	\$0.04
Daily Fee ~ Tournaments - Standard Fields							
Non-Profit Youth Classification	Per Day Hour, Per Field	\$67	\$74	\$7			
Non-Profit Adult Classification	Per Day Hour, Per Field	\$108	\$119	\$11			
Private Classification	Per Day Hour, Per Field	\$134	\$148	\$13	\$134	\$148	\$13
Lights Fee ~ Tournaments							
Non-Profit Youth Classification	Per Hour, Per Field	\$8	\$9	\$1			
Non-Profit Adult Classification	Per Hour, Per Field	\$11	\$12	\$1			
Private Classification	Per Hour, Per Field	\$11	\$12	\$1	\$11	\$12	\$1
Gate Fee ~ Tournaments							
All Classifications	Per Tournament	\$104	\$114	\$10	\$0	\$0	\$0
On-site Staffing Fee for Sports Fields Use							
Non-Profit Youth Classification	Per Hour, Per Complex	\$28	\$31	\$3			
Non-Profit Adult Classification	Per Hour, Per Complex	\$28	\$31	\$3			
Private Classification	Per Hour, Per Complex	\$28	\$31	\$3	\$28	\$31	\$3
Softball Field Preparations							
A Prep – Light Watering	Per Preparation	\$6	\$6	\$1	\$6	\$6	\$1
B Prep – Light Watering, Minor Dragging	Per Preparation	\$16	\$18	\$2	\$16	\$18	\$2
C Prep – Full Field Preparation	Per Preparation	\$44	\$48	\$4	\$44	\$48	\$4
Use of Temporary Outfield Fencing	Per Field	\$112	\$124	\$11	\$112	\$124	\$11

Community Facilities, Continued

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	NON-PROFIT (OR PRIVATE AS INDICATED)			COMMERCIAL		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Joe Wilson Community Pool Rentals							
Any Size Groups, When Organization Provides Own Lifeguards & Includes 1 Senior Lifeguard							
Non-Profit Classification	Per Hour (Minimum of Two Hours)	\$72	\$80	\$7	\$72	\$80	\$7
Up to 50 People, Includes 1 Senior Lifeguard & 1 Lifeguard							
Non-Profit Classification	Per Hour (Minimum of Two Hours)	\$88	\$97	\$9			
Private Classification		\$98	\$108	\$10	\$109	\$119	\$11
Up to 75 People, Includes 1 Senior Lifeguard & 2 Lifeguards							
Non-Profit Classification	Per Hour (Minimum of Two Hours)	\$104	\$114	\$10			
Private Classification		\$114	\$125	\$11	\$124	\$136	\$12
Up to 100 People Max, Includes 1 Senior Lifeguard & 3 Lifeguards							
Non-Profit Classification	Per Hour (Minimum of Two Hours)	\$119	\$131	\$12			
Private Classification		\$129	\$142	\$13	\$140	\$154	\$14
Deposits							
All Classifications, All Group Sizes	Per Rental	\$155	\$171	\$15	\$155	\$171	\$15
Additional Joe Wilson Pool Rental Fees							
Extra lifeguard (as deemed necessary by staff, based on event)	Per Hour, Per Lifeguard	\$16	\$17	\$2	\$16	\$17	\$2
New Jerusalem Airport Rental							
Runway Area	Per Day	\$1,218	\$1,338	\$121			
PARADES ON DOWNTOWN STREETS							
Short Parade Route							
Non-Profit Classification	Per Parade	\$1,035	\$1,137	\$102			
Standard Parade Route							
Non-Profit Classification	Per Parade	\$1,294	\$1,422	\$128			
Long Parade Route							
Non-Profit Classification	Per Parade	\$1,656	\$1,820	\$164			

*Exception: Until further notice, Parade Fees will not be charged for Public School District-sponsored parades.

Parks and Recreation Department

Recreation Division

Division Contact: Jolene Jauregui-Correll, Recreation Manager

* Fees are set by this Department annually and are not subject to automatic CPI adjustments.

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	PER RESIDENT			PER NONRESIDENT		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Administration							
Advertising Fee for Activity Guide¹							
Full Page, Back Cover	Per Advertisement	\$1,000	\$1,099	\$99	\$1,000	\$1,099	\$99
Full Page, Inside Back Cover		\$500	\$550	\$50	\$500	\$550	\$50
½ Page, Inside		\$350	\$385	\$35	\$350	\$385	\$35
¼ Page, Inside		\$200	\$220	\$20	\$200	\$220	\$20
¹ Applied to all advertising in City's Activity Guide publications							
Program Transaction Fee							
*Applied to withdrawal, refund, credit or transfer	Per Transaction	\$5	\$5	\$0	\$5	\$5	\$0
Fac. Rental Applic. Processing Fee							
*Applied to all rental Request & special event permit Requests	Per Transaction	\$35	\$38	\$3	\$35	\$38	\$3
Early Registration Discount							
*To be Used based on staff's assessment of need, and based on participant levels	Per Registration	(10)	(10)	\$0	(10)	(10)	0
Online Registration Discount							
*To be Used based on staff's assessment of need, and based on participant levels	Per Registration	(10)	(10)	\$0	(10)	(10)	0
Sibling Registration Discount							
*To be Used based on staff's assessment of need, and based on participant levels	Per Registration	10%	10%	\$0	10%	10%	\$0
Range of Fee Increase for Contract Classes							
*To be Used based on Staff's Assessment of Need and Negotiations with Contract Instructors	Per Registration	20%	20%	\$0	20%	20%	\$0
Special Interest							
Baby Sitter Training	Per 2-Day Session	\$77	\$85	\$8	\$85	\$93	\$8
Cardio Kick Boxing	Per 6-Week Session	\$50	\$55	\$5	\$55	\$55	\$5
Cheer Prep	Per 4-Week Session	\$45	\$49	\$4	\$50	\$55	\$5
Cheer-Preschool	Per 4-Week Session	\$45	\$49	\$4	\$50	\$55	\$5
Dog Obedience-Advanced	Per 7-Week Session	\$95	\$104	\$9	\$105	\$115	\$10
Dog Obedience-Basic	Per 7-Week Session	\$115	\$126	\$11	\$127	\$140	\$13

Recreation Division, Continued

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	PER RESIDENT			PER NONRESIDENT		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
				+/-			+/-
Kidz Love Soccer Mommy/Daddy	Per 6-Week Session	\$76	\$84	\$8	\$84	\$92	\$8
Kids Love Soccer Pre-soccer	Per 6-Week Session	\$76	\$84	\$8	\$84	\$92	\$8
Kidz Love Soccer Soccer 1	Per 6-Week Session	\$76	\$84	\$8	\$84	\$92	\$8
Kidz Love Soccer Soccer 2	Per 6-Week Session	\$76	\$84	\$8	\$84	\$92	\$8
Tennis Camp - Teens	Per 1-Week Session	\$150	\$165	\$15	\$165	\$181	\$16
Zumba	Monthly Flat Rate Fee	\$50	\$55	\$5	\$55	\$60	\$5
Tae Kwon Do Teens	Per 10-Week Session; 1-Day Class Per Week	\$81	\$89	\$8	\$89	\$98	\$9
Tai Chi Beginning	Per 9-Week Session	\$62	\$68	\$6	\$68	\$75	\$7
Young Authors	Per 4-Week Session	\$60	\$66	\$6	\$66	\$73	\$7
Mother Goose	Per 4-Week Session	\$60	\$66	\$6	\$66	\$73	\$7
Athletic Perfection Rolls	Per 4-Week Session	\$60	\$66	\$6	\$66	\$73	\$7
On-Line Drivers Training	Per Class	\$69	\$75	\$7	\$76	\$84	\$8
PiYo	Monthly Flat Rate Fee	\$48	\$53	\$5	\$53	\$58	\$5
KidSAFE	Per 10-Week Session	\$90	\$99	\$9	\$99	\$109	\$10
LEGO Camp (Half Day)	Per Week	\$172	\$189	\$17	\$189	\$208	\$19
Tennis-Adult	Per 4-Week Session	\$50	\$55	\$5	\$55	\$60	\$5
Tennis-Tiny Tots	Per 4-Week Session	\$44	\$48	\$4	\$48	\$53	\$5
Tennis-Youth	Per 4-Week Session	\$50	\$55	\$5	\$55	\$60	\$5
Yoga-Adults	Per Calendar Month	\$32	\$35	\$3	\$35	\$38	\$3
Yoga-Seniors	Per Calendar Month	\$30	\$33	\$3	\$33	\$36	\$3
Action Gymnastics	Per 8-Week Session	\$75	\$82	\$7	\$83	\$91	\$8
Action Gymnastics Parent/Tot Beginner	Per 4-Week Session	\$25	\$27	\$2	\$28	\$31	\$3
Action Gymnastics Parent/Tot Advanced	Per 4-Week Session	\$30	\$33	\$3	\$33	\$36	\$3
Zumba	Per Calendar Month	\$80	\$88	\$8	\$88	\$97	\$9
Zumba Drop In for Seniors	Per Class	\$5	\$5	\$0	\$5	\$5	\$0
Tai Chi	Per Calendar Month	\$40	\$44	\$4	\$44	\$48	\$4
Tai Chi-Seniors	Per 4-Week Session	\$20	\$22	\$2	\$22	\$24	\$2
Basic Gardening	Per Class	\$25	\$27	\$2	\$28	\$31	\$3
Camps-Biology Camp	Per Week	\$200	\$220	\$20	\$220	\$242	\$22

Recreation Division, Continued

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	PER RESIDENT			PER NONRESIDENT		
		Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Camps-Build a Robot	Per Week	\$180	\$198	\$18	\$198	\$218	\$20
Camps-Kidsafe	Per 3-Week Session	\$90	\$99	\$9	\$99	\$109	\$10
Computer Tech Camp	Per 5-Day Session	\$135	\$148	\$13	\$149	\$164	\$15
	Minimum Maximum	\$185	\$203	\$18	\$204	\$224	\$20
Tae Kwon Do Tots	Per 4-Week Session	\$43	\$47	\$4	\$47	\$52	\$5
Beginners Tennis Summer Camp	Per 1-Week Session	\$50	\$55	\$5	\$55	\$60	\$5
Special Interest (Contractor)							
Camps - Fencing	Per 1-Week Session	\$229	\$252	\$23	\$252	\$277	\$25
Camps - Skyhawks Sports	Per Week	\$159	\$175	\$16	\$175	\$192	\$17
Camps - Tennis	Per Week	\$150	\$165	\$15	\$165	\$181	\$16
Fencing for Beginners	Per 4-Week Session	\$90	\$99	\$9	\$99	\$109	\$10
Leaders in Training: Jr Rec Leaders	Per 2-Day Session	\$75	\$82	\$7	\$83	\$91	\$8
Youth & Teens							
Teen Events	Per Person	\$5	\$5	\$0	\$5	\$5	\$0
	Minimum Maximum	\$20	\$22	\$2	\$20	\$22	\$2
Girls Retreat	Per Person	\$10	\$11	\$1	\$10	\$11	\$1
Girl Talk Camp	Per Week	\$50	\$55	\$5	\$55	\$60	\$5
Teen Camps	Per Week	\$70	\$77	\$7	\$77	\$85	\$8
Extreme Sports Day (competition registration)	Per Person	\$10	\$11	\$1	\$10	\$11	\$1
Fashion Show	Per Person	\$10	\$11	\$1	\$10	\$11	\$1

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	
S.A.F.E. (Teen After School Program)	Minimum	Per Membership Per School Year	\$50	\$55	\$5
	Maximum	Per Membership Per School Year	\$100	\$110	\$10
		Fee Range Based on Direct Costs			
		Per Drop-in for Members	\$0	\$0	\$0
		Per Scrapbooking Class	\$5	\$5	\$0
		Per Cooking Class	\$5	\$5	\$0
Mobile recreation (Roll'n Rec)	Per Person		\$0	\$0	\$0
Youth Development					
Monthly ROC (Recreation on Campus After School)*	Minimum	Fee Range Based on Direct Costs			
	Maximum	Per Regular, Per Month	\$180	\$198	\$18
		Per Regular, Per Month	\$240	\$264	\$24
ROC (Recreation on Campus After School)					
Late Pick-Up	Minimum	Fee Range Based on Direct Costs			
	Maximum	Per Minute	\$1	\$1	\$0
		Per Half Hour	\$30	\$33	\$3
Daily ROC (Recreation on Campus After School)					
Minimum	Minimum	Fee Range Based on Direct Costs			
	Maximum	Per-Day	\$15	\$16	\$1
		Per-Day	\$24	\$26	\$2
Hourly ROC (Recreation on Campus After School)					
Minimum	Minimum	Fee Range Based on Direct Costs			
	Maximum	Per Hour-per Month	\$105	\$115	\$10
		Per Hour-per Month	\$144	\$158	\$14
Summer Camp (Full Day) 7am-6pm					
Minimum	Minimum	Fee Range Based on Direct Costs			
	Maximum	Per Week	\$140	\$154	\$14
		Per Week	\$192	\$211	\$19
Summer Camp Extended Care Fees (7am-9am, 3pm-6pm)		Per Week	\$35	\$38	\$3
Summer Camp 9am-3pm ONLY		Fee Range Based on Direct Costs			
		Per Week	\$150	\$165	\$15
Summer Camp (Half Day) 9am-12pm or 1pm-4pm*					
Minimum	Minimum	Fee Range Based on Direct Costs			
	Maximum	Per Week	\$65	\$71	\$6
		Per Week	\$90	\$99	\$9

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-	
Seniors					
Senior Health & Wellness					
Wii Jubilee Fitness	Per Class	\$0	\$0	\$0	
Power Walk	Per Class	\$0	\$0	\$0	
Senior Fitness					
Daily Drop-In	Per Class	\$1		\$0	
25 - Visit Pass	Per Pass	\$20	\$22	\$2	
Senior Self Defense	Per Class	\$1	\$1	\$0	
Senior Indoor Tennis	Per Class	\$1	\$1	\$0	
5 Visit - Ballroom Dance Pass	Per Pass	\$20	\$22	\$2	
Senior Arts & Music					
12 Visit Drop-In Activities Card	Per Card	\$20	\$22	\$2	
Arts & Craft Class	Per Class	\$0	\$0	\$0	
Arts & Craft Project					
	Minimum	\$5	\$5	\$0	
	Maximum	\$10	\$11	\$1	
Painting	Per Class	\$0	\$0	\$0	
Scrapbooking	Per Class	\$0	\$0	\$0	
Needle Art	Per Class	\$0	\$0	\$0	
Jewelry Making	Per Class	\$10	\$11	\$1	
Card Making	Per Class	\$2	\$2	\$0	
Line Dancing	Per Class	\$2	\$2	\$0	
Country Jams	Per Class	\$2	\$2	\$0	
Senior Recreation					
Tea Social	Per Class	\$0	\$0	\$0	
Bingo	Per Class	\$0	\$0	\$0	
Social Recreation Programs	Per Class	\$0	\$0	\$0	
Table Games	Per Class	\$0	\$0	\$0	
Ping Pong	Per Class	\$0	\$0	\$0	
Senior Special Events					
	*Minimum	Per Event, Per Person (Includes Dances)	\$5	\$5	\$0
	*Maximum	Per Event, Per Person (Includes Dances)	\$20	\$22	\$2
Booth for Special Events					
	Non-Profit	Per Event	\$25	\$27	\$2
	For-Profit		\$50	\$55	\$5
Fashion Show	Per Class	\$0	\$0	\$0	
Tea Social	Per Class	\$0	\$0	\$0	
Grandparents & Me Picnic	Per Person	\$5	\$5	\$0	
Halloween Bash	Per Person	\$5	\$5	\$0	
Lunch & a Movie	Per Person	\$5	\$5	\$0	
Spring Time in Paris	Per Person	\$5	\$5	\$0	
Senior Trips					
Bus Trips	Resident	Per Person	\$30	\$33	\$3
	Non-Resident		\$33	\$36	\$3
Senior Social Services					
Lunch Program	Per Month	\$0	\$0	\$0	
AARP Programs	Per Month	\$0	\$0	\$0	
Other Services	Per Month	\$0	\$0	\$0	
Clubs	Per Month	\$0	\$0	\$0	

Recreation Division, Continued

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Athletics				
Adult Sports				
Adult Slow Pitch Leagues				
Minimum	Per Team	\$280	\$308	\$28
Maximum		\$520	\$571	\$51
League Fees Pending Format, Number of Games & Services				
Adult/Youth Fast Pitch Leagues				
Minimum	Per Team	\$450	\$495	\$45
Maximum		\$600	\$659	\$59
League Fees Pending Format, Number of Games & Services				
Adult/Youth Softball Tournament*				
Minimum	Per Team	\$250	\$275	\$25
Maximum		\$500	\$550	\$49.50
Tournaments vary based on type of tournament and awards provided				
Adult Softball Protest Fee	Per Protest	\$25	\$27	\$2
Adult Flag Football League				
Minimum	Per Team	\$400	\$440	\$40
Maximum		\$600	\$659	\$59
League Fees Pending Format, Number of Games & Services				
Adult Kick Ball League				
Minimum	Per Team	\$275	\$302	\$27
Maximum		\$400	\$440	\$40
League Fees Pending Format, Number of Games & Services				
Youth Sports				
Youth Basketball League (Youth Hoops)				
Minimum - Resident	Per Player	\$75	\$82	\$7
Maximum - Resident		\$80	\$88	\$8
Minimum - Non-Resident	Per Player	\$83	\$91	\$8
Maximum - Non-resident		\$88	\$97	\$9
Jr. Giants Youth Baseball (Free Program)				
49er Prep Flag Football (Free Program)				
Youth Sports Camps				
Minimum - Resident	Per Player	\$60	\$66	\$6
Maximum - Resident		\$80	\$88	\$8
Minimum - Non-Resident	Per Player	\$60	\$66	\$6
Maximum - Non-resident		\$88	\$97	\$9
Flag Football League				
Minimum - Resident	Per Player	\$75	\$82	\$7
Maximum - Resident		\$90	\$99	\$9
Minimum - Non-Resident	Per Player	\$75	\$82	\$7
Maximum - Non-resident		\$99	\$109	\$10

Recreation Division, Continued

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
AQUATICS				
General Recreation Swim				
Individual Entrance Fee	Per Person	\$2	\$2	\$0
	Minimum			
	Maximum	\$5	\$5	\$0
10 Visit Pass	Per Pass	\$15	\$15	\$1
	Minimum	\$45	\$45	\$4
	Maximum			
Swim Lessons				
Fees vary based on number of instruction Days				
Parent/Tot	Per Parent, Per Tot	\$55	\$55	\$5
Learn To Swim				
	Per Person	\$26	\$26	\$3
	Minimum - Resident			
	Maximum - Resident	\$66	\$66	\$7
	Per Person, Per 2-Week Session			
	Per Person	\$29	\$29	\$3
	Minimum - Non-Resident			
	Maximum - Non-resident	\$66	\$66	\$7
	Per Person, Per 2-Week Session			
Water Aerobics				
Drop-In	Per Person	\$4	\$4	\$0
	Minimum			
	Maximum	\$8	\$8	\$1
10 Visit Pass	Per Pass	\$35	\$35	\$3
	Minimum	\$75	\$75	\$7
	Maximum			
Senior Water Exercise	Per Person	\$4	\$4	\$0
Drop-In	Per Pass	\$20	\$22	\$2
10-Visit Pass				
Lap Swimming				
Individual Entrance Fee	Per Person	\$3	\$3	\$0
	Minimum			
	Maximum	\$5	\$5	\$0
10 Visit Pass	Per Pass	\$25	\$25	\$0
	Minimum	\$45	\$45	\$0
	Maximum			
Other Classes/Programs				
Introduction to Lifesaving				
	2 Week Session	\$55	\$55	\$0
	Minimum - Resident	\$60	\$60	\$0
	Maximum - Resident			
	2 Week Session	\$61	\$61	\$0
	Minimum - Non-Resident	\$66	\$66	\$0
	Maximum - Non-resident			
Swim Camp				
	2 Week Session	\$75	\$75	\$0
	Minimum - Resident	\$100	\$100	\$0
	Maximum - Resident			
	2 Week Session	\$83	\$83	\$0
	Minimum - Non-Resident	\$110	\$110	\$0
	Maximum - Non-resident			
Diving				
	2 Week Session	\$55	\$55	\$0
	Minimum - Resident	\$60	\$60	\$0
	Maximum - Resident			
	2 Week Session	\$61	\$61	\$0
	Minimum - Non-Resident	\$66	\$66	\$0
	Maximum - Non-resident			
Basic Water Polo				
	2 Week Session	\$55	\$55	\$0
	Minimum - Resident	\$60	\$60	\$0
	Maximum - Resident			
	2 Week Session	\$61	\$61	\$0
	Minimum - Non-Resident	\$66	\$66	\$6
	Maximum - Non-resident			
Life Guard Training				
	1 Week Session	\$230	\$230	\$0
	Resident	\$253	\$253	\$0
	Non-Resident			
Private Swim Lesson (one ½-hour session)				
Fees vary based on number of instruction Days				
	2 Week Session	\$50	\$50	\$0
	Minimum - Resident	\$110	\$110	\$0
	Maximum - Resident			
	2 Week Session	\$55	\$55	\$0
	Minimum - Non-Resident	\$121	\$121	\$0
	Maximum - Non-resident			

Recreation Division, Continued

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
SPECIAL EVENTS				
Event Ticket				
Minimum	Per Person	\$18	\$18	\$0
Maximum		\$40	\$40	\$0
Event Booth Fee				
Minimum	Per Booth	\$25	\$25	\$0
Maximum		\$150	\$150	\$0
Contest Entry Fee				
Minimum	Per Entry	\$25	\$25	\$0
Maximum		\$40	\$40	\$0

POLICE DEPARTMENT
Sekou Millington, Police Chief

Police Department

Department Contact: Beth Lyons-McCarthy, Support Operations Manager

Asterisk "*" denotes fees established by Local, State or Federal Statute

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Alarm Permit; False Alarms				
Alarm User permit	Per Permit	\$24	\$26	\$2
False alarm costs:	4th Response	\$34	\$38	\$3
	5th Response	\$65	\$71	\$6
	6th Response	\$83	\$91	\$8
	7th Response	\$94	\$104	\$9
	(Plus penalties)			
Animal Services				
Animal adoption, Plus veterinary services	Per Animal	\$6	\$6	\$1
Animal bite	Per Call	\$35	\$39	\$4
Board and Care (Daily):				
For Impounded Dogs	Per Dog	\$18	\$19	\$2
For Impounded Cats	Per Cat	\$14	\$16	\$1
Cat carrier	Per Carrier	\$6	\$6	\$1
Cat neuter	Per Cat	\$59	\$65	\$6
Cat spay	Per Cat	\$106	\$117	\$11
Collar identification	Per Animal	\$3	\$3	\$0
Dog neuter	Per Dog	\$118	\$130	\$12
Dog spay	Per Dog	\$177	\$194	\$18
Impound: 1	Per Animal	\$24	\$26	\$2
Impound: 2	Per Animal	\$35	\$39	\$4
Impound: 3+	Per Animal	\$47	\$52	\$5
* Impound, additional State fee for unaltered, at large animals:				
1st	Per Animal	\$35	\$35	\$0
2nd	Per Animal	\$50	\$50	\$0
3rd	Per Animal	\$100	\$100	\$0
License fee: unaltered dogs	Per Dog, Per Year	\$59	\$65	\$6
License fee: altered dogs	Per Dog, Per Year	\$12	\$13	\$1
License fee: replacement for lost	Per License	\$6	\$6	\$1
Low cost spay/neuter voucher	Per Animal	\$24	\$26	\$2
Multiple pet permit application	Each	\$29	\$32	\$3
Owner surrender:				
Live animal	Per Animal	\$53	\$58	\$5
Deceased animal (not at shelter)	Per Animal	\$24	\$26	\$2
Rabies vaccination voucher	Per Animal	\$19	\$21	\$2
Vaccination	Per Animal	\$6	\$6	\$1
Veterinary Costs	At Cost		At Cost	
Bicycles				
License and Registration	Per 3 Years	FY1718 \$7	FY1617 \$8	\$1
Renewal	Per 3 Years	\$4	\$4	\$0
Bingo				
License	Each	\$59	\$65	\$6
Renewal	Each	\$12	\$13	\$1
Cardrooms				
License and renewal	Each	\$29	\$32	\$3
Dealer/work permit	Each	\$71	\$78	\$7
*Department of Justice Fee	Per Permit	\$32	\$32	\$0
Citation Sign-off for Agencies outside the City	Per Citation	\$18	\$19	\$2
Clearance Letter (for Immigration or Other Clearance Letter, Plus Fingerprint Fees)	Per Letter	\$18	\$19	\$2
*Crime Report Copy	Per Page	\$0.15	\$0.15	\$0
	Per Page, Bulletin Entry	\$0.15	\$0.15	\$0

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fee (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
DUI				
Accident Response and Investigation	Actual Personnel cost, up to \$12,000			\$0
Arrest and Report	Actual Personnel cost, up to \$1,000			\$0
*Concealed Weapons				
Concealed Weapons Permit	Per Permit (20% at application; 80% at permit issuance)	\$100	\$100	\$0
Department of Justice Live Scan Fee	Per Permit	\$95	\$95	\$0
Renewal	Per Permit Renewal	\$25	\$25	\$0
Department of Justice Fee - Payable to DOJ	Per Permit	\$52	\$52	\$0
Amended License	Per Amendment	\$10	\$10	\$0
Traffic collision report (for other than victim)	Per Report + .15 /Page after 25th Page	\$10+	\$10+	\$0
*DOJ, FBI and Fingerprint				
DOJ and FBI fee	Per Print	\$32-\$100	\$32-\$100	\$0
Fingerprint (City's rolling fee)	Per Request	\$20	\$20	\$0
*Firearms Sales Permit				
Department of Justice fee	Per Permit	\$35	\$34	\$1
		\$32	\$32	\$0
Palmistry License Fee				
New	Per License	\$649	\$713	\$64
Renewal	Per Renewal	\$413	\$454	\$41
Police Photo (reproduction)	Per Photo Reproduction	\$50	\$54	\$5
Plus traffic photo processing fee to insurance company	Per Photo	\$0.34	\$0.38	\$0.03
Police Special Services (for school and other semi-public special events)	Actual Personnel costs	\$0.33	\$0.37	\$0.03
*Repossession Release	Per Vehicle	\$18	\$15	(\$3)
*Second-hand Dealer/Pawn Broker				
New or Renewal (Check payable to DOJ)	Each	\$300	\$300	\$0
Department of Justice Livescan (for new permits)		\$32	\$32	\$0
Taxi Driver				
Permit	Per Permit	\$130	\$143	\$13
Renewal	Per Renewal (Plus Permit)	\$94	\$104	\$9
Background investigation	Each	\$12	\$13	\$1
(*City fingerprint fee)	Each	\$20	\$20	\$0
Tow Truck Driver/Attendant				
Permit	Per Permit	\$71	\$78	\$7
Renewal	Per Renewal (Plus Permit)	\$35	\$39	\$4
Vehicle Release	Per Vehicle	\$127	\$140	\$13
VIN Verification	Per Request	\$24	\$26	\$2
Storage of Firearms				
	Per Firearm, Per Day	\$60	\$66	\$6
	Plus + Per Domestic Violence Protective Order Per Day	\$2	\$2	\$0

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PUBLIC WORKS DEPARTMENT
Don Scholl, Director

Public Works Department

Department Contact: Robin Kloepfer, Management Analyste II

SERVICE OR APPLICATION	UNITS BY WHICH CHARGED	Adopted Fees (FY1718)	Proposed Fees (FY2021)	Fee Change +/-
Banner Installation and Removal For Each Over-the-Street Banner Location ¹ For Each Street Light Banner Zone	Per Banner Zone 1 Zone 2 Zone 3	\$236 \$4,719 \$1,180 \$1,180	\$259 \$5,186 \$1,296 \$1,296	\$23 \$467 \$117 \$117
¹ Zone 1: Eleventh Street between Lammers Road and Corral Hollow Road Zone 2: Tenth Street between A Street and East Street Zone 3: Central Avenue between Eleventh Street and Sixth Street				

ATTACHMENT "A" APPENDICES

Appendix I

Finance Department

Administrative Services Department

Legal Codes

Legal Codes

Tracy Municipal Code

6.04.130 - Duty of City to issue license certificates.

It shall be the duty of the City to prepare and issue a license certificate pursuant to the provisions of this chapter for every person liable to pay a business tax and to state in each license certificate the period of time covered thereby; the name of the person or business to whom issued; the business classification to which the license certificate is issued; the trade, calling, profession, or occupation to which the license certificate is issued; the number of the section of this chapter under which such license certificate is issued; and the location or place of business where such trade, calling, profession, or occupation is to be carried on.

No license certificate granted or issued under any provision of this chapter shall be in any manner transferred or assigned, nor shall such license certificate authorize any person, other than is therein mentioned or named, to not pay a business tax without the written authorization of the City endorsed thereon. At the time any such license certificate is assigned or transferred, the person applying for such transfer shall pay to the City a fee of Five and no/100ths (\$5.00) Dollars for each such transfer or assignment.

The City shall make a charge of Five and no/100ths (\$5.00) Dollars for each duplicate license certificate issued to replace any license certificate issued under the provisions of this chapter which has been lost or destroyed. In no case shall any mistake made by the City in stating the amount of a business tax prevent or prejudice the collection by the City of what shall be actually due from any one carrying on a trade, calling, profession, or occupation subject to business tax under this chapter.



State of California

GOVERNMENT CODE

Section 4467

4467. (a) On and after January 1, 2013, and until December 31, 2018, any applicant for a local business license or equivalent instrument or permit, and from any applicant for the renewal of a business license or equivalent instrument or permit, shall pay an additional fee of one dollar (\$1) for that license, instrument, or permit, which shall be collected by the city, county, or city and county that issued the license, instrument, or permit.

(b) The city, county, or city and county shall retain 70 percent of the fees collected under this section, of which up to 5 percent of the retained moneys may be used for related administrative costs of this chapter. The remaining moneys shall be used to fund increased certified access specialist (CASp) services in that jurisdiction for the public and to facilitate compliance with construction-related accessibility requirements. The highest priority shall be given to the training and retention of certified access specialists to meet the needs of the public in the jurisdiction as provided in Section 55.53 of the Civil Code.

(c) The remaining 30 percent of all fees collected under this section shall be transmitted on a quarterly basis to the Division of the State Architect for deposit in the Disability Access and Education Revolving Fund established under Sections 4465 and 4470. The funds shall be transmitted within 15 days of the last day of the fiscal quarter. The Division of the State Architect shall develop and post on its Internet Web site a standard reporting form for use by all local jurisdictions. Up to 75 percent of the collected funds in the Disability Access and Education Revolving Fund shall be used to establish and maintain oversight of the CASp program and to moderate the expense of CASp certification and testing.

(d) Each city, county, or city and county shall make an annual report, commencing March 1, 2014, to the Division of the State Architect of the total fees collected in the previous calendar year and of its distribution, including the moneys spent on administrative services, the activities undertaken and moneys spent to increase CASp services, the activities undertaken and moneys spent to fund programs to facilitate accessibility compliance, and the moneys transmitted to the Disability Access and Education Revolving Fund.

(Amended by Stats. 2015, Ch. 25, Sec. 4. (SB 84) Effective June 24, 2015.)

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Appendix II

City Manager's Office

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City Manager's Office

Legal Codes



State of California

GOVERNMENT CODE

Section 6253

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

State of California

GOVERNMENT CODE

Section 8211

8211. Fees charged by a notary public for the following services shall not exceed the fees prescribed by this section.

(a) For taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate, the sum of ten dollars (\$10) for each signature taken.

(b) For administering an oath or affirmation to one person and executing the jurat, including the seal, the sum of ten dollars (\$10).

(c) For all services rendered in connection with the taking of any deposition, the sum of twenty dollars (\$20), and in addition thereto, the sum of five dollars (\$5) for administering the oath to the witness and the sum of five dollars (\$5) for the certificate to the deposition.

(d) No fee may be charged to notarize signatures on vote by mail ballot identification envelopes or other voting materials.

(e) For certifying a copy of a power of attorney under Section 4307 of the Probate Code the sum of ten dollars (\$10).

(f) In accordance with Section 6107, no fee may be charged to a United States military veteran for notarization of an application or a claim for a pension, allotment, allowance, compensation, insurance, or any other veteran's benefit.

(Amended by Stats. 2011, Ch. 269, Sec. 7. (AB 75) Effective January 1, 2012.)

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

(Amended by Stats. 2001, Ch. 355, Sec. 2. Effective January 1, 2002.)

Legal Codes

Tracy Municipal Code

1.12.010 - Right to appeal to City Manager.

- (a) Informal discussion with department head. A person aggrieved by an administrative action by an officer or employee under this Code should first attempt to discuss the matter with the department head of the department taking the action.
- (b) Appeal to City Manager. A person aggrieved by an administrative action who is unable to resolve the matter with the department head under subsection (a) above may appeal the action to the City Manager, unless the procedure for appeal is otherwise specifically provided in this Code or State law. (See chapter 10.08 for most land use appeals.) The City Manager may, in his or her discretion, refer the matter directly to the City Council to hear the appeal.
- (c) Waiver of rights. Without a timely appeal, a person or appellant waives his or her rights to challenge the decision by administrative process, judicial process or any other legal proceeding.
- (d) Procedures.
- (1) The person appealing shall file a written notice of appeal with the City Manager within ten (10) working days of the action appealed from. As used in this section, the term "City Manager" means the manager or his or her designee. The appeal shall be filed on a form provided by the City Manager's office. The ten (10) working days for filing the appeal is measured from the date written notice of the decision is sent (or personally delivered) to the person. If there is no written notice of decision, the time for appeal is twenty (20) working days from the date of the decision.
- (2) The appeal must be accompanied by the appeal fee in the amount established by City Council resolution.
- (3) Upon receiving the notice of appeal, the City Manager shall set the matter for hearing and shall give the person appealing written notice of the time and place of hearing at least ten (10) days before the hearing. The hearing shall be held within thirty (30) days of the date the notice of appeal is filed. The parties may extend this time by agreement. The hearing is not limited by technical rules of evidence. The City Manager may affirm, modify or reverse the decision appealed. The City Manager shall render a written decision within ten (10) days after the close of the hearing.
- (4) The decision of the City Manager is final ten (10) days after the written notice of the decision is given to the appellant, unless an appeal to the City Council is authorized under section 1.12.020 below.
- (e) First Amendment. If the appeal involves expressive conduct protected by the First Amendment under the State or Federal Constitution, the appeal process shall be expedited as

much as reasonably possible. The appellant must state the expressive conduct protected in the written appeal.

(f) Not a claim. The filing of an appeal under this or any section of this Code does not constitute the filing of a claim under chapter 1.24.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 1-4.01)

1.12.020 - Appeal to City Council.

(a) When applicable. A matter is appealable to the City Council only under the following circumstances:

- (1) If specifically authorized under this Code;
- (2) If the City Manager refers an appeal to the Council under section 1.12.010(b); or
- (3) If otherwise required by law.

(b) Procedures.

(1) If a matter is appealable to the City Council, the appellant may appeal the City Manager's decision by filing a written notice of appeal with the City Clerk within ten (10) working days of the City Manager's written determination. The appeal shall be filed on a form provided by the City Manager's office. The ten (10) working days for filing the appeal is measured from the date written notice of the decision is sent (or personally delivered) to the person. If there is no written notice of decision, the time for appeal is twenty (20) working days from the date of the decision.

(2) The appeal must be accompanied by the appeal fee in the amount established by City Council resolution.

(3) Upon receiving the notice of appeal, the City Clerk shall set the matter for hearing and shall give the person appealing written notice of the time and place of hearing at least ten (10) days before the hearing. The hearing shall be held within thirty (30) days of the date the notice of appeal is filed. The parties may extend this time by agreement. The hearing is not limited by technical rules of evidence. The Council may continue the hearing from time to time. The City Council may affirm, modify or reverse the decision appealed.

(4) The City Council shall adopt a resolution reflecting its decision by the time of the next regular City Council meeting after the close of the hearing.

(5) The decision of the city council is final.

(c) First Amendment. If the appeal involves expressive conduct protected by the First Amendment under the State or Federal Constitution, the appeal process shall be expedited as much as reasonably possible. The appellant must state the expressive conduct protected in the written appeal.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 1-4.02)

1.12.030 - Hearing Officer.

When an impartial Hearing Officer is required by law (including under this Code), the City Manager shall designate the Hearing Officer. The designated Hearing Officer shall be an impartial person, such as (1) a city employee from a department which has no involvement in the matter, or (2) someone selected randomly from a panel of law students and/or local attorneys willing to volunteer as a Hearing Officer, or (3) someone hired from an organization which provides Hearing Officers, in which case the cost will be shared equally by the City and the person requesting the hearing.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 1-4.03)

3.36.010 - Fee schedule.

The City Council shall by resolution action taken from time to time establish a fee schedule for services provided to the public by the departments of the City.

(Prior code § 3-9.01)

6.32.030 – Registration.

- (a) Registration. Except as provided in subsection (b), each lobbyist must register with the City Clerk by filing a written statement under penalty of perjury. The written statement must be submitted on the form provided by the City Clerk, and will include:
- (1) The lobbyist's full name, business address, telephone number, and email address. If the lobbyist is a firm, the information must include the information for the firm, and for each firm member who may be involved in the lobbying activity;
 - (2) The client's name, business address, telephone number and email address; and
 - (3) The governmental decision(s) that may be affected.

If there is a change to the written information, the lobbyist must submit an amended registration within 15 days of the change.

- (b) Timing. The registration must be filed or renewed on an annual basis during January of each year, or within 15 days of the initial employment, whichever occurs first. The initial registration period begins 30 days after this chapter takes effect.
- (c) Fees. When registering or renewing, the applicant must pay the registration or renewal fee in the amount established by City Council resolution.
- (d) Public information. The City will make registration information available to the public on its website.

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City Manager's Office

Resolutions

RESOLUTION 2016-025

**A RESOLUTION OF THE CITY OF TRACY
APPROVING AN AMENDMENT TO THE MASTER FEE SCHEDULE REGARDING LOBBYIST
REGISTRATION AND RENEWAL FEES**

WHEREAS, on May 19, 2015, the City Council adopted the amended, City-wide Master Fee Schedule (Resolution No. 2015-075); and

WHEREAS, at the same meeting as it considered this resolution, the City Council introduced an ordinance adding a new Chapter 6.32, Lobbying, to the Tracy Municipal Code; and

WHEREAS, Section 6.32.030 of the Lobbying ordinance requires lobbyists to register with the City and to renew their registration annually, and these requirements are subject to fees established by the City Council; and

WHEREAS, the adoption of this amendment to the Master Fee Schedule is not subject to the California Environmental Quality Act because it is not a project which has the potential for causing a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. §15061(b)(3)). Further, the adoption on this amendment is state-mandated and not subject to the notice requirements of Government Code section 66018.

NOW, THEREFORE, the Tracy City Council resolves as follows:

1. The Master Fee Schedule is amended as follows:

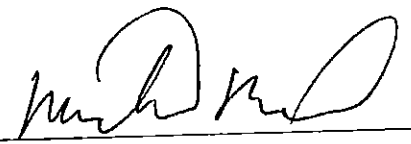
Page 9 of the 2015 Master Fee Schedule, City Clerk and City Manager's Departments, is amended by adding a new Lobbyist Registration fee, to read as follows:

SERVICE OR APPLICATION	FEE	LEGAL AUTHORITY
Lobbyist Registration	\$70.00	TMC §6.32.030 (c)
Annual Renewal	\$35.00	
Late fee	\$10 per week, to maximum of \$500	

2. This Resolution takes effect 30 days after the Lobbying regulations ordinance is adopted.

The foregoing Resolution 2016-025 was passed and adopted by the Tracy City Council on February 2, 2016 by the following vote:

AYES:	COUNCIL MEMBERS: MITRACOS, VARGAS, YOUNG, RICKMAN, MACIEL
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE
ABSTAIN:	COUNCIL MEMBERS: NONE


MAYOR

ATTEST:

CITY CLERK

RESOLUTION 2009-003

ADOPTING RECOMMENDED GENERAL FUND SUBSIDY LIMIT GOALS
AND ASSOCIATED FEES FOR PROGRAMS AND FACILITY USE
PROVIDED THROUGH THE PARKS AND COMMUNITY SERVICES
DEPARTMENT AND THE CULTURAL ARTS DIVISION

WHEREAS, The City of Tracy charges certain fees for public use of City buildings and rooms, park facilities, and sports fields; and

WHEREAS, The City of Tracy also charges fees for public participation in City cultural arts and recreation programs and for admission to events and facilities; and

WHEREAS, The Parks and Community Services Commission has recommended adoption of the facility rental and recreation program fees.

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby adopts the Facility Rental and Recreation and Cultural Arts Program Fee Schedules attached to the staff report accompanying this agenda item, the Cultural Arts Admission fee calculation methodology set forth in the staff report accompanying this agenda item, and the Interim Program Fee Calculation Policy attached to the staff report accompanying this agenda item.

The foregoing Resolution 2009-003 was passed and adopted by the Tracy City Council on the 6th day of January, 2009, by the following vote:

AYES: COUNCIL MEMBERS: ABERCROMBIE, MACIEL, TOLBERT, TUCKER, IVES
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE



Mayor

ATTEST:



City Clerk

**CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE**

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-	
ARTS EDUCATION CLASSES (class prices are set within a range negotiated with the instructor)					\$10,570	
Dance - Preschool Combo	Per Session	\$55	\$60	\$5	\$550	
Dance - Tap for Tots	Per Session	\$25	\$30	\$5	\$400	
Dance - Kindergarten Combo	Per Session	\$46	\$51	\$5	\$475	
Dance - Ballet I/II	Per Session	\$46	\$51	\$5	\$425	
Dance - Hip-Hop Kids	Per Session	\$55	\$60	\$5	\$525	
Dance - Hip-Hop Teens	Per Session	\$55	\$60	\$5	\$450	
Dance - Hip-Hop Adults	Per Session	\$55	\$60	\$5	\$325	
Dance - Ballroom Troupe	Per Session	\$90	\$95	\$5	\$140	
Dance - Ballroom Troupe Rehearsal	Per Session	\$40	\$45	\$5	\$110	
Dance - Private Ballroom Dance	Per Session	\$120	\$125	\$5	\$90	
Dance - Social Dance Sampler	Per Session	\$40	\$45	\$5	\$775	
Dance - Beyond the Basics	Per Session	\$20	\$25	\$5	\$300	
Dance - Ballet Folklorico	Per Session	\$45	\$50	\$5	\$150	
Dance - Beginning Belly Dance	Per Session	\$55	\$60	\$5	\$250	
Dance - Parent & Child Hula	Per Session	\$50	\$55	\$5	\$100	
Dance - Wedding Dance Prep	Per Session	\$30	\$35	\$5	\$150	
Dance - Swing	Per Session	\$55	\$60	\$5	\$440	
Dance - Tahitian	Per Session	\$55	\$60	\$5	\$125	
Dance - Ballet/Tap Camp for Youth	5 Days	\$60	\$65	\$5	\$75	
Dance - Hip-Hop Camp for Youth	5 Days	\$70	\$75	\$5	\$100	
Dance - Hula/Tahitian Camp for Youth	5 Days	\$65	\$70	\$5	\$75	
Drama - Beg. Acting for Youth	Per Session	\$75	\$80	\$5	\$400	
Drama - Beg. Acting for Teens	Per Session	\$75	\$80	\$5	\$340	
Drama - Intmd. Acting for Youth	Per Session	\$75	\$80	\$5	\$225	
Drama - Intmd. Acting for Teens	Per Session	\$75	\$80	\$5	\$170	
Drama - Private Audition Technique	Per Session	\$100	\$105	\$5	\$75	
Drama - Adult Acting Workshop	Per Workshop	\$72	\$77	\$5	\$60	
Drama - Adult Acting Technique	Per Session	\$120	\$125	\$5	\$40	
Drama - Auditioning for TV/Film	Per Session	\$120	\$125	\$5	\$85	
Drama - Auditioning for TV/Film II	Per Session	\$120	\$125	\$5	\$60	
Drama - Audition for TV/Film Workshop	Per Workshop	\$72	\$77	\$5	\$60	
Drama - Audition for TV/Film Workshop II	Per Workshop	\$72	\$77	\$5	\$60	
Drama - Youth Drama Camp	2.5 Weeks	\$150	\$155	\$5	\$150	
Drama - Teen Drama Camp	2.5 Weeks	\$150	\$155	\$5	\$125	
Drama - Adult Theatre Production	Per Session	\$200	\$205	\$5	\$45	
Music - Group Voice	Per Session	\$80	\$85	\$5	\$90	
Music - Music Together	Per Session	\$150	\$155	\$5	\$175	
Music - Music Together Camp	5 Days	\$60	\$65	\$5	\$60	
Music - Private Voice	Per Session	\$120	\$125	\$5	\$225	
Music - Private Guitar	Per Session	\$120	\$125	\$5	\$225	
Music - Private Piano	Per Session	\$120	\$125	\$5	\$225	
Music - Private Drums	Per Session	\$120	\$125	\$5	\$85	
Music - Private Flute	Per Session	\$120	\$125	\$5	\$50	
Music - Private Violin	Per Session	\$120	\$125	\$5	\$50	
Music - Private Cello	Per Session	\$120	\$125	\$5	\$40	
Music - Private Saxophone	Per Session	\$120	\$125	\$5	\$40	
Music - Private Guitar Spanish	Per Session	\$145	\$150	\$5	\$80	
Music - Group Guitar Spanish	Per Session	\$145	\$150	\$5	\$80	
Music - Group Guitar Seniors	Per Session	\$145	\$150	\$5	\$75	
Music - Mommy & Me Piano	Per Session	\$100	\$105	\$5	\$85	
Music - Rock Band	Per Session	\$300	\$305	\$5	\$75	
Music - Concert Band	Per Session	\$240	\$245	\$5	\$90	
Music - Jazz Improv	Per Session	\$145	\$150	\$5	\$75	
Ceramics - Beg. Wheel Throwing 8 weeks	2 x week	Per Session	\$200	\$205	\$5	\$90
Ceramics - Beg. Wheel Throwing	1 x week	Per Session	\$180	\$185	\$5	\$75

**CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE**

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
Ceramics - Youth Hand Building	Per Session	\$45	\$50	\$5	\$40
Ceramics - Hand Building Workshop	Per Workshop	\$50	\$55	\$5	\$60
Ceramics - Studio Time 1 Month	1 Month	\$100	\$105	\$5	\$60
Ceramics - Studio Time 2 Months	2 Months	\$180	\$185	\$5	\$60
Ceramics - Studio Time 3 Months	3 Months	\$300	\$305	\$5	\$45
Ceramics - Parent & Child Hand Building	Per Session	\$25	\$30	\$5	\$70
Ceramics - Pottery Decorating	Per Workshop	\$12	\$17	\$5	\$175
Ceramics - Pottery Camp for Kids	Per Week	\$75	\$80	\$5	\$35
Ceramics - Pottery Camp for Teens	Per Week	\$75	\$80	\$5	\$35
Visual Arts - Parent & Child Painting	Per Session	\$45	\$50	\$5	\$75
Visual Arts - Intro to Art I	Per Session	\$75	\$80	\$5	\$140
Visual Arts - Intro to Art II	Per Session	\$75	\$80	\$5	\$140
Visual Arts - Preschool Drawing	Per Session	\$57	\$62	\$5	\$145
Visual Arts - Youth Cartoon Drawing	Per Session	\$57	\$62	\$5	\$250
Visual Arts - Elementary Drawing	Per Session	\$57	\$62	\$5	\$295
Visual Arts - Creative Writing & Illustrating	Per Session	\$50	\$55	\$5	\$100
Visual Arts - Intro to Art for Adults	Per Session	\$95	\$100	\$5	\$95
Visual Arts - Beginning Drawing I	Per Session	\$75	\$80	\$5	\$110
Visual Arts - Beginning Drawing II	Per Session	\$75	\$80	\$5	\$90
Visual Arts - Landscape Painting	Per Session	\$80	\$85	\$5	\$125
Visual Arts - Landscape Painting II	Per Session	\$80	\$85	\$5	\$125
Visual Arts - Intro to Oil/Acrylic Painting	Per Session	\$80	\$85	\$5	\$170
Visual Arts - Intmd. Oil/Acrylic Painting	Per Session	\$80	\$85	\$5	\$140
Visual Arts - Acrylic Painting Workshop	Per Workshop	\$40	\$45	\$5	\$60
Visual Arts - Glass Fusing	Per Session	\$65	\$70	\$5	\$90
Visual Arts - Glass Fusing for Couples	Per Session	\$70	\$75	\$5	\$90
Visual Arts - Glass Fusing Studio	Per Day	\$10	\$15	\$5	\$120
Visual Arts - Family Series Workshops	Per Workshop	\$5	\$10	\$5	\$225
Visual Arts - 3 Day Drawing Camp	3 Days	\$53	\$58	\$5	\$60
Visual Arts - 4 Day Drawing Camp	4 Days	\$70	\$75	\$5	\$95
Visual Arts - 4 Day Painting Camp	4 Days	\$60	\$65	\$5	\$60
Visual Arts - 5 Day Painting Camp	4 Days	\$75	\$80	\$5	\$60
Visual Arts - Writing & Illustrating Camp	Per Week	\$55	\$60	\$5	\$60
Visual Arts - Digital Photography	Per Week	\$100	\$105	\$5	\$85
Visual Arts - Photography for Travel Workshop	Per Session	\$40	\$45	\$5	\$70
Visual Arts - Studio Time 1 Month	Per Workshop	\$40	\$45	\$5	\$60
Visual Arts - Studio Time 2 Months	1 Month	\$50	\$55	\$5	\$60
Visual Arts - Studio Time 3 Months	2 Months	\$100	\$105	\$5	\$60
Visual Arts - Beginning Watercolor	3 Months	\$150	\$155	\$5	\$60
Visual Arts - Intermediate Watercolor	Per Session	\$45	\$50	\$5	\$220
Visual Arts - Watercolor Studio 1 Month	Per Session	\$45	\$50	\$5	\$375
Visual Arts - Multi-Media for Adults	Per Session	\$30	\$35	\$5	\$90
Visual Arts - Multi-Media for Children	Per Month	\$65	\$70	\$5	\$60
Visual Arts - Life Drawing for Adults	Per Session	\$55	\$60	\$5	\$60
Special Events - Music First Concert	Per Session	\$75	\$80	\$5	\$50
Special Events - Artist in Residency Workshop	Per Workshop	\$0	\$5	\$5	\$525
Special Events - Artist in Residency Workshop	Per Workshop	\$0	\$5	\$5	\$150

TOTALS					\$10,570
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**CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE**

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
CITY PRESENTING SEASON					\$0.00
ETK THEATRE	Per Ticket	\$37.42	\$37.42	\$0	\$0.00
11 performances @ 250 person attendance					
STUDIO THEATRE	Per Ticket	\$24.49	\$24.49	\$0	\$0.00
2 Performances @ 75 persons attendance					

(Based on average ticket admission and average attendance per performance)

RENTALS					
ETK THEATRE (Revenue amounts reflect the minimum that are expected to come in)					\$1,456
Prime Time Rental - Non-Profit (Performance) *Fees may be adjusted to a percentage based on gross revenues	8 hours	\$560	\$574	\$14	\$280
Prime Time Rental - Commercial (Performance) *Fees may be adjusted to a percentage based on gross revenues	8 hours	\$1,680	\$1,722	\$42	\$252
Each Additional Hour - Non-Profit (Performance)	Hourly	\$100	\$100	\$0	\$0
Each Additional Hour - Commercial (Performance)	Hourly	\$300	\$300	\$0	\$0
Non-Prime Time Rental - Non-Profit (Performance)	8 hours	\$250	\$287	\$37	\$888
Non-Prime Time Rental - Commercial (Performance)	8 hours	\$750	\$750	\$0	\$0
Each Additional Hour - Non-Profit (Performance)	Hourly	\$100	\$100	\$0	\$0
Each Additional Hour - Commercial (Performance)	Hourly	\$300	\$300	\$0	\$0
Non-Prime Time Rental - Non-Profit (Rehearsal)	8 hours	\$125	\$143	\$18	\$36
Non-Prime Time Rental - Commercial (Rehearsal)	8 hours	\$375	\$375	\$0	\$0
Each Additional Hour - Non-Profit (Rehearsal)	Hourly	\$100	\$100	\$0	\$0
Each Additional Hour - Commercial (Rehearsal)	Hourly	\$300	\$300	\$0	\$0

*Rental fees are a minimum flat rate listed above or 10% of gross sales for non-profit and 15% for commercial whichever is greater.

STUDIO THEATRE (Revenue amounts reflect the minimum that are expected to come in)					(\$1,030)
Prime Time Rental - Non-Profit (Performance) (*Fees may be adjusted to a percentage based on gross revenues)	4 hours	\$120	\$110	(\$10)	(\$300)
Prime Time Rental - Commercial (Performance) (*Fees may be adjusted to a percentage based on gross revenues)	4 hours	\$360	\$330	(\$30)	(\$180)
Each Additional Hour - Non-Profit (Performance)	Hourly	\$60	\$60	\$0	\$0
Each Additional Hour - Commercial (Performance)	Hourly	\$180	\$180	\$0	\$0
Non-Prime Time Rental - Non-Profit (Performance)	4 hours	\$90	\$80	(\$10)	\$0
Non-Prime Time Rental - Commercial (Performance)	4 hours	\$240	\$240	\$0	\$0
Each Additional Hour - Non-Profit (Performance)	Hourly	\$60	\$60	\$0	\$0
Each Additional Hour - Commercial (Performance)	Hourly	\$180	\$180	\$180	\$0
Non-Prime Time Rental - Non-Profit (Rehearsal)	4 hours	\$90	\$80	(\$10)	(\$550)
Non-Prime Time Rental - Commercial (Rehearsal)	4 hours	\$240	\$240	\$240	\$0
Each Additional Hour - Non-Profit (Rehearsal)	Hourly	\$60	\$60	\$0	\$0
Each Additional Hour - Commercial (Rehearsal)	Hourly	\$180	\$180	\$180	\$0

*Rental fees are a minimum flat rate listed above or 10% of gross sales for non-profit and 15% for commercial whichever is greater.

DANCE STUDIO					\$0
Class/Meeting - Non-Profit	2 hours	\$75	\$75	\$0	\$0
Class/Meeting - Commercial	2 hours	\$225	\$225	\$0	\$0
Each Additional Hour - Non-Profit	Hourly	\$40	\$40	\$0	\$0
Each Additional Hour - Commercial	Hourly	\$115	\$115	\$0	\$0

VISUAL ARTS STUDIO I & II					\$0
Class/Meeting - Non-Profit	2 hours	\$75	\$75	\$0	\$0
Class/Meeting - Commercial	2 hours	\$225	\$225	\$0	\$0
Each Additional Hour - Non-Profit	Hourly	\$40	\$40	\$0	\$0
Each Additional Hour - Commercial	Hourly	\$115	\$115	\$0	\$0

**CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE**

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
CHILDREN'S ART STUDIO - Includes any room set up and tear down					\$0
Class/Meeting - Non-Profit	2 hours	\$75	\$75	\$0	\$0
Class/Meeting - Commercial	2 hours	\$225	\$225	\$0	\$0
Each Additional Hour - Non-Profit	Hourly	\$40	\$40	\$0	\$0
Each Additional Hour - Commercial	Hourly	\$115	\$115	\$0	\$0
LARGE MUSIC ROOM - Includes any room set up and tear down					\$0
Class/Meeting - Non-Profit	2 hours	\$25	\$25	\$0	\$0
Class/Meeting - Commercial	2 hours	\$100	\$100	\$0	\$0
Each Additional Hour - Non-Profit	Hourly	\$35	\$35	\$0	\$0
Each Additional Hour - Commercial	Hourly	\$125	\$125	\$0	\$0
MUSIC ROOM - Includes any room set up and tear down					\$0
Class (Medium) - Non-Profit	2 hours	\$25	\$25	\$0	\$0
Class (Medium) - Commercial	2 hours	\$100	\$100	\$0	\$0
Practice & Each Additional Hour - Non-Profit	Hourly	\$35	\$35	\$0	\$0
Practice & Each Additional Hour - Commercial	Hourly	\$125	\$125	\$0	\$0
CERAMICS STUDIO - Not available to rent at this time					
LOBBY AREA - Only available to rent in conjunction with another rental; must remain open to the public during public hours.					\$900
*Rental fees are based on the capacity of standing person in the lobby areas.					
Lobby Area Upstairs - Non-Profit	4 hours	\$0	\$250	\$250	\$500
Lobby Area Upstairs - Commercial	4 hours		\$500	\$500	\$0
Lobby Area Downstairs - Non-Profit	4 hours	\$0	\$200	\$200	\$400
Lobby Area Downstairs - Commercial	4 hours		\$400	\$400	\$0
LOGGIA/GALLERY - Gallery must remain open to the public during public hours; no altering of the exhibitio					\$3,200
Loggia Reception - Non-Profit	Hourly	\$50	\$50	\$0	\$0
Loggia Reception - Commercial	Hourly	\$150	\$150	\$0	\$0
*Gallery - Non-Profit	Hourly	\$0	\$100	\$100	\$3,200
*Gallery - Commercial	Hourly	\$0	\$300	\$300	\$0
BOX OFFICE SERVICES					\$2,800
Per Performance - Non-Profit	Each	\$100	\$100	\$0	\$0.00
Per Performance - Commercial	Each	\$100	\$300	\$200	\$1,200
Per Ticket Charge to Patron	Each	\$3	\$3	\$0	\$1,500
Marquee Listing - Non-Profit	Daily	\$50	\$50	\$0	\$0
Marquee Listing - Commercial	Daily	\$50	\$100	\$50	\$100
EQUIPMENT RENTALS					\$2,000
Grand Piano	Use	\$900	\$1,400	\$500	\$0
Baby Grand Piano	Use	\$500	\$900	\$400	\$0
Piano Tuning at Renters Expense	Each	\$150	\$150	\$0	\$0
Installation/Removal of Apron for Orchestra Pit	Use	\$200	\$250	\$50	\$0
Wireless Microphones	Daily	\$25	\$25	\$0	\$0
Microphone Stands	Use	\$10	\$0	(\$10)	\$0
Follow Spot	Use	\$100	\$350	\$250	\$2,000
Video Projector	Daily	\$100	\$100	\$0	\$0
Laptop Computer	Use	\$50	\$50	\$0	\$0

CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
Screen - Non-Profit	Use	\$30	\$30	\$0	\$0
Screen - Commercial	Use	\$30	\$90	\$60	\$0
6' Mitey Light Tables	Use	\$0	\$5	\$5	\$0
3' Round Tables	Use	\$0	\$10	\$10	\$0
Cocktail Tables	Use	\$0	\$15	\$15	\$0
Wooden Classroom Chairs	Use	\$0	\$5	\$5	\$0
Louvre Easels	Use	\$0	\$7	\$7	\$0
Cocktail Barstools	Use	\$0	\$10	\$10	\$0
LCD Projector Per Day/Event	Use	\$100	\$100	\$0	\$0
STAFF FEES					\$0
Technical Theatre Supervisor	Hourly	\$56	\$56	\$0	\$0
Theatre Technicians	Hourly	\$40	\$40	\$0	\$0
General Stagehands	Hourly	\$20	\$20	\$0	\$0
Follow Spot Operator	Hourly	\$15	\$15	\$0	\$0
Merchandise Salesperson	Hourly	\$15	\$15	\$0	\$0
Gallery Supervisor	Hourly	\$40	\$40	\$0	\$0
Gallery Docents	Hourly	\$15	\$15	\$0	\$0
ADDITIONAL FEES					\$0
Facility Rental Application Processing Fee (New)	Use	\$0	\$35	\$35	\$3,000
Janitorial Fees	Day	\$150	\$150	\$0	\$0
Security Fee	Hourly	At Cost		\$0	\$0
TOTALS					\$12,326

City Manager's Office

Special Studies



CITY OF TRACY

PARKS & COMMUNITY SERVICES DEPARTMENT

CULTURAL ARTS

COST OF SERVICES STUDY FINDINGS

MAY, 2008

PRELIMINARY FINDINGS

MGT
OF AMERICA, INC.

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Sacramento, CA 95814
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f: (916) 443-1766
www.mgtofamerica.com

EXECUTIVE SUMMARY

INTRODUCTION

MGT of America (MGT) is pleased to present the City of Tracy (City) with this summary of findings for the cost of services study for the Parks and Community Services Department, Cultural Arts Division.

The Cultural Arts Division is a new program within the Parks and Community Services Department and is in the first year of offering services to the public. The initial fee level that was established was based on market surveys and comparisons to similar entities. The services offered by Cultural Arts include individual art classes, facility rentals, an art gallery and live performances.

The City is interested in accurately reporting the true cost of providing various fee-related services, and exploring the possibilities of modifying current fees to better reflect the increasing cost of providing services over time. In January 2008, the City contracted with MGT to perform this cost analysis using the adopted 2007-2008 fiscal year budget, staffing and operational information. Additionally, all information was provided through the period ending April 2008. Fees should be reviewed on a regular basis and adjusted in accordance with established City policies on user fee cost recovery.

This report is the culmination of the past three months of work between MGT and Cultural Arts staff. MGT would like to take this opportunity to acknowledge all P&CS management and staff who participated on this project for their efforts and coordination. Their responsiveness and continued interest in the outcome of this study contributed greatly to the success of this study.

STUDY SCOPE AND OBJECTIVES

The study was performed under the general direction of the Parks and Community Services Director with the participation of representatives from each program division. The primary goals of the study were to:

- Define what it costs the city to provide various fee-related services.
- Determine whether there are any opportunities to implement new fees, based on city cost recovery percentage policies.
- Identify service areas where the City might adjust fees based on the full cost of services and other economic or policy considerations.

The information summarized in this report addresses each of these issues and provides the City with the tools necessary to make informed decisions about any proposed fee adjustments and the resulting impact on general fund revenues.

ECONOMIC & POLICY CONSIDERATIONS

Calculating the true cost of providing city services is a critical step in the process of establishing user fees and corresponding cost recovery levels. Although it is an important factor, other factors must also be given consideration. City decision-makers must also consider the effects that establishing fees for services will have on the individuals purchasing those services, as well as the community as a whole. The following economic and policy issues help illustrate these considerations.

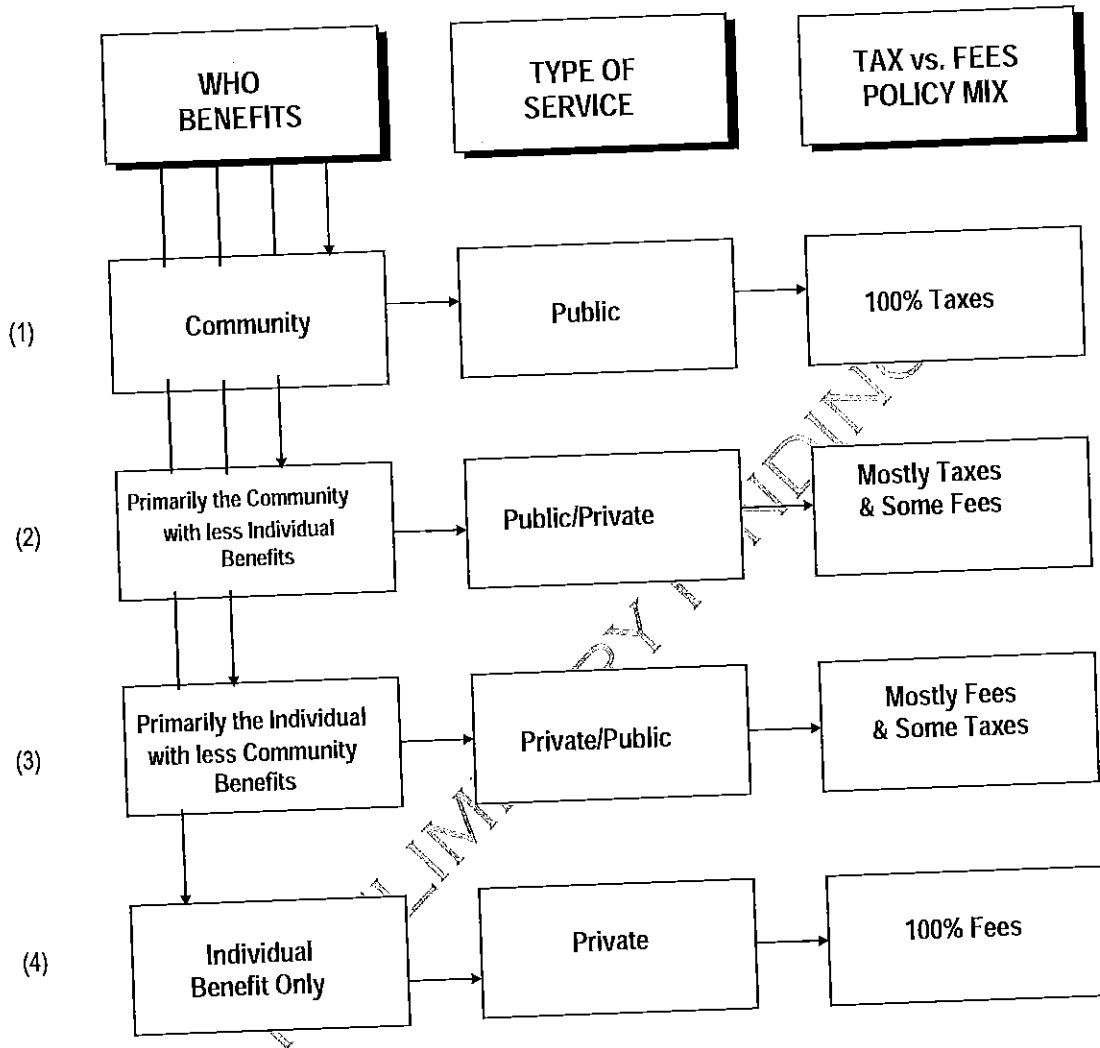
- It may be a desired policy to establish fees at a level that permits lower income groups to use services that they might not otherwise be able to afford.
- A consideration of community-wide benefit versus individual benefit might be of concern for certain services.
- Elasticity of demand is a factor in pricing certain city services; increasing the price of some services results in a reduction of demand for those services, and vice versa.
- Public sector agencies have a monopoly on providing certain services within its boundaries, such as development-related services. However, other services, such as recreation classes, may be provided by neighboring communities or the private sector, and therefore demand for these services can be highly dependent on what else may be available at lower prices.

The flow chart on the following page helps illustrate the economic and policy considerations listed above.

PRELIMINARY FINDINGS

General Fund Subsidy vs. User Fees

Decision-making Flow Chart



Examples of service that fall under each category:

- (1) –Recreational Swim, Community Events, Drop In programs
- (2)– Senior Activities, Pre-school & Teen Activities
- (3)– Camps, Youth Team Sports
- (4)– Adult Sports, Specialty Classes, Tournaments

STUDY FINDINGS

The exhibit below shows that the Cultural Arts Division is projecting an overall recovery of 19% for its fee-related services. Within each recovery category, current cost recovery levels range from 1% for Gallery activities to 39% for Rentals. Because these are new programs and services, a few thoughts should be considered while reviewing the results:

- All revenues displayed are estimated – a full year has not yet been completed.
- Costs displayed include some initial (start-up) costs that will not be required every year.
- Even though the Gallery is listed as fee related, the revenue generated is directly related to purchases during art shows. Therefore, the annual amount of revenue generated will vary greatly.
- A more detailed analysis of services will be possible once staff has completed and performed a few years of program activity.

Source of Funds ~ User Fee Activities ~

Source - Fiscal Year 2007-2008

Program Area	Costs, User Fee Services	Funded by User Fees	Subsidy
Arts Education	\$612,059	\$137,500 22%	\$474,559 78%
Gallery	\$161,091	\$1,500 1%	\$159,591 99%
Grand Theatre - Presentation Season	\$958,990	\$148,940 16%	\$810,050 84%
Rentals	\$218,831	\$86,223 39%	\$132,608 61%
Total:	\$1,950,971	\$374,163 19%	\$1,576,808 81%

The exhibit indicates that user fees recover \$374,163 (19%) of full cost, leaving 81% or \$1,576,808 to be funded by other funding sources. This \$1.6 million represents a “window of opportunity” for Cultural Arts to increase fees and general fund revenues, with a corresponding decrease in the subsidization of services. While it is not likely (nor would MGT recommend) that the City completely recover all costs through increased or new fees, it is possible for Cultural Arts to implement moderate increases to current fees.

The study's primary objective is to provide the City's decision-makers with basic data needed for setting fees. This report details the full cost of services, and presents opportunities for adjusted fee levels in certain activities. Recommendations for fee changes should be based upon careful consideration of the results of the cost analysis, historical cost recovery levels, the elasticity of demand unique to each department's services, and market comparisons.

METHODOLOGY

A cost of service study analyzes two components of costs: the direct costs associated with providing each fee-for-service activity, and the indirect costs that support these activities. A brief discussion of each of these components follows.

Direct Costs. The direct costs associated with fee-for-service activities were analyzed in great detail in this study. MGT worked directly with staff to develop the analysis that is summarized in the following sections of this report. The fiscal year 2007-2008 adopted budget was used to identify direct costs.

The first step in the process was to identify staff time spent directly on each of the user fee activities. Each staff person involved in the user fee services identified time spent to staff and provide all program areas. Salary and benefit dollars were assigned to the time estimates to come up with the direct staff costs.

Indirect Costs. A proportionate share of other operating expenses and internal department administrative costs were layered onto the direct costs as a departmental overhead. (Note: Citywide internal service charges are already directly budgeted into program budgets). The three components of the indirect costs: 1) departmental overhead, 2) program administration, and 3) citywide budgeted indirect allocations are combined with the direct costs of each activity and then compared to the revenue recovered, and the extent of cost recovery is identified.

Department Administration. Many of the costs that support *all* divisions and programs are budgeted in a centralized division such as 1) Parks and Community Services Administration, which provides budgeting, personnel, reception, customer outreach and general oversight, 2) Activity guide preparation/review, which is budgeted in various programs, but provides support to all Parks and Community Services programs. The costs of these activities and other centralized services are considered indirect overhead that support fee-for-service activities, as well as other programs and functions within the department.

As part of this study, MGT developed an indirect cost allocation plan that identifies and distributes these indirect costs to all operating divisions and activities within the Parks and Community Service's organizational structure. The Community Services cost allocation plan takes a methodological approach to analyzing indirect costs.

The end result of this analysis is the allocation of all indirect costs to all operating divisions and activities. The indirect costs are then added to the direct costs to determine the full cost of *all* department operations – whether fee-related or not. This accounting exercise is important in that it can result in an increase in general fund revenues for reimbursement of support for user fee services and state or federally funded programs.

PROGRAM SUMMARY CHART

The subsequent page displays program results and individual activity analysis. The various subtotals on this page directly tie to the exhibit chart discussed earlier in this report.

PRELIMINARY FINDINGS

USER FEE STUDY SUMMARY SHEET

- TOTAL PROGRAM INFORMATION -

Agency: City of Tracy
 Fund: Theatre & Cultural Arts
 Fiscal Year: 2007/2008

Service Name	Service Type	Revenue @ Current Fee	Direct Costs	Indirect Costs	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 Arts Education	Fee	\$137,500	\$540,935	\$71,124	22%	\$612,059	\$474,559
2 Gallery	Fee	\$1,500	\$148,428	\$12,663	1%	\$161,091	\$159,591
3 Grand Theatre - Presenting Season	Fee	\$148,940	\$871,826	\$87,164	16%	\$958,990	\$810,050
4 Rentals	Fee	\$86,223	\$199,651	\$19,180	39%	\$218,831	\$132,608
Total User Fees		\$374,163	\$1,760,840	\$190,131		\$1,950,971	\$1,576,808
% of Full Cost		19%	90%	10%		100%	81%

Total Other Services

% of Full Cost

Fund Totals

% of Full Cost

DRAFT
 PRELIMINARY FINDINGS

	\$0	\$0
	0%	0%
Fund Totals	\$374,163	\$190,131
	19%	10%
	90%	100%
	0%	81%

**CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE**

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
ARTS EDUCATION CLASSES (class prices are set within a range negotiated with the instructor)					\$10,570
Dance - Preschool Combo	Per Session	\$55	\$60	\$5	\$550
Dance - Tap for Tots	Per Session	\$25	\$30	\$5	\$400
Dance - Kindergarten Combo	Per Session	\$46	\$51	\$5	\$475
Dance - Ballet I/II	Per Session	\$46	\$51	\$5	\$425
Dance - Hip-Hop Kids	Per Session	\$55	\$60	\$5	\$525
Dance - Hip-Hop Teens	Per Session	\$55	\$60	\$5	\$450
Dance - Hip-Hop Adults	Per Session	\$90	\$95	\$5	\$325
Dance - Ballroom Troupe	Per Session	\$40	\$45	\$5	\$140
Dance - Ballroom Troupe Rehearsal	Per Session	\$120	\$125	\$5	\$110
Dance - Private Ballroom Dance	Per Session	\$40	\$45	\$5	\$90
Dance - Social Dance Sampler	Per Session	\$20	\$25	\$5	\$775
Dance - Beyond the Basics	Per Session	\$45	\$50	\$5	\$300
Dance - Ballet Folklorico	Per Session	\$55	\$60	\$5	\$150
Dance - Beginning Belly Dance	Per Session	\$50	\$55	\$5	\$250
Dance - Parent & Child Hula	Per Session	\$30	\$35	\$5	\$100
Dance - Wedding Dance Prep	Per Session	\$55	\$60	\$5	\$150
Dance - Swing	Per Session	\$55	\$60	\$5	\$440
Dance - Tahitian	Per Session	\$60	\$65	\$5	\$125
Dance - Ballet/Tap Camp for Youth	5 Days	\$70	\$75	\$5	\$75
Dance - Hip-Hop Camp for Youth	5 Days	\$65	\$70	\$5	\$400
Dance - Hula/Tahitian Camp for Youth	5 Days	\$75	\$80	\$5	\$340
Drama - Beg. Acting for Youth	Per Session	\$75	\$80	\$5	\$225
Drama - Beg. Acting for Teens	Per Session	\$75	\$80	\$5	\$170
Drama - Intmd. Acting for Youth	Per Session	\$75	\$80	\$5	\$75
Drama - Intmd. Acting for Teens	Per Session	\$100	\$105	\$5	\$60
Drama - Private Audition Technique	Per Session	\$72	\$77	\$5	\$40
Drama - Adult Acting Workshop	Per Workshop	\$120	\$125	\$5	\$85
Drama - Adult Acting Technique	Per Session	\$120	\$125	\$5	\$60
Drama - Auditioning for TV/Film	Per Session	\$120	\$125	\$5	\$60
Drama - Auditioning for TV/Film II	Per Session	\$72	\$77	\$5	\$60
Drama - Audition for TV/Film Workshop	Per Workshop	\$72	\$77	\$5	\$150
Drama - Audition for TV/Film Workshop II	Per Workshop	\$72	\$77	\$5	\$125
Drama - Youth Drama Camp	2.5 Weeks	\$150	\$155	\$5	\$45
Drama - Teen Drama Camp	2.5 Weeks	\$150	\$155	\$5	\$90
Drama - Adult Theatre Production	Per Session	\$200	\$205	\$5	\$175
Music - Group Voice	Per Session	\$80	\$85	\$5	\$60
Music - Music Together	Per Session	\$150	\$155	\$5	\$225
Music - Music Together Camp	5 Days	\$60	\$65	\$5	\$225
Music - Private Voice	Per Session	\$120	\$125	\$5	\$225
Music - Private Guitar	Per Session	\$120	\$125	\$5	\$85
Music - Private Piano	Per Session	\$120	\$125	\$5	\$50
Music - Private Drums	Per Session	\$120	\$125	\$5	\$50
Music - Private Flute	Per Session	\$120	\$125	\$5	\$40
Music - Private Violin	Per Session	\$120	\$125	\$5	\$40
Music - Private Cello	Per Session	\$120	\$125	\$5	\$80
Music - Private Saxophone	Per Session	\$145	\$150	\$5	\$80
Music - Private Guitar Spanish	Per Session	\$145	\$150	\$5	\$75
Music - Group Guitar Spanish	Per Session	\$145	\$150	\$5	\$85
Music - Group Guitar Seniors	Per Session	\$100	\$105	\$5	\$75
Music - Mommy & Me Piano	Per Session	\$300	\$305	\$5	\$90
Music - Rock Band	Per Session	\$240	\$245	\$5	\$75
Music - Concert Band	Per Session	\$145	\$150	\$5	\$90
Music - Jazz Improv	Per Session	\$145	\$150	\$5	\$75
Ceramics - Beg. Wheel Throwing 8 weeks	2 x week	\$200	\$205	\$5	\$75
Ceramics - Beg. Wheel Throwing	1 x week	\$180	\$185	\$5	

**CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE**

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
Ceramics - Youth Hand Building	Per Session	\$45	\$50	\$5	\$40
Ceramics - Hand Building Workshop	Per Workshop	\$50	\$55	\$5	\$60
Ceramics - Studio Time 1 Month	1 Month	\$100	\$105	\$5	\$60
Ceramics - Studio Time 2 Months	2 Months	\$180	\$185	\$5	\$60
Ceramics - Studio Time 3 Months	3 Months	\$300	\$305	\$5	\$45
Ceramics - Parent & Child Hand Building	Per Session	\$25	\$30	\$5	\$70
Ceramics - Pottery Decorating	Per Workshop	\$12	\$17	\$5	\$175
Ceramics - Pottery Camp for Kids	Per Week	\$75	\$80	\$5	\$35
Ceramics - Pottery Camp for Teens	Per Week	\$75	\$80	\$5	\$35
Visual Arts - Parent & Child Painting	Per Session	\$45	\$50	\$5	\$75
Visual Arts - Intro to Art I	Per Session	\$75	\$80	\$5	\$140
Visual Arts - Intro to Art II	Per Session	\$75	\$80	\$5	\$140
Visual Arts - Preschool Drawing	Per Session	\$57	\$62	\$5	\$145
Visual Arts - Youth Cartoon Drawing	Per Session	\$57	\$62	\$5	\$250
Visual Arts - Elementary Drawing	Per Session	\$57	\$62	\$5	\$295
Visual Arts - Creative Writing & Illustrating	Per Session	\$50	\$55	\$5	\$100
Visual Arts - Intro to Art for Adults	Per Session	\$95	\$100	\$5	\$95
Visual Arts - Beginning Drawing I	Per Session	\$75	\$80	\$5	\$110
Visual Arts - Beginning Drawing II	Per Session	\$75	\$80	\$5	\$90
Visual Arts - Landscape Painting	Per Session	\$80	\$85	\$5	\$125
Visual Arts - Landscape Painting II	Per Session	\$80	\$85	\$5	\$125
Visual Arts - Intro to Oil/Acrylic Painting	Per Session	\$80	\$85	\$5	\$170
Visual Arts - Intmd. Oil/Acrylic Painting	Per Session	\$80	\$85	\$5	\$140
Visual Arts - Acrylic Painting Workshop	Per Workshop	\$40	\$45	\$5	\$60
Visual Arts - Glass Fusing	Per Session	\$65	\$70	\$5	\$90
Visual Arts - Glass Fusing for Couples	Per Session	\$70	\$75	\$5	\$90
Visual Arts - Glass Fusing Studio	Per Day	\$10	\$15	\$5	\$120
Visual Arts - Family Series Workshops	Per Workshop	\$5	\$10	\$5	\$225
Visual Arts - 3 Day Drawing Camp	3 Days	\$53	\$58	\$5	\$60
Visual Arts - 4 Day Drawing Camp	4 Days	\$70	\$75	\$5	\$95
Visual Arts - 4 Day Painting Camp	4 Days	\$60	\$65	\$5	\$60
Visual Arts - 5 Day Painting Camp	Per Week	\$75	\$80	\$5	\$60
Visual Arts - Writing & Illustrating Camp	Per Week	\$55	\$60	\$5	\$60
Visual Arts - Digital Photography	Per Session	\$100	\$105	\$5	\$85
Visual Arts - Photography for Travel Workshop	Per Workshop	\$40	\$45	\$5	\$70
Visual Arts - Studio Time 1 Month	1 Month	\$50	\$55	\$5	\$60
Visual Arts - Studio Time 2 Months	2 Months	\$100	\$105	\$5	\$60
Visual Arts - Studio Time 3 Months	3 Months	\$150	\$155	\$5	\$60
Visual Arts - Beginning Watercolor	Per Session	\$45	\$50	\$5	\$220
Visual Arts - Intermediate Watercolor	Per Session	\$45	\$50	\$5	\$375
Visual Arts - Watercolor Studio 1 Month	Per Month	\$30	\$35	\$5	\$90
Visual Arts - Multi-Media for Adults	Per Session	\$65	\$70	\$5	\$60
Visual Arts - Multi-Media for Children	Per Session	\$55	\$60	\$5	\$60
Visual Arts - Life Drawing for Adults	Per Session	\$75	\$80	\$5	\$50
Special Events - Music First Concert	Per Workshop	\$0	\$5	\$5	\$525
Special Events - Artist in Residency Workshop	Per Workshop	\$0	\$5	\$5	\$150

TOTALS					\$10,570
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**CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE**

EXHIBIT "D"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
CITY PRESENTING SEASON					\$0.00
ETK THEATRE	Per Ticket	\$37.42	\$37.42	\$0	\$0.00
11 performances @ 250 person attendance					
STUDIO THEATRE	Per Ticket	\$24.49	\$24.49	\$0	\$0.00
2 Performances @ 75 persons attendance					
(Based on average ticket admission and average attendance per performance)					

RENTALS					\$1,456
ETK THEATRE (Revenue amounts reflect the minimum that are expected to come in)					\$280
Prime Time Rental - Non-Profit (Performance)	8 hours	\$560	\$574	\$14	
*Fees may be adjusted to a percentage based on gross revenues					
Prime Time Rental - Commercial (Performance)	8 hours	\$1,680	\$1,722	\$42	\$252
*Fees may be adjusted to a percentage based on gross revenues					
Each Additional Hour - Non-Profit (Performance)	Hourly	\$100	\$100	\$0	\$0
Each Additional Hour - Commercial (Performance)	Hourly	\$300	\$300	\$0	\$0
Non-Prime Time Rental - Non-Profit (Performance)	8 hours	\$250	\$287	\$37	\$888
Non-Prime Time Rental - Commercial (Performance)	8 hours	\$750	\$750	\$0	\$0
Each Additional Hour - Non-Profit (Performance)	Hourly	\$100	\$100	\$0	\$0
Each Additional Hour - Commercial (Performance)	Hourly	\$300	\$300	\$0	\$0
Non-Prime Time Rental - Non-Profit (Rehearsal)	8 hours	\$125	\$143	\$18	\$36
Non-Prime Time Rental - Commercial (Rehearsal)	8 hours	\$375	\$375	\$0	\$0
Each Additional Hour - Non-Profit (Rehearsal)	Hourly	\$100	\$100	\$0	\$0
Each Additional Hour - Commercial (Rehearsal)	Hourly	\$300	\$300	\$0	\$0

*Rental fees are a minimum flat rate listed above or 10% of gross sales for non-profit and 15% for commercial whichever is greater.

STUDIO THEATRE (Revenue amounts reflect the minimum that are expected to come in)					(\$1,030)
Prime Time Rental - Non-Profit (Performance)	4 hours	\$120	\$110	(\$10)	(\$300)
*Fees may be adjusted to a percentage based on gross revenues					
Prime Time Rental - Commercial (Performance)	4 hours	\$360	\$330	(\$30)	(\$180)
*Fees may be adjusted to a percentage based on gross revenues					
Each Additional Hour - Non-Profit (Performance)	Hourly	\$60	\$60	\$0	\$0
Each Additional Hour - Commercial (Performance)	Hourly	\$180	\$180	\$0	\$0
Non-Prime Time Rental - Non-Profit (Performance)	4 hours	\$90	\$80	(\$10)	\$0
Non-Prime Time Rental - Commercial (Performance)	4 hours	\$90	\$240	\$240	\$0
Each Additional Hour - Non-Profit (Performance)	Hourly	\$60	\$60	\$0	\$0
Each Additional Hour - Commercial (Performance)	Hourly	\$180	\$180	\$180	\$0
Non-Prime Time Rental - Non-Profit (Rehearsal)	4 hours	\$90	\$80	(\$10)	(\$550)
Non-Prime Time Rental - Commercial (Rehearsal)	4 hours	\$90	\$240	\$240	\$0
Each Additional Hour - Non-Profit (Rehearsal)	Hourly	\$60	\$60	\$0	\$0
Each Additional Hour - Commercial (Rehearsal)	Hourly	\$180	\$180	\$180	\$0

*Rental fees are a minimum flat rate listed above or 10% of gross sales for non-profit and 15% for commercial whichever is greater.

DANCE STUDIO					\$0
Class/Meeting - Non-Profit	2 hours	\$75	\$75	\$0	\$0
Class/Meeting - Commercial	2 hours	\$225	\$225	\$0	\$0
Each Additional Hour - Non-Profit	Hourly	\$40	\$40	\$0	\$0
Each Additional Hour - Commercial	Hourly	\$115	\$115	\$0	\$0

VISUAL ARTS STUDIO I & II					\$0
Class/Meeting - Non-Profit	2 hours	\$75	\$75	\$0	\$0
Class/Meeting - Commercial	2 hours	\$225	\$225	\$0	\$0
Each Additional Hour - Non-Profit	Hourly	\$40	\$40	\$0	\$0
Each Additional Hour - Commercial	Hourly	\$115	\$115	\$0	\$0

**CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE**

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
CHILDREN'S ART STUDIO - Includes any room set up and tear down					\$0
Class/Meeting - Non-Profit	2 hours	\$75	\$75	\$0	\$0
Class/Meeting - Commercial	2 hours	\$225	\$225	\$0	\$0
Each Additional Hour - Non-Profit	Hourly	\$40	\$40	\$0	\$0
Each Additional Hour - Commercial	Hourly	\$115	\$115	\$0	\$0
LARGE MUSIC ROOM - Includes any room set up and tear down					\$0
Class/Meeting - Non-Profit	2 hours	\$25	\$25	\$0	\$0
Class/Meeting - Commercial	2 hours	\$100	\$100	\$0	\$0
Each Additional Hour - Non-Profit	Hourly	\$35	\$35	\$0	\$0
Each Additional Hour - Commercial	Hourly	\$125	\$125	\$0	\$0
MUSIC ROOM - Includes any room set up and tear down					\$0
Class (Medium) - Non-Profit	2 hours	\$25	\$25	\$0	\$0
Class (Medium) - Commercial	2 hours	\$100	\$100	\$0	\$0
Practice & Each Additional Hour - Non-Profit	Hourly	\$35	\$35	\$0	\$0
Practice & Each Additional Hour - Commercial	Hourly	\$125	\$125	\$0	\$0
CERAMICS STUDIO - Not available to rent at this time					
LOBBY AREA - Only available to rent in conjunction with another rental; must remain open to the public during public hours.					\$900
*Rental fees are based on the capacity of standing person in the lobby areas.					
Lobby Area Upstairs - Non-Profit	4 hours	\$0	\$250	\$250	\$500
Lobby Area Upstairs - Commercial	4 hours	\$0	\$500	\$500	\$0
Lobby Area Downstairs - Non-Profit	4 hours	\$0	\$200	\$200	\$400
Lobby Area Downstairs - Commercial	4 hours	\$0	\$400	\$400	\$0
LOGGIA/GALLERY - Gallery must remain open to the public during public hours; no altering of the exhibitio					\$3,200
Loggia Reception - Non-Profit	Hourly	\$50	\$50	\$0	\$0
Loggia Reception - Commercial	Hourly	\$150	\$150	\$0	\$0
*Gallery - Non-Profit	Hourly	\$0	\$100	\$100	\$3,200
*Gallery - Commercial	Hourly	\$0	\$300	\$300	\$0
BOX OFFICE SERVICES					\$2,800
Per Performance - Non-Profit	Each	\$100	\$100	\$0	\$0.00
Per Performance - Commercial	Each	\$100	\$300	\$200	\$1,200
Per Ticket Charge to Patron	Each	\$3	\$3	\$0	\$1,500
Marquee Listing - Non-Profit	Daily	\$50	\$50	\$0	\$0
Marquee Listing - Commercial	Daily	\$50	\$100	\$50	\$100
EQUIPMENT RENTALS					\$2,000
Grand Piano	Use	\$900	\$1,400	\$500	\$0
Baby Grand Piano	Use	\$500	\$900	\$400	\$0
Piano Tuning at Renters Expense	Each	\$150	\$150	\$0	\$0
Installation/Removal of Apron for Orchestra Pit	Use	\$200	\$250	\$50	\$0
Wireless Microphones	Use	\$25	\$25	\$0	\$0
Microphone Stands	Daily	\$10	\$0	(\$10)	\$0
Follow Spot	Use	\$100	\$350	\$250	\$2,000
Video Projector	Use	\$100	\$100	\$0	\$0
Laptop Computer	Use	\$50	\$50	\$0	\$0

**CULTURAL ARTS DIVISION
RECOMMENDED FEE SCHEDULE**

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
Screen - Non-Profit	Use	\$30	\$30	\$0	\$0
Screen - Commercial	Use	\$30	\$90	\$60	\$0
6' Mitey Light Tables	Use	\$0	\$5	\$5	\$0
3' Round Tables	Use	\$0	\$10	\$10	\$0
Cocktail Tables	Use	\$0	\$15	\$15	\$0
Wooden Classroom Chairs	Use	\$0	\$5	\$5	\$0
Louvre Easels	Use	\$0	\$7	\$7	\$0
Cocktail Barstools	Use	\$0	\$10	\$10	\$0
LCD Projector Per Day/Event	Use	\$100	\$100	\$0	\$0
STAFF FEES					\$0
Technical Theatre Supervisor	Hourly	\$56	\$56	\$0	\$0
Theatre Technicians	Hourly	\$40	\$40	\$0	\$0
General Stagehands	Hourly	\$20	\$20	\$0	\$0
Follow Spot Operator	Hourly	\$15	\$15	\$0	\$0
Merchandise Salesperson	Hourly	\$15	\$15	\$0	\$0
Gallery Supervisor	Hourly	\$40	\$40	\$0	\$0
Gallery Docents	Hourly	\$15	\$15	\$0	\$0
ADDITIONAL FEES					\$0
Facility Rental Application Processing Fee (New)	Use	\$0	\$35	\$35	\$3,000
Janitorial Fees	Day	\$150	\$150	\$0	\$0
Security Fee	Hourly	At Cost		\$0	\$0
TOTALS					\$12,326

AGENDA ITEM 3

REQUEST

REVIEW AND ADOPT RECOMMENDED GENERAL FUND SUBSIDY LIMIT GOALS AND CONDUCT A PUBLIC HEARING TO REVIEW AND ADOPT ASSOCIATED FEES FOR PROGRAMS AND FACILITY USE PROVIDED THROUGH THE PARKS AND COMMUNITY SERVICES DEPARTMENT AND THE CULTURAL ARTS DIVISION

EXECUTIVE SUMMARY

Staff requests that Council review, and approve the recommended General Fund subsidy limit goals in the amount of \$3,000,000 in Fiscal Year 2009/10 for the Parks and Community Services Department and \$1,000,000 in Fiscal Year 2009/2010 for the Cultural Arts Division and adopt recommended fees to achieve General Fund subsidy limit goals.

DISCUSSION

On August 31, 1998, City Council reviewed a comprehensive fee study of the Parks and Community Services Department where cost recovery rates averaged 53% and an annual goal of achieving an overall 50% recovery rate for all programs was adopted. On January 21, 2003, City Council directed staff to make any necessary periodic adjustments to programs in order to maintain a 50% cost recovery rate.

In recent years, certain services, programs and special events have had a reduced recovery rate which has impacted the ability of the Parks and Community Services Department to meet the overall 50% cost recovery rate. Additionally, with the expansion of such programs, and in an effort to provide diverse programming, the General Fund subsidy has continued to increase.

On September 18, 2007, the Council approved temporary fees for the Parks and Community Services Department and the Cultural Arts Division while a cost recovery study was completed. Included were fees for recreation and art programs, facility rentals and admission to events.

MGT of America has completed the Cost of Services Study for the Parks and Community Services Department (Exhibit A) and Cultural Arts Division (Exhibit B) which includes an analysis of actual program expenditures (service charges, indirect internal and external costs). This analysis utilized budgeted allocations and projections included in the 2007-08 budget. This study included additional elements that were not included in the 1998 study, such as inclusion of the facility rental program costs, actual Public Works maintenance costs, and allocation of other Citywide overhead indirect costs, making it difficult to compare previous cost recovery estimates with these reports.

The Cost of Services Study Findings for the Cultural Arts Division (Exhibit B) was previously presented to City Council as part of the Cultural Arts Division Operational Plan workshop on August 5, 2008.

General Fund Impact

The table below illustrates a trend of increasing General Fund subsidy for the Parks and Community Services Department (PCS). Conversely, the Cultural Arts Division projects a decrease in General Fund subsidy for its second year of operations:

FISCAL YEAR					
	ACTUAL 05-06	ACTUAL 06-07	ACTUAL 07-08	PROJECTED 08-09	SUBSIDY GOAL 09-10
PCS	\$2,084,430	\$2,615,095	\$2,780,220	\$3,286,130	\$3,000,000
Cultural Arts	0	0	\$1,508,340	\$1,360,240	\$1,000,000
			Totals:	\$4,646,370	\$4,000,000

The impact to the General Fund may not be fully controlled by virtue of a cost recovery model. For example, if a new program was added with a 50% cost recovery the General Fund subsidy would need to increase by the remaining 50%. Therefore, staff is recommending to City Council to establish annual General Fund subsidy limit goals for FY 2009/2010, and associated fees as proposed in Exhibits C and D, to meet the subsidy limit goals.

Besides the proposed fees, an ongoing evaluation of the revenue opportunities, alternative revenue sources such as sponsorships and advertising, programming and expenditure controls will also be required to meet the General Fund subsidy goals.

It is anticipated that not all fees will be able to be implemented at once due to current programs and published materials; however, all approved revenue increases will be in place by spring of 2009.

Fee Development/Revision

Several factors were considered and analyzed in the development of the attached staff recommended fees. These factors were:

Market Value: What other local public agencies charge for like or similar programs and facilities.

Community Versus Individual Benefit: MGT suggested a community versus individual pricing guideline. Generally, the higher the benefit of the program is to the community, the greater the program is subsidized. The more the program benefits the individual, the lower the amount of subsidy.

Affordability for Segments of the Public: As indicated in the MGT study, a fairly low percentage of recovery is projected for the senior and teen programs, community events and facility reservation functions. These are due to staff's understanding that the City desires to make programs affordable to seniors and teens; that community events are of high community benefit and therefore little or no revenue is required to present these events; and that the City desires that City facilities be made affordable for local non-profit organizations.

Subsidy Goal: The goal of reducing the Parks and Community Services Department's General Fund subsidy to less than \$3,000,000 for FY 2009/2010 and the Cultural Arts

Division General Fund subsidy to less than \$1,000,000 for FY 2009/2010 was set as an achievable goal with little or no impact to existing programs.

Commission Input

The Parks and Community Services Commission has reviewed the attached fees and provided the following advice to the City Council: That City Council approve the subsidy as recommended.

RECOMMENDATION

Review and adopt staff's recommended General Fund subsidy limit goals and conduct a public hearing to review and adopt associated fees for programs and facility use provided through the Parks and Community Services Department and the Cultural Arts Division.

FISCAL IMPACT

The City Council's adoption of these fees should assist in meeting the stated General Fund subsidy goal limits for the Parks and Community Services Department and Cultural Arts Division. The annual increase in revenue from these fee recommendations is estimated to be approximately \$164,250 for the Parks and Community Services Department and \$19,896 for the Cultural Arts Division in FY 09/10. Because the anticipated revenue increases will not achieve the entire subsidy goal, operational efficiencies will continue to be implemented and other revenue sources will continue to be explored.

ATTACHMENTS

- Exhibit A: Parks and Community Services: General Fund Cost of Services Study Findings, prepared by MGT of America
- Exhibit B: Cultural Arts Division: General Fund Cost of Services Study Findings, prepared by MGT of America
- Exhibit C: Parks and Community Services Department Recommended Fee Schedule
- Exhibit D: Cultural Arts Division Recommended Fee Schedule

Prepared by: Floyd Lewis, Recreation Services Supervisor
Reviewed by: Rod Buchanan, Interim Director of Parks and Community Services
Reviewed by: Zane Johnston, Director of Finance and Administrative Services
Approved by: Leon Churchill, Jr., City Manager

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Appendix III

Development Services Department

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Development Services Department

Legal Codes

Legal Codes

CEQA Guidelines link

<http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome>

Title 14. California Code of Regulations, Chapter 3 Guidelines for Implementation of the California Environmental Quality Act, Article 3. Authorities Granted to Public Agencies by CEQA

15045. Fees

(a) For a project to be carried out by any person or entity other than the lead agency, the lead agency may charge and collect a reasonable fee from the person or entity proposing the project in order to recover the estimated costs incurred in preparing environmental documents and for procedures necessary to comply with CEQA on the project. Litigation expenses, costs and fees incurred in actions alleging noncompliance with CEQA are not recoverable under this section.

(b) Public agencies may charge and collect a reasonable fee from members of the public for a copy of an environmental document not to exceed the actual cost of reproducing a copy.

Note: Authority: Section 21083, Public Resources Code. Reference: Section 21089 and 21105, Public Resources Code.

Discussion: The authority to charge fees is an essential part of any discussion of authorities granted by CEQA. This section brings together two separate statutory authorities. These are the authority to charge a fee for the preparation of an EIR or Negative Declaration and the authority to charge a fee to a person requesting a copy of an EIR or Negative Declaration. The Guideline section adds the interpretation that the authority to collect a fee for a copy shall be limited to the actual cost of reproducing a copy. This interpretation responds to an effort by some agencies to say that the cost of the copy which they were entitled to recover included a prorata share of the cost of all studies and writing efforts in addition to the cost of printing the EIR. The Resources Agency believed that such an interpretation would be contrary to the policy of CEQA encouraging public participation. Further, the interpretation would enable agencies to charge fees twice for their cost of preparing the EIR, once to the applicant and second to people wanting a copy of the EIR. Subsection (b) of this section is necessary to protect public participation and to prevent agencies from charging exorbitant fees for copies of EIRs and Negative Declarations.

Section 21089 of the Public Resources Code gives the lead agency express authority to charge fees to cover the cost of preparing an EIR or negative declaration, as well as for reporting program.

[A] **105.6.37 Pyroxylin plastics.** An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics, and for the assembly or manufacture of articles involving pyroxylin plastics.

[A] **105.6.38 Refrigeration equipment.** An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

[A] **105.6.39 Repair garages and motor fuel-dispensing facilities.** An operational permit is required for operation of repair garages, and automotive, marine and fleet motor fuel-dispensing facilities.

[A] **105.6.40 Rooftop heliports.** An operational permit is required for the operation of a rooftop heliport.

[A] **105.6.41 Spraying or dipping.** An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24.

[A] **105.6.42 Storage of scrap tires and tire byproducts.** An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m³) of total volume of scrap tires, and for indoor storage of tires and tire byproducts.

[A] **105.6.43 Temporary membrane structures and tents.** An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, which comply with all of the following:
 - 2.1. Individual tents having a maximum size of 700 square feet (65 m²).
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

[A] **105.6.44 Tire-rebuilding plants.** An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

[A] **105.6.45 Waste handling.** An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

[A] **105.6.46 Wood products.** An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m³).

105.6.47 Additional permits. In addition to the permits required by Section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention prior to

engaging in the following activities, operations, practices or functions:

1. **Production facilities.** To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.
2. **Pyrotechnics and special effects.** To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production.
3. **Live audiences.** To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.

[A] **105.7 Required construction permits.** The fire code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.16.

[A] **105.7.1 Automatic fire-extinguishing systems.** A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

[A] **105.7.2 Battery systems.** A permit is required to install stationary storage battery systems having a liquid capacity of more than 50 gallons (189 L).

[A] **105.7.3 Compressed gases.** When the compressed gases in use or storage exceed the amounts listed in Table 105.6.8, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

Exceptions:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

[A] **105.7.4 Cryogenic fluids.** A construction permit is required for installation of or alteration to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.10. Maintenance performed in accordance with this code is not considered an alteration and does not require a construction permit.

[A] **105.7.5 Emergency responder radio coverage system.** A construction permit is required for installation of or modification to emergency responder radio coverage systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

[A] **105.7.6 Fire alarm and detection systems and related equipment.** A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in

**SECTION 112
SERVICE UTILITIES**

[A] 112.1 **Authority to disconnect service utilities.** The fire code official shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The fire code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

**SECTION 113
FEES**

[A] 113.1 **Fees.** A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

[A] 113.2 **Schedule of permit fees.** A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

[A] 113.3 **Work commencing before permit issuance.** Any person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to an additional fee established by the applicable governing authority, which shall be in addition to the required permit fees.

[A] 113.4 **Related fees.** The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

[A] 113.5 **Refunds.** The applicable governing authority is authorized to establish a refund policy.

State of California

GOVERNMENT CODE

Section 66014

66014. (a) Notwithstanding any other provision of law, when a local agency charges fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 or under any other authority; those fees may not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of the fee charged in excess of the estimated reasonable cost of providing the services or materials is submitted to, and approved by, a popular vote of two-thirds of those electors voting on the issue.

(b) The fees charged pursuant to subdivision (a) may include the costs reasonably necessary to prepare and revise the plans and policies that a local agency is required to adopt before it can make any necessary findings and determinations.

(c) Any judicial action or proceeding to attack, review, set aside, void, or annul the ordinance, resolution, or motion authorizing the charge of a fee subject to this section shall be brought pursuant to Section 66022.

(Amended by Stats. 2002, Ch. 963, Sec. 1. Effective January 1, 2003.)

State of California

HEALTH AND SAFETY CODE

Section 13235

13235. (a) Upon receipt of a request from a prospective licensee of a community care facility, as defined in Section 1502, of a residential care facility for the elderly, as defined in Section 1569.2, or of a child day care facility, as defined in Section 1596.750, the local fire enforcing agency, as defined in Section 13244, or State Fire Marshal, whichever has primary jurisdiction, shall conduct a preinspection of the facility prior to the final fire clearance approval. At the time of the preinspection, the primary fire enforcing agency shall provide consultation and interpretation of fire safety regulations, and shall notify the prospective licensee of the facility in writing of the specific fire safety regulations which shall be enforced in order to obtain fire clearance approval. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for the preinspection of a facility with a capacity to serve 25 or fewer persons. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for a preinspection of a facility with a capacity to serve 26 or more persons.

(b) The primary fire enforcing agency shall complete the final fire clearance inspection for a community care facility, residential care facility for the elderly, or child day care facility within 30 days of receipt of the request for the final inspection, or as of the date the prospective facility requests the final prelicensure inspection by the State Department of Social Services, whichever is later.

(Amended by Stats. 2009, 4th Ex. Sess., Ch. 12, Sec. 14. Effective July 28, 2009.)

State of California

HEALTH AND SAFETY CODE

Section 17951

17951. (a) The governing body of any county or city, including a charter city, may prescribe fees for permits, certificates, or other forms or documents required or authorized by this part or rules and regulations adopted pursuant to this part.

(b) The governing body of any county or city, including a charter city, or fire protection district, may prescribe fees to defray the costs of enforcement required by this part to be carried out by local enforcement agencies.

(c) The amount of the fees prescribed pursuant to subdivisions (a) and (b) shall not exceed the amount reasonably required to administer or process these permits, certificates, or other forms or documents, or to defray the costs of enforcement required by this part to be carried out by local enforcement agencies, and shall not be levied for general revenue purposes. The fees shall be imposed pursuant to Section 66016 of the Government Code.

(d) If the local enforcement agency fails to conduct an inspection of permitted work for which permit fees have been charged pursuant to this section within 60 days of receiving notice of the completion of the permitted work, the permittee shall be entitled to reimbursement of the permit fees. The local enforcement agency shall disclose in clear language on each permit or on a document that accompanies the permit that the permittee may be entitled to reimbursement of permit fees pursuant to this subdivision.

(e) (1) The provisions of this part are not intended to prevent the use of any manufactured home, mobilehome, multiunit manufactured home, material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by the California Building Standards Code or this part, provided that this alternate has been approved by the building department.

(2) The building department of any city or county may approve an alternate material, appliance, installation, device, arrangement, method, or work on a case-by-case basis if it finds that the proposed design is satisfactory and that each such material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the California Building Standards Code or this part in performance, safety, and for the protection of life and health.

(3) The building department of any city or county shall require evidence that any material, appliance, installation, device, arrangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, building standards published in the California Building Standards Code, or the other rules and regulations promulgated pursuant to this part and in order to

substantiate claims for alternates, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or the owner's agent by an approved testing agency selected by the owner or the owner's agent.

(Amended by Stats. 2004, Ch. 144, Sec. 1. Effective January 1, 2005.)

Section 106 is amended by adding subsection 106.2.3 to read as follows:
106.2.3 Reinspection Fee. A reinspection fee may be assessed for each inspection, test, or reinspection when such portion of work for which an inspection is requested is not complete or when corrections requested to be inspected are not made. This section is not to be interpreted as requiring reinspection fees the first time an inspection or test is rejected for failure to comply with the requirements of the code, but as controlling the practice of requesting inspections/tests before the job is ready for such inspection or test. Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection/test is requested, failure for those individuals conducting the test to show up at the scheduled time or deviating from the approved plans. The fee shall be equal to all incurred costs for inspection and administrative staff at the fully burdened rate.

State of California

PUBLIC RESOURCES CODE

Section 2705

2705. (a) A city, county, and city and county shall collect a fee from each applicant for a building permit. Each fee shall be equal to a specific amount of the proposed building construction for which the building permit is issued as determined by the local building officials. The fee amount shall be assessed in the following way:

(1) Group R occupancies, as defined in the California Building Code (Part 2 of Title 24 of the California Code of Regulations), one to three stories in height, except hotels and motels, shall be assessed at the rate of thirteen dollars (\$13) per one hundred thousand dollars (\$100,000), with appropriate fractions thereof.

(2) All other buildings shall be assessed at the rate of twenty-eight dollars (\$28) per one hundred thousand dollars (\$100,000), with appropriate fractions thereof.

(3) The fee shall be the amount assessed under paragraph (1) or (2), depending on building type, or fifty cents (\$0.50), whichever is the higher.

(b) (1) In lieu of the requirements of subdivision (a), a city, county, and city and county may elect to include a rate of thirteen dollars (\$13) per one hundred thousand dollars (\$100,000), with appropriate fractions thereof, in its basic building permit fee for any Group R occupancy defined in paragraph (1) of subdivision (a), and a rate of twenty-eight dollars (\$28) per one hundred thousand dollars (\$100,000), with appropriate fractions thereof, for all other building types. A city, county, and city and county electing to collect the fee pursuant to this subdivision need not segregate the fees in a fund separate from any fund into which basic building permit fees are deposited.

(2) "Building," for the purpose of this chapter, is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(c) (1) A city, county, and city and county may retain up to 5 percent of the total amount it collects under subdivision (a) or (b) for data utilization, for seismic education incorporating data interpretations from data of the strong-motion instrumentation program and the seismic hazards mapping program, and, in accordance with paragraph (2), for improving the preparation for damage assessment after strong seismic motion events.

(2) A city, county, and city and county may use any funds retained pursuant to this subdivision to improve the preparation for damage assessment in its jurisdiction only after it provides the Department of Conservation with information indicating to the department that data utilization and seismic education activities have been adequately funded.

(d) Funds collected pursuant to subdivisions (a) and (b), less the amount retained pursuant to subdivision (c), shall be deposited in the Strong-Motion Instrumentation

and Seismic Hazards Mapping Fund, as created by Section 2699.5 to be used exclusively for purposes of this chapter, Chapter 7.5 (commencing with Section 2621), and Chapter 7.8 (commencing with Section 2690).

(Amended by Stats. 2014, Ch. 35, Sec. 129. (SB 861) Effective June 20, 2014.)

Tracy Municipal Code

3.36.010 - Fee schedule.

The City Council shall by resolution action taken from time to time establish a fee schedule for services provided to the public by the departments of the City.

(Prior code § 3-9.01)

4.12.780 - Noncompliance with sound level limits—Extensions—Variations.

(a) If the noise resulting from any activity, event, or enterprise in any base district zone shall exceed the applicable area sound level limit prescribed Section 4.12.750 on three (3) or more days during any thirty (30) day period, the Community Development Director shall serve a notice of noncompliance on the owner of the property which produces the noise. Service shall be in the manner prescribed by Section 4.12.910. Such notice shall indicate the applicable sound level limit for the area, identify when and where excessive sound level measurements were taken, and report the sound level measured during each such measurement.

(b) Within thirty (30) days of service of the notice of noncompliance, the owner of the property shall do one of the following:

(1) Reduce the level of noise produced on the property so as to conform to the applicable sound level limit referenced in the notice;

(2) Deliver a written application to the Community Development Director for an extension of time in which to bring the noise into conformance with the referenced sound level limit; such extension may be granted for a period not to exceed thirty (30) days;

(3) Deliver to the Community Development Director a written objection to any or all of the findings indicated, identified, or reported in the notice; the Community Development Director shall rule on the validity of such objections within fifteen (15) days of such delivery and, if found to be invalid, shall order the owner to comply with the applicable sound level limit; or

(4) Apply for a variation from the sound level limit otherwise applicable. The Planning Commission shall hear applications for a variation during a duly noticed public hearing. The notice requirements shall be the same as those required by the Tracy zoning regulations in connection with an application for a conditional use permit which requires that notice of the hearing be provided in the local newspaper at least ten days prior to the hearing, and that a mailer be provided regarding the hearing to property owners within 300 feet of the exterior boundary of the subject property, also ten (10) days prior to the hearing.

(Prior code § 4-3.1007)

7.04.020 - Fees.

In addition to the requirements set forth in this chapter, the applicant, at the time of filing the application, shall pay required fees determined by the Public Works Department in such amount as may be established from time to time by resolution of the City Council. No permit shall be issued until the fees have been paid.

Permit Fee. The permit fee shall be a standard administrative fee applicable to all permits and shall be in accordance with the prevailing fees as established from time to time by resolution of the City Council.

Inspection and engineering fees. In addition to the permit fees the applicant shall pay estimated inspection fees as determined by the Director of Public Works to monitor and inspect compliance of construction with the City Standards. Inspection fees shall be charged for the number of inspection hours estimated by the Public Works Department and the rates shall be in accordance with the prevailing rates established from time to time by resolution of the City Council.

The permittee shall also pay engineering fees as determined by the Director of Public Works in accordance with the fee schedule adopted by resolution by the City Council. The engineering fee shall be based upon the City services required for investigation, coordination, engineering review and compliance of other requirements for the requested application of the encroachment permit depending upon the size of the project.

(Prior code § 7-1.101.1)

9.02.030 - Adoption by reference of the Uniform Administrative Code.

The City hereby adopts by reference the code entitled "1997 Uniform Administrative Code," including all tables attached thereto, published by the International Conference of Building Officials (hereinafter "Uniform Administrative Code"), as amended by this chapter. The Uniform Administrative Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6.

(Ord. 996 § 2 (part), 1999)

9.28.050 - Permit fees.

Each application for a sign for which a permit is required by this chapter shall be accompanied by a permit fee computed in accordance with the provisions of section 107 of the California Building Code as adopted by section 9.04.030 of this title.

(Ord. 1040 § 5 Exh. E (part), 2002; prior code § 9-7.05)

9.32.040 - Building moving permit—Application fee.

Before any application for a building moving permit is accepted, a fee of One Hundred and no/100ths (\$100.00) Dollars, as revised from time to time by City Council resolution, shall be paid by the applicant to cover the cost to the City of the investigation of the building to be moved to determine whether a building moving permit should be issued, the applicable post-building moving conditions and the inspection of the proposed new location if such new location is located within the City. Such application fee shall be in addition to any other building permit and inspection fees. No part of the application fee shall be refunded.

10.08.3630 - Variances.

When practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter result through the strict and literal interpretation and enforcement of the provisions of this chapter, the Community Development Director shall have the authority as an

administrative act, subject to the provisions of this article, to grant, upon such conditions as he may determine, such variances from the provisions of this chapter as may be in harmony with its general purpose and intent so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.
(Prior code § 10-2.2801)

10.08.4150 - Filing fees.

The filing fees for all applications, appeals, requests for determinations, clarifications, and interpretations provided for in this chapter shall be set by resolution of the Council.
(Prior code § 10-2.3104)

10.08.4240 - Issuance of temporary use permits.

In order to assure the protection of the health, safety, and welfare of the citizens of the City, while still providing for their pleasure and convenience, the Community Development Director may issue a permit for the establishment of temporary uses within the City in accordance with the following procedure and conditions; however, at his discretion or at the request of the Commission, he may refer any application for a temporary use or structure to the Commission for consideration:

- (a) Prior to the establishment of any temporary use on any lot or parcel in the City, a temporary use permit shall be obtained from the Community Development Department. Such permit may be issued for a maximum of thirty (30) days after the date of issue for any use which is deemed by the Community Development Director to be of a temporary nature upon making the following findings:
 - (1) That the temporary use will not be detrimental to the zoning district in which it is proposed to be located; and
 - (2) That the temporary use will not be detrimental to adjoining properties through the creation of excessive dust, noise, light, odor, or other objectionable characteristics.
- (b) Temporary uses for which permits may be granted include, but are not limited to, carnivals, circuses, religious revivals, Christmas tree lots, promotions and sales in trucks or trailers, animal shows or displays, and food stands.
- (c) Temporary uses conducted entirely within a structure that is occupied by an existing business or organization shall be exempt from the provisions of this section.
- (d) Ingress and egress shall be limited to that designated by the Community Development Department. Appropriate directional signs, barricades, fences, or landscaping shall be provided where required. A security officer may be required for promotional events.
- (e) Off-street parking facilities shall be provided on the site of each temporary use.
- (f) Upon the termination of the temporary use permit or the abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to its original condition.
- (g) The opening and closing time for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the Community Development Director.
- (h) Applications for temporary use permits shall be made to the Community Development Department and shall be accompanied by the following:

- (1) Five (5) copies of a dimensional plot plan showing the following:
 - (i) The subject property with the property lines and abutting properties;
 - (ii) The location of the temporary use related to the subject and adjoining properties;
 - (iii) The parking, driveways, and loading areas; and
 - (iv) The vehicular ingress, and egress; and
 - (2) One copy of the dimensioned elevations of any structure proposed for location.
 - (i) The Community Development Director shall have the authority to approve or disapprove the application, or to approve it subject to compliance with such conditions as may be deemed necessary to carry out the purposes of this chapter and to meet the requirements listed in subsection (a) of this section.
- (j) In the event the applicant is not satisfied with the decision of the Community Development Director, the applicant may appeal in writing to the Commission within ten (10) days, and the Commission shall render a decision within thirty (30) days following such appeal.
(Prior code § 10-2.3400)

10.08.4270 - Permits for conditional uses—Applications—Fees.

Applications for use permits shall be made to the Commission on a form which shall include the following data:

- (a) The name and address of the applicant;
- (b) A statement that the applicant is the owner of the property, or is the authorized agent of the owner, or the plaintiff in an action of eminent domain to acquire the property involved;
- (c) The address or description of the property;
- (d) A statement setting forth the precise circumstances or conditions applicable to the land, structure, or proposed use which makes the granting of a use permit necessary, together with any other data pertinent to the findings prerequisite to the granting of a use permit;
- (e) A drawing of the site and the surrounding area, for a distance of at least 300 feet from each boundary of the site, showing the existing locations of streets and property lines and a list of the names and last known addresses of the recorded legal owners as shown on the latest adopted assessment roll of the County of all properties shown on the drawing. The County Assessor's maps, copies of which are available at cost in the Community Development Department, may be used for this purpose;
- (f) Ten (10) prints of a site plan, drawn to scale, which shall indicate clearly and with full dimensions the following information:
 - (1) The lot or site dimensions;
 - (2) The buildings and structures; floor plan, front and side elevations; and location, size, and proposed use;
 - (3) The yards and space between buildings;
 - (4) The walls and fences, location and height;
 - (5) The off-street parking and off-street loading; the location, number of spaces, and dimensions of parking and loading areas; and the internal circulation pattern;
 - (6) The access, pedestrian, vehicular, and service; and the points of ingress and egress, including the internal circulation pattern;
 - (7) The signs, location, size, height, and type of illumination, if any, including hooding devices;

- (8) The lighting, location, general nature, and hooding devices;
 - (9) The street dedications and improvements;
 - (10) The landscaping, location and type; and
 - (11) Such other data as may be required by the Commission to make the required findings;
- (g) The site plan shall be so prepared by the applicant to enable the Commission to find that:
- (1) All the applicable provisions of this chapter are complied with;
 - (2) The following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected and there will be no adverse effect on surrounding property:
 - (i) Facilities and improvements;
 - (ii) Vehicular ingress, egress, and internal circulation;
 - (iii) Setbacks;
 - (iv) Height of buildings;
 - (v) Location of service;
 - (vi) Walls and fences;
 - (vii) Landscaping; and
 - (viii) Drainage of site;
 - (3) The proposed lighting is so arranged as to deflect the light away from adjoining properties; and
 - (4) The proposed signs and outdoor advertising structures will comply with all of the applicable provisions of this chapter.

In making such findings, the Commission shall determine that approvals will be consistent with established legislative policies relating to traffic safety, street dedications, and street improvements; and

- (h) The application shall be accompanied by the required filing fee.
(Prior code § 10-2.3403) 10.08.4270

10.12.070 - Application requirements for RGAs.

No RGA shall be allocated by the City unless the developer submits an application in accordance with the requirements of this chapter and the requirements of the GMO guidelines.
(Ord. No. 1136, § 1, 2009)

10.20.040 - Initiation procedures.

- (a) General. The proposal to prepare a specific plan may be initiated either by the City or by another applicant.
- (b) City-initiated specific plan. A City-initiated proposal shall be submitted to the City Council for consideration. A written staff report shall include:
 - (1) A description of the proposed project;
 - (2) The reasons for the use of the specific plan process;
 - (3) A vicinity map, drawn to scale, showing the proposed specific plan area and areas within one mile of the property;

- (4) A description of the current use of the property, and the addresses and assessor's parcel numbers for the properties, listed from the latest assessor's roll;
- (5) The planned land use designations for the properties shown on a map;
- (6) Proposed amendments to other, existing plans or proposals to amend zoning regulations;
- (7) A statement of how the specific plan implements the general plan and any anticipated general plan amendments; and
- (8) Any additional information required by the Director of Development and Engineering Services.

If the City Council agrees with the proposal or a modification, it shall adopt a resolution of intention to adopt a specific plan and related environmental review.

(c) Application by another party.

(1) Complete application. A party wishing the City to adopt a specific plan shall first submit a complete application to the Development and Engineering Services Department and pay an application fee as established by the City Council under subsection 10.20.080(a). The applicant is not required to own or otherwise control a majority of the properties within the proposed specific plan area. The application shall include a City application form with accompanying diagrams and other pertinent information, including the information set forth in subsection (b) above.

(2) Meeting with DES. Within thirty (30) days of receipt of a complete application, the Development and Engineering Services Department shall schedule a meeting with the applicant to review the application. The department may propose modifications to the specific plan boundaries and scope in order to facilitate comprehensive planning. Due to the significant role an adopted specific plan plays in the implementation of the general plan, a project applicant should seek guidance from the Development and Engineering Services Department before submitting an application for a specific plan.

(Ord. No. 1126, § 1, 11-18-2008; Ord. No. 1144, § 2, 3-16-2010)

10.20.080 - Fees.

(a) Application and processing. An applicant other than the City shall pay the application and processing fees established by City Council resolution. This includes processing fees, through a cost recovery agreement, intended to cover the costs under subsection (b).

(b) Specific plan fee. The City Council may establish a specific plan fee for applicants seeking a land use entitlement within the area of a proposed or an already-adopted specific plan. (Government Code § 65456.) A specific plan fee shall only be established to reimburse the City for costs it incurs for preparation, adoption and administration of the specific plan (whether or not such costs are otherwise covered by a cost recovery agreement with a developer). It does not apply to a developer's own costs or its consultants' costs for a specific plan. The purpose of the fee is to defray the cost of preparation, adoption and administration of the specific plan and to reimburse the City or other paying party for the costs of preparing the specific plan, including costs of consultants and environmental review. The fees charged shall be a prorated amount in accordance with the applicant's relative benefit derived from the specific plan. In the aggregate, the fees shall defray, but not exceed, the cost of preparation, administration and adoption of the specific plan.

(c) Infrastructure master plan costs. Because infrastructure master plans are a critical element of a workable specific plan, an applicant for a specific plan shall pay its fair share of the cost of the infrastructure master plans. The amount of the infrastructure master plan costs shall be established through one or more infrastructure master plan processing agreements and payment is a condition of proceeding with the specific plan application after the City Council direction to proceed. (The infrastructure master plan processing agreements are distinguished from the cost of implementing the infrastructure master plans through impact fees or other measures.)

(Ord. No. 1126, § 1, 11-18-2008; Ord. No. 1137, § 2, 2009; Ord. No. 1144, § 3, 3-16-2010)

10.28.808 - Adult business use permit requirement.

(a) No adult business may be established within the City by right. Each person wishing to establish an adult business within the City must apply for and receive an adult business use permit under this chapter.

(b) The applicant has the responsibility and the burden to supply evidence to justify the grant of an adult business use permit.

(c) A person who wishes to operate or establish an adult business within the City shall file with the Community Development Department an adult business use permit application on a standard application form supplied by the department.

(Ord. 982 § 4, 1998)

12.04.080 - Lot line adjustment procedure.

The procedure for request and approval of a lot line adjustment is as follows.

(a) The applicant shall submit a request to the Community Development Department (Planning Division) for a lot line adjustment, together with:

- (1) A letter from the owner requesting the lot line adjustment;
- (2) An original legal description and exhibit map for the lot line adjustment prepared by a registered civil engineer or licensed land surveyor;
- (3) A sketch (eight and one-half by eleven (8½" x 11") inches) showing the proposed lot line adjustment, including: (1) all existing structures, utilities and utility easements which are within fifty (50') feet of an existing or proposed property line, and (2) the existing and proposed property lines;

- (4) A preliminary title report prepared within ninety (90) days of the application; and
- (5) Applicable processing fees, as established by City Council resolution.

(b) The Community Development Director shall transmit a copy of the application to the City Engineer, and shall coordinate review with that of the City Engineer.

(c) The Community Development Director shall review and determine whether or not the parcels resulting from the lot line adjustment will conform to local zoning and building ordinances, under Government Code section 66412(d). If the director determines that the parcels resulting from the lot line adjustment will conform to local zoning and building ordinances, he or she shall promptly notify the City Engineer.

The Community Development Director may determine that the parcels resulting from the lot line adjustment substantially conform to the zoning regulations if the lot line adjustment will

significantly reduce the degree of non-conformity regarding nonconforming lot coverage, yard setbacks, or distances between structures.

(d) The City Engineer may require revisions, and may require right-of-way dedication required to conform to local zoning and building ordinances, or to facilitate the relocation of existing utilities, infrastructure, or easements, in accordance with Government Code section 66412(d).

The City Engineer is authorized to approve or deny the request for a lot line adjustment and, if approved, to record the final documents with the County Recorder.

(e) The decision of the City Engineer may be appealed to the Planning Commission within ten (10) days of the decision, under section 12.04.060.

(Ord. 934 C.S. § 1 (part), 1996: prior code § 12-1.108)

12.12.070 - Fees and deposits.

An applicant requesting any service from the City under this title shall pay all processing fees and deposits established by resolution of the City Council. The fees may not exceed the amount reasonably required to administer this title.

(Ord. 934 C.S. § 1 (part), 1996: prior code § 12-3.107)

12.16.060 - Department review and referral.

The tentative subdivision map application shall be accepted as complete only when the map conforms to Section 12.16.020 and when all accompanying data or reports, as required by Section 12.16.030 and all fees and/or deposits as required by Section 12.16.070 have been submitted by the subdivider and reviewed and accepted by the Department. The Department shall consult with the engineering division before accepting an application as complete. The subdivider shall file with the Department the number of copies of tentative maps the Department deems necessary. The Department shall forward copies of the tentative map to the affected public agencies and utilities, and to those agencies described in Section 12.12.090, for their findings and recommendations.

(Ord. 934 C.S. § 1 (part), 1996: prior code § 12-4.106)

12.28.050 - Fees.

(a) Upon filing a vesting tentative map, the subdivider shall pay all required fees and/or deposits for checking and processing maps, plans and reports. Any additional fees required due to changes of the maps, plans and reports are due and payable by the subdivider upon request by the City.

(b) Unless the conditions of approval provide otherwise, the amount of all other fees required by this title for the development shall be determined at the time an application for the building permit is made (to the extent permitted by state law).

(Ord. 934 C.S. § 1 (part), 1996: prior code § 12-7.105)

ture or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or building service will be granted.

303.2 Retention of Plans. One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than 90 days from the date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

303.3 Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or the technical codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of these codes or of any other ordinances of this jurisdiction.

303.4 Expiration. Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

303.5 Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code and the technical codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes.

SECTION 304 — FEES

304.1 General. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by this jurisdiction.

304.2 Permit Fees. The fee for each permit shall be as set forth in Tables 3-A through 3-H. Where a technical code has been adopted by the jurisdiction for which no fee schedule is shown in

this code, the fee required shall be in accordance with the schedule established by the legislative body.

The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment.

304.3 Plan Review Fees. When submittal documents are required by Section 302.2, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table 3-A.

The plan review fees for electrical, mechanical and plumbing work shall be equal to 25 percent of the total permit fee as set forth in Tables 3-B, 3-C and 3-D.

The plan review fee for grading work shall be as set forth in Table 3-G.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 304.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 302.4.2, an additional plan review fee shall be charged at the rate shown in Tables 3-A through 3-G.

304.4 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

304.5 Investigation Fees: Work without a Permit.

304.5.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

304.5.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Tables 3-A through 3-H. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.

304.6 Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

304.6
305.8

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

SECTION 305 — INSPECTIONS

305.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in Section 306.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

305.2 Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

305.3 Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

It shall be the duty of the person requesting any inspections required either by this code or the technical codes to provide access to and means for inspection of the work.

305.4 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

305.5 Required Building Inspections. Reinforcing steel or structural framework of a part of a building or structure shall not be covered or concealed without first obtaining the approval of the building official. Protection of joints and penetrations in fire-

resistive assemblies shall not be concealed from view until inspected and approved.

The building official, upon notification, shall make the following inspections:

1. **Foundation inspection.** To be made after excavations for footings are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

2. **Concrete slab or under-floor inspection.** To be made after in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.

3. **Frame inspection.** To be made after the roof, framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes, and ducts are approved.

4. **Lath and/or wallboard inspection.** To be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished.

5. **Final inspection.** To be made after finish grading and the building is completed and ready for occupancy.

305.6 Required Building Service Equipment Inspections.

305.6.1 General. Building service equipment for which a permit is required by this code shall be inspected by the building official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply, or sewer system until authorized by the building official.

305.6.2 Operation of building service equipment. The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the building official not more than 48 hours after the replacement work is completed, and before any portion of such building service equipment is concealed by permanent portions of the building.

305.7 Other Inspections. In addition to the called inspections specified above, the building official may make or require other inspections of construction work to ascertain compliance with the provisions of this code or technical codes and other laws which are enforced by the code enforcement agency.

305.8 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

TABLE 3-A
TABLE 3-B

TABLE 3-A—BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.75 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.45 for each additional \$1,000.00, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours (minimum charge—two hours)	\$47.00 per hour*
2. Reinspection fees assessed under provisions of Section 305.8	\$47.00 per hour*
3. Inspections for which no fee is specifically indicated (minimum charge—one-half hour)	\$47.00 per hour*
4. Additional plan review required by changes, additions or revisions to plans (minimum charge—one-half hour)	Actual costs**
5. For use of outside consultants for plan checking and inspections, or both	Actual costs**

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**Actual costs include administrative and overhead costs.

TABLE 3-B—ELECTRICAL PERMIT FEES

Permit Issuance	
1. For the issuance of each electrical permit	\$23.50
2. For the issuing of each supplemental permit for which the original permit has not expired, been canceled, or finalized	\$7.25
System Fee Schedule	
<i>(Note: The following do not include permit-issuing fee.)</i>	
1. New Residential Buildings	
The following fees shall include all wiring and electrical equipment in or on each building, or other electrical equipment on the same premises-constructed at the same time.	
Multifamily. For new multifamily buildings (apartments and condominiums) having three or more dwelling units constructed at the same time, not including the area of garages, carports and accessory buildings, per square foot (0.09 m ²)	0.050
Single- and two-family. For new single- and two-family residential buildings constructed at the same time and not including the area of garages, carports and accessory buildings, per square foot (0.09 m ²)	0.056
For other types of residential occupancies and for alterations, additions and modifications to existing residential buildings, use the Unit Fee Schedule.	
2. Private Swimming Pools	
For new private, in-ground swimming pools for single-family and multifamily occupancies, including a complete system of necessary branch circuit wiring, bonding, grounding, underwater lighting, water pumping and other similar electrical equipment directly related to the operation of a swimming pool, each pool	49.50
3. Carnivals and Circuses	
Carnivals, circuses, or other traveling shows or exhibitions utilizing transportable-type rides, booths, displays and attractions.	23.50
For electrical generators and electrically driven rides, each	7.25
For mechanically driven rides and walk-through attractions or displays having electric lighting, each	7.25
For a system of area and booth lighting, each	
For permanently installed rides, booths, displays and attractions, use the Unit Fee Schedule.	
4. Temporary Power Service	
For a temporary service pole or pedestal, including all pole or pedestal-mounted receptacle outlets and appurtenances, each	23.50
For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative lights, Christmas tree sales lots, fireworks stands, etc., each	12.30
Unit Fee Schedule	
<i>(Note: The following do not include permit-issuing fee.)</i>	
1. Receptacle, Switch and Light Outlets	
For receptacle, switch, light or other outlets at which current is used or controlled, except services, feeders and meters:	
First 20 fixtures, each	1.10
Additional fixtures, each	0.73
Note: For multioutlet assemblies, each 5 feet (1524 mm) or fraction thereof may be considered as one outlet.	
2. Lighting Fixtures	
For lighting fixtures, sockets or other lamp-holding devices:	
First 20 fixtures, each	1.10
Additional fixtures, each	\$ 0.73

over 10kVA

For pole or platform-mounted lighting fixtures, each	1.10
For theatrical-type lighting fixtures or assemblies, each	1.10
3. Residential Appliances	
For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens; counter-mounted cooking tops; electric ranges; self-contained room, console or through-wall air conditioners; space heaters; food waste grinders; dishwashers; washing machines; water heaters; clothes dryers; or other motor-operated appliances not exceeding 1 horsepower (HP) (746 W) in rating, each	4.75
<i>Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus.</i>	
4. Nonresidential Appliances	
For nonresidential appliances and self-contained factory-wired, nonresidential appliances not exceeding 1 horsepower (HP), kilowatt (kW) or kilovolt-ampere (kVA), in rating, including medical and dental devices; food, beverage and ice cream cabinets; illuminated show cases; drinking fountains; vending machines; laundry machines; or other similar types of equipment, each	4.75
<i>Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus.</i>	
5. Power Apparatus	
For motors, generators transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows:	
Rating in horsepower (HP), kilowatts (kW), kilovolt-amperes (kVA) or kilovolt-amperes-reactive (kVAR):	4.75
Up to and including 1, each	12.30
Over 1 and not over 10, each	24.60
Over 10 and not over 50, each	49.50
Over 50 and not over 100, each	74.50
Over 100, each	
<i>Notes:</i>	
1. For equipment or appliances having more than one motor, transformer, heater, etc., the sum of the combined ratings may be used.	
2. These fees include all switches, circuit breakers, contactors, thermostats, relays and other directly related control equipment.	
6. Busways	
For trolley and plug-in-type busways, each 100 feet (30 480 mm) or fraction thereof	7.25
<i>Note: An additional fee is required for lighting fixtures, motors and other appliances that are connected to trolley and plug-in-type busways. A fee is not required for portable tools.</i>	
7. Signs, Outline Lighting and Marquees	
For signs, outline lighting systems or marquees supplied from one branch circuit, each	24.60
For additional branch circuits within the same sign, outline lighting system or marquee, each	4.75
8. Services	
For services of 600 volts or less and not over 200 amperes in rating, each	30.50
For services of 600 volts or less and over 200 amperes to 1,000 amperes, each	62.15
For services over 600 volts or over 1,000 amperes in rating, each	124.30
9. Miscellaneous Apparatus, Conduits and Conductors	
For electrical apparatus, conduits and conductors for which a permit is required but for which no fee is herein set forth	18.20
<i>Note: This fee is not applicable when a fee is paid for one or more services, outlets, fixtures, appliances, power apparatus, busways, signs or other equipment.</i>	
Other Inspections and Fees:	
1. Inspections outside of normal business hours, per hour (minimum charge—two hours)	\$49.50*
2. Reinspection fees assessed under provisions of Section 305.8, per inspection	\$49.50*
3. Inspections for which no fee is specifically indicated, per hour (minimum charge—one-half hour)	\$49.50*
4. Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge—one-half hour)	\$49.50*
<i>*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.</i>	

TABLE 3-C

TABLE 3-C—MECHANICAL PERMIT FEES

Permit Issuance and Heaters	\$23.50
1. For the issuance of each mechanical permit	7.25
2. For issuing each supplemental permit for which the original permit has not expired, been canceled or finalized	7.25
Unit Fee Schedule	
<i>(Note: The following do not include permit-issuing fee.)</i>	
1. Furnaces	
For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h (29.3 kW)	14.80
For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3 kW)	18.20
For the installation or relocation of each floor furnace, including vent	14.80
For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater	14.80
2. Appliance Vents	
For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit	7.25
3. Repairs or Additions	
For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code	13.70
4. Boilers, Compressors and Absorption Systems	
For the installation or relocation of each boiler or compressor to and including 3 horsepower (10.6 kW), or each absorption system to and including 100,000 Btu/h (29.3 kW)	14.70
For the installation or relocation of each boiler or compressor over 3 horsepower (10.6 kW) to and including 15 horsepower (52.7 kW), or each absorption system over 100,000 Btu/h (29.3 kW) to and including 500,000 Btu/h (146.6 kW)	27.15
For the installation or relocation of each boiler or compressor over 15 horsepower (52.7 kW) to and including 30 horsepower (105.5 kW), or each absorption system over 500,000 Btu/h (146.6 kW) to and including 1,000,000 Btu/h (293.1 kW)	37.25
For the installation or relocation of each boiler or compressor over 30 horsepower (105.5 kW) to and including 50 horsepower (176 kW), or each absorption system over 1,000,000 Btu/h (293.1 kW) to and including 1,750,000 Btu/h (512.9 kW)	55.45
For the installation or relocation of each boiler or compressor over 50 horsepower (176 kW), or each absorption system over 1,750,000 Btu/h (512.9 kW)	92.65
5. Air Handlers	
For each air-handling unit to and including 10,000 cubic feet per minute (cfm) (4719 L/s), including ducts attached thereto	10.65
Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.	
For each air-handling unit over 10,000 cfm (4719 L/s)	18.10
6. Evaporative Coolers	
For each evaporative cooler other than portable type	10.65
7. Ventilation and Exhaust	
For each ventilation fan connected to a single duct	7.25
For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit	10.65
For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood	10.65
8. Incinerators	
For the installation or relocation of each domestic-type incinerator	18.20
For the installation or relocation of each commercial or industrial-type incinerator	14.50
9. Miscellaneous	
For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which their fee is listed in the table	10.65
Other Inspections and Fees:	
1. Inspections outside of normal business hours, per hour (minimum charge—two hours)	\$49.50*
2. Reinspection fees assessed under provisions of Section 305.8, per inspection	\$49.50*
3. Inspections for which no fee is specifically indicated, per hour (minimum charge—one-half hour)	\$49.50*
4. Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge—one-half hour)	\$49.50*
*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.	

TABLE 3-D—PLUMBING PERMIT FEES

Permit Issuance	
1. For the issuance of each plumbing permit	\$23.50
2. For issuing each supplemental permit for which the original permit has not expired, been canceled or finalized	7.25
Unit Fee Schedule	
<i>(Note: The following do not include permit-issuing fee.)</i>	
1. Fixtures and Vents	
For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection thereof)	9.80
For repair or alteration of drainage or vent piping, each fixture	4.75
2. Sewers, Disposal Systems and Interceptors	
For each building sewer and each trailer park sewer	24.65
For each cesspool	37.25
For each private sewage disposal system	74.50
For each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps	19.90
Rainwater systems—per drain (inside building)	9.80
3. Water Piping and Water Heaters	
For installation, alteration, or repair of water piping or water-treating equipment, or both, each	4.75
For each water heater including vent	12.30
For vents only, see Table 3-C.	
4. Gas Piping Systems	
For each gas piping system of one to five outlets	6.15
For each additional outlet over five, each	1.10
5. Lawn Sprinklers, Vacuum Breakers and Backflow Protection Devices	
For each lawn sprinkler system on any one meter, including backflow protection devices thereof	14.80
For atmospheric-type vacuum breakers or backflow protection devices not included in Item 1:	
1 to 5 devices	12.30
Over 5 devices, each	2.25
For each backflow-protection device other than atmospheric-type vacuum breakers:	
2 inches (50.8 mm) and smaller	12.30
Over 2 inches (50.8 mm)	24.65
6. Swimming Pools	
For each swimming pool or spa:	
Public pool	91.25
Public spa	60.75
Private pool	60.75
Private spa	30.25
7. Miscellaneous	
For each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories, or for which no other fee is listed in this code	9.80
Other Inspections and Fees:	
1. Inspections outside of normal business hours, per hour (minimum charge—two hours)	\$49.50*
2. Reinspection fees assessed under provisions of Section 305.8, per inspection	\$49.50*
3. Inspections for which no fee is specifically indicated, per hour (minimum charge—one-half hour)	\$49.50*
4. Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge—one-half hour)	\$49.50*

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

TABLE 3-E
TABLE 3-H

TABLE 3-E—ELEVATOR PERMIT FEES

- New Installations:
- Passenger or freight elevator, escalator, moving walk:
 - Up to and including \$40,000.00 of valuation—\$89.00
 - Over \$40,000.00 of valuation—\$89.00 plus \$1.65 for each \$1,000.00 or fraction thereof over \$40,000.00
 - Dumbwaiter or private residence elevator:
 - Up to and including \$10,000 of valuation—\$25.00
 - Over \$10,000.00 of valuation—\$25.00 plus \$1.65 for each \$1,000.00 or fraction thereof over \$10,000.00

Major Alterations:
Fees for major alterations shall be as set forth in Table 3-A. Installation fees include charges for the first year's annual inspection fee and charges for electrical equipment on the conveyance side of the disconnect switch.

TABLE 3-F—ELEVATOR ANNUAL CERTIFICATES OF INSPECTION FEES

For each elevator	\$41.50
For each escalator or moving walk	24.65
For each commercial dumbwaiter	16.75

(Each escalator or moving walk unit powered by one motor shall be considered as a separate escalator or moving walk.)

TABLE 3-G—GRADING PLAN REVIEW FEES

50 cubic yards (38.2 m ³) or less	No fee
51 to 100 cubic yards (40 to 76.5 m ³)	\$23.50
101 to 1,000 cubic yards (77.2 to 764.6 m ³)	37.00
1,001 to 10,000 cubic yards (765.3 to 7645.5 m ³)	49.25
10,001 to 100,000 cubic yards (7646.3 to 76 455 m ³)—\$49.25 for the first 10,000 cubic yards (7645.5 m ³), plus \$24.50 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof.	
100,001 to 200,000 cubic yards (76 456 to 152 911 m ³)—\$269.75 for the first 100,000 cubic yards (76 455 m ³), plus \$13.25 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof.	
200,001 cubic yards (152 912 m ³) or more—\$402.25 for the first 200,000 cubic yards (152 911 m ³), plus \$7.25 for each additional 10,000 cubic yards (7545.5 m ³) or fraction thereof.	

Other Fees:
Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed \$50.50*
*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

TABLE 3-H—GRADING PERMIT FEES¹

50 cubic yards (38.2 m ³) or less	\$23.50
51 to 100 cubic yards (40 to 76.5 m ³)	37.00
101 to 1,000 cubic yards (77.2 to 764.6 m ³)—\$37.00 for the first 100 cubic yards (76.5 m ³) plus \$17.50 for each additional 100 cubic yards (76.5 m ³) or fraction thereof.	
1,001 to 10,000 cubic yards (765.3 to 7645.5 m ³)—\$194.50 for the first 1,000 cubic yards (764.6 m ³), plus \$14.50 for each additional 1,000 cubic yards (764.6 m ³) or fraction thereof.	
10,001 to 100,000 cubic yards (7646.3 to 76 455 m ³)—\$325.00 for the first 10,000 cubic yards (7645.5 m ³), plus \$66.00 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof.	
100,001 cubic yards (76 456 m ³) or more—\$919.00 for the first 100,000 cubic yards (76 455 m ³), plus \$36.50 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof.	

Other Inspections and Fees:
1. Inspection outside of normal business hours, per hour (minimum charge—two hours) \$50.50²
2. Reinspections fees assessed under provisions of Section 305.8, per inspection \$50.50²
3. Inspections for which no fee is specifically indicated, per hour (minimum charge—one-half hour) \$50.50²

¹The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.
²Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

Development Services Department

Resolutions

RESOLUTION 2014-141

APPROVING AN AMENDMENT TO THE MASTER FEE SCHEDULE TO MODIFY THE DEVELOPMENT SERVICES PUBLIC IMPROVEMENT PLAN CHECK FEES

WHEREAS, On April 18, 2000, City Council increased engineering services fees to recoup actual costs incurred by the City (Resolution 2000-131), and

WHEREAS, At that time, the plan check fee for public improvement plans was increased from a flat 3.5% to 5.78% of the value of the proposed improvements, and

WHEREAS, There have been recent requests by the development community to review and revise the plan check fees for larger projects, and

WHEREAS, Staff reviewed the plan check fees of several cities and determined that in the City of Tracy, the plan check fees for projects with improvements valued over \$1 million are higher than the other communities that were surveyed, and

WHEREAS, Staff recommends modifying the plan check fee for public improvement plans for projects valued over \$1 million, and

WHEREAS, Staff recommends amending the Master Fee Schedule to modify the public improvement plan check fee as shown on Exhibit A;

NOW, THEREFORE, BE IT RESOLVED, That City Council approves an amendment to the Master Fee Schedule to modify the Development Services public improvement plan check fee.

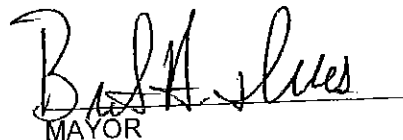
The foregoing Resolution 2014-141 was adopted by the Tracy City Council on the 2nd day of September, 2014, by the following vote:

AYES: COUNCIL MEMBERS: MACIEL, MANNE, RICKMAN, YOUNG, IVES

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE


MAYOR

ATTEST:

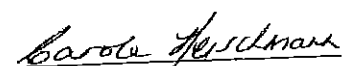

INTERIM CITY CLERK

EXHIBIT A

SERVICE OR APPLICATION	PROPOSED FEE	LEGAL AUTHORITY																
PUBLIC IMPROVEMENTS Inspection improvement agreement (SIA, DIA, OIA, PIRA, any amendment) Plan check <ul style="list-style-type: none"> for improvements valued between \$0 and for improvements valued over \$1,000,000 for improvements valued over \$5,000,000 Inspection (% of improvement constr cost) As-builts, review after construction	\$6,607 5.78% x improvement constr cost \$57,800 + (3.6% x value of Improvements over \$1M) Actual Cost, Deposit of \$100,000 due upon submittal of plans 3.50% \$32	TMC §3.36.010 Reso. 2013-086																
Micro-Imaging Fees {+ 2% of invoice total for pick-up and delivery): <ul style="list-style-type: none"> 11" x 17" and smaller, black & white or gray scale document with 2" field index anything larger than 11" x 17", black and white or gray scale document with a two field index 11" x 17" and smaller, color document with a two-field index 18" x 24" color document, with a two-field index 24" x 36" color document, with a two field index 	\$0.08 each +2% ¹ \$0.81 each +2% ¹ \$0.14 each +2% ¹ \$0.49 each +2% ¹ \$1 each +2% ¹																	
SEGREGATION OF ASSESSMENT (Within any assessment districts)	\$42 / lot																	
RECORD OF SURVEY	\$313																	
STREET/EASEMENT ABANDONMENT	\$1,521																	
ENCROACHMENT PERMIT Sidewalks, plus whichever is less Driveways, Curbs, plus whichever is less Trees, Utility Boxes/per hour (1 hour minimum) Miscellaneous Encroachment Permit, plus hourly rate for inspection and engineering review.	\$370 plus \$16 / Sq Ft or \$53 / hr \$58 plus \$16 / Sq Ft or \$53 / hr \$58 plus \$53 / hr \$58 / permit plus \$89 / hr \$116	TMC §7.04.020																
OVERSIZE LOAD PERMIT Single Permit Annual or Blanket Permit (fix route)	\$16 \$95																	
BUILDING MOVING OR OVERSIZED LOAD Permit fee Other	\$604 Hourly rate for City personnel	TMC §9.32.040																
Legend: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>* Not subject to CPI adjustment</td> <td>CBC - CA Building Code</td> <td>CFR - Code of Federal Regulations</td> <td>B & P - CA Bus. & Professions Code</td> </tr> <tr> <td>TMC - Tracy Municipal Code</td> <td>PC - Penal Code</td> <td>DOJ - CA Department of Justice</td> <td>CCR - CA Code of Regulations</td> </tr> <tr> <td>GC - CA Government Code</td> <td>VC - Vehicle Code</td> <td>H&S - CA Health and Safety Code</td> <td></td> </tr> <tr> <td>PRC - CA Public Resources Code</td> <td>CFC - CA Fire Code</td> <td>FAC - CA Food & Agriculture Code</td> <td></td> </tr> </table>			* Not subject to CPI adjustment	CBC - CA Building Code	CFR - Code of Federal Regulations	B & P - CA Bus. & Professions Code	TMC - Tracy Municipal Code	PC - Penal Code	DOJ - CA Department of Justice	CCR - CA Code of Regulations	GC - CA Government Code	VC - Vehicle Code	H&S - CA Health and Safety Code		PRC - CA Public Resources Code	CFC - CA Fire Code	FAC - CA Food & Agriculture Code	
* Not subject to CPI adjustment	CBC - CA Building Code	CFR - Code of Federal Regulations	B & P - CA Bus. & Professions Code															
TMC - Tracy Municipal Code	PC - Penal Code	DOJ - CA Department of Justice	CCR - CA Code of Regulations															
GC - CA Government Code	VC - Vehicle Code	H&S - CA Health and Safety Code																
PRC - CA Public Resources Code	CFC - CA Fire Code	FAC - CA Food & Agriculture Code																

RESOLUTION 98-373

ADOPTING REVISED FEES FOR PLANNING AND ENGINEERING SERVICES

WHEREAS, The City commissioned the Management Services Institute (MSI) to prepare a comprehensive cost allocation plan and fee study which identifies the City's cost to provide planning and engineering services and the corresponding fee revenue for these services, and

WHEREAS, If the cost of the service exceeds the current fee revenue, then a subsidy from general taxes is necessary and if the fee revenue exceeds the costs, then net revenue is received and no contribution from general taxes is necessary, and

WHEREAS, At the August 31, 1998 City Council workshop, Council indicated a desire to not increase those fees which would adversely impact homeowners or serve as a detriment for citizen compliance with zoning or building matters, and

WHEREAS, It is necessary to lower fees for four services for which the revenue exceeds the cost of service so that their cost equals the fee charged, and

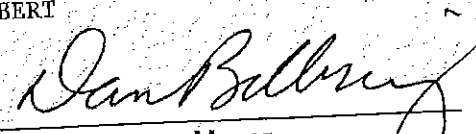
WHEREAS, There are two services for which the City incurs significant costs but for which no fee is currently charged;

NOW, THEREFORE BE IT RESOLVED, That the City Council hereby adopt the attached fee schedule for Planning and Engineering services.


BE IT FURTHER RESOLVED, That this resolution and corresponding fee schedule shall become effective 60 days after adoption.

The foregoing Resolution 98-373 was adopted by the Tracy City Council on the 1st day of December, 1998 by the following vote:

AYES:	COUNCIL MEMBERS:	IVES, MATTHEWS, TUCKER, BILBREY
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	TOLBERT


Mayor

ATTEST


City Clerk

PLANNING & ENGINEERING FEES

PLANNING SERVICES:			
CONDITIONAL USE REVIEW	CLASS A	\$7,100.00	PER APPLICATION
	CLASS B	\$3,435.00	PER APPLICATION
	CLASS C	\$2,325.00	PER APPLICATION
DEVELOPMENT REVIEW	CLASS A	\$3,630.00	PER APPLICATION
	CLASS B	\$2,510.00	PER APPLICATION
	CLASS C		
PLANNED UNIT DEVELOPMENT		\$6,500.00	PER APPLICATION
PLANNED UNIT DEVELOPMENT AMENDMENT		\$3,500.00	
TENTATIVE PARCEL MAP	1-2 LOTS	\$4,895.00	PER APPLICATION
	3-4 LOTS		
TENTATIVE SUBDIVISION MAP REVIEW		\$8,600.00	per application
		\$4,100.00	additional fee
ENVIRONMENTAL DETERMINATION		\$75.00	PER APPLICATION
ENVIR. INITIAL STUDY/NEGATIVE DECL.		\$1,260.00	PER APPLICATION PLUS ANY RECORDATION FEES FAND FEES FROM OTHER AGENCIES
ENVIR. IMPACT REPORT REVIEW AND/OR NEGATIVE DECLARATION		AMOUNT SET BY REIMBURSEMENT AGREEMENT	
SPECIFIC PLAN REVIEW		AMOUNT SET BY REIMBURSEMENT AGREEMENT	
SPECIFIC PLAN AMENDMENT		\$4,000.00	Per application
GENERAL PLAN AMENDMENT		AMOUNT SET BY REIMBURSEMENT AGREEMENT	
ANNEXATION PROCESSING		\$10,000.00	PER APPLICATION
ZONE TEXT AMENDMENT		\$2,070.00	PER APPLICATION
ZONE CHANGE REVIEW		\$2,400.00	PER APPLICATION
NOISE ORDINANCE VARIATION REVIEW		\$3,500.00	PLUS ACTUAL CONSULTANT COST
VARIANCE REVIEW		\$560.00	PER APPLICATION
LOT LINE ADJUSTMENT		\$340.00	PER APPLICATION
SIGN PERMIT		\$755.00	MASTER SIGN PROGRAM
		\$55.00	INDIVIDUAL SIGNS COMPLYING WITH MSP
		\$340.00	ALL OTHER SIGNS

ENGINEERING SERVICES:			
GRADING PLAN CHECK	0-10,000 CY	\$1,485.00	
	10,000-100,000 CY	\$81.00	ADDITIONAL EACH 10,000 CY
	100,000-200,000 CY	\$69.00	ADDITIONAL EACH 10,000 CY
	200,000+ CY	\$54.00	ADDITIONAL EACH 10,000 CY
GRADING INSPECTION	5 OR LESS LOTS	\$1,185.00	PER APPLICATION
	MORE THAN 5 LOTS	\$3,000.00	
FINAL PARCEL MAP REVIEW		\$1,375.00	PER APPLICATION
FINAL SUBDIVISION MAP REVIEW		\$1,115.00	PER APPLICATION
PUBLIC IMPROVEMENT PLAN CHK		3.50%	OF IMPROVEMENT CONSTRUCTION COST
		\$250.00	PER SHEET MINIMUM
PUBLIC IMPROVEMENT INSPECT.		\$350.00	PERMIT FEE PLUS ACTUAL COSTS OF INSPECTION & MANAGMENT W/ A DEPOSIT OF 3.5% OF DEVELOPMENT CONSTRUCTION COSTS (\$2,000 MINIMUM DEPOSIT)
INSPECTION IMPROVEMENT AGREEMENT		\$3,790.00	PER APPLICATION
DEFER IMPROV./REIMBRS.AGRMT		\$3,790.00	PER APPLICATION
MAP AMENDMENT REVIEW		\$685.00	PER APPLICATION PLUS A PER HOUR CHARGE FOR THE ENGINEERING STAFF
SEGREGATION OF ASSESSMENT		\$40.00	FOR EACH NEW LOT CREATED
RECORD OF SURVEY		\$150.00	PER APPLICATION
CERTIFICATE OF COMPLIANCE		\$1,665.00	PER APPLICATION
CERTIFICATE OF CORRECTION		\$2,140.00	PER APPLICATION
STREET/EASEMENT ABANDONMENT		\$1,200.00	PER APPLICATION
ENCROACHMENT PERMI	Sidewalks	\$35.00	plus \$10 per sq ft or \$40 hr whichever is less
	Driveways, curbs	\$35.00	plus \$10 per lin fit or \$40/hr whichever is less
	Trees, Utility Boxes	\$40.00	per hour (1 hour minimum)
MISC.ENCROACHMENT PERMIT		\$80.00	PER PERMIT PLUS \$75 PER HOUR FOR THE INSPECTION AND ENGINEERING REVIEW
STREET USE PERMIT		\$125.00	PER PERMIT
WIDE,OVERWEIGHT LOAD REV.		\$16.00	SINGLE PERMIT
		\$90.00	ANNUAL OR REPETITIVE PERMIT
			FEEES ARE SET BY THE STATE
RECORD OF SURVEY		\$150.00	PER APPLICATION
STREET EASMENT ABANDONMENT		\$1,200.00	PER APPLICATION
FOR ALL SERVICES		DUE TO THE SPECIFIC NATURE OF THE APPLICATION, IF COSTS ARE DETERMINED TO BE EXTRAORDIANRY, THE FEE WILL BE A DEPOSIT DETERMINED BY STAFF	

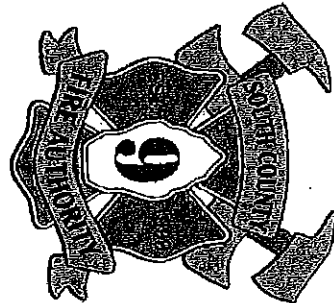
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Development Services Department

Special Studies



"Think Inside the Triangle"



City of Tracy

Fire Department

Cost of Services study findings April, 2009

MGT
OF AMERICA, INC.

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Suite 600
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P: (916) 443-3411
F: (916) 443-1766
www.mgtforamerica.com

EXECUTIVE SUMMARY

Introduction

MGT of America (MGT) is pleased to present the City of Tracy (City) with this summary of findings for the cost of services study for the Fire Department.

The Fire Department has never undertaken a comprehensive cost of services study. Since the original fee structure was adopted, the department has made some minor adjustments to the original fee levels, but has largely maintained the fee levels that had been previously adopted. The City is interested in accurately reporting the true cost of providing various fee-related services, and exploring the possibilities of modifying current fees to better reflect the increasing cost of providing services over time. In May 2008, the City contracted with MGT to perform this cost analysis using the adopted 2007-2008 fiscal year budget, staffing and operational information. Additionally, all information was provided through the period ending December 2008. Fees should be reviewed on a regular basis and adjusted in accordance with established City policies on user fee cost recovery.

This report is the culmination of the past eight months of work between MGT and Fire Department management and staff. MGT would like to take this opportunity to acknowledge all Fire management and staff who participated on this project for their efforts and coordination. Their responsiveness and continued interest in the outcome of this study contributed greatly to the success of this study.

Study Scope and Objectives

The study was performed under the general direction of the Fire Marshal. The primary goals of the study were to:

- ❖ Define what it costs the city to provide various fee-related services.
- ❖ Determine whether there are any opportunities to implement new fees, based on city cost recovery policies.
- ❖ Identify service areas where the City might adjust fees based on the full cost of services and other economic or policy considerations.
- ❖ Develop revenue projections based on recommended increases (or decreases) to fees.
- ❖ Provide comparative data for recovery levels to other MGT clients.

The information summarized in this report addresses each of these issues and provides the City with the tools necessary to make informed decisions about any proposed fee adjustments and the resulting impact on general fund revenues.

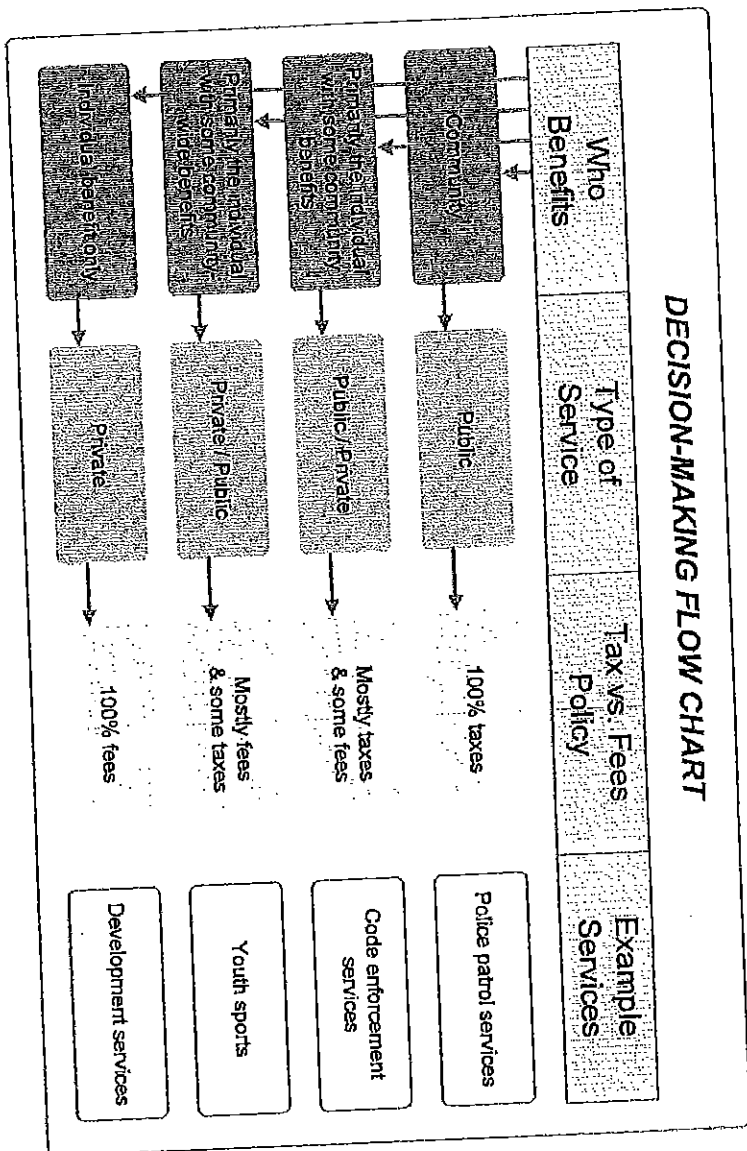
Economic & Policy Considerations

Calculating the true cost of providing city services is a critical step in the process of establishing user fees and corresponding cost recovery levels. Although it is an important factor, other factors must also be given consideration. City decision-makers must also consider the effects that establishing fees for services will have on the individuals purchasing those services, as well as the community as a whole. The following economic and policy issues help illustrate these considerations.

- ❖ A consideration of community-wide benefit versus individual benefit might be of concern for certain services.
- ❖ In conjunction with the second point above, the issue of who is the service recipient versus the service driver should also be considered. For example, code enforcement activities benefit the community as a whole, but the service is driven by the individual or business owner that violates city code.
- ❖ Elasticity of demand is a factor in pricing certain city services; increasing the price of some services results in a reduction of demand for those services, and vice versa.
- ❖ Public sector agencies have a monopoly on providing certain services within its boundaries, such as development-related services. However, other services, such as recreation classes, may be provided by neighboring communities or the private sector, and therefore demand for these services can be highly dependent on what else may be available at lower prices.
- ❖ It may be a desired policy to establish fees at a level that permits lower income groups to use services that they might not otherwise be able to afford.

The flow chart on the following page helps illustrate the economic and policy considerations listed above.

DECISION-MAKING FLOW CHART



Study Findings

While the purpose of this study is to identify the cost of fee-related activities, one of the outcomes of the analysis is to provide a complete picture of the full cost of all services offered. It is necessary to identify *all* costs, whether fee-related or not, so that there is a fair and equitable distribution of all departmental overhead costs (discussed in a previous section of this report) across all activities, thereby ensuring a definitive relationship between the cost of the service and the fee that is charged. No service should be burdened with costs that cannot be directly or indirectly linked to that service. Therefore, the first task in this study is to separate the fee-for-service activities from the non-fee activities. Some non-fee related activities are appropriately funded by general fund monies (or other special revenue or

impact fee sources), such as advanced planning or public improvement projects. The costs of these other services (column A minus column B) are identified and set aside from the user fee services.

The study's primary objective is to provide the city's decision-makers with basic data needed for setting fees. This report details the full cost of services, and presents proposed fees and projected revenues based on recommended user fee cost recovery levels, and market Recommendations were based upon careful consideration of the results of the cost analysis, historical cost recovery levels, and market comparisons. The exhibit on the following page displays the costs and revenues of each department/division into the following categories:

Column A, Total Costs -- Displays the total costs of each department.

Column B, User Fee Costs -- Of the \$907,709 in total costs analyzed, \$540,499 (or 60%) of that total is related to user fee services. It is this \$540,499 that is the focus of this study and represents the total potential for user fee-related revenues for the Fire department.

Column C, Current Revenues -- Based on current individual fee levels, the Fire department generates fee related revenues of \$64,375 and is experiencing a 12% cost recovery level. Within each activity, current cost recovery levels range from 0% to 188%. The detailed analysis of individual fees may be found in subsequent sections of this report.

Column D, General Fund Subsidy -- Current fee levels recover 12% of full cost, leaving 88% or \$476,124 to be funded by other funding sources. This \$476,124 represents a "window of opportunity" for the Fire department to increase fees and general fund revenues, with a corresponding decrease in the subsidization of services by the general fund.

Column E, Recommended Recovery -- It is estimated that adoption of the recommended cost recovery policy would increase fee revenue to \$302,715. This would bring the overall cost recovery level up to 56%. With the exception of a few fees, the department has recommended a three phase implementation for fee adjustments. The goal of year one recommendations is to achieve an overall recovery level of 50% increasing to 75% in year 2 and 100% in year 3.

Column F, Increased Revenue -- \$238,340 in potential new revenue could be generated. This would represent a 370% increase over the revenue currently being collected for these activities by the Fire department on an annualized basis.

City of Tracy
User Fee Revenue Analysis
2007/2008

Department	Current				Recommended	
	Total Costs (A)	Costs User Fee Services (B)	Current Revenue (C)	General Fund Subsidy (D)	Cost Recovery Policy (E)	Increased Revenue (F)
Fire	\$907,709	\$540,499 60%	\$64,375 12%	\$476,124	\$302,715 56%	\$238,340
Grand Total:	\$907,709	\$540,499 60%	\$64,375 12%	\$476,124	\$302,715 56%	\$238,340

Methodology

A cost of service study analyzes two components of costs: the direct costs associated with providing each fee-for-service activity, and the indirect costs that support these activities. A brief discussion of each of these components follows. (A complete, detailed report of calculations is provided as an attachment to this report).

Direct Costs. The direct costs associated with fee-for-service activities were analyzed in great detail in this study. MGT worked with staff to develop the analysis that is summarized in the following sections of this report. The fiscal year 2007-2008 adopted budget was used to identify direct costs.

The first step in the process was to identify staff time spent directly on each of the user fee activities. Each staff person involved in the user fee services identified the average time required to review or inspect each service area. Salary and benefit dollars were assigned to the time estimates to come up with the direct staff costs.

Indirect Costs. A proportionate share of other operating expenses and internal department administrative costs were layered onto the direct costs as a departmental overhead. (Note: Citywide internal service charges are already directly budgeted into program budgets). Many of the costs that support all divisions and programs are budgeted in a centralized division such as Fire Administration, which provides budgeting, personnel, reception, customer outreach and general oversight, but provides support to all Fire divisions. The costs of these activities and other centralized services are considered indirect overhead that support fee-for-service activities, as well as other programs and functions within the department. The end result of this analysis is the allocation of all indirect costs to all operating divisions and activities. The indirect costs are then added to the direct

costs to determine the full cost of all department operations – whether fee-related or not. This accounting exercise is important in that it can result in an increase in general fund revenues for reimbursement of support for user fee services and state or federally funded programs. The three components of the indirect costs included in this analysis are: 1) departmental overhead, 2) prevention administration and 3) Citywide budgeted indirect costs.

Program Highlights

- ❖ The current recovery level of 13% is relatively low for Prevention activities. The chart on the following page displays current and recommended fee recovery levels for recent MGT clients. This chart can be a very useful, “apples to apples”, comparison because these cities have undertaken the same study (methodology) as Tracy.

	current	recommended
Tracy	13%	36%
Modesto	39%	100%
Santa Clara	75%	TBD
Livermore	101%	100%
Pleasanton	23%	100%
Folsom	29%	100%
Hollister	47%	99%
Huntington Beach	56%	68%
La Habra	22%	n/a
Long Beach	94%	94%
Lenore	73%	100%
La Mesa	88%	99%
Redlands	22%	33%
Newport Beach	81%	100%

- ❖ The department has drastically restructured the fee schedule. The Fire department feels that the recommended structure is a much better reflection of the services being provided. Many development related services have been added. Previously, these services were being subsidized by the general fund.

- ❖ *Recovery levels for the weed and vehicle abatement category have been artificially lowered. Since fees have never been fully recovered, the department is being cautious to not over inflate the potential revenue generation. Additionally, these services have been listed as non-fee related because current city policy assigns abatement revenue to the general fund and not the Fire department.*
- ❖ *Services provided to the Tracy Rural Fire District are considered non-fee related.*
- ❖ *Fully burdened hourly rates per position have also been calculated which can be used for any service not listed in the fee schedule.*

Department Summary Charts

Each subsequent page displays department results and individual activity analysis. The first six pages display costs and revenues on a per unit/occurrence basis. The final seven pages reflect annual costs and revenues. The various subtotals tie to the exhibit charts discussed earlier in this report. The hourly rates per position are included after the summary pages.

USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Tracy
Fire
2007/08

Service Name	Service Type	Annual Volume	Current Fee	% of Full Cost	100% of Full Cost	Current Subsidy	Cost Recovery Policy Level (%)	Recommendations	
								Fee @ Policy Level	Subsidy @ Policy Level
1 Design Review/Consultation	Hourly	40	\$0	0%	\$258	\$258	50%	\$129	\$129
2 Subdivision - Commercial 1-4 lots	Flat fee	7	\$0	0%	\$320	\$320	50%	\$160	\$160
2 Subdivision - Commercial 4 or more lots	Flat fee	6	\$0	0%	\$576	\$576	50%	\$288	\$288
3 Subdivision - Residential 1-4 lots	Flat fee	2	\$0	0%	\$244	\$244	50%	\$122	\$122
3 Subdivision - Residential 5-24 lots	Flat fee	1	\$0	0%	\$410	\$410	50%	\$205	\$205
4 Subdivision - Residential 25 or more lots	Flat fee	1	\$0	0%	\$470	\$470	50%	\$235	\$235
5 Subdivision - Residential 25 or more lots	Flat fee	1	\$0	0%	\$456	\$456	50%	\$228	\$228
6 Annexation	Flat fee	1	\$0	0%	\$224	\$224	50%	\$112	\$112
7 Annexation	Flat fee	10	\$0	0%	\$224	\$224	50%	\$112	\$112
8 Use Permit	Flat fee	2	\$0	0%	\$276	\$276	50%	\$138	\$138
9 Variances	Flat fee	6	\$0	0%	\$614	\$614	50%	\$307	\$307
10 Lot Line Alteration	Flat fee	2	\$0	0%	\$887	\$887	50%	\$444	\$444
11 EIR Review	Flat fee	250	\$0	0%	\$258	\$258	50%	\$129	\$129
12 Building Plan Check/Fire Final - including first revision	Flat fee	40	\$0	0%	\$258	\$258	50%	\$129	\$129
13 Building Plan Check - 2nd Revision	Flat fee	10	\$0	0%	\$482	\$482	100%	\$482	\$482
14 Building Plan Check - 3rd Revision and any subsequent revisions	Flat fee	1	\$325	67%	\$482	\$157	100%	\$686	\$686
15 Fire sprinkler system new installation - Under 25 sprinklers	Flat fee	12	\$395	101%	\$389	\$-326	100%	\$369	\$369
16 Fire sprinkler system new installation - each additional 100 sprinklers	Flat fee	8	\$695	188%	\$489	\$164	100%	\$489	\$489
17 Fire sprinkler system new installation - each additional 100 sprinklers	Flat fee	25	\$325	96%	\$264	\$-61	100%	\$264	\$264
18 Fire sprinkler system tenant improvement - 1-50 sprinklers	Flat fee	16	\$325	123%	\$531	\$206	50%	\$265	\$265
19 Fire sprinkler system tenant improvement - each additional 50 sprinklers	Flat fee	1	\$325	61%	\$960	\$960	50%	\$480	\$480
20 Fire sprinkler system - Residential	Flat fee	2	\$0	0%	\$814	\$814	100%	\$814	\$814
21 Fire Pump	Flat fee	3	\$0	0%	\$580	\$580	50%	\$340	\$340
22 Battery Systems	Flat fee	20	\$0	0%	\$694	\$199	100%	\$694	\$694
23 Underground/Private Service Fire Main	Flat fee	20	\$495	71%	\$694	\$199	100%	\$694	\$694
24 Fire alarm system - New Installation	Flat fee	1	\$495	93%	\$531	\$36	100%	\$531	\$531
25 Fire alarm system - Tenant Improvement	Flat fee	1	\$990	78%	\$1,271	\$281	100%	\$1,271	\$1,271
26 Fire alarm system - High rise/large project	Flat fee	4	\$0	0%	\$498	\$498	100%	\$498	\$498
27 LP Gas Systems	Flat fee	7	\$0	0%	\$531	\$531	100%	\$531	\$531
28 Standpipes	Flat fee	1	\$0	0%	\$680	\$680	50%	\$340	\$340
29 Clean agent suppression system (FM-200, Inergen, CO2, Etc.)	Flat fee	1	\$0	0%	\$680	\$680	50%	\$340	\$340
30 Hood and duct suppression system	Flat fee	3	\$165	31%	\$531	\$366	100%	\$531	\$531

USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Tracy
Fire
2007/08

Service Name	Service Type	Annual Volume	Current Fee	% of Full Cost	100% of Full Cost	Current Subsidy	Recommendations			
							Cost Recovery Policy/Level (%)	Fee @ Policy Level	Subsidy @ Policy Level	Subsidy @ Policy Level
a/b) 31 Compressed gas system - hazardous materials	Flat fee	23	\$0	0%	\$680	\$680	50%	\$340	\$340	
a/b) 32 Compressed gas system - medical gas	Flat fee	4	\$0	0%	\$498	\$498	50%	\$249	\$249	
a/b) 33 Smoke management system	Flat fee	1	\$0	0%	\$2,154	\$2,154	50%	\$1,077	\$1,077	
a/b) 34 Spray Booths (includes fire protection system)	Flat fee	4	\$0	0%	\$498	\$498	50%	\$249	\$249	
a/b) 35 Flammable/combustible liquid (install, construct, or alter vehicles, equipment, or facilities)	Flat fee	2	\$165	33%	\$503	\$338	50%	\$251	\$251	
a/b) 36 Flammable/combustible liquid (metal, alter, remove, or abandon tanks)	Flat fee	2	\$245	49%	\$498	\$253	50%	\$251	\$251	
a) 37 Fire flow/hydrant test	Flat fee	31	\$170	32%	\$338	\$228	100%	\$338	\$0	
a) 38 Administrative charge for excessive re-submittals	Flat fee	10	\$0	0%	\$204	\$204	50%	\$102	\$102	
a/b) 39 Technical report/alternative material or method request per code item	Flat fee	3	\$0	0%	\$473	\$473	50%	\$236	\$236	
a/b) 40 Plan review after normal business hours - two hour minimum at time and a half	Hourly	30	\$0	0%	\$811	\$811	50%	\$405	\$405	
a/b) 41 Plan review requests - not otherwise specified in this fee schedule - two hour minimum	Hourly	6	\$0	0%	\$496	\$496	50%	\$248	\$248	
a) 42 Re-inspection fee	Flat fee	80	\$0	0%	\$285	\$285	50%	\$133	\$133	
a) 43 Inspectors for which no fee is specifically indicated	Flat fee	20	\$0	0%	\$282	\$187	50%	\$141	\$141	
a) 44 Aerosol Products Level 2 or 3 Products in excess of 500-lbs.	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	
a) 45 Amusement Buildings	Flat fee	1	\$95	23%	\$406	\$311	100%	\$203	\$203	
a) 46 Amusement Buildings	Flat fee	1	\$95	110%	\$282	-\$28	50%	\$282	\$0	
a) 47 Aviation Facilities	Flat fee	9	\$311	34%	\$282	\$187	50%	\$141	\$141	
a) 48 Carnivals and Fairs	Flat fee	1	\$95	0%	\$201	\$201	50%	\$100	\$100	
a) 49 Cellulose Nitrate Film	Flat fee	6	\$0	23%	\$406	\$249	50%	\$203	\$203	
a) 50 Christmas Tree Lots	Flat fee	2	\$95	28%	\$344	\$311	50%	\$172	\$172	
a) 51 Combustible Dust-Producing Operations	Flat fee	1	\$95	29%	\$406	\$311	50%	\$203	\$203	
a) 52 Compressed Gases in excess of 100 Cubic Ft.	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	
a) 53 Covered Mail Buildings - Fixtures and displays, concession equipment, displays of high count	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	
a) 54 Covered Mail Buildings - Display of liquid- or gas-fired equipment	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	

USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Tracy

File

2007/08

Service Name	Service Type	Annual Volume	Current Fee	% of Full Cost	100% of Full Cost	Current Subsidy	Cost Recovery Policy Level (%)	Recommendations	
								Fee @ Policy Level	Subsidy @ Policy Level
55 Covered Mail Buildings - Use of open flame or flame-producing equipment	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
57 Cryogenic Fluids in excess of CFC Table 105.5.10	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203
58 Cutting and Welding	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
59 Dry Cleaning Plants	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
60 Exhibits and Trade Shows	Flat fee	1	\$0	0%	\$282	\$282	50%	\$141	\$141
61 Explosives (manufacture, storage, handling)	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203
62 Fire Hydrants and Valves	Flat fee	1	\$95	46%	\$199	\$104	50%	\$100	\$100
63 Flammable and Combustible Liquids - Use, operate, repair or modify a pipeline	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
64 Flammable and Combustible Liquids - Class I over 5 gal inside or > 10 gallons outside	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
65 Flammable and Combustible Liquids - Class II/III; over 25 gals, inside or 80 gals, outside	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
66 Flammable and Combustible Liquids - Remove class I or II fluid from underground tanks	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
67 Flammable and Combustible Liquids - Operate fuel dispensing stations, tank vehicles, equip	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
68 Flammable and Combustible Liquids - Place above/underground tanks out of service	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
69 Flammable and Combustible Liquids - Change of product within tank	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
70 Flammable and Combustible Liquids - Manufacture, process, blend, or refine	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
71 Flammable and Combustible Liquids - To dispense into motor vehicle tanks	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
72 Flammable and Combustible Liquids - To use a site for dispensing	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
73 Floor Finishing	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203
74 Fruit and Crop Ripening Processes	Flat fee	1	\$0	0%	\$282	\$282	50%	\$141	\$141
75 Fumigation or Thermal Insecticide Fogging (Emergency Response Only)	Flat fee	3	\$0	0%	\$201	\$201	50%	\$100	\$100
76 Hauled House or Corn Mazes	Flat fee	1	\$95	14%	\$688	\$593	50%	\$344	\$344
77 Hazardous materials amounts in excess of CFC Table 105.6.20	Flat fee	1	\$95	14%	\$688	\$593	50%	\$344	\$344
78 Hazardous Production Materials Facilities	Flat fee	1	\$95	17%	\$551	\$456	50%	\$275	\$275
79 High Piled Storage area exceeding 500 sq. ft.	Flat fee	4	\$95	34%	\$282	\$187	50%	\$141	\$141
80 Hot-Work Operations	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141

USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Tracy

Fire

2007/08

Service Name	Service Type	Annual Volume	Current Fee	% of Full Cost	100% of Full Cost	Current Subsidy	Recommendations		
							Cost Recovery Policy/Level (%)	Fee @ Policy Level	Subsidy @ Policy Level
85 Industrial Ovens	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
87 Lumberyards and Woodworking Plant in excess of 100,000 board ft.	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203
88 Pallet Crates, Bin Box storage in excess of 30,000 Board board ft.	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203
89 Liquid or Gas fueled vehicles in Assembly buildings (display, operation, etc.)	Flat fee	1	\$95	38%	\$251	\$165	50%	\$131	\$131
90 LP Gas (storage, use, or transportation)	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
91 Magnesium use in excess of 10 lbs.	Flat fee	1	\$95	17%	\$553	\$458	50%	\$277	\$277
92 Miscellaneous combustible Storage in excess of 2,500 cubic ft.	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
93 Open Burning	Flat fee	1	\$95	42%	\$228	\$133	50%	\$114	\$114
94 Open Flames and Torches	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
95 Open Flames and Torches	Flat fee	1	\$95	43%	\$220	\$125	50%	\$110	\$110
96 Organic Coatings - manufacturing producing +1 pallet/day	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
97 Places of Assembly - A-1	Flat fee	31	\$95	23%	\$406	\$311	50%	\$203	\$203
98 Places of Assembly - A-2	Flat fee	2	\$95	34%	\$282	\$187	50%	\$141	\$141
99 Places of Assembly - A-3	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203
100 Places of Assembly - A-4	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
101 Places of Assembly - A-5	Flat fee	1	\$95	43%	\$220	\$125	50%	\$110	\$110
102 Private Fire Hydrants (use or removal from service)	Flat fee	6	\$95	62%	\$154	\$93	50%	\$77	\$77
103 Pumpkin Patches	Flat fee	6	\$311	59%	\$531	\$220	100%	\$531	\$0
104 Pyrotechnical Special Effects Material	Flat fee	3	\$95	25%	\$375	\$280	50%	\$188	\$188

USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Tracy

Fire

2007/08

Service Name	Service Type	Annual Volume	Current Fee	% of Full Cost	100% of Full Cost	Current Subsidy	Recommendations		
							Cost Recovery Policy Level (%)	Fee @ Policy Level	Subsidy @ Policy Level
106 Refrigeration Equipment - 220-lbs. of group A-1	Flat fee	1	\$95	13%	\$531	\$436	50%	\$265	\$265
107 Refrigeration Equipment - 30-lbs. of any other refrigerant	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
108 Repair Garages and Motor Fuel-Dispensing Facilities	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
109 Rooftop Heliports	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203
110 Spraying or Dipping - Liquids or powders	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
111 Storage of Scrap Tires and Byproducts in excess of 2,500 cubic ft.	Flat fee	7	\$95	28%	\$344	\$249	50%	\$172	\$172
112 Temporary Membrane Structures, Tents, and Canopies - Tents in excess of 200 sq. ft.	Flat fee	15	\$95	36%	\$261	\$166	50%	\$131	\$131
113 Temporary Membrane Structures, Tents, and Canopies - Canopies in excess of 400 Ft.	Flat fee	1	\$95	36%	\$261	\$166	50%	\$131	\$131
114 Temporary Membrane Structures, Tents, and Canopies - annual blanket permit	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
115 Tm Rebuilding Plants	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
116 Waste Handling (wrecking, Junk yards, waste mgmt)	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
117 Wood Products in excess of 200 Ft.	Flat fee	6	\$95	28%	\$344	\$249	50%	\$172	\$172
118 S.F.M. Mvct Production Operators	State Set	40	\$50	18%	\$282	\$222	18%	\$50	\$202
121 Pre-Inspection Fee for Care Facilities - Facilities ≤ 25 people	State Set	1	\$100	35%	\$282	\$182	35%	\$100	\$182
122 Pre-Inspection Fee for Care Facilities - Facilities > 25 people	Flat fee	1	\$0	0%	\$318	\$318	50%	\$159	\$159
123 E Occupancy - School occupant load 50 - 149	Flat fee	4	\$0	0%	\$460	\$460	50%	\$230	\$230
124 E Occupancy - School occupant load 150 - 499	Flat fee	40	\$0	0%	\$742	\$742	50%	\$371	\$371
125 E Occupancy - School occupant load 500 plus	Flat fee	1	\$0	0%	\$282	\$282	50%	\$141	\$141
126 E Occupancy - Daycare	Flat fee	1	\$0	0%	\$344	\$344	50%	\$172	\$172
127 I Occupancies - I-1	Flat fee	1	\$0	0%	\$655	\$655	50%	\$328	\$328
128 I Occupancies - I-2	Flat fee	1	\$0	0%	\$344	\$344	50%	\$172	\$172
129 I Occupancies - I-2.1	Flat fee	1	\$0	0%	\$531	\$531	50%	\$265	\$265
130 I Occupancies - I-3	Flat fee	1	\$0	0%	\$531	\$531	50%	\$265	\$265

USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Tracy

Fire

2007/08

Service Name	Service Type	Annual Volume	Current Fee	% of Full Cost	100% of Full Cost	Current Subsidy	Recommendations		
							Cost Recovery Policy Level (%)	Fee @ Policy Level	Subsidy @ Policy Level
131 I Occupancies - L4	Flat fee	1	\$0	0%	\$344	\$344	50%	\$172	\$172
132 R-1 Occupancies 3-16	Flat fee	1	\$0	0%	\$282	\$282	50%	\$141	\$141
133 R-1 Occupancies 17-32	Flat fee	1	\$0	0%	\$344	\$344	50%	\$172	\$172
134 R-1 Occupancies 33 or more	Flat fee	1	\$0	0%	\$531	\$531	50%	\$265	\$265
135 R-2 Occupancies 3-16	Flat fee	1	\$0	0%	\$282	\$282	50%	\$141	\$141
136 R-2 Occupancies 17-32	Flat fee	1	\$0	0%	\$282	\$282	50%	\$141	\$141
137 R-2 Occupancies 33 or more	Flat fee	1	\$125	44%	\$282	\$531	50%	\$265	\$265
138 R-3 Occupancies (State Licensed Care Facilities)	Flat fee	6	\$0	0%	\$344	\$344	50%	\$172	\$172
139 R-3.1 Occupancies	Flat fee	1	\$0	0%	\$469	\$469	50%	\$234	\$234
140 R-4 Occupancies	Flat fee	1	\$0	0%	\$406	\$406	50%	\$203	\$203
141 Mid-Rise Inspection - 4 or less floors	Flat fee	1	\$0	0%	\$655	\$655	50%	\$328	\$328
142 High-Rise 7 or less floors	Flat fee	1	\$0	0%	\$779	\$779	50%	\$390	\$390
143 High-Rise each floor above 7	Flat fee	50	\$0	0%	\$57	\$57	50%	\$28	\$28
144 Copies of reports - per incident	Flat fee	10	\$0	0%	\$132	\$132	50%	\$66	\$66
145 Environmental hazard research	Flat fee	1	\$0	0%	\$851	\$851	50%	\$425	\$425
146 Fire code appeals	Flat fee	28	\$0	0%	\$282	\$282	50%	\$141	\$141
147 False Alarm response (3rd Response in Calendar Year)	Non Fee	40	\$0	0%	\$399	\$399	50%	\$199	\$199
148 Vehicle Abatement	Non Fee	100	\$0	0%	\$719	\$719	50%	\$360	\$360
149 Weed Abatement	Non Fee	1	\$0	0%	\$0	\$0	0%	\$0	\$0
150 Counter Time	Overhead	1	\$0	0%	\$130	\$130	50%	\$65	\$65
151 New Business License Inspection	New Fee	410	\$0	0%	\$130	\$130	50%	\$65	\$65
152 Tracy Rural Fire District	Non Fee	1	\$20,500	7%	\$279,322	\$258,822	7%	\$20,500	\$258,822

- a) The fee calculated includes two reviews and two inspections. Additionally, required review and/or inspections will be charged at the established hourly rates.
- b) An additional fee of \$18 will be added to the recommended fee for the digitizing of plans and files.
- c) This service has been reallocated across all development fee services as an overhead.

USER FEE STUDY SUMMARY SHEET

- TOTAL PROGRAM INFORMATION -

City of Tracy
File
2007/08

Service Name	Service Type	Revenue @ Current Fee	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy	Recommendations		
						Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue
1 Design Review/Consultation	Hourly	\$0	0%	\$10,300	\$10,300	50%	\$5,150	\$5,150
2 Subdivision - Commercial 1-4 lots	Flat fee	\$0	0%	\$2,238	\$2,238	50%	\$1,119	\$1,119
3 Subdivision - Commercial 4 or more lots	Flat fee	\$0	0%	\$3,457	\$3,457	50%	\$1,728	\$1,728
4 Subdivision - Residential 1-4 lots	Flat fee	\$0	0%	\$487	\$487	50%	\$244	\$244
5 Subdivision - Residential 5-24 lots	Flat fee	\$0	0%	\$410	\$410	50%	\$205	\$205
6 Subdivision - Residential 25 or more lots	Flat fee	\$0	0%	\$470	\$470	50%	\$235	\$235
7 Annexation	Flat fee	\$0	0%	\$456	\$456	50%	\$228	\$228
8 Use Permit	Flat fee	\$0	0%	\$2,240	\$2,240	50%	\$1,120	\$1,120
9 Variance Exception	Flat fee	\$0	0%	\$448	\$448	50%	\$224	\$224
10 Lot Line Alteration	Flat fee	\$0	0%	\$1,656	\$1,656	50%	\$828	\$828
11 EIR Review	Flat fee	\$0	0%	\$1,228	\$1,228	50%	\$614	\$614
12 Building Plan Check/Fire Final - Including first revision	Flat fee	\$0	0%	\$171,790	\$171,790	50%	\$85,895	\$85,895
13 Building Plan Check - 2nd Revision	Flat fee	\$0	0%	\$10,329	\$10,329	50%	\$5,165	\$5,165
14 Building Plan Check/Fire Final - Including first revision	Flat fee	\$0	0%	\$2,582	\$2,582	50%	\$1,291	\$1,291
15 Fire sprinkler system new installation - Under 25 sprinklers	Flat fee	\$325	57%	\$482	\$157	100%	\$482	\$157
16 Fire sprinkler system new installation - Under 25 sprinklers	Flat fee	\$2,340	101%	\$8,226	-\$114	100%	\$8,226	-\$114
17 Fire sprinkler system new installation - 26 - 100 sprinklers	Flat fee	\$5,560	188%	\$2,932	-\$2,608	100%	\$2,932	-\$2,608
18 Fire sprinkler system new installation - each additional 100 sprinklers	Flat fee	\$8,450	66%	\$12,723	\$4,273	100%	\$12,723	\$4,273
19 Fire sprinkler system tenant improvement - 1-50 sprinklers	Flat fee	\$5,200	123%	\$4,225	-\$975	100%	\$4,225	-\$975
20 Fire sprinkler system - Residential	Flat fee	\$325	61%	\$531	\$206	50%	\$265	\$60
21 Fire Pump	Flat fee	\$0	0%	\$1,920	\$1,920	50%	\$960	\$960
22 Battery Systems	Flat fee	\$0	0%	\$1,842	\$1,842	100%	\$1,842	\$1,842
23 Underground/Private Service Fire Main	Flat fee	\$0	0%	\$13,594	\$13,594	50%	\$6,797	\$6,797
24 Fire alarm system - New Installation	Flat fee	\$9,900	71%	\$13,871	\$3,971	100%	\$13,871	\$3,971
25 Fire alarm system - Tenant Improvement	Flat fee	\$495	93%	\$531	\$36	100%	\$531	\$36
26 Fire alarm system - High rise/large project	Flat fee	\$590	78%	\$1,271	\$281	100%	\$1,271	\$281
27 LP Gas Systems	Flat fee	\$0	0%	\$1,992	\$1,992	100%	\$1,992	\$1,992
28 Standpipes	Flat fee	\$0	0%	\$3,716	\$3,716	100%	\$3,716	\$3,716
29 Clean agent suppression system (FM-200, Inergen, CO2, Etc.)	Flat fee	\$0	0%	\$680	\$680	50%	\$340	\$340
30 Hood and duct suppression system	Flat fee	\$1,320	31%	\$4,247	\$2,927	100%	\$4,247	\$2,927

USER FEE STUDY SUMMARY SHEET

- TOTAL PROGRAM INFORMATION -

City of Tracy
Fire
2007/08

Service Name	Service Type	Revenue @ Current Fee	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy	Recommendations		
						Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue
31 Compressed gas system - hazardous materials	Flat fee	\$0	0%	\$15,633	\$15,633	50%	\$7,816	\$7,816
32 Compressed gas system - medical gas	Flat fee	\$0	0%	\$1,992	\$1,992	50%	\$996	\$996
33 Smoke management system	Flat fee	\$0	0%	\$2,154	\$2,154	50%	\$1,077	\$1,077
34 Spray Booths (includes fire protection system)	Flat fee	\$0	0%	\$1,992	\$1,992	50%	\$996	\$996
35 Flammable/combustible liquid (install, construct, or alter vehicles, equipment, etc)	Flat fee	\$330	33%	\$1,005	\$675	50%	\$503	\$173
37 Flammable/combustible liquids (install, alter, remove, or abandon tanks)	Flat fee	\$490	49%	\$1,005	\$515	50%	\$503	\$173
38 Fire flow/dryant test	Flat fee	\$3,410	32%	\$10,493	\$7,083	100%	\$10,493	\$7,083
39 Administrative charge for excessive re-submittals	Flat fee	\$0	0%	\$2,038	\$2,038	50%	\$1,019	\$1,019
40 Technical report/alternative material or method request per code item	Flat fee	\$0	0%	\$1,419	\$1,419	50%	\$709	\$709
41 Plan review after normal business hours - two hour minimum at time and a half	Hourly	\$0	0%	\$24,319	\$24,319	50%	\$12,159	\$12,159
42 Plan review requests - not otherwise specified in this fee schedule - two hour min	Hourly	\$0	0%	\$2,976	\$2,976	50%	\$1,488	\$1,488
43 Re-inspection fee	Flat fee	\$0	0%	\$5,306	\$5,306	50%	\$2,653	\$2,653
44 Inspections for which no fee is specifically indicated	Flat fee	\$0	0%	\$282	\$187	50%	\$141	\$46
45 Aerosol Products Level 2 or 3 Products in excess of 500-lbs.	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
46 Amusement Buildings	Flat fee	\$95	23%	\$406	\$311	50%	\$203	\$108
47 Aviation Facilities	Flat fee	\$95	110%	\$2,538	-\$261	100%	\$2,538	-\$261
48 Cannivale and Fairs	Flat fee	\$2,799	110%	\$2,538	-\$261	100%	\$2,538	-\$261
49 Cellulose Nitrate Film	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
50 Christmas Tree Lots	Flat fee	\$0	0%	\$1,205	\$1,205	50%	\$603	\$603
51 Combustible Dust-Producing Operations	Flat fee	\$190	29%	\$613	\$623	50%	\$405	\$215
52 Combustible Fibers in excess of 100 Cubic Ft.	Flat fee	\$95	29%	\$344	\$249	50%	\$172	\$77
53 Compressed Gases in excess of CFC Table 105.6.3	Flat fee	\$95	23%	\$406	\$311	50%	\$203	\$108
54 Covered Mall Buildings - Fixtures and displays, concession equipment, display	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
55 Covered Mall Buildings - Display of liquid- or gas- fired equipment	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46

USER FEE STUDY SUMMARY SHEET

- TOTAL PROGRAM INFORMATION -

City of Tracy
Fire
2007/08

Service Name	Service Type	Revenue @ Current Fee	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy	Recommendations		
						Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue
56 Covered Mail Buildings - Use of open-flame or flame-producing equipment	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
57 Cryogenic Fluids in excess of CFC, Table 105.6.10	Flat fee	\$95	23%	\$406	\$311	50%	\$203	\$108
58 Cutting and Welding	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
59 Dry Cleaning Plants	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
60 Exhibits and Trade Shows	Flat fee	\$0	0%	\$282	\$282	50%	\$141	\$141
61 Explosives (manufacture, storage, handling)	Flat fee	\$95	23%	\$406	\$311	50%	\$203	\$108
62 Fire Hydrants and Valves	Flat fee	\$95	48%	\$199	\$104	50%	\$100	\$5
63 Flammable and Combustible Liquids - Use, operate, repair or modify a pipeline	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
64 Flammable and Combustible Liquids - Class I; over 5 gal inside or > 10 gallons	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
65 Flammable and Combustible Liquids - Class II/III; over 25 gals. inside or 60 g	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
66 Flammable and Combustible Liquids - Remove class I or II fluid from underground	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
67 Flammable and Combustible Liquids - Operate fuel dispensing stations, tank v	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
68 Flammable and Combustible Liquids - Place above/underground tanks out of s	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
69 Flammable and Combustible Liquids - Change of product within tank	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
70 Flammable and Combustible Liquids - Manufacture, process, blend, or refine	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
71 Flammable and Combustible Liquids - To dispense into motor vehicle tanks	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
72 Flammable and Combustible Liquids - To use a site for dispensing	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
73 Floor Finishing	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
74 Fruit and Crop Ripening Processes	Flat fee	\$0	23%	\$406	\$311	50%	\$203	\$108
75 Fumigation or Thermal Insecticide Fogging (Emergency Response Only)	Flat fee	\$0	0%	\$282	\$282	50%	\$141	\$141
76 Hauled Houses or Corn Mazes	Flat fee	\$0	0%	\$603	\$603	50%	\$301	\$301
77 Hazardous materials amounts in excess of CFC Table 105.6.20	Flat fee	\$95	14%	\$688	\$593	50%	\$344	\$249
78 Hazardous Production Materials Facilities	Flat fee	\$95	14%	\$688	\$593	50%	\$344	\$249
79 High Piled Storage area exceeding 500 sq. ft.	Flat fee	\$380	17%	\$2,204	\$1,824	50%	\$1,102	\$722
80 Heat/Work Operations	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46

USER FEE STUDY SUMMARY SHEET

- TOTAL PROGRAM INFORMATION -

City of Tracy
Fire
2007/08

Service Name	Service Type	Revenue @ Current Fee	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy	Cost Recovery Policy/Level (%)	Recommendations	
							Revenue @ Policy Level	Increased Revenue
86 Industrial Ovens	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
87 Lumberyards and Woodworking Plant in excess of 100,000 board ft	Flat fee	\$95	23%	\$406	\$311	50%	\$203	\$108
88 Pallet, Crate, Bin Box storage in excess of 30,000 Board board ft	Flat fee	\$95	23%	\$406	\$311	50%	\$203	\$108
89 Liquid or Gas fueled vehicles in Assembly buildings (display, operation, etc.)	Flat fee	\$95	35%	\$261	\$166	50%	\$131	\$36
90 LP Gas (storage, use, or transportation)	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
91 Magnesium use in excess of 10 lbs.	Flat fee	\$95	17%	\$553	\$458	50%	\$277	\$182
92 Miscellaneous combustible Storage in excess of 2,500 cubic ft	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
93 Open Burning	Flat fee	\$95	42%	\$228	\$133	50%	\$114	\$19
94 Open Flames and Torches	Flat fee	\$95	34%	\$220	\$187	50%	\$141	\$46
95 Open Flames and Candles	Flat fee	\$95	43%	\$282	\$125	50%	\$110	\$15
96 Organic Coatings - manufacturing producing +1 gal/day	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
97 Places of Assembly - A-1	Flat fee	\$95	23%	\$406	\$311	50%	\$203	\$108
98 Places of Assembly - A-2	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
99 Places of Assembly - A-3	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
100 Places of Assembly - A-4	Flat fee	\$95	23%	\$406	\$311	50%	\$203	\$108
101 Places of Assembly - A-5	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$46
102 Private Fire Hydrants (use or removal from service)	Flat fee	\$570	43%	\$220	\$125	50%	\$110	\$15
103 Pump/dn Patches	Flat fee	\$1,865	62%	\$923	\$353	50%	\$461	\$109
104 Pyrotechnical Special Effects Material	Flat fee	\$1,865	59%	\$3,185	\$1,319	100%	\$3,185	\$1,319
105 Pyroxyim Plastics in excess of 25 lbs.	Flat fee	\$285	25%	\$1,126	\$941	50%	\$563	\$278

USER FEE STUDY SUMMARY SHEET

- TOTAL PROGRAM INFORMATION -

City of Tracy
Fire
2007/08

Service Name	Service Type	Revenue @ Current Fee	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy	Recommendations		
						Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue
106 Refrigeration Equipment - 220-lbs. of group A-1	Flat fee	\$95	18%	\$531	\$436	50%	\$265	\$170
107 Refrigeration Equipment - 30-lbs. of any other refrigerant	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
108 Repair Garages and Motor Fuel Dispensing Facilities	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$45
109 Rooftop Helipads	Flat fee	\$95	23%	\$406	\$311	50%	\$203	\$108
110 Spraying or Dipping - utilizing liquids or powders	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
111 Storage of Scrap Tires and Byproducts in excess of 2,500 cubic ft.	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
112 Temporary Membrane Structures, Tents, and Canopies - Tents in excess of 20	Flat fee	\$695	36%	\$1,829	\$1,164	50%	\$915	\$250
113 Temporary Membrane Structures, Tents, and Canopies - Canopies in excess of	Flat fee	\$1,425	35%	\$3,920	\$2,495	50%	\$1,960	\$535
114 Temporary Membrane Structures, Tents, and Canopies - annual blanket permit	Flat fee	\$95	36%	\$251	\$166	50%	\$131	\$36
115 Tire Rebuilding Plants	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
116 Waste Handling (wrecking, junk yards, waste mgmt.)	Flat fee	\$95	34%	\$282	\$187	50%	\$141	\$45
117 Wood Products in excess of 200 Ft.	Flat fee	\$570	28%	\$2,055	\$1,495	50%	\$1,033	\$453
118 S.F.M. Movie Production Operators	Flat fee	\$95	28%	\$344	\$249	50%	\$172	\$77
121 Pre-Inspection Fee for Cave Facilities - Facilities ≤ 25 people	State Set	\$2,000	18%	\$11,281	\$8,281	18%	\$2,000	\$0
122 Pre-Inspection Fee for Cave Facilities - Facilities > 25 people	State Set	\$100	35%	\$282	\$182	35%	\$100	\$0
123 E Occupancy - School occupant load 50 - 149	Flat fee	\$0	0%	\$318	\$318	50%	\$159	\$159
124 E Occupancy - School occupant load 150 - 499	Flat fee	\$0	0%	\$1,838	\$1,838	50%	\$919	\$919
125 E Occupancy - School occupant load 500 plus	Flat fee	\$0	0%	\$29,674	\$29,674	50%	\$14,837	\$14,837
126 E Occupancy - Daycare	Flat fee	\$0	0%	\$282	\$282	50%	\$141	\$141
127 I Occupancies - I-1	Flat fee	\$0	0%	\$344	\$344	50%	\$172	\$172
128 I Occupancies - I-2	Flat fee	\$0	0%	\$655	\$655	50%	\$328	\$328
129 I Occupancies - I-2.1	Flat fee	\$0	0%	\$344	\$344	50%	\$172	\$172
130 Occupancies - I-3	Flat fee	\$0	0%	\$531	\$531	50%	\$265	\$265

USER FEE STUDY SUMMARY SHEET

- TOTAL PROGRAM INFORMATION -

City of Tracy

Fire

2007/08

Service Name	Service Type	Revenue @ Current Fee	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy	Recommendations			
						Cost Recovery Policy/Level (%)	Revenue @ Policy Level	Increased Revenue	
131 I Occupancies - 1-4	Flat fee	\$0	0%	\$344	\$344	50%	\$172	\$172	
132 R-1 Occupancies 3-16	Flat fee	\$0	0%	\$282	\$282	50%	\$141	\$141	
133 R-1 Occupancies 17-32	Flat fee	\$0	0%	\$344	\$344	50%	\$172	\$172	
134 R-1 Occupancies 33 or more	Flat fee	\$0	0%	\$531	\$531	50%	\$265	\$265	
135 R-2 Occupancies 3-16	Flat fee	\$0	0%	\$282	\$282	50%	\$141	\$141	
136 R-2 Occupancies 17-32	Flat fee	\$0	0%	\$282	\$282	50%	\$141	\$141	
137 R-2 Occupancies 33 or more	Flat fee	\$125	44%	\$531	\$531	50%	\$265	\$265	
138 R-3 Occupancies (State Licensed Care Facilities)	Flat fee	\$0	0%	\$2,065	\$2,065	50%	\$1,033	\$1,033	
139 R-3-1 Occupancies	Flat fee	\$0	0%	\$469	\$469	50%	\$234	\$234	
140 R-4 Occupancies	Flat fee	\$0	0%	\$406	\$406	50%	\$203	\$203	
141 Mid-Rise inspection - 4 or less floors	Flat fee	\$0	0%	\$655	\$655	50%	\$328	\$328	
142 High-Rise 7 or less floors	Flat fee	\$0	0%	\$779	\$779	50%	\$390	\$390	
143 High-Rise each floor above 7	Flat fee	\$0	0%	\$3,384	\$3,384	50%	\$1,692	\$1,692	
144 Copies of reports - per incident	Flat fee	\$0	0%	\$1,318	\$1,318	50%	\$659	\$659	
145 Environmental hazard research	Flat fee	\$0	0%	\$651	\$651	50%	\$326	\$326	
146 Fire code appraisals	Flat fee	\$0	0%	\$7,903	\$7,903	50%	\$3,952	\$3,952	
147 False Alarm response (3rd Response in Calendar Year)	Non Fee	\$0	0%	\$15,957	\$15,957	50%	\$3,989	\$3,989	
148 Vehicle Abatement	Non Fee	\$0	0%	\$71,930	\$71,930	50%	\$28,772	\$28,772	
149 Weed Abatement	Overhead	\$0	0%	\$0	\$0	0%	\$0	\$0	
150 Counter Time									

USER FEE STUDY SUMMARY SHEET

- TOTAL PROGRAM INFORMATION -

City of Tracy
Fire
2007/08

Service Name	Service Type	Revenue @ Current Fee	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy	Recommendations		
						Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue
151 New Business License Inspection	New Fee	\$0	0%	\$53,230	\$53,230	50%	\$26,615	\$26,615
152 Tracy Rural Fire District	Non fee	\$20,500	7%	\$279,322	\$258,822	7%	\$20,500	\$0
Total User Fees		\$84,375		\$540,489	\$476,124		\$302,715	\$238,340
% of Full Cost		12%		100%	88%		56%	370%
Total Other Services		\$20,500		\$367,210	\$346,710		\$53,261	\$32,761
% of Full Cost		6%		100%	94%		15%	9%
Department Totals		\$84,875		\$907,709	\$822,834		\$356,977	\$271,102
% of Full Cost		9%		100%	91%		39%	319%

a) Actual recovery for these services is estimated at 50% for the initial year. Please note this revenue is collected and listed in the general fund.
 b) Actual recovery for these services is estimated at 80% for the initial year. Please note this revenue is collected and listed in the general fund.

CITY OF TRACY
FIRE DEPARTMENT
 FISCAL 2007/2008

Full Cost Hourly Rates

Position	Salary	Benefits	Overhead	Total
1 Adm'n Assistant	\$ 28.36	\$ 12.19	\$ 33.53	\$ 74.08
2 Fire Inspector	\$ 43.68	\$ 18.78	\$ 51.64	\$ 114.10
3 Fire Marshal	\$ 55.28	\$ 23.77	\$ 65.36	\$ 144.40
4 Division Chief	\$ 76.81	\$ 33.02	\$ 90.81	\$ 200.85

Hourly salary rate is calculated by dividing annual salary by 1,800 productive hours.
 Hourly benefit rate of 42.99% is applied to hourly salary rate.
 Hourly overhead rate of 82.68% is applied to hourly salary plus benefits.

Plan Review

6.1 ENTITLEMENT PROCESS

This Modified Specific Plan and accompanying approvals, including certification of the Revised Environmental Impact Report, provide the basic authority of the development of a minimum of 1,000 units and a maximum of 2,250 residential units (not including secondary residential units); up to 180,000 square feet of retail, office, and other commercial uses; neighborhood parks; and a proposed Family Swim Center serving as a Community Park.

6.2 SUBDIVISIONS

All subdivision maps processed within the Ellis Specific Plan Area shall follow the process set forth in the Tracy Municipal Code.

All streets, sidewalks, landscaping, and other public property improvements shall be consistent with regulations and guidelines of the ESP and Pattern Book. Each tentative map application shall demonstrate compliance with the street sections, lot sizes, and other standards of the ESP, to the extent applicable on the tentative map. Prior to approval of each final map, the final map and associated improvement plans shall demonstrate compliance with the street sections, lot sizes, and all other applicable standards of the ESP.

6.3 ELLIS PATTERN BOOK CERTIFICATION

The Ellis Pattern Book guides the development of structures on individual parcels within the Ellis community and works in conjunction with the ESP to create and implement the vision for Ellis. The Ellis Pattern Book is Appendix A of the ESP, and will be adopted by Resolution of the City Council.

Before a building permit may be obtained for any structure within Ellis, the applicant must first obtain a Pattern Book Certification (PBC) by the City to demonstrate that the proposal is in compliance with

the site development and architectural patterns set forth in the Pattern Book. Compliance with the ESP and Pattern Book is required for all improvements except as provided below. Pattern Book Certification is not required for (1) residential swimming pools, patio covers, shade structures, or similar residential accessory structures; (2) interior improvements such as plumbing, electrical or partition wall modifications where no modifications or improvements are made to or affect the appearance from the exterior of the structure; or (3) modifications to existing structures that have already received PBC and are in substantial compliance with the architecture, site plan, and other elements of the certified plans and the Pattern Book.

In order to obtain PBC, the applicant shall submit the following to the Development and Engineering Services (DES) Department:

- 1 Completed City of Tracy Development Application Form;
- 2 Application processing fee as established by Resolution of the City Council;
- 3 Five copies (15 for non-residential projects) of a detailed site plan showing all existing and proposed improvements on the site;
- 4 Five copies (15 for non-residential) (plus one color copy) of architectural elevations for all sides of proposed structures;
- 5 A check list (see pages 5-6 of this section) showing how the proposed site plan and architecture comply with the Pattern Book;
- 6 Five copies of a preliminary landscape plan for non-residential projects; and
- 7 For non-residential projects, all sewer, water, storm drainage and other utility plans and information as required by the City Engineer.

Upon receipt of a PBC application and checklist, the Department shall determine whether the application is complete for processing within 30 days. If the application is incomplete, the Department shall notify the

applicant, in writing, of all specific items to complete the application. After receipt of a complete application, the DES Director shall approve, conditionally approve, or deny the application. The DES Director determination for residential projects shall be made within 10 days from receipt of a complete application and within 30 days for a mixed-use or non-residential project. The submittal shall be in compliance with the EPB Checklist. If the DES Director determines that the submittal is not in compliance with the EPB Checklist he/she shall have the option to refer the application to the Planning Commission for review of conformance with the Checklist.

The DES Director's, or Planning Commission's, determination for approval regarding PBC shall be based on the finding that the project application is consistent with the ESP and Pattern Book site design, architecture, and all other standards and guidelines as determined by conformance to EPB checklist.

6.4 INTERPRETATION OF THE MODIFIED ELLIS SPECIFIC PLAN

Every effort has been made with the Modified Ellis Specific Plan to provide policies and regulations that are clear; however, interpretations will be necessary when issues that were not anticipated arise. The DES Director is responsible for interpretation of the ESP.

If any situation arises in the implementation of the ESP that is not addressed by specific development regulations or if an issue, condition, or situation arises that is not clearly addressed in the ESP, the DES Director shall provide an interpretation based on such City codes, goals, policies, plans, and requirements as are most closely related to the subject matter of the issue or situation to be interpreted.

In all matters, if there is a conflict between the provisions of the ESP and the provisions of the Tracy Municipal Code, the ESP shall prevail. As to matters not categorically superseded and not otherwise specifically addressed by the ESP, the Tracy Municipal Code shall apply and shall be interpreted in a manner that is

Appendix IV

Fire Department

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Fire Department

Legal Codes

Legal Codes

Tracy Municipal Code

3.04.020 - Public displays; permits required.

- (a) Notwithstanding the prohibitions on dangerous and safe and sane fireworks set forth in this chapter, this section shall not prohibit public fireworks displays which may be allowed upon issuance of a permit therefore under the provisions of the Health and Safety Code of the State of California. This chapter also does not prohibit the use by railroad or other transportation agencies, for signal purposes or illumination, of torpedoes, flares or fuses; nor the sale or use of blank cartridges for theatrical or ceremonial purposes, athletic events, or military ceremonials or demonstrations.
- (b) Fireworks display permits are required to conduct a fireworks display as required by local and state regulations. Permit application shall be made not less than sixty (60) days prior to the scheduled date of the display. The permit application shall include a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged; the location of buildings, highways and other lines of communication; the lines behind which the audiences will be restrained; and the location of nearby overhead obstructions. At the time of permit application, the Fire Chief or his/her designee shall be consulted regarding reasonable conditions or requirements for standby personnel and fire apparatus. Fireworks display permits shall only be granted to licensed pyrotechnic operators.
- (c) Fireworks display permits may be secured by application to the Fire Chief with the concurrence of the Police Chief. The Fire Chief and Police Chief may deny issuance of such permits, provided such denial is reasonably based on public health and safety concerns, including, but not limited to, an application for another event to be held on the same date as that requested has been previously filed or approved, and the other event is so close in time and location to the event proposed as to cause undue traffic congestion or to place the City in a position of being unable to meet the needs for Fire, Police or Public Works services for both events. Any decision regarding such permits may be appealed to the City Manager as set forth in section 1.12.010 of this Code.
- (d) Fireworks displays may also require a special events permit pursuant to chapter 4.40 of this Code.
- (e) The fireworks display permit fee, requisite deposits, time of payment, and insurance requirements shall be set by resolution of the City Council.

(Ord. No. 1158, § 1, 5-17-2011; Ord. No. 1162, § 1, 10-4-2011)

3.04.040 - Permit to sell and store safe and sane fireworks.

- (a) The City Council shall establish, by resolution, the process by which the City will issue annual permits to sell safe and sane fireworks and the conditions to protect health, safety,

aesthetics, and such other conditions the City Council finds reasonably necessary that applicants must satisfy to receive the permits.

(b) It is unlawful for any person to engage in the sale or distribution of fireworks within the City of Tracy without first having secured a permit to do so from the Fire Chief or his or her designee.

(c) It is unlawful to store fireworks within the City of Tracy without first having secured a permit to do so from the Fire Chief or his or her designee.

(d) The annual permit fee for the sale of safe and sane fireworks shall be set by resolution of the City Council and payable prior to permit issuance.

(e) A temporary use permit and City business license is required pursuant to this Code.

(f) Lottery awardees and alternates, as defined by the process set forth in a Council resolution pursuant to section 3.04.050(b), may apply for a permit prior to the end of April of each year.

(Ord. No. 1158, § 1, 5-17-2011; Ord. No. 1162, § 1, 10-4-2011)

3.36.010 - Fee schedule.

The City Council shall by resolution action taken from time to time establish a fee schedule for services provided to the public by the departments of the City.

(Prior code § 3-9.01)

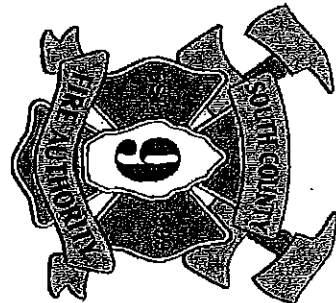
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Fire Department

Special Studies



Think Inside the Triangle™



City of Tracy

Fire Department

Cost of Services study findings April, 2009

MGT

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EXECUTIVE SUMMARY

Introduction

MGT of America (MGT) is pleased to present the City of Tracy (City) with this summary of findings for the cost of services study for the Fire Department.

The Fire Department has never undertaken a comprehensive cost of services study. Since the original fee structure was adopted, the department has made some minor adjustments to the original fee levels, but has largely maintained the fee levels that had been previously adopted. The City is interested in accurately reporting the true cost of providing various fee-related services, and exploring the possibilities of modifying current fees to better reflect the increasing cost of providing services over time. In May 2008, the City contracted with MGT to perform this cost analysis using the adopted 2007-2008 fiscal year budget, staffing and operational information. Additionally, all information was provided through the period ending December 2008. Fees should be reviewed on a regular basis and adjusted in accordance with established City policies on user fee cost recovery.

This report is the culmination of the past eight months of work between MGT and Fire Department management and staff. MGT would like to take this opportunity to acknowledge all Fire management and staff who participated on this project for their efforts and coordination. Their responsiveness and continued interest in the outcome of this study contributed greatly to the success of this study.

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Study Scope and Objectives

The study was performed under the general direction of the Fire Marshal. The primary goals of the study were to:

- ❖ Define what it costs the city to provide various fee-related services.
- ❖ Determine whether there are any opportunities to implement new fees, based on city cost recovery policies.
- ❖ Identify service areas where the City might adjust fees based on the full cost of services and other economic or policy considerations.
- ❖ Develop revenue projections based on recommended increases (or decreases) to fees.
- ❖ Provide comparative data for recovery levels to other MGT clients.

The information summarized in this report addresses each of these issues and provides the City with the tools necessary to make informed decisions about any proposed fee adjustments and the resulting impact on general fund revenues.

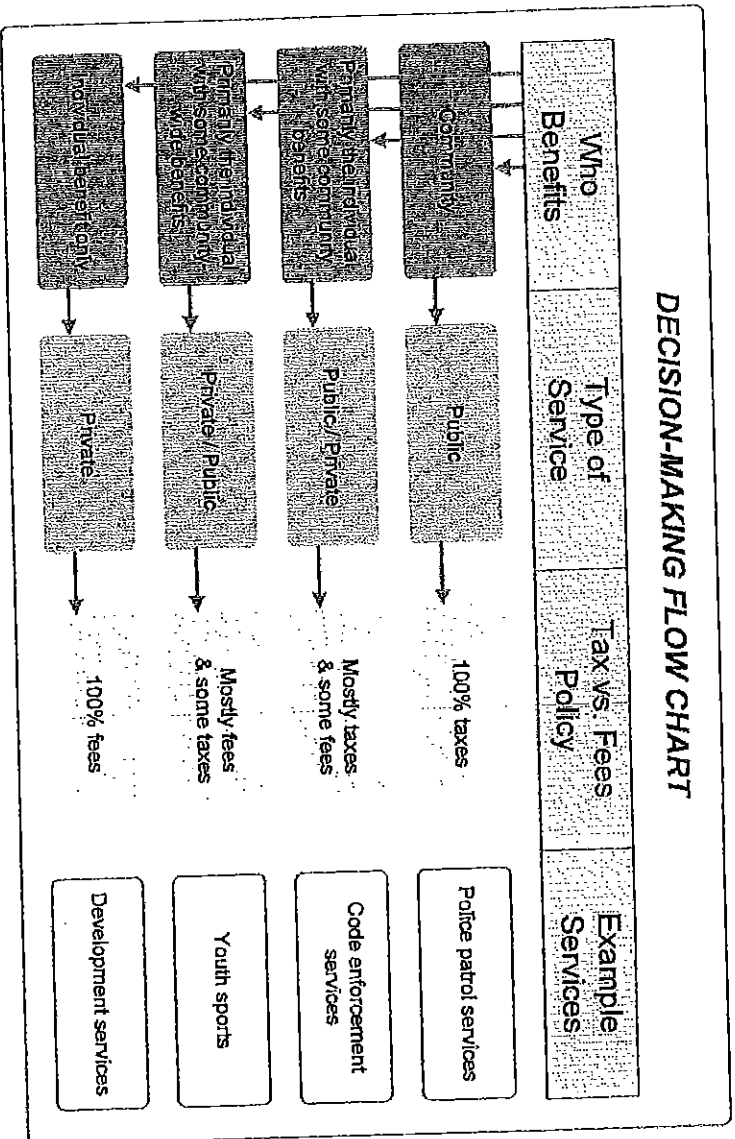
Economic & Policy Considerations

Calculating the true cost of providing city services is a critical step in the process of establishing user fees and corresponding cost recovery levels. Although it is an important factor, other factors must also be given consideration. City decision-makers must also consider the effects that establishing fees for services will have on the individuals purchasing those services, as well as the community as a whole. The following economic and policy issues help illustrate these considerations.

- ❖ A consideration of community-wide benefit versus individual benefit might be of concern for certain services.
- ❖ In conjunction with the second point above, the issue of who is the service recipient versus the service driver should also be considered. For example, code enforcement activities benefit the community as a whole, but the service is driven by the individual or business owner that violates city code.
- ❖ Elasticity of demand is a factor in pricing certain city services; increasing the price of some services results in a reduction of demand for those services, and vice versa.
- ❖ Public sector agencies have a monopoly on providing certain services within its boundaries, such as development-related services. However, other services, such as recreation classes, may be provided by neighboring communities or the private sector, and therefore demand for these services can be highly dependent on what else may be available at lower prices.
- ❖ It may be a desired policy to establish fees at a level that permits lower income groups to use services that they might not otherwise be able to afford.

The flow chart on the following page helps illustrate the economic and policy considerations listed above.

DECISION-MAKING FLOW CHART



Study Findings

While the purpose of this study is to identify the cost of fee-related activities, one of the outcomes of the analysis is to provide a complete picture of the full cost of all services offered. It is necessary to identify *all* costs, whether fee-related or not, so that there is a fair and equitable distribution of all departmental overhead costs (discussed in a previous section of this report) across all activities, thereby ensuring a definitive relationship between the cost of the service and the fee that is charged. No service should be burdened with costs that cannot be directly or indirectly linked to that service. Therefore, the first task in this study is to separate the fee-for-service activities from the non-fee activities. Some non-fee related activities are appropriately funded by general fund monies (or other special revenue or

impact fee sources), such as advanced planning or public improvement projects. The costs of these other services (*column A minus column B*) are identified and set aside from the user fee services.

The study's primary objective is to provide the city's decision-makers with basic data needed for setting fees. This report details the full cost of services, and presents proposed fees and projected revenues based on recommended user fee cost recovery levels, and market recommendations were based upon careful consideration of the results of the cost analysis, historical cost recovery levels, and market comparisons. The exhibit on the following page displays the costs and revenues of each department/division into the following categories:

Column A, Total Costs – Displays the total costs of each department. It is

Column B, User Fee Costs – Of the \$907,709 in total costs analyzed, \$540,499 (or 60%) of that total is related to user fee services. It is this \$540,499 that is the focus of this study and represents the total potential for user fee-related revenues for the Fire department.

Column C, Current Revenues – Based on current individual fee levels, the Fire department generates fee related revenues of \$64,375 and is experiencing a 12% cost recovery level. Within each activity, current cost recovery levels range from 0% to 189%. The detailed analysis of individual fees may be found in subsequent sections of this report.

Column D, General Fund Subsidy – Current fee levels recover 12% of full cost, leaving 88% or \$476,124 to be funded by other funding sources. This \$476,124 represents a "window of opportunity" for the Fire department to increase fees and general fund revenues, with a corresponding decrease in the subsidization of services by the general fund.

Column E, Recommended Recovery – It is estimated that adoption of the recommended cost recovery policy would increase fee revenue to \$302,715. This would bring the overall cost recovery level up to 56%. With the exception of a few fees, the department has recommended a three phase implementation for fee adjustments. The goal of year one recommendations is to achieve an overall recovery level of 50% increasing to 75% in year 2 and 100% in year 3.

Column F, Increased Revenue – \$238,340 in potential new revenue could be generated. This would represent a 370% increase over the revenue currently being collected for these activities by the Fire department on an annualized basis.

City of Tracy
User Fee Revenue Analysis
2007/2008

Department	Current				Recommended	
	Total Costs (A)	Costs User Fee Services (B)	Current Revenue (C)	General Fund Subsidy (D)	Cost Recovery Policy (E)	Increased Revenue (F)
Fire	\$907,709	\$540,499	\$64,375	\$476,124	\$302,715	\$238,340
Grand Total:	\$907,709	\$540,499	\$64,375	\$476,124	\$302,715	\$238,340

Methodology

A cost of service study analyzes two components of costs: the direct costs associated with providing each fee-for-service activity, and the indirect costs that support these activities. A brief discussion of each of these components follows. (A complete, detailed report of calculations is provided as an attachment to this report).

Direct Costs. The direct costs associated with fee-for-service activities were analyzed in great detail in this study. MGT worked with staff to develop the analysis that is summarized in the following sections of this report. The fiscal year 2007-2008 adopted budget was used to identify direct costs.

The first step in the process was to identify staff time spent directly on each of the user fee activities. Each staff person involved in the user fee services identified the average time required to review or inspect each service area. Salary and benefit dollars were assigned to the time estimates to come up with the direct staff costs.

Indirect Costs. A proportionate share of other operating expenses and internal department administrative costs were layered onto the direct costs as a departmental overhead. (Note: Citywide internal service charges are already directly budgeted into program budgets). Many of the costs that support all divisions and programs are budgeted in a centralized division such as Fire Administration, which provides budgeting, personnel, reception, customer outreach and general oversight, but provides support to all Fire divisions. The costs of these activities and other centralized services are considered indirect overhead that support fee-for-service activities, as well as other programs and functions within the department. The end result of this analysis is the allocation of all indirect costs to all operating divisions and activities. The indirect costs are then added to the direct

costs to determine the full cost of all department operations — whether fee-related or not. This accounting exercise is important in that it can result in an increase in general fund revenues for reimbursement of support for user fee services and state or federally funded programs. The three components of the indirect costs included in this analysis are: 1) departmental overhead, 2) prevention administration and 3) Citywide budgeted indirect costs.

Program Highlights

- ❖ The current recovery level of 13% is relatively low for Prevention activities. The chart on the following page displays current and recommended fee recovery levels for recent MGT clients. This chart can be a very useful, “apples to apples”, comparison because these cities have undertaken the same study (methodology) as Tracy.

	FIRE - PREVENTION	
	current	recommended
Tracy	13%	56%
Modesto	39%	100%
Santa Clara	75%	TBD
Livermore	101%	100%
Pleasanton	23%	100%
Folsom	29%	100%
Hollister	47%	99%
Huntington Beach	56%	68%
La Habra	22%	n/a
Long Beach	94%	94%
Lemoore	73%	100%
La Mesa	88%	99%
Redlands	22%	33%
Newport Beach	81%	100%

- ❖ The department has drastically restructured the fee schedule. The Fire department feels that the recommended structure is a much better reflection of the services being provided. Many development related services have been added. Previously, these services were being subsidized by the general fund.

- ❖ *Recovery levels for the weed and vehicle abatement category have been artificially lowered. Since fees have never been fully recovered, the department is being cautious to not over inflate the potential revenue generation. Additionally, these services have been listed as non-fee related because current city policy assigns abatement revenue to the general fund and not the Fire department.*
- ❖ *Services provided to the Tracy Rural Fire District are considered non-fee related.*
- ❖ *Fully burdened hourly rates per position have also been calculated which can be used for any service not listed in the fee schedule.*

Department Summary Charts

Each subsequent page displays department results and individual activity analysis. The first six pages display costs and revenues on a per unit/occurrence basis. The final seven pages reflect annual costs and revenues. The various subtotals tie to the exhibit charts discussed earlier in this report. The hourly rates per position are included after the summary pages.

USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Tracy
Fire
2007/08

Service Name	Service Type	Annual Volume	Current Fee	% of Full Cost	100% of Full Cost	Current Subsidy	Recommendations			
							Cost Recovery Policy Level (%)	Fee @ Policy Level	Subsidy @ Policy Level	
1 Design Review/Consultation	Hourly	40	\$0	0%	\$258	\$258	50%	\$129	\$129	
2 Subdivision - Commercial 1-4 lots	Flat fee	7	\$0	0%	\$320	\$320	50%	\$160	\$160	
3 Subdivision - Commercial 4 or more lots	Flat fee	6	\$0	0%	\$576	\$576	50%	\$288	\$288	
4 Subdivision - Residential 1-4 lots	Flat fee	2	\$0	0%	\$244	\$244	50%	\$122	\$122	
5 Subdivision - Residential 5-24 lots	Flat fee	1	\$0	0%	\$410	\$410	50%	\$205	\$205	
6 Subdivision - Residential 25 or more lots	Flat fee	1	\$0	0%	\$470	\$470	50%	\$235	\$235	
7 Annexation	Flat fee	1	\$0	0%	\$455	\$422	50%	\$228	\$211	
8 Use Permit	Flat fee	10	\$0	0%	\$224	\$207	50%	\$112	\$104	
9 Variance	Flat fee	2	\$0	0%	\$224	\$207	50%	\$112	\$104	
10 Lot Line Alteration	Flat fee	6	\$0	0%	\$276	\$256	50%	\$138	\$128	
11 EIR Review	Flat fee	2	\$0	0%	\$814	\$568	50%	\$307	\$284	
12 Building Plan Check/Fire Final - including first revision	Flat fee	250	\$0	0%	\$687	\$687	50%	\$344	\$344	
13 Building Plan Check - 2nd Revision	Flat fee	40	\$0	0%	\$258	\$258	50%	\$129	\$129	
14 Building Plan Check - 3rd Revision and any subsequent revisions	Flat fee	10	\$0	0%	\$258	\$258	50%	\$129	\$129	
15 Fire sprinkler system new installation - Under 25 sprinklers	Flat fee	1	\$325	67%	\$482	\$157	100%	\$482	\$0	
16 Fire sprinkler system new installation - 25 - 100 sprinklers	Flat fee	12	\$695	101%	\$686	-\$9	100%	\$369	\$0	
17 Fire sprinkler system new installation - each additional 100 sprinklers	Flat fee	8	\$325	188%	\$369	-\$326	100%	\$369	\$0	
18 Fire sprinkler system tenant improvement - 1-50 sprinklers	Flat fee	26	\$325	68%	\$489	-\$164	100%	\$489	\$0	
19 Fire sprinkler system tenant improvement - each additional 50 sprinklers	Flat fee	16	\$325	123%	\$264	-\$61	100%	\$264	\$0	
20 Fire sprinkler system - Residential	Flat fee	1	\$325	61%	\$531	\$206	50%	\$265	\$265	
21 Fire Pump	Flat fee	2	\$0	0%	\$960	\$960	50%	\$480	\$480	
22 Battery Systems	Flat fee	3	\$0	0%	\$614	\$614	100%	\$614	\$0	
23 Underground/In-race Service Fire Main	Flat fee	20	\$0	0%	\$680	\$680	50%	\$340	\$340	
24 Fire alarm system - New Installation	Flat fee	20	\$495	71%	\$694	\$199	100%	\$694	\$0	
25 Fire alarm system - Tenant Improvement	Flat fee	1	\$495	93%	\$531	\$36	100%	\$531	\$0	
26 Fire alarm system - High rise/large project	Flat fee	1	\$990	79%	\$1,271	\$281	100%	\$1,271	\$0	
27 LP Gas Systems	Flat fee	4	\$0	0%	\$498	\$498	100%	\$498	\$0	
28 Standpipes	Flat fee	7	\$0	0%	\$531	\$531	100%	\$531	\$0	
29 Clean agent suppression system (FM-200, InterGen, CO2, Etc.)	Flat fee	1	\$0	0%	\$680	\$680	50%	\$340	\$340	
30 Hood and duct suppression system	Flat fee	8	\$165	31%	\$531	\$366	100%	\$531	\$0	

USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Tracy

Fire
2007/08

Service Name	Service Type	Annual Volume	Current Fee	% of Full Cost	100% of Full Cost	Current Subsidy	Recommendations				
							Cost Recovery Policy/Level (%)	Fee @ Policy Level	Subsidy @ Policy Level		
a/b) 31 Compressed gas system - hazardous materials	Flat fee	23	\$0	0%	\$880	\$880	50%	\$340	\$340	\$249	\$249
a/b) 32 Compressed gas system - medical gas	Flat fee	4	\$0	0%	\$498	\$498	50%	\$249	\$249	\$1,077	\$1,077
a/b) 33 Smoke management system	Flat fee	1	\$0	0%	\$2,154	\$2,154	50%	\$1,077	\$1,077	\$249	\$249
a/b) 34 Spray Booths (includes fire protection system)	Flat fee	4	\$0	0%	\$498	\$498	50%	\$249	\$249	\$251	\$251
a/b) 35 Flammable/combustible liquid (install, construct, or alter vehicles, equipment, or facilities)	Flat fee	2	\$185	33%	\$503	\$338	50%	\$251	\$251	\$251	\$251
a/b) 37 Flammable/combustible liquids (install, alter, remove, or abandon tanks)	Flat fee	2	\$245	48%	\$503	\$258	50%	\$251	\$251	\$0	\$0
a) 38 Fire flow/dryant test	Flat fee	31	\$110	32%	\$338	\$228	100%	\$338	\$338	\$102	\$102
a) 39 Administrative charge for excessive re-submittals	Flat fee	10	\$0	0%	\$204	\$204	50%	\$102	\$102	\$236	\$236
a/b) 40 Technical report/alternative material or method request per code item	Flat fee	3	\$0	0%	\$473	\$473	50%	\$236	\$236	\$405	\$405
a/b) 41 Plan review after normal business hours - two hour minimum at time and a half	Hourly	30	\$0	0%	\$811	\$811	50%	\$405	\$405	\$248	\$248
a/b) 42 Plan review requests - not otherwise specified in this fee schedule - two hour minimum	Hourly	6	\$0	0%	\$496	\$496	50%	\$248	\$248	\$133	\$133
a/b) 43 Re-inspection fee	Flat fee	80	\$0	0%	\$285	\$285	50%	\$133	\$133	\$133	\$133
a/b) 44 Inspectors for which no fee is specifically indicated	Flat fee	20	\$0	0%	\$285	\$285	50%	\$141	\$141	\$141	\$141
a/b) 45 Aerosol Products Level 2 or 3 Products In excess of 500-lbs.	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	\$141	\$141
a/b) 46 Amusement Buildings	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	\$203	\$203
a/b) 47 Aviation Facilities	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	\$0	\$0
a/b) 48 Carnivals and Fairs	Flat fee	1	\$311	110%	\$282	-\$29	100%	\$282	\$282	\$141	\$141
a/b) 49 Cellulose Nitrate Film	Flat fee	9	\$311	110%	\$282	-\$29	100%	\$282	\$282	\$141	\$141
a/b) 50 Christmas Tree Lots	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	\$100	\$100
a/b) 51 Combustible Dust-Producing Operations	Flat fee	6	\$0	0%	\$201	\$201	50%	\$100	\$100	\$203	\$203
a/b) 52 Combustible Fibers in excess of 100 Cubic Ft.	Flat fee	2	\$0	0%	\$406	\$406	50%	\$203	\$203	\$172	\$172
a/b) 53 Compressed Gases in excess of CFC Table 105.5.8	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	\$203	\$203
a/b) 54 Covered Mall Buildings - Fixtures and displays, congestion equipment, displays of high corn	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	\$141	\$141
a/b) 55 Covered Mall Buildings - Display of liquid- or gas- fired equipment	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	\$141	\$141

USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Tracy
Fire
2007/08

Service Name	Service Type	Annual Volume	Current Fee	% of Full Cost	100% of Full Cost	Current Subsidy	Recommendations		
							Cost Recovery/ Policy Level (%)	Fee @ Policy Level	Subsidy @ Policy Level
56 Covered Mail Buildings - Use of open-flame or flame-producing equipment	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
57 Cryogenic Fluids in excess of CFC Table 105.6.10	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203
58 Cutting and Welding	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
59 Dry Cleaning Plants	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
60 Exhibit and Trade Shows	Flat fee	1	\$0	0%	\$282	\$282	50%	\$141	\$141
61 Explosives (manufacture, storage, handling)	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203
62 Fire Hydrants and Valves	Flat fee	1	\$95	48%	\$198	\$104	50%	\$100	\$100
63 Flammable and Combustible Liquids - Use operatory, repair or modify a pipeline	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
64 Flammable and Combustible Liquids - Class I, over 5 gal inside or > 10 gallons outside	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
65 Flammable and Combustible Liquids - Class II/III: over 25 gals, inside or 80 gals outside	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
66 Flammable and Combustible Liquids - Remove class I or II fluid from underground tanks	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
67 Flammable and Combustible Liquids - Operate fuel dispensing stations, tank vehicles, equip	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
68 Flammable and Combustible Liquids - Place above/underground tanks out of service	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
69 Flammable and Combustible Liquids - Change of product within tank	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
70 Flammable and Combustible Liquids - Manufacture, process, blend or refine	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
71 Flammable and Combustible Liquids - To dispense into motor vehicle tanks	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172
72 Flammable and Combustible Liquids - To use a site for dispensing	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
73 Floor Finishing	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203
74 Fruit and Crop Ripening Processes	Flat fee	1	\$0	0%	\$282	\$282	50%	\$141	\$141
75 Fumigation or Thermal Insecticide Fogging (Emergency Response Only)	Flat fee	3	\$0	0%	\$201	\$201	50%	\$100	\$100
76 Haunted Houses or Corn Mazes	Flat fee	1	\$95	14%	\$688	\$593	50%	\$344	\$344
77 Hazardous materials amounts in excess of CFC Table 105.6.20	Flat fee	1	\$95	14%	\$688	\$593	50%	\$344	\$344
78 Hazardous Production Materials Facilities	Flat fee	4	\$95	17%	\$551	\$456	50%	\$275	\$275
79 High Piled Storage area exceeding 500 sq. ft.	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141
80 Hot-Work Operations	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141

USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Tracy
Fire
2007/08

Service Name	Service Type	Annual Volume	Current Fee	% of Full Cost	100% of Full Cost	Current Subsidy	Recommendations			
							Cost Recovery Policy/Level (%)	Fee @ Policy Level	Subsidy @ Policy Level	
86 Industrial Ovens	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	
87 Lumberyards and Woodworking Plant in excess of 100,000 board ft	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203	
88 Pallet, Crate, Bin Box storage in excess of 30,000 board board ft	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203	
89 Liquid or Gas fueled vehicles in Assembly buildings (display, operation, etc.)	Flat fee	1	\$95	36%	\$261	\$166	50%	\$131	\$131	
90 LP Gas (storage, use, or transportation)	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	
91 Magnesium use in excess of 10 lbs.	Flat fee	1	\$95	17%	\$559	\$458	50%	\$277	\$277	
92 Miscellaneous combustible Storage in excess of 2,500 cubic ft	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172	
93 Open Burning	Flat fee	1	\$95	42%	\$226	\$133	50%	\$114	\$114	
94 Open Flames and Torches	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	
95 Open Flames and Candles	Flat fee	1	\$95	43%	\$220	\$125	50%	\$110	\$110	
96 Organic Coatings - manufacturing producing +1 gal/day	Flat fee	1	\$85	34%	\$282	\$187	50%	\$141	\$141	
97 Places of Assembly - A-1	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203	
98 Places of Assembly - A-2	Flat fee	31	\$95	34%	\$282	\$187	50%	\$141	\$141	
99 Places of Assembly - A-3	Flat fee	2	\$95	34%	\$282	\$187	50%	\$141	\$141	
100 Places of Assembly - A-4	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	
101 Places of Assembly - A-5	Flat fee	1	\$95	43%	\$220	\$125	50%	\$110	\$110	
102 Private Fire Hydrants (use or removal from services)	Flat fee	6	\$95	62%	\$154	\$59	50%	\$77	\$77	
103 Purnpkin Patches	Flat fee	6	\$95	59%	\$531	\$220	100%	\$531	\$0	
104 Pyrotechnical Special Effects Material	Flat fee	6	\$95	59%	\$531	\$220	100%	\$531	\$0	
105 Pyroxylin Plastics In excess of 25 lbs.	Flat fee	3	\$95	25%	\$375	\$280	50%	\$188	\$188	

USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Tracy
Fire
2007/08

Service Name	Service Type	Annual Volume	Current Fee	% of Full Cost	100% of Full Cost	Current Subsidy	Recommendations			
							Cost Recovery Policy Level (%)	Fee @ Policy Level	Subsidy @ Policy Level	
106 Refrigeration Equipment - 220-lbs. of group A-1	Flat fee	1	\$95	18%	\$531	\$436	50%	\$265	\$265	
107 Refrigeration Equipment - 30-lbs. of any other refrigerant	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172	
108 Repair Garages and Motor Fuel-Dispensing Facilities	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	
109 Rooftop Heliports	Flat fee	1	\$95	23%	\$406	\$311	50%	\$203	\$203	
110 Spraying or Dipping - unlading, Liquids or powders	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172	
111 Storage of Scrap Tires and Byproducts in excess of 2,500 cubic ft.	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172	
112 Temporary Membrane Structures, Tents, and Canopies - Tents in excess of 200 sq. ft.	Flat fee	7	\$95	36%	\$261	\$166	50%	\$131	\$131	
113 Temporary Membrane Structures, Tents, and Canopies - Canopies in excess of 400 Ft.	Flat fee	15	\$95	36%	\$261	\$166	50%	\$131	\$131	
114 Temporary Membrane Structures, Tents, and Canopies - annual blanket permit	Flat fee	1	\$95	36%	\$261	\$166	50%	\$131	\$131	
115 Tire Rebuilding Plants	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172	
116 Waste Handling (wrecking, junk yards, waste mgmt.)	Flat fee	1	\$95	34%	\$282	\$187	50%	\$141	\$141	
117 Wood Products in excess of 200 Ft.	Flat fee	6	\$95	28%	\$344	\$249	50%	\$172	\$172	
118 S.F.M. Mobile Production Operations	Flat fee	1	\$95	28%	\$344	\$249	50%	\$172	\$172	
121 Pre-Inspection Fee for Care Facilities - Facilities ≤ 25 people	State Set	40	\$50	18%	\$282	\$232	18%	\$50	\$232	
122 Pre-Inspection Fee for Care Facilities - Facilities > 25 people	State Set	1	\$100	35%	\$282	\$182	35%	\$100	\$182	
123 E Occupancy - School occupant load 50 - 149	Flat fee	1	\$0	0%	\$318	\$318	50%	\$189	\$189	
124 E Occupancy - School occupant load 150 - 499	Flat fee	4	\$0	0%	\$460	\$460	50%	\$230	\$230	
125 E Occupancy - School occupant load 500 plus	Flat fee	40	\$0	0%	\$742	\$742	50%	\$371	\$371	
126 E Occupancy - Daycare	Flat fee	1	\$0	0%	\$282	\$282	50%	\$141	\$141	
127 I Occupancies - I-1	Flat fee	1	\$0	0%	\$344	\$344	50%	\$172	\$172	
128 I Occupancies - I-2	Flat fee	1	\$0	0%	\$655	\$655	50%	\$328	\$328	
129 I Occupancies - I-2.1	Flat fee	1	\$0	0%	\$344	\$344	50%	\$172	\$172	
130 I Occupancies - I-3	Flat fee	1	\$0	0%	\$531	\$531	50%	\$265	\$265	

USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Tracy
Fire
2007/08

Service Name	Service Type	Annual Volume	Current Fee	% of Full Cost	100% of Full Cost	Current Subsidy	Cost Recovery Policy Level (%)	Recommendations	
								Fee @ Policy Level	Subsidy @ Policy Level
131 J Occupancies - 1-4	Flat fee	1	\$0	0%	\$344	\$344	50%	\$172	\$172
132 R-1 Occupancies 3-16	Flat fee	1	\$0	0%	\$282	\$282	50%	\$141	\$141
133 R-1 Occupancies 17-32	Flat fee	1	\$0	0%	\$344	\$344	50%	\$172	\$172
134 R-1 Occupancies 33 or more	Flat fee	1	\$0	0%	\$531	\$531	50%	\$265	\$265
135 R-2 Occupancies 3-16	Flat fee	1	\$0	0%	\$282	\$282	50%	\$141	\$141
136 R-2 Occupancies 17-32	Flat fee	1	\$0	0%	\$282	\$282	50%	\$141	\$141
137 R-2 Occupancies 33 or more	Flat fee	1	\$0	0%	\$531	\$531	50%	\$265	\$265
138 R-3 Occupancies (State Licensed Care Facilities)	Flat fee	1	\$125	44%	\$282	\$157	50%	\$141	\$141
139 R-3 Occupancies	Flat fee	6	\$0	0%	\$344	\$344	50%	\$172	\$172
140 R-4 Occupancies	Flat fee	1	\$0	0%	\$469	\$469	50%	\$234	\$234
141 Mid-Rise Inspection - 4 or less floors	Flat fee	1	\$0	0%	\$406	\$406	50%	\$203	\$203
142 High-Rise 7 or less floors	Flat fee	1	\$0	0%	\$655	\$655	50%	\$328	\$328
143 High-Rise each floor above 7	Flat fee	1	\$0	0%	\$779	\$779	50%	\$390	\$390
144 Copies of reports - per incident	Flat fee	50	\$0	0%	\$67	\$67	50%	\$34	\$34
145 Environmental hazard research	Flat fee	10	\$0	0%	\$132	\$132	50%	\$66	\$66
146 Fire code appeals	Flat fee	1	\$0	0%	\$651	\$651	50%	\$326	\$326
147 False Alarm response (3rd Response in Calendar Year)	Flat fee	28	\$0	0%	\$282	\$282	50%	\$141	\$141
148 Vehicle Abatement	Non Fee	40	\$0	0%	\$399	\$399	50%	\$199	\$199
149 Weed Abatement	Non Fee	100	\$0	0%	\$719	\$719	50%	\$360	\$360
150 Counter Time	Overhead	1	\$0	0%	\$0	\$0	0%	\$0	\$0
151 New Business License Inspection	New Fee	410	\$0	0%	\$130	\$130	50%	\$65	\$65
152 Tracy Rural Fire District	Non fee	1	\$20,500	7%	\$279,822	\$258,822	7%	\$20,500	\$258,822

- a) The fee calculated includes two reviews and two inspections. Additionally required review and/or inspections will be charged at the established hourly rates.
- b) An additional fee of \$18 will be added to the recommended fee for the digitizing of plans and files.
- c) This service has been reallocated across all development fee services as an overhead.

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Appendix V

Parks & Recreation Department

Parks & Recreation Department

Legal Codes

Parks & Recreation Department

Legal Codes

Legal Codes

Tracy Municipal Code

3.36.010 - Fee schedule.

The City Council shall by resolution action taken from time to time establish a fee schedule for services provided to the public by the departments of the City.

(Prior code § 3-9.01)

Parks & Recreation Department

Resolutions

RESOLUTION 2009-003

ADOPTING RECOMMENDED GENERAL FUND SUBSIDY LIMIT GOALS
AND ASSOCIATED FEES FOR PROGRAMS AND FACILITY USE
PROVIDED THROUGH THE PARKS AND COMMUNITY SERVICES
DEPARTMENT AND THE CULTURAL ARTS DIVISION

WHEREAS, The City of Tracy charges certain fees for public use of City buildings and rooms, park facilities, and sports fields; and

WHEREAS, The City of Tracy also charges fees for public participation in City cultural arts and recreation programs and for admission to events and facilities; and

WHEREAS, The Parks and Community Services Commission has recommended adoption of the facility rental and recreation program fees.

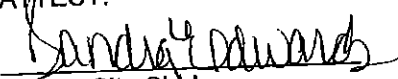
NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby adopts the Facility Rental and Recreation and Cultural Arts Program Fee Schedules attached to the staff report accompanying this agenda item, the Cultural Arts Admission fee calculation methodology set forth in the staff report accompanying this agenda item, and the Interim Program Fee Calculation Policy attached to the staff report accompanying this agenda item.

The foregoing Resolution 2009-003 was passed and adopted by the Tracy City Council on the 6th day of January, 2009, by the following vote:

AYES: COUNCIL MEMBERS: ABERCROMBIE, MACIEL, TOLBERT, TUCKER, IVES
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE



Mayor

ATTEST:


City Clerk

**PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE**

EXHIBIT "C"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
ADMINISTRATION FEES/CHARGES/SERVICES					\$18,130
Insurance Processing Fee Fee for public purchase of event insurance	Per Transaction	\$30	\$35	\$5	\$330
Program Transaction Fee (New) Administrative Fee for participants requesting a withdrawal, refund, credit, or transfer.	Per Transaction	\$0	\$5	\$5	\$8,500
Facility Rental and Event Permit Application Processing Fee (New fee for Facility and Park Rentals)	Per Transaction	\$35	\$35	\$0	\$7,000
Block Park Service Fee (New) Costs for Public Works to provide services for a one-block block party.	Per Event	\$0	\$575	\$575	\$2,300
TEEN PROGRAMS					\$2,885
BBQ and Game Day	Per Person	\$3	\$3	\$0	\$0
Teen Swim Events	Per Person	\$5	\$5	\$0	\$0
Teen Dances (5 per year)	Per Person	\$4	\$4	\$0	\$0
In Advance	Per Person	\$5	\$5	\$0	\$0
At the Door	Per Person	\$10	\$10	\$0	\$0
Girls Retreat	Per Week	\$70	\$70	\$0	\$0
Teen Camps	Per Person	\$3	\$3	\$0	\$0
Movie and Popcorn Night	Per Person	\$10	\$10	\$0	\$0
Extreme Sports Day (competition registration)	Per Person	\$10	\$10	\$0	\$0
Ski/Snowboard Trip	Per Person	\$45	\$90	\$45	\$270
Lift ticket only	Per Person	\$55	\$125	\$70	\$770
Rentals and lift ticket	Per Person	\$60	\$125	\$65	\$845
Rentals, lift and lessons	Per Person	\$25	\$55	\$30	\$0
Transportation only	Per Person	\$5	\$5	\$0	\$0
Helmet rental	Per Helmet	\$5	\$5	\$0	\$0
S.A.F.E. (Teen After School Program)	Per School Year	\$25	\$50	\$25	\$1,000
S.A.F.E. Annual Membership	Per Day	\$0	\$0	\$0	\$0
S.A.F.E. Drop-In (for Members)	Per Person	\$5	\$5	\$0	\$0
Scrapbooking Class	Per Person	\$5	\$5	\$0	\$0
Cooking Classes	Per Person	\$5	\$5	\$0	\$0
YOUTH DEVELOPMENT					\$25,574
ROC (Recreation on Campus After School)	Per Month	\$170	\$180	\$10	\$4,500
Regular Monthly Rate	Per Day	\$12	\$15	\$3	\$660
Daily Rate	Per Month	\$100	\$105	\$5	\$1,200
Hourly Rate (for 25 Hours) (After & Before)					
ROC (Recreation on Campus Before School)	Per Month	\$85	\$95	\$10	\$800
Regular Monthly Rate	Per Day	\$12	\$15	\$3	\$30
Daily Rate					
Summer Camp	Per Week	\$139	\$149	\$10	\$2,480
Day Camp Only (9am-3pm)	Per Week	\$30	\$45	\$15	\$2,100
Camp Extended Care	Per Person	\$49	\$55	\$6	\$384
Field Trip Only					
Alphabet Stew Preschool Program	Per hr	\$6	\$7	\$1	\$4,972
Ages 3-4 (9am-11am, 3days/wk)	Per hr	\$6	\$7	\$1	\$7,458
Ages 4-5 (11:30am-2:30pm, 3days/wk)					
* Monthly fees vary depending on actual number of days in the month					
Preschool Summer Day Camp	Per 2-Week	\$90	\$105	\$15	\$450
Ages 3-4 (9am-11:30am)	Per 2-Week	\$108	\$126	\$18	\$540
Ages 4-5 (12pm-3pm)					

**PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE**

EXHIBIT "C"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
MCYSN (MAYOR'S COMMUNITY YOUTH SUPPORT NETWORK)					\$0
Mobile Recreation ("Roll'n Rec")	Per Person	\$0	\$0	\$0	\$0
Midnight Basketball	Per Person	\$0	\$0	\$0	\$0
SPECIAL INTEREST (CONTRACTOR) CLASSES					\$64,334
Babysitter Training	Per Session	\$75	\$77	\$2	\$60
Challenger British Soccer Camp - First Kicks	Per Week	\$86	\$87	\$1	\$20
Challenger British Soccer Camp - Mini Soccer	Per Week	\$121	\$122	\$1	\$20
Challenger British Soccer Camp - 1/2-Day Camp	Per Week	\$144	\$145	\$1	\$20
Cheer Prep (New)	Per Session	\$0	\$51	\$51	\$3,060
Cheer - Pee Wee (New)	Per Session	\$0	\$45	\$45	\$5,940
Chess (New)	Per Session	\$0	\$36	\$36	\$2,916
Children's Safety Club	Per Session	\$40	\$40	\$0	\$0
Classic Gymnastics - Preschool (New)	Per Session	\$0	\$45	\$45	\$17,550
Classic Gymnastics - Youth (New)	Per Session	\$0	\$56	\$56	\$4,760
Computer Explorers Camps - Rockets (New)	Per Week	\$0	\$170	\$170	\$1,190
Computer Explorers Camps - Video (New)	Per Week	\$0	\$182	\$182	\$1,274
Dog Obedience - Advanced Obedience	Per Session	\$95	\$95	\$0	\$0
Dog Obedience - Basic Obedience	Per Session	\$115	\$115	\$0	\$0
First Aid/CPR	Per Session	\$55	\$56	\$1	\$30
Future Stars Tennis Lessons - Tots	Per Session	\$24	\$28	\$4	\$576
Future Stars Tennis Lessons - Youth	Per Session	\$64	\$64	\$0	\$0
Future Stars Tennis Lessons - Adults	Per Session	\$32	\$32	\$0	\$0
Future Stars Tennis Camps (New)	Per Session	\$0	\$60	\$60	\$780
Golf Lessons - Adult (New)	Per Session	\$0	\$49	\$49	\$8,330
Junior Golf Lessons (New)	Per Session	\$0	\$45	\$45	\$7,200
Junior Golf Camp - Learn-n-Pplay (New)	Per Week	\$100	\$100	\$0	\$0
Junior Golf Camp - Stripes (New)	Per Week	\$185	\$185	\$0	\$0
Just 4 Kicks Soccer					
Preschool (8 Weeks)	Per Session	\$80	\$80	\$0	\$0
Youth (8 Weeks)	Per Session	\$80	\$80	\$0	\$0
Special Needs (8 Weeks)	Per Session	\$80	\$80	\$0	\$0
Kindergym	Per Session	\$45	\$46	\$1	\$120
KidSAFE Self-Defense Workout - Youth	Per Session	\$56	\$57	\$1	\$140
Cardio Kick Boxing (8 Weeks)	Per Session	\$64	\$64	\$0	\$0
LEGO Engineering Camp	Per Week	\$167	\$177	\$10	\$690
Mad Science Camps	Per Week	\$175	\$175	\$0	\$0
Mom and Me Creative Play (New)	Per Session	\$45	\$46	\$1	\$190
Play & Learn	Per Session	\$30	\$48	\$18	\$3,168
Power Tumbling (New)	Per Session	\$0	\$51	\$51	\$5,712
Rhythmic Gymnastics					
Rhythmic Preschool (4 Weeks)	Per Session	\$44	\$44	\$0	\$0
Rhythmic School Age (4 Weeks)	Per Session	\$44	\$44	\$0	\$0
Sky Hawks - Flag Football	Per Week	\$108	\$108	\$0	\$0
Sky Hawks - Mini-Hawks	Per Week	\$134	\$134	\$0	\$0
Sky Hawks - Mini-Sports Camp	Per Week	\$134	\$134	\$0	\$0
Sky Hawks - Sports Sampler	Per Session	\$99	\$99	\$0	\$0
Tracy Online Learning	Per Session	\$80	\$80	\$0	\$0
Travel Smart (New)	Per Class	\$0	\$29	\$29	\$348
Yoga (4 Week)	Per Session	\$40	\$41	\$1	\$240

**PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE**

EXHIBIT "C"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
ATHLETICS					\$6,150
Adult Slow Pitch Leagues	Per Team	\$560	\$560	\$0	\$0
Maximum	Per Team	\$280	\$280	\$0	\$0
Minimum					
*League fees pending format, number of games and services					
Adult/Youth Fast Pitch Leagues	Per Team	\$480	\$450	(\$30)	(\$2,550)
Minimum	Per Team	\$480	\$600	\$120	\$6,600
Maximum					
*League fees pending format, number of games and services					
Adult/Youth Softball Tournament	Per Team	\$250	\$250	\$0	\$0
Minimum	Per Team	\$350	\$400	\$50	\$100
Maximum					
*Tournaments vary based on type of tournament and awards provided					
Softball Field Preparations	Per Preparation	\$5	\$5	\$0	\$0
Light Watering	Per Preparation	\$12	\$12	\$0	\$0
Light Watering, Minor Dragging	Per Preparation	\$25	\$25	\$0	\$0
Full Field Preparation	Per Field	\$100	\$100	\$0	\$0
Use of Temporary Outfield Fencing	Per player	\$60	\$70	\$10	\$2,000
Youth Basketball League	Per player	No fee	No fee	\$0	\$0
Jr. Giants Youth Baseball					
AQUATICS					\$11,872
General Recreation Swim	Per Person	\$2	\$2	\$0	\$0
10-Visit Pass	Per Pass	\$15	\$15	\$0	\$0
Swim Lessons	Per Parent/Tot	\$25	\$30	\$5	\$1,285
Parent/Tot					
Learn to Swim	Per Person	\$26	\$28	\$2	\$634
Minimum*	Per Person	\$47	\$50	\$3	\$6,981
Maximum*					
*Fees vary based on number of instruction days					
Junior Lifeguard	Per Student	\$90	\$100	\$10	\$250
Swim Camp	Per Person	\$65	\$100	\$35	\$1,400
Water Aerobics	Per Person	\$4	\$4	\$0	\$0
Drop-In	Per Pass	\$30	\$30	\$0	\$0
10-Visit Pass	Per Person	\$47	\$50	\$3	\$72
Diving	Per Person	\$3	\$3	\$0	\$0
Lap Swimming	Per Pass	\$20	\$20	\$0	\$0
10-Visit Pass	Per Person	\$47	\$62	\$15	\$525
Basic Water Polo	Per Person	\$175	\$200	\$25	\$625
Lifeguard Training	Per Person	\$0	\$20	\$20	\$100
Private Swim Lessons (one 1/2-hour session)					
SENIOR PROGRAMS/EVENTS					\$72
Health & Wellness	Per Class	\$0	\$0	\$0	\$0
Wii Jubilee Fitness	Per Class	\$0	\$0	\$0	\$0
Virtues	Per Class	\$0	\$0	\$0	\$0
Power Walk	Per Class	\$1	\$1	\$0	\$0
Cardio and Core	Per Class	\$1	\$1	\$0	\$0
Cardio and Stretch	Per Class	\$1	\$1	\$0	\$0
Tone Your Body	Per Class	\$1	\$1	\$0	\$0
Abs, Backs and Gluts	Per Class	\$1	\$1	\$0	\$0
Cardio Drill	Per Card	\$20	\$20	\$0	\$0
25-Visit Senior Fitness Pass					

**PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE**

EXHIBIT "C"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
Arts & Music					
Senior Idol	Per Class	\$0	\$0	\$0	\$0
Wood Carving	Per Class	\$0	\$0	\$0	\$0
Painting	Per Class	\$0	\$0	\$0	\$0
Scrapbooking	Per Class	\$0	\$0	\$0	\$0
Sewing	Per Class	\$0	\$0	\$0	\$0
Beading	Per Month	\$7	\$7	\$0	\$0
Card Making (New)	Per Class	\$2	\$2	\$0	\$0
Tap Dancing	Per Class	\$2	\$2	\$0	\$0
Line Dancing	Per Class	\$2	\$2	\$0	\$0
Country Jams	Per Class	\$2	\$2	\$0	\$0
Recreation					
Bingo	Per Class	\$0	\$0	\$0	\$0
Social Recreation Programs (7)	Per Class	\$0	\$0	\$0	\$0
Table Games (6)	Per Class	\$0	\$0	\$0	\$0
Special Events					
St. Patty's Day & Oktoberfest Lunch	Per Person	\$2	\$2	\$0	\$0
Winter/Spring Ball	Per Person	\$5	\$5	\$0	\$0
Country Summer Dance	Per Person	\$3	\$5	\$2	\$72
SNAP! Friday Night Dance	Per Person	\$5	\$5	\$0	\$0
20-Visit Drop-In Activities Card	Per Card	\$20	\$20	\$0	\$0
Golden Agers Bus Trips	Per Person	\$30	\$30	\$0	\$0
Social Services					
Lunch Program	Per Month	\$0	\$0	\$0	\$0
AARP Programs (2)	Per Month	\$0	\$0	\$0	\$0
Other Services (3)	Per Month	\$0	\$0	\$0	\$0
Clubs (2)					
Senior Special Events					
Older Americans Month (May)	Per Person	\$0	\$0	\$0	\$0
Health Fair (2)	Per Person	\$0	\$0	\$0	\$0
Craft Boutique (2)	Per Person	\$0	\$0	\$0	\$0
Thanksgiving Dinner	Per Person	\$0	\$0	\$0	\$0
Other Annual Events (4)	Per Person	\$0	\$0	\$0	\$0
SPECIAL EVENTS					\$0
Park Dedications	Per Event	\$0	\$0	\$0	\$0
Downtown Halloween Parade	Per Event	\$0	\$0	\$0	\$0
Make a Difference Day	Per Event	\$0	\$0	\$0	\$0
Holiday Parade & Tree Lighting	Per Event	\$0	\$0	\$0	\$0
Volunteer Luncheon	Per Event	\$0	\$0	\$0	\$0
My Own Marathon	Per Event	\$0	\$0	\$0	\$0
Movies in the Plaza	Per Event	\$0	\$0	\$0	\$0
Park Clean Ups	Per Event	\$0	\$0	\$0	\$0
TOTALS					\$129,017

**PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE**

EXHIBIT "C"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
TRACY COMMUNITY CENTER RENTAL					\$20,690
Main Hall ~ Week Day Only (New: 4 hour minimum)					
Non-Profit Classification	Per Hour	\$20	\$32	\$12	\$240
Private Classification	Per Hour	\$35	\$56	\$21	\$0
Commercial Classification	Per Hour	\$50	\$80	\$30	\$0
MOU - Hours Provided to Non-Profits/Gov	Per Hour	\$0	\$0	\$0	\$0
Conference Room A or B ~ Week Day Only (New: 2 hour minimum)					
Non-Profit Classification	Per Hour	\$5	\$5	\$0	\$0
Private Classification	Per Hour	\$9	\$9	\$0	\$0
Commercial Classification	Per Hour	\$13	\$13	\$0	\$0
MOU - Hours Provided to Non-Profits/Gov	Per Hour	\$0	\$0	\$0	\$0
Entire Facility ~ Week Day (New: 4 hour minimum)					
Non-Profit Classification	Per Hour	\$25	\$37	\$12	\$2,160
Private Classification	Per Hour	\$44	\$65	\$21	\$5,250
Commercial Classification	Per Hour	\$63	\$93	\$30	\$0
MOU - Hours Provided to Non-Profits/Gov	Per Hour	\$0	\$0	\$0	\$0
Entire Facility ~ Week End (New: 4 hour minimum)					
Non-Profit Classification	Per Hour	\$38	\$56	\$18	\$3,600
Private Classification	Per Hour	\$67	\$97	\$30	\$9,000
Commercial Classification	Per Hour	\$95	\$139	\$44	\$440
MOU - Hours Provided to Non-Profits/Gov	Per Hour	\$0	\$0	\$0	\$0
Deposits*					
Main Hall	Per Rental	\$400	\$400	\$0	\$0
Conference Room A or B	Per Rental	\$200	\$200	\$0	\$0
Entire Facility	Per Rental	\$400	\$400	\$0	\$0
*An additional \$400 Deposit is required for all activities where alcohol is sold					
TRACY SPORTS COMPLEX MEETING ROOM RENTAL					\$2,280
TSC Meeting Room ~ Week Day & Week End (New: 2 hour minimum)					
Non-Profit Classification	Per Hour	\$7	\$14	\$7	\$2,100
Private Classification	Per Hour	\$12	\$25	\$13	\$0
Commercial Classification	Per Hour	\$17	\$35	\$18	\$180
MOU - Hours Provided to Non-Profits/Gov	Per Hour	\$0	\$0	\$0	\$0
Deposits*					
Meeting Room	Per Rental	\$200	\$200	\$0	\$0
*An additional \$200 Deposit is required for all activities where alcohol is sold					
LOLLY HANSEN SENIOR CENTER RENTAL					\$0
Multi-Purpose Room ~ Week Day & Week End (New: 4 hour minimum)					
Non-Profit Classification	Per Hour	\$13	\$13	\$0	\$0
Private Classification	Per Hour	\$23	\$23	\$0	\$0
Commercial Classification	Per Hour	\$0	\$0	\$0	\$0
Arts and Crafts Room ~ Week Day & Week End (New: 4 hour minimum)					
Non-Profit Classification	Per Hour	\$5	\$5	\$0	\$0
Private Classification	Per Hour	\$9	\$9	\$0	\$0
Commercial Classification	Per Hour	\$0	\$0	\$0	\$0
Entire Facility ~ Week Day & Week End (New: 4 hour minimum)					
Non-Profit Classification	Per Hour	\$26	\$26	\$0	\$0
Private Classification	Per Hour	\$46	\$46	\$0	\$0
Commercial Classification	Per Hour	\$0	\$0	\$0	\$0
MOU - Hours Provided to Non-Profits/Gov	Per Hour	\$0	\$0	\$0	\$0

PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
Deposits*	Per Rental	\$200	\$200	\$0	\$0
Multi-Purpose Room	Per Rental	\$200	\$200	\$0	\$0
Arts and Crafts Room	Per Rental	\$200	\$200	\$0	\$0
Entire Facility	Per Rental	\$200	\$200	\$0	\$0
*An additional \$400 Deposit is required for all activities where alcohol is sold					

TRACY CIVIC CENTER RENTAL					\$780
Council Chambers ~ Week Day & Week End (New: 4 hour minimum)	Per Hour	\$20	\$35	\$15	\$0
Non-Profit Classification	Per Hour	\$0	\$0	\$0	\$0
Private Classification	Per Hour	\$0	\$0	\$0	\$0
Commercial Classification	Per Hour	\$0	\$0	\$0	\$0
MOU - Hours Provided to Non-Profits/Gov	Per Hour	\$0	\$0	\$0	\$0
Conference Room 109 ~ Week Day Only (New: 2 hour minimum)	Per Hour	\$10	\$15	\$5	\$0
Non-Profit Classification	Per Hour	\$18	\$26	\$8	\$0
Private Classification	Per Hour	\$26	\$38	\$12	\$300
Commercial Classification	Per Hour	\$0	\$0	\$0	\$0
MOU - Hours Provided to Non-Profits/Gov	Per Hour	\$0	\$0	\$0	\$0
Conference Room 203 ~ Week Day Only (New: 2 hour minimum)	Per Hour	\$15	\$25	\$10	\$100
Non-Profit Classification	Per Hour	\$26	\$44	\$18	\$0
Private Classification	Per Hour	\$37	\$63	\$26	\$0
Commercial Classification	Per Hour	\$0	\$0	\$0	\$0
MOU - Hours Provided to Non-Profits/Gov	Per Hour	\$0	\$0	\$0	\$0
Lobby and Both Conf Rooms ~ Week Day (New: 4 hour minimum)	Per Hour	\$25	\$40	\$15	\$0
Non-Profit Classification	Per Hour	\$44	\$70	\$26	\$0
Private Classification	Per Hour	\$63	\$100	\$37	\$0
Commercial Classification	Per Hour	\$0	\$0	\$0	\$0
MOU - Hours Provided to Non-Profits/Gov	Per Hour	\$0	\$0	\$0	\$0
Lobby and Both Conf Rooms ~ Week End (New: 4 hour minimum)	Per Hour	\$38	\$60	\$22	\$0
Non-Profit Classification	Per Hour	\$67	\$105	\$38	\$380
Private Classification	Per Hour	\$95	\$150	\$55	\$0
Commercial Classification	Per Hour	\$0	\$0	\$0	\$0
MOU - Hours Provided to Non-Profits/Gov	Per Hour	\$0	\$0	\$0	\$0
Deposits*	Per Rental	\$400	\$400	\$0	\$0
Rental Deposit					
*An additional \$400 Deposit is required for all activities where alcohol is sold					

PARK AND PICNIC AREA RENTAL					\$2,175
Park/Picnic ~ 1 to 50 people (New: 4 hour minimum)	Per Hour	\$11	\$13	\$2	\$160
Non-Profit Classification	Per Hour	\$19	\$23	\$4	\$863
Private Classification	Per Hour	\$28	\$33	\$5	\$338
Commercial Classification	Per Hour	\$28	\$33	\$5	\$338
Park/Picnic ~ 51 to 100 people (New: 4 hour minimum)	Per Hour	\$16	\$19	\$3	\$195
Non-Profit Classification	Per Hour	\$28	\$33	\$5	\$394
Private Classification	Per Hour	\$40	\$48	\$8	\$38
Commercial Classification	Per Hour	\$40	\$48	\$8	\$38
Park/Picnic ~ 101+ people (New: 4 hour minimum)	Per Hour	\$21	\$25	\$4	\$60
Non-Profit Classification	Per Hour	\$37	\$44	\$7	\$34
Private Classification	Per Hour	\$53	\$63	\$10	\$95
Commercial Classification	Per Hour	\$53	\$63	\$10	\$95
Non-Profit Org ~ \$100 Max	Per Rental	\$100	\$100	\$0	\$0

**PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE**

EXHIBIT "C"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
Deposits	Per Rental	\$0	\$0	\$0	\$0
less than 50, traditional activity	Per Rental	\$100	\$100	\$0	\$0
50-100; or less than 5 non-traditional	Per Rental	\$200	\$200	\$0	\$0
101-200 attendees	Per Rental	\$300	\$300	\$0	\$0
201-300 attendees	Per Rental	\$500	\$500	\$0	\$0
301 and above attendees	Per Rental	\$500	\$500	\$0	\$0

SPORT FACILITIES (Tracy Ball Park, Sports Complex, Plascencia Fields, Tiago, Galli, & Bland Ball Fields)					\$0
Hourly Fee ~ League/Individual	Per Hour, Per Fld	\$5	\$5	\$0	\$0
Non-Profit Youth Classification	Per Hour, Per Fld	\$10	\$10	\$0	\$0
Non-Profit Adult Classification	Per Hour, Per Fld	\$18	\$18	\$0	\$0
Private Classification	Per Hour, Per Fld	\$25	\$25	\$0	\$0
Commercial Classification	Per Hour, Per Fld	\$25	\$25	\$0	\$0
Lights Fee ~ League/Individual	Per Hour, Per Fld	\$7	\$7	\$0	\$0
Non-Profit Youth Classification	Per Hour, Per Fld	\$10	\$10	\$0	\$0
Non-Profit Adult Classification	Per Hour, Per Fld	\$12	\$12	\$0	\$0
Private Classification	Per Hour, Per Fld	\$18	\$18	\$0	\$0
Commercial Classification	Per Hour, Per Fld	\$18	\$18	\$0	\$0
Staff for Sports Complex ~ League Individual	Per Hour, Per Fld	\$0	\$0	\$0	\$0
Non-Profit Youth Classification	Per Hour, Per Fld	\$25	\$25	\$0	\$0
Non-Profit Adult Classification	Per Hour, Per Fld	\$25	\$25	\$0	\$0
Private Classification	Per Hour, Per Fld	\$25	\$25	\$0	\$0
Commercial Classification	Per Hour, Per Fld	\$25	\$25	\$0	\$0
Hourly Fee ~ Tournaments	Per Hour, Per Fld	\$60	\$60	\$0	\$0
Non-Profit Youth Classification	Per Hour, Per Fld	\$100	\$100	\$0	\$0
Non-Profit Adult Classification	Per Hour, Per Fld	\$120	\$120	\$0	\$0
Private Classification	Per Hour, Per Fld	\$120	\$120	\$0	\$0
Commercial Classification	Per Hour, Per Fld	\$120	\$120	\$0	\$0
Lights Fee ~ Tournaments	Per Hour, Per Fld	\$10	\$10	\$0	\$0
Non-Profit Youth Classification	Per Hour, Per Fld	\$10	\$10	\$0	\$0
Non-Profit Adult Classification	Per Hour, Per Fld	\$10	\$10	\$0	\$0
Private Classification	Per Hour, Per Fld	\$10	\$10	\$0	\$0
Commercial Classification	Per Hour, Per Fld	\$10	\$10	\$0	\$0
Staff for Sports Complex ~ Tournaments	Per Hour, Per Fld	\$25	\$25	\$0	\$0
Non-Profit Youth Classification	Per Hour, Per Fld	\$25	\$25	\$0	\$0
Non-Profit Adult Classification	Per Hour, Per Fld	\$25	\$25	\$0	\$0
Private Classification	Per Hour, Per Fld	\$25	\$25	\$0	\$0
Commercial Classification	Per Hour, Per Fld	\$25	\$25	\$0	\$0
Field Preparations (On Request)	Per Prep	\$5	\$5	\$0	\$0
Light Watering	Per Prep	\$12.50	\$12.50	\$0	\$0
Light Watering & Minor Dragging	Per Prep	\$25	\$25	\$0	\$0
Complete Field Preparation	Per Prep	\$25	\$25	\$0	\$0

MOBILE STAGE RENTAL					\$9,025
The proposed fee includes an \$80 application fee as well as actual City costs to setup, breakdown, and transport the stage.					
"A" Set Up (36' X 14')	Per Rental	\$255	\$765	\$510	\$510
Staff at Regular Hours	Per Rental	\$320	\$795	\$475	\$2,375
Staff at Overtime Hours	Per Rental	\$0	\$0	\$0	\$0
MOU - Hours Provided to Non-Profits/Gov	Per Rental	\$0	\$0	\$0	\$0
"B" Set Up (36' X 18')	Per Rental	\$390	\$2,075	\$1,685	\$0
Staff at Regular Hours	Per Rental	\$500	\$2,170	\$1,670	\$1,670
Staff at Overtime Hours	Per Rental	\$0	\$0	\$0	\$0
MOU - Hours Provided to Non-Profits/Gov	Per Rental	\$0	\$0	\$0	\$0
"C" Set Up (36' X 22')	Per Rental	\$440	\$2,670	\$2,230	\$0
Staff at Regular Hours	Per Rental	\$570	\$2,805	\$2,235	\$4,470
Staff at Overtime Hours	Per Rental	\$0	\$0	\$0	\$0
MOU - Hours Provided to Non-Profits/Gov	Per Rental	\$0	\$0	\$0	\$0
Deposits	Per Rental	\$400	\$400	\$0	\$0
All Stage Rentals	Per Rental	\$400	\$400	\$0	\$0

PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEES +/-	ANNUAL REVENUE +/-
					\$280
JOE WILSON COMMUNITY POOL RENTALS					
Any size groups, when organization provides own lifeguards (New)					
Non-Profit Classification	Per Hour	\$50	\$50	\$0	\$0
Up to 50 People, Includes 2 lifeguards					
Non-Profit Classification	Per Hour	\$60	\$70	\$10	\$70
Private Classification	Per Hour	\$70	\$80	\$10	\$60
Commercial Classification	Per Hour	\$80	\$90	\$10	\$0
Up to 75 People, Includes 3 lifeguards					
Non-Profit Classification	Per Hour	\$75	\$85	\$10	\$70
Private Classification	Per Hour	\$85	\$95	\$10	\$0
Commercial Classification	Per Hour	\$95	\$105	\$10	\$0
Up to 100 People Max, Includes 4 lifeguards					
Non-Profit Classification	Per Hour	\$90	\$100	\$10	\$80
Private Classification	Per Hour	\$100	\$110	\$10	\$0
Commercial Classification	Per Hour	\$110	\$120	\$10	\$0
Deposits					
All Classifications, All Group Sizes	Per Rental	\$100	\$100	\$0	\$0
					\$0
WEST HIGH SWIMMING POOL RENTALS (New)					
Any size groups, when organization provides own lifeguards (New)					
Non-Profit Classification (Half Pool)	Per Hour	\$95	\$95	\$0	\$0
Non-Profit Classification (Full Pool)	Per Hour	\$185	\$185	\$0	\$0
Up to 50 People, Includes 2 lifeguards					
Non-Profit Classification (Half Pool)	Per Hour	\$105	\$105	\$0	\$0
Private Classification (Half Pool)	Per Hour	\$115	\$115	\$0	\$0
Commercial Classification (Half Pool)	Per Hour	\$230	\$230	\$0	\$0
Non-Profit Classification (Full Pool)	Per Hour	\$205	\$205	\$0	\$0
Private Classification (Full Pool)	Per Hour	\$225	\$225	\$0	\$0
Commercial Classification (Full Pool)	Per Hour	\$245	\$245	\$0	\$0
Up to 75 People, Includes 3 lifeguards					
Non-Profit Classification (Half Pool)	Per Hour	\$120	\$120	\$0	\$0
Private Classification (Half Pool)	Per Hour	\$130	\$130	\$0	\$0
Commercial Classification (Half Pool)	Per Hour	\$140	\$140	\$0	\$0
Non-Profit Classification (Full Pool)	Per Hour	\$235	\$235	\$0	\$0
Private Classification (Full Pool)	Per Hour	\$255	\$255	\$0	\$0
Commercial Classification (Full Pool)	Per Hour	\$275	\$275	\$0	\$0
Up to 100 People, Includes 4 lifeguards					
Non-Profit Classification (Half Pool)	Per Hour	\$135	\$135	\$0	\$0
Private Classification (Half Pool)	Per Hour	\$145	\$145	\$0	\$0
Commercial Classification (Half Pool)	Per Hour	\$155	\$155	\$0	\$0
Non-Profit Classification (Full Pool)	Per Hour	\$265	\$265	\$0	\$0
Private Classification (Full Pool)	Per Hour	\$285	\$285	\$0	\$0
Commercial Classification (Full Pool)	Per Hour	\$305	\$305	\$0	\$0
100 to 150 People, Includes 5 lifeguards					
Non-Profit Classification (Half Pool)	Per Hour	\$150	\$150	\$0	\$0
Private Classification (Half Pool)	Per Hour	\$160	\$160	\$0	\$0
Commercial Classification (Half Pool)	Per Hour	\$170	\$170	\$0	\$0
Non-Profit Classification (Full Pool)	Per Hour	\$295	\$295	\$0	\$0
Private Classification (Full Pool)	Per Hour	\$315	\$315	\$0	\$0
Commercial Classification (Full Pool)	Per Hour	\$335	\$335	\$0	\$0
Over 150 People, Includes 6 lifeguards					
Non-Profit Classification (Half Pool)	Per Hour	\$155	\$155	\$0	\$0
Private Classification (Half Pool)	Per Hour	\$175	\$175	\$0	\$0
Commercial Classification (Half Pool)	Per Hour	\$185	\$185	\$0	\$0
Non-Profit Classification (Full Pool)	Per Hour	\$310	\$310	\$0	\$0
Private Classification (Full Pool)	Per Hour	\$345	\$345	\$0	\$0
Commercial Classification (Full Pool)	Per Hour	\$365	\$365	\$0	\$0
Deposits					
All Classifications, All Group Sizes	Per Rental	\$100	\$100	\$0	\$0
Additional Pool Rental Fees					
Restrooms (for non-pool rental events)	Per Hour	\$40	\$40	\$0	\$0
Restrooms (for non-pool rental events)	Per Day	\$200	\$200	\$0	\$0
Extra Lifeguard (as deemed necessary by staff, based on event)	Per Hr, Per Lfgd	\$15	\$15	\$0	\$0

**PARKS AND COMMUNITY SERVICES DEPARTMENT
RECOMMENDED FEE SCHEDULE**

EXHIBIT "C"

PROGRAM AREA/PROGRAM	UNITS CHARGED BY	CURRENT FEE	PROPOSED FEE	FEE +/-	ANNUAL REVENUE +/-
TENNIS COURTS RENTAL					\$0
Rental ~ Private Use					
Non-Profit Youth Classification	Per Hour, Per Crt	\$0	\$0	\$0	\$0
Non-Profit Adult Classification	Per Hour, Per Crt	\$0	\$0	\$0	\$0
Private Classification	Per Hour, Per Crt	\$5	\$5	\$0	\$0
Commercial Classification	Per Hour, Per Crt	\$0	\$0	\$0	\$0
Rental ~ League Use					
Non-Profit Youth Classification	Per Hour, Per Crt	\$5	\$5	\$0	\$0
Non-Profit Adult Classification	Per Hour, Per Crt	\$5	\$5	\$0	\$0
Private Classification	Per Hour, Per Crt	\$7	\$7	\$0	\$0
Commercial Classification	Per Hour, Per Crt	\$10	\$10	\$0	\$0
Rental ~ Tournaments					
Non-Profit Youth Classification	Per Hour, Per Crt	\$5	\$5	\$0	\$0
Non-Profit Adult Classification	Per Hour, Per Crt	\$10	\$10	\$0	\$0
Private Classification	Per Hour, Per Crt	\$15	\$15	\$0	\$0
Commercial Classification	Per Hour, Per Crt	\$15	\$15	\$0	\$0
Lights Fee ~ Private Use					
Non-Profit Youth Classification	Per Hour, Per Crt	\$0	\$0	\$0	\$0
Non-Profit Adult Classification	Per Hour, Per Crt	\$0	\$0	\$0	\$0
Private Classification	Per Hour, Per Crt	\$5	\$5	\$0	\$0
Commercial Classification	Per Hour, Per Crt	\$0	\$0	\$0	\$0
Lights Fee ~ League Use					
Non-Profit Youth Classification	Per Hour, Per Crt	\$5	\$5	\$0	\$0
Non-Profit Adult Classification	Per Hour, Per Crt	\$5	\$5	\$0	\$0
Private Classification	Per Hour, Per Crt	\$10	\$10	\$0	\$0
Commercial Classification	Per Hour, Per Crt	\$10	\$10	\$0	\$0
Lights Fee ~ Tournaments					
Non-Profit Youth Classification	Per Hour, Per Crt	\$7	\$7	\$0	\$0
Non-Profit Adult Classification	Per Hour, Per Crt	\$10	\$10	\$0	\$0
Private Classification	Per Hour, Per Crt	\$12	\$12	\$0	\$0
Commercial Classification	Per Hour, Per Crt	\$12	\$12	\$0	\$0
Deposits					
Tennis Court Rental Deposit	Per Day, Per Crt	\$50	\$50	\$0	\$0
TOTALS					\$35,230

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Parks & Recreation Department

Special Studies



CITY OF TRACY

PARKS & COMMUNITY SERVICES DEPARTMENT

GENERAL FUND

COST OF SERVICES STUDY FINDINGS

JUNE, 2008

PRELIMINARY FINDINGS

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EXECUTIVE SUMMARY

INTRODUCTION

MGT of America (MGT) is pleased to present the City of Tracy (City) with this summary of findings for the cost of services study for the Parks and Community Services Department.

The Parks and Community Services Department has not undertaken a comprehensive cost of services study since the 1998-99 fiscal year. Since that time, the department has made some minor adjustments to the original fee levels, but has largely maintained the fee levels that had been previously adopted. The City is interested in accurately reporting the true cost of providing various fee-related services, and exploring the possibilities of modifying current fees to better reflect the increasing cost of providing services over time. In January 2008, the City contracted with MGT to perform this cost analysis using the adopted 2007-2008 fiscal year budget, staffing and operational information. Additionally, all information was provided through the period ending April 2008. Fees should be reviewed on a regular basis and adjusted in accordance with established City policies on user fee cost recovery.

This report is the culmination of the past three months of work between MGT and Parks and Community Services management and staff. MGT would like to take this opportunity to acknowledge all P&CS management and staff who participated on this project for their efforts and coordination. Their responsiveness and continued interest in the outcome of this study contributed greatly to the success of this study.

STUDY SCOPE AND OBJECTIVES

The study was performed under the general direction of the Parks and Community Services Director with the participation of representatives from each program division. The primary goals of the study were to:

- Define what it costs the city to provide various fee-related services.
- Determine whether there are any opportunities to implement new fees, based on city cost recovery policies.
- Identify service areas where the City might adjust fees based on the full cost of services and other economic or policy considerations.

The information summarized in this report addresses each of these issues and provides the City with the tools necessary to make informed decisions about any proposed fee adjustments and the resulting impact on general fund revenues.

ECONOMIC & POLICY CONSIDERATIONS

Calculating the true cost of providing city services is a critical step in the process of establishing user fees and corresponding cost recovery levels. Although it is an important factor, other factors must also be given consideration. City decision-makers must also consider the effects that establishing fees for services will have on the individuals purchasing those services, as well as the community as a whole. The following economic and policy issues help illustrate these considerations.

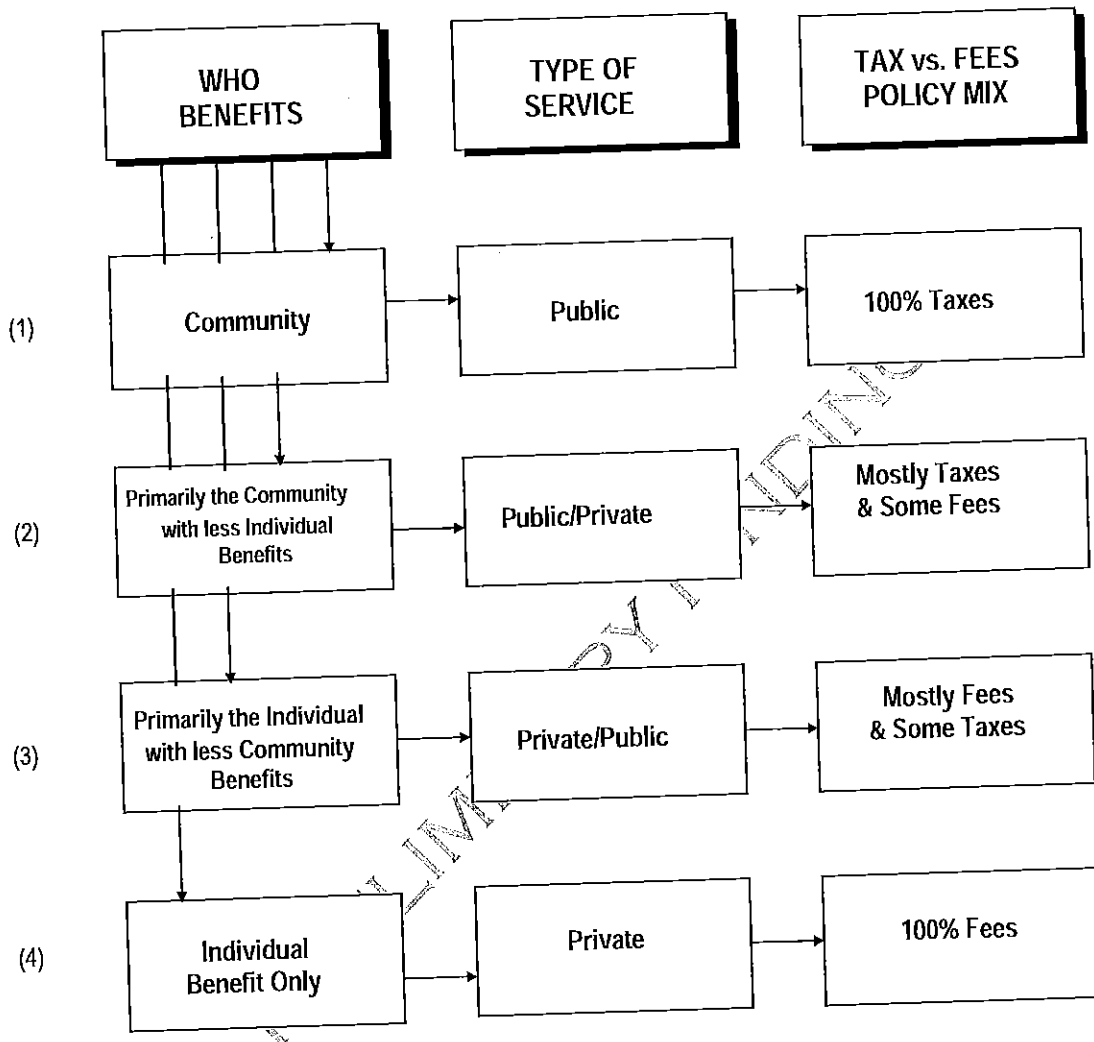
- It may be a desired policy to establish fees at a level that permits lower income groups to use services that they might not otherwise be able to afford.
- A consideration of community-wide benefit versus individual benefit might be of concern for certain services.
- Elasticity of demand is a factor in pricing certain city services; increasing the price of some services results in a reduction of demand for those services, and vice versa.
- Public sector agencies have a monopoly on providing certain services within its boundaries, such as development-related services. However, other services, such as recreation classes, may be provided by neighboring communities or the private sector, and therefore demand for these services can be highly dependent on what else may be available at lower prices.

The flow chart on the following page helps illustrate the economic and policy considerations listed above.

PRELIMINARY FINDINGS

General Fund Subsidy vs. User Fees

Decision-making Flow Chart



Examples of service that fall under each category:

- (1) - Recreational Swim, Community Events, Drop In programs
- (2) - Senior Activities, Pre-school & Teen Activities
- (3) - Camps, Youth Team Sports
- (4) - Adult Sports, Specialty Classes, Tournaments

METHODOLOGY

A cost of service study analyzes two components of costs: the direct/internal costs associated with providing each fee-for-service activity, and the indirect/external costs that support these activities. A brief discussion of each of these components follows. (A complete, detailed report of calculations is provided as an attachment to this report).

Internal Costs. The internal costs associated with fee-for-service activities were analyzed in great detail in this study. MGT worked with staff within each of the nine divisions to develop the analysis that is summarized in the following sections of this report. The fiscal year 2007-2008 adopted budget was used to identify direct costs.

The first step in the process was to identify staff time spent directly on each of the user fee activities. Each staff person involved in the user fee services identified time spent to staff and provide all program areas. Salary and benefit dollars were assigned to the time estimates to come up with the direct staff costs. Material, supply, contract services and a proportionate share of division administration was then allocated to the program areas.

External Costs. A proportionate share of other operating expenses and internal department administrative costs were layered onto the direct costs as a departmental overhead. (Note: Citywide internal service charges are already directly budgeted into program budgets). The three components of the indirect costs: 1) departmental overhead, 2) Citywide budgeted indirect costs and 3) Public Works – Park Maintenance are combined with the direct costs of each activity and then compared to the revenue recovered, and the extent of cost recovery is identified.

Department Administration. Many of the costs that support *all* divisions and programs are budgeted in a centralized division, such as 1) Parks and Community Services Administration, which provides budgeting, personnel, reception, customer outreach and general oversight, 2) Activity guide preparation, which is budgeted in various programs, but provides support to all Parks and Community Services programs. The costs of these activities and other centralized services are considered indirect/external overhead that support fee-for-service activities, as well as other programs and functions within the department.

As part of this study, MGT developed an indirect cost allocation plan that identifies and distributes these indirect costs to all operating divisions and activities within the Parks and Community Service's organizational structure. The Community Services cost allocation plan takes a methodological approach to analyzing indirect costs.

The end result of this analysis is the allocation of all indirect costs to all operating divisions and activities. The external costs are then added to the internal costs to determine the full cost of *all* department operations – whether fee-related or not. This accounting exercise is important in that it can result in an increase in general fund revenues for reimbursement of support for user fee services and state or federally funded programs.

STUDY FINDINGS

While the purpose of this study is to identify the cost of fee-related activities, one of the outcomes of the analysis is to provide a complete picture of the full cost of all services offered. It is necessary to identify *all* costs, whether fee-related or not, so that there is a fair distribution of all departmental overhead costs (discussed in the following section of this report) across all activities, thereby ensuring a definitive relationship between the cost of the service and the fee that is charged. No service should be burdened with costs that cannot be directly or indirectly linked to that service. Certain non-fee related activities are appropriately funded by general fund monies (or other special revenue or impact fee sources), such as senior social services or capital improvement projects.

Overall, the Parks and Community Services Department is experiencing a 29% cost recovery level for its services. Within each recovery category, current cost recovery levels range from 4% for Administration fees to 79% for Classes. The information about individual activities within each program may be found in subsequent sections of this report. *Please note: all revenue numbers reflect budgeted numbers.*

The exhibit on the following page indicates that fees recover 29% of full cost, leaving 71% or \$2,564,649 to be funded by other funding sources. This \$2.6 million represents a "window of opportunity" for Parks and Community Services to increase fees and general fund revenues, with a corresponding decrease in the subsidization of services. While it is not likely (nor would MGT recommend) that the City completely recover all costs through increased or new fees, it is possible for the Parks and Community Services Department to implement moderate increases to current fees and new fees for some services.

The study's primary objective is to provide the City's decision-makers with basic data needed for setting fees. This report details the full cost of services, and presents opportunities for adjusted fee levels in certain activities. Recommendations for fee changes should be based upon careful consideration of the results of the cost analysis, historical cost recovery levels, and the elasticity of demand unique to each division's services. The chart below breaks down the cost components for each division area.

Full Cost Breakdown

Source - Fiscal Year 2007-2008

Program Area	Direct Costs	P&CS Admin	Public Works	Citywide Indirect	Other P&CS Division
	Internal	External	External	External	External
Teen Recreation	74%	20%	n/a	6%	n/a
Youth Development	77%	18%	n/a	5%	n/a
Special Interest Classes	85%	14%	n/a	1%	n/a
Facilities	41%	15%	42%	2%	n/a
Athletics	69%	10%	18%	3%	n/a
Aquatics	76%	19%	n/a	5%	n/a
Sr. Activities	85%	12%	n/a	3%	n/a
Community Events	80%	16%	n/a	4%	n/a
Administration	98%	n/a	n/a	n/a	2%

Direct costs include direct staffing, reservation processing, division administration and materials and supplies

P&CS administration costs include the Director's office and activity guide support

Public Works costs include Parks Maintenance support

Citywide indirect costs include central service department allocations from the budget

User Fee Revenue Analysis

Source - Fiscal Year 2007-2008

Program Area	Costs	Projected Revenue	Recovery Level	Subsidy	
Teen Recreation - internal	\$186,033	\$9,600	5%	\$176,433	95%
Teen Recreation - external	\$66,601	-	-	\$66,601	-
TEEN RECREATION - TOTAL	\$252,634	\$9,600	4%	\$243,034	96%
Youth Development - internal	\$406,712	\$208,280	51%	\$198,432	49%
Youth Development - external	\$117,738	-	-	\$117,738	-
YOUTH DEVELOPMENT - TOTAL	\$524,450	\$208,280	40%	\$316,170	60%
Spcl Intrst Classes - internal	\$307,067	\$285,800	93%	\$21,267	7%
Spcl Intrst Classes - external	\$52,805	-	-	\$52,805	-
SPCL INTRST CLASSES - TOTAL	\$359,872	\$285,800	79%	\$74,072	21%
Facilities - internal	\$271,492	\$75,480	28%	\$196,012	72%
Facilities - external	\$391,890	-	-	\$391,890	-
FACILITIES - TOTAL	\$663,382	\$75,480	11%	\$587,902	89%
Athletics - internal	\$238,689	\$168,150	70%	\$70,539	30%
Athletics - external	\$109,975	-	-	\$109,975	-
ATHLETICS - TOTAL	\$348,664	\$168,150	48%	\$180,514	52%
Aquatics - internal	\$554,002	\$268,400	48%	\$285,602	52%
Aquatics - external	\$169,766	-	-	\$169,766	-
AQUATICS - TOTAL	\$723,768	\$268,400	37%	\$455,368	63%
Sr. Activities - internal	\$372,351	\$25,600	7%	\$346,751	93%
Sr. Activities - external	\$69,820	-	-	\$69,820	-
SR. ACTIVITES - TOTAL	\$442,171	\$25,600	6%	\$416,571	94%
Community Events - internal	\$212,909	\$0	0%	\$212,909	100%
Community Events - external	\$52,199	-	-	\$52,199	-
COMMUNITY EVENTS - TOTAL	\$265,108	\$0	0%	\$265,108	100%
Administration* - internal	\$6,788	\$1,080	16%	\$5,708	84%
Administration* - external	\$20,202	-	-	\$20,202	-
ADMINISTRATION* - TOTAL	\$26,990	\$1,080	4%	\$25,910	96%
TOTAL:	\$3,607,039	\$1,042,390	29%	\$2,564,649	71%

*all other P&CS administration costs were allocated to P&CS divisions as overhead

PROGRAM HIGHLIGHTS

The previous MSI study (1997/98) reported a cost recovery rate for user fee programs of 53.4%. In comparison, this current study reports a 29% recovery of fee related divisions. Since the MSI study, the Parks and Community Services Department has made numerous program and policy changes in accordance with MSI report recommendations which modified how program fees are set, with an overall goal of 50% cost recovery through program fees. The chart below lists desired, budgeted (current) and recommended individual program recovery rates.

Notes

- Per the municipal code, facility rental and use fees are established by the Parks Commission.
- The recovery levels in the current (budgeted) column reflect recovery of full costs – internal and external.
- These recovery rates are used by staff to set individual program and activity fees within each program area taking into account the market demand, alignment of program with the Department's mission and direction, ability of participants to pay.

Recovery Rates

Program	Desired (MSI)	Budgeted
Special Interest Classes	60%	79%
Aquatics	50%	37%
Athletics	65%	48%
After School/Youth Dev	75%	40%
Senior Services	10%	6%
Community Events	10%	0%
Teens	5%	4%

Department Considerations

1. A comprehensive recreation needs assessment and marketing study has recently been completed to provide the Department with information about programs to be offered in Tracy that meet the interests and needs of the community. Programs are then selected for their popularity in the community and how they align with overall community needs. The Department has evaluated which programs are being offered by other agencies, either private or non-profit, and moved towards reducing or eliminating those. Programs that are high value to the public are offered, and willingness to pay for these through competitive pricing is increased.
2. There was a facility fee review and update on all indoor and outdoor facilities completed by the Parks Commission in December 2001. New facility fees for the Tracy Sports Complex were approved in November 2002. This study reports that facility rentals are recovering 12% of costs. Many costs related to facility rentals are fixed and will be incurred whether a facility is rented or unused. Therefore, recovery levels are directly tied to use. A recommendation for the ability to

charge the direct costs of any required outside cleaning services is desired by the Parks and Community Services Department.

3. One new major program area has been added since the 1997/98 MSI study that has affected the Department's overall cost recovery ratio. This was the establishment of the Teen Center and teen programs. This program area has historically been difficult to recoup any significant portion of program fees to offset program costs.
4. A review of less costly ways to supply services has been undertaken on a regular basis as a part of the Department's budget preparation. As a result, several changes have been made.
 - a. Special interest classes have been shifted to contract instructors versus city staff and thus increased the Department's ability to maintain appropriate fees for service based on market demand. Contracts are paid on a percentage of fees collected and therefore costs are increased only as participant enrollment increases.
 - b. Concession services have been transferred through contract to a concessionaire thus reducing city personnel and product costs.
 - c. Umpire services have been transferred to an umpire association through contract.
 - d. Child care programs have been transitioned to non-profit providers.
5. Participant evaluations are routinely administered to determine level of interest for possible new programs.
6. The Department maintains a scholarship program through CDBG or general fund allocations to assist participants with program fees who could not otherwise afford those fees.

Resident Discount Program

The Parks Commission recently approved implementation of a resident discount of 10% for fees on recreation programs and activities. This discount will be reduced from the fee charged for enrollment in fee-based recreation programs to those participants who reside within the Tracy city limits. Participation is not excluded to non-residents, but the fee will be 10% higher. For example, a yoga class would be priced at \$30 for a Tracy resident and \$33 for a non-resident.

- For purposes of this surcharge fee, "Residents" shall be defined as:
- ◆ Individuals who reside within Tracy city limits
 - ◆ Individuals who do not reside within Tracy city limits, but are the owner of record for property in Tracy, and can show proof of such.

The resident discount fee will not be applied to programs where registration operates on a "drop-in" basis. Therefore the following types of programs that collect a drop-in fee would be excluded from the surcharge: Senior Programs, Teen Programs, SNAP! Program

The Department has been charged, by policy of the Commission and City Council, to strive for an overall 50% cost recovery for recreation programs. The analysis of this is done annually during the budget process in making revenue projections commensurate with costs to operate the programs. Staff routinely analyzes fees and charges to be certain that they are keeping pace with increases in expenditures. User fees are adjusted accordingly to meet the cost recovery ratios. A Resident discount will increase participation and therefore provide the Department with additional revenues towards the overall goal of 50% cost recovery.

The practice of imposing higher fees to non-residents is common practice for cities throughout the San Joaquin valley, Bay Area and entire state. Many times this is done through a non-resident fee surcharge which imposes an additional financial responsibility to a participant who is not contributing to the City's general fund through property tax, as the general fund is the source that funds the 50% operating subsidy for recreation programs. Residents receive an additional benefit of their Tracy residence through lower recreational program fees.

PRELIMINARY FINDINGS

PROGRAM SUMMARY CHARTS

Each subsequent page displays division results and individual activity analysis. These summaries reflect annual costs and the various subtotals on these pages directly tie to the exhibit charts discussed earlier in this report.

The summaries are in the following order:

- Athletics
- Aquatics
- Community Events
- Senior Activities
- Teens
- Youth Development
- Special Interest Classes
- Facilities
- Administration

PRELIMINARY FINDINGS

City of Tracy
 Athletics - 5543
 2007/2008

Agency:
 Fund:
 Fiscal Year:

Service Name	Service Type	Revenue @ Current Fee	Internal Costs	External Costs	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 Sports Leagues	Fee	\$128,200	\$124,548	\$68,535	66%	\$193,082	\$64,882
2 Youth Athletics	Fee	\$18,690	\$62,437	\$18,968	23%	\$81,405	\$62,815
3 Tournaments	Fee	\$16,360	\$35,488	\$18,322	30%	\$53,811	\$37,451
4 Outfield Fence setup	Fee	\$5,000	\$6,727	\$674	68%	\$7,401	\$2,401
5 Sport/Park Facility Rentals	Support	\$0	\$9,489	\$3,476	0%	\$12,965	\$12,965
Total Fee Related		\$168,150	\$229,200	\$106,499	32%	\$335,699	\$167,549
% of Full Cost		50%	68%			100%	50%
Total Other Services		\$0	\$9,489	\$3,476	27%	\$12,965	\$12,965
% of Full Cost		0%	7%			100%	100%
Fund Totals		\$168,150	\$238,689	\$109,975	32%	\$348,664	\$180,514
% of Full Cost		48%	68%			100%	52%

Full Cost Breakdown

Direct Costs	P&CS Administration	Public Works	Citywide Indirect
Internal	External	External	External
68%	10%	18%	3%

Direct costs include direct staffing, division administration and materials and supplies
 P&CS administration costs include the Director's office and activity guide support
 Public Works costs include Parks Maintenance support
 Citywide indirect costs include central service department allocations from the budget

City of Tracy
 Aquatics - 5542
 2007/2008

Agency: _____
 Fund: _____
 Fiscal Year: _____

Service Name	Service Type	Revenue @ Current Fee	Internal Costs	External Costs	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 General Recreation Swim	Fee	\$12,000	\$57,092	\$18,175	16%	\$75,267	\$63,267
2 Swim Lessons	Fee	\$160,000	\$218,930	\$69,286	56%	\$288,216	\$128,216
3 Special Aquatics Programs	Fee	\$1,400	\$23,119	\$6,781	5%	\$29,900	\$28,500
4 West Pool General Rec Swim	New fee	\$5,500	\$47,411	\$14,050	9%	\$61,461	\$55,961
5 West Pool Swim Lessons	New fee	\$85,000	\$198,222	\$58,740	33%	\$256,962	\$171,962
6 West Pool Special Aquatics Prgm	New fee	\$4,500	\$9,228	\$2,735	38%	\$11,963	\$7,463
Total Fee Related		\$268,400	\$554,002	\$169,766	23%	\$723,768	\$455,368
% of Full Cost		37%	77%	23%		100%	63%
Total Other Services		\$0	\$0	\$0	0%	\$0	\$0
% of Full Cost		0%	0%	0%		0%	0%
Fund Totals		\$268,400	\$554,002	\$169,766	23%	\$723,768	\$455,368
% of Full Cost		37%	77%	23%		100%	63%

MARYLENE

Full Cost Breakdown

Direct Costs	P&CS Administration	Citywide Indirect
Internal	External	External
77%	19%	5%

*Direct costs include direct staffing, division administration and materials and supplies
 P&CS administration costs include the Director's office and activity guide support
 Citywide indirect costs include central service department allocations from the budget*

City of Tracy
Community Events - 5548
2007/2008

Agency:
Fund:
Fiscal Year:

Service Name	Service Type	Revenue @ Current Fee	Internal Costs	External Costs	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 My Own Marathon	Fee	\$0	\$21,761	\$6,250	0%	\$28,011	\$28,011
2 Make a Difference Day	Fee	\$0	\$17,300	\$4,969	0%	\$22,270	\$22,270
3 Volunteer Recognition Luncheon	Fee	\$0	\$19,395	\$5,571	0%	\$24,966	\$24,966
4 V.I.T.A.L. Volunteer Program	Fee	\$0	\$17,300	\$4,969	0%	\$22,270	\$22,270
5 Park Clean-up	Fee	\$0	\$9,698	\$2,785	0%	\$12,483	\$12,483
6 Gus Maker event	Fee	\$0	\$52,774	\$7,978	0%	\$60,752	\$60,752
7 Tree Lighting Celebration	Fee	\$0	\$24,127	\$6,930	0%	\$31,057	\$31,057
8 Park Dedication & Ribbon Cutting	Fee	\$0	\$15,206	\$4,368	0%	\$19,573	\$19,573
9 Movies on the Plaza	Fee	\$0	\$20,443	\$5,872	0%	\$26,314	\$26,314
10 Activity Guide	Support	\$0	\$3,619	\$2,507	0%	\$10,126	\$10,126
11 Library	Non Fee	\$0	\$7,286	\$0	0%	\$7,286	\$7,286
Total Fee Related		\$0	\$198,004	\$49,692		\$247,696	\$247,696
% of Full Cost		0%	80%	20%		100%	100%
Total Other Services		\$0	\$14,905	\$2,507		\$17,412	\$17,412
% of Full Cost		0%	86%	14%		100%	100%
Fund Totals		\$0	\$212,909	\$52,199		\$265,108	\$265,108
% of Full Cost		0%	80%	20%		100%	100%

FUNDING

Full Cost Breakdown

Direct Costs	P&CS Administration	Citywide Indirect
Internal	External	External
80.3%	15.5%	4.2%

*Direct costs include direct staffing, division administration and materials and supplies
P&CS administration costs include the Director's office and activity guide support
Citywide indirect costs include central service department allocations from the budget*

Agency: City of Tracy
Fund: Senior Activities - 5545
Fiscal Year: 2007/2008

Service Name	Service Type	Revenue @ Current Fee	Internal Costs	External Costs	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 Health & Wellness	Fee	\$16,280	\$104,714	\$15,208	14%	\$119,922	\$103,642
2 Arts & Crafts	Fee	\$1,000	\$36,746	\$5,337	2%	\$42,083	\$41,083
3 Drop in Cards	Fee	\$4,600	\$36,746	\$5,337	11%	\$42,083	\$37,483
4 Trips	Fee	\$2,200	\$24,037	\$3,491	8%	\$27,528	\$25,328
5 Senior Events	Fee	\$1,520	\$45,312	\$6,581	3%	\$51,892	\$50,372
6 Non fee programs & social services	Non fee	\$0	\$124,796	\$33,867	0%	\$158,663	\$158,663
Total Fee Related		\$25,600	\$247,555	\$35,953		\$283,508	\$257,908
% of Full Cost		9%	87%	13%		100%	91%
Total Other Services		\$0	\$124,796	\$33,867		\$158,663	\$158,663
% of Full Cost		0%	79%	21%		100%	100%
Fund Totals		\$25,600	\$372,351	\$69,820		\$442,171	\$416,571
% of Full Cost		6%	84%	16%		100%	94%

Full Cost Breakdown

Direct Costs	P&CS Administration	Citywide Indirect
Internal	External	External
84%	12%	3%

*Direct costs include direct staffing, division administration and materials and supplies
P&CS administration costs include the Director's office and activity guide support
Citywide indirect costs include central service department allocations from the budget*

City of Tracy
Teen Recreation - 5549
2007/2008

Agency: _____
Fund: _____
Fiscal Year: _____

Service Name	Service Type	Revenue @ Current Fee	Internal Costs	External Costs	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 Teen Programs	Fee	\$1,100	\$45,685	\$15,528	2%	\$61,213	\$60,113
2 Teen Special Events/Trips	Fee	\$2,400	\$42,672	\$15,528	4%	\$58,200	\$55,800
3 Teen Dances	Fee	\$6,100	\$48,838	\$17,772	9%	\$66,611	\$60,511
4 Youth Commission	Non fee	\$0	\$18,170	\$6,612	0%	\$24,782	\$24,782
5 Teen non fee activities - Teen Center	Non fee	\$0	\$30,668	\$11,160	0%	\$41,829	\$41,829
Total User Fees		\$9,600	\$137,195	\$48,829		\$186,023	\$176,423
% of Full Cost		5%	74%	26%		100%	95%
Total Other Services		\$0	\$48,838	\$17,772		\$66,611	\$66,611
% of Full Cost		0%	73%	27%		100%	100%
Fund Totals		\$9,600	\$186,033	\$66,601		\$252,634	\$243,034
% of Full Cost		4%	74%	26%		100%	96%

RECEIVED
 MARY ANN

Full Cost Breakdown

Direct Costs	P&CS Administration	Citywide Indirect
Internal	External	External
73.6%	20.6%	5.8%

Direct costs include direct staffing, division administration and materials and supplies
P&CS administration costs include the Director's office and activity guide support
Citywide indirect costs include central service department allocations from the budget

City of Tracy

Youth Development - 5544

2007/2008

Agency: _____
Fund: _____
Fiscal Year: _____

Service Name	Service Type	Revenue @ Current Fee	Internal Costs	External Costs	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 Youth Development ROC	Fee	\$132,200	\$234,368	\$68,653	44%	\$303,021	\$170,821
2 Youth Development Camps	Fee	\$30,000	\$100,443	\$29,423	23%	\$129,866	\$99,866
3 Preschool Programs	Fee	\$46,080	\$71,901	\$19,662	50%	\$91,563	\$45,483
Total User Fees		\$208,280	\$406,712	\$117,738		\$524,450	\$316,170
% of Full Cost		40%	78%	22%		100%	60%
Total Other Services		\$0	\$0	\$0		\$0	\$0
% of Full Cost		0%	0%	0%		0%	0%
Fund Totals		\$208,280	\$406,712	\$117,738		\$524,450	\$316,170
% of Full Cost		40%	78%	22%		100%	60%

PRELIMINARY
 P&CS

Full Cost Breakdown

Direct Costs	P&CS Administration	Citywide Indirect
Internal	External	External
77.6%	17.8%	4.6%

Direct costs include direct staffing, division administration and materials and supplies
P&CS administration costs include the Director's office and activity guide support
Citywide indirect costs include central service department allocations from the budget

City of Tracy
 Special Interest Classes - 5541
 2007/2008

Agency: _____
 Fund: _____
 Fiscal Year: _____

Service Name	Service Type	Revenue @ Current Fee	Internal Costs	External Costs	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 Special Interest Classes	Fee	\$285,800	\$280,634	\$47,102	87%	\$327,737	\$41,937
2 Recreation Brochure	Non fee	\$0	\$8,679	\$3,254	0%	\$11,933	\$11,933
3 Cancellation fee	Support	\$0	\$17,754	\$2,448	0%	\$20,202	\$20,202
Total User Fees		\$285,800	\$280,634	\$47,102		\$327,737	\$41,937
% of Full Cost		87%	86%	14%		100%	13%
Total Other Services		\$0	\$26,432	\$5,702		\$32,135	\$32,135
% of Full Cost		0%	82%	18%		100%	100%
Fund Totals		\$285,800	\$307,067	\$52,805		\$359,871	\$74,071
% of Full Cost		79%	85%	15%		100%	21%

PRELIMINARY

a) The costs for this service were transferred and analyzed in the administration fund.

Full Cost Breakdown

Direct Costs	P&CS Administration	Citywide Indirect
Internal	External	External
85%	14%	1%

Direct costs include direct staffing, contract instructors, division-administration and materials and supplies
 P&CS administration costs include the Director's office and activity-guide support
 Citywide indirect costs include central service department allocations from the budget

Agency: City of Tracy
Fund: Facilities - 5512
Fiscal Year: 2007/2008

Service Name	Service Type	Revenue @ Current Fee	Internal Costs	External Costs	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 Community Center Rental	Fee	\$25,000	\$66,028	\$7,377	34%	\$73,405	\$48,405
2 Sr Center Rentals	Fee	\$780	\$3,412	\$1,844	15%	\$5,256	\$4,476
3 Sports Complex Rentals	Fee	\$24,300	\$22,686	\$7,377	81%	\$30,063	\$5,763
4 Mobile Stage Rentals	Fee	\$2,000	\$3,412	\$1,844	38%	\$5,256	\$3,256
5 Civic Center Rentals	Fee	\$0	\$3,412	\$1,844	0%	\$5,256	\$5,256
6 Special Event applications	Fee	\$1,050	\$64,198	\$34,703	1%	\$98,901	\$97,851
7 Sports Fields Rentals	Fee	\$18,350	\$94,696	\$329,522	4%	\$424,218	\$405,868
8 Park/Picnic Rentals	Fee	\$4,000	\$13,648	\$7,377	19%	\$21,025	\$17,025

Total User Fees \$75,480 11% \$391,890 59% \$663,382 100% \$587,902 89%

% of Full Cost 41%

Total Other Services \$0 0% \$0 0% \$0 0%

% of Full Cost 0%

Fund Totals \$75,480 11% \$271,492 41% \$391,890 59% \$587,902 89%

% of Full Cost 41%

Full Cost Breakdown

Direct Costs	P&CS Administration	Public Works	Citywide Indirect
Internal	External	External	External
41%	15%	42%	2%

Direct costs include direct staffing, reservation processing, division administration and materials and supplies
P&CS administration costs include the Director's office and activity guide support
Public Works costs include Parks Maintenance support
Citywide indirect costs include central service department allocations from the budget

USER FEE STUDY SUMMARY SHEET

- TOTAL PROGRAM INFORMATION -

City of Tracy
Parks Administration
2007/2008

Service Name	Service Type	Revenue @ Current Fee	Direct Costs	Indirect Costs	% of Full Cost	Revenue @ 100% Full Cost	Current Subsidy
1 Brochure	Non fee	\$0	\$52,329	\$0	0%	\$52,329	\$52,329
2 Reservation processing	Support	\$0	\$68,982	\$0	0%	\$68,982	\$68,982
3 Course withdrawal fee	New fee	\$0	\$6,381	\$18,990	0%	\$25,371	\$25,371
4 Insurance certificate	Fee	\$1,080	\$407	\$1,212	67%	\$1,619	\$539
5 All other activity	Support	\$0	\$733,810	\$0	0%	\$733,810	\$733,810
Total User Fees		\$1,080	\$6,788	\$20,202		\$26,990	\$25,910
% of Full Cost		4%	25%	75%		100%	96%
Total Other Services		\$0	\$855,120	\$0		\$855,120	\$855,120
% of Full Cost		0%	100%	0%		100%	100%
Fund Totals		\$1,080	\$861,908	\$20,202		\$882,110	\$881,030
% of Full Cost		0%	98%	2%		100%	100%

Full Cost Breakdown

Direct Costs	Outside Division support
Internal	External
98%	2%

*Direct costs include direct staffing, division administration and materials and supplies
 Outside division support costs include staff support from another P&CS division*

AGENDA ITEM 3

REQUEST

REVIEW AND ADOPT RECOMMENDED GENERAL FUND SUBSIDY LIMIT GOALS AND CONDUCT A PUBLIC HEARING TO REVIEW AND ADOPT ASSOCIATED FEES FOR PROGRAMS AND FACILITY USE PROVIDED THROUGH THE PARKS AND COMMUNITY SERVICES DEPARTMENT AND THE CULTURAL ARTS DIVISION

EXECUTIVE SUMMARY

Staff requests that Council review, and approve the recommended General Fund subsidy limit goals in the amount of \$3,000,000 in Fiscal Year 2009/10 for the Parks and Community Services Department and \$1,000,000 in Fiscal Year 2009/2010 for the Cultural Arts Division and adopt recommended fees to achieve General Fund subsidy limit goals.

DISCUSSION

On August 31, 1998, City Council reviewed a comprehensive fee study of the Parks and Community Services Department where cost recovery rates averaged 53% and an annual goal of achieving an overall 50% recovery rate for all programs was adopted. On January 21, 2003, City Council directed staff to make any necessary periodic adjustments to programs in order to maintain a 50% cost recovery rate.

In recent years, certain services, programs and special events have had a reduced recovery rate which has impacted the ability of the Parks and Community Services Department to meet the overall 50% cost recovery rate. Additionally, with the expansion of such programs, and in an effort to provide diverse programming, the General Fund subsidy has continued to increase.

On September 18, 2007, the Council approved temporary fees for the Parks and Community Services Department and the Cultural Arts Division while a cost recovery study was completed. Included were fees for recreation and art programs, facility rentals and admission to events.

MGT of America has completed the Cost of Services Study for the Parks and Community Services Department (Exhibit A) and Cultural Arts Division (Exhibit B) which includes an analysis of actual program expenditures (service charges, indirect internal and external costs). This analysis utilized budgeted allocations and projections included in the 2007-08 budget. This study included additional elements that were not included in the 1998 study, such as inclusion of the facility rental program costs, actual Public Works maintenance costs, and allocation of other Citywide overhead indirect costs, making it difficult to compare previous cost recovery estimates with these reports.

The Cost of Services Study Findings for the Cultural Arts Division (Exhibit B) was previously presented to City Council as part of the Cultural Arts Division Operational Plan workshop on August 5, 2008.

General Fund Impact

The table below illustrates a trend of increasing General Fund subsidy for the Parks and Community Services Department (PCS). Conversely, the Cultural Arts Division projects a decrease in General Fund subsidy for its second year of operations:

	FISCAL YEAR				
	ACTUAL 05-06	ACTUAL 06-07	ACTUAL 07-08	PROJECTED 08-09	SUBSIDY GOAL 09-10
PCS	\$2,084,430	\$2,615,095	\$2,780,220	\$3,286,130	\$3,000,000
Cultural Arts	0	0	\$1,508,340	\$1,360,240	\$1,000,000
			Totals:	\$4,646,370	\$4,000,000

The impact to the General Fund may not be fully controlled by virtue of a cost recovery model. For example, if a new program was added with a 50% cost recovery the General Fund subsidy would need to increase by the remaining 50%. Therefore, staff is recommending to City Council to establish annual General Fund subsidy limit goals for FY 2009/2010, and associated fees as proposed in Exhibits C and D, to meet the subsidy limit goals.

Besides the proposed fees, an ongoing evaluation of the revenue opportunities, alternative revenue sources such as sponsorships and advertising, programming and expenditure controls will also be required to meet the General Fund subsidy goals.

It is anticipated that not all fees will be able to be implemented at once due to current programs and published materials; however, all approved revenue increases will be in place by spring of 2009.

Fee Development/Revision

Several factors were considered and analyzed in the development of the attached staff recommended fees. These factors were:

Market Value: What other local public agencies charge for like or similar programs and facilities.

Community Versus Individual Benefit: MGT suggested a community versus individual pricing guideline. Generally, the higher the benefit of the program is to the community, the greater the program is subsidized. The more the program benefits the individual, the lower the amount of subsidy.

Affordability for Segments of the Public: As indicated in the MGT study, a fairly low percentage of recovery is projected for the senior and teen programs, community events and facility reservation functions. These are due to staff's understanding that the City desires to make programs affordable to seniors and teens; that community events are of high community benefit and therefore little or no revenue is required to present these events; and that the City desires that City facilities be made affordable for local non-profit organizations.

Subsidy Goal: The goal of reducing the Parks and Community Services Department's General Fund subsidy to less than \$3,000,000 for FY 2009/2010 and the Cultural Arts

Division General Fund subsidy to less than \$1,000,000 for FY 2009/2010 was set as an achievable goal with little or no impact to existing programs.

Commission Input

The Parks and Community Services Commission has reviewed the attached fees and provided the following advice to the City Council: That City Council approve the subsidy as recommended.

RECOMMENDATION

Review and adopt staff's recommended General Fund subsidy limit goals and conduct a public hearing to review and adopt associated fees for programs and facility use provided through the Parks and Community Services Department and the Cultural Arts Division.

FISCAL IMPACT

The City Council's adoption of these fees should assist in meeting the stated General Fund subsidy goal limits for the Parks and Community Services Department and Cultural Arts Division. The annual increase in revenue from these fee recommendations is estimated to be approximately \$164,250 for the Parks and Community Services Department and \$19,896 for the Cultural Arts Division in FY 09/10. Because the anticipated revenue increases will not achieve the entire subsidy goal, operational efficiencies will continue to be implemented and other revenue sources will continue to be explored.

ATTACHMENTS

- Exhibit A: Parks and Community Services: General Fund Cost of Services Study Findings, prepared by MGT of America
- Exhibit B: Cultural Arts Division: General Fund Cost of Services Study Findings, prepared by MGT of America
- Exhibit C: Parks and Community Services Department Recommended Fee Schedule
- Exhibit D: Cultural Arts Division Recommended Fee Schedule

Prepared by: Floyd Lewis, Recreation Services Supervisor
Reviewed by: Rod Buchanan, Interim Director of Parks and Community Services
Reviewed by: Zane Johnston, Director of Finance and Administrative Services
Approved by: Leon Churchill, Jr., City Manager

Appendix VI

Police Department

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Police Department

Legal Codes

State of California

BUSINESS AND PROFESSIONS CODE

Section 21642.5

21642.5. (a) The Department of Justice shall require each applicant for an initial license under Section 21641 of this code or Section 21300 of the Financial Code and each applicant for renewal of a license under Section 21642 of this code or Section 21301 of the Financial Code to pay a fee not to exceed three hundred dollars (\$300), but in no event exceeding the costs described in subdivision (b), except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(b) The fees assessed pursuant to subdivision (a) shall be no more than necessary to cover the reasonable regulatory costs to the department of doing all of the following:

(1) Processing initial license applications under Section 21641 of this code and Section 21300 of the Financial Code.

(2) Processing renewal applications under Section 21642 of this code and Section 21301 of the Financial Code.

(3) Implementing, operating, and maintaining the single, statewide, uniform electronic reporting system described in subdivision (j) of Section 21628.

(c) All licensees holding a license issued before the effective date of the act adding this section pursuant to Section 21641 or 21642 of this code or Section 21300 or 21301 of the Financial Code shall, within 120 days after enactment of the act adding this section in the 2011–12 Regular Session, in addition to any fee required under subdivision (a), pay a fee not to exceed two hundred eighty-eight dollars (\$288) to the Department of Justice.

(d) The fees paid pursuant to subdivisions (a) and (c) shall be deposited in the Secondhand Dealer and Pawnbroker Fund, which is hereby established in the State Treasury. The revenue in the fund shall, upon appropriation by the Legislature, be used by the Department of Justice for the purpose of paying for the costs described in paragraphs (1) to (3), inclusive, of subdivision (b), except that the revenue received pursuant to subdivision (c) shall, upon appropriation by the Legislature, be used by the Department of Justice for the purpose of paying for the costs described in paragraph (3) of subdivision (b).

(e) Applicants described in subdivision (a) shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purposes of obtaining information as to the existence and contents of a record of state convictions and state arrests and information as to the existence and contents of a record of state arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

(1) The Department of Justice shall prepare a state-level response pursuant to paragraph (1) of subdivision (I) of Section 11105 of the Penal Code.

(2) The Department of Justice shall provide subsequent notification service pursuant to Section 11105.2 of the Penal Code for applicants described in this subdivision.

(3) The Department of Justice shall charge a fee sufficient to cover the cost of processing the request described in this subdivision. The fee revenues shall be deposited in the Fingerprint Fee Account and shall, upon appropriation by the Legislature, be used by the department for the purposes of paying the costs associated with this subdivision.

(Added by Stats. 2012, Ch. 172, Sec. 6. (AB 391) Effective August 17, 2012.)

State of California

FOOD AND AGRICULTURAL CODE

Section 30804.7

30804.7. (a) The owner of a nonspayed or unneutered dog that is impounded once by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society, shall be fined thirty-five dollars (\$35) on the first occurrence, fifty dollars (\$50) on the second occurrence, and one hundred dollars (\$100) for the third or subsequent occurrence. These fines are for unneutered impounded animals only, and are not in lieu of any fines or impound fees imposed by any individual city, county, public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(b) An animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided in subdivision (a). The fines shall be paid to the local municipality or public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter. Any funds collected under this section shall be expended for the purpose of humane education, programs for low cost spaying and neutering of dogs, and any additional costs incurred by the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group in the administration of the requirements of this division.

(c) This section applies to each county and cities within each county, regardless of population.

(d) No city or county, society for the prevention of cruelty to animals, or humane society is subject to any civil action by the owner of a dog that is spayed or neutered in accordance with this section.

(Amended by Stats. 2004, Ch. 253, Sec. 5. Effective January 1, 2005.)

State of California

GOVERNMENT CODE

Section 26746.1

26746.1. (a) A twenty-dollar (\$20) fee shall be assessed by the sheriff or marshal for certification of correction on each citation that requires inspection for proof of correction of any violation pursuant to Section 40616 of the Vehicle Code.

(b) All proceeds of the fee shall be deposited in a special fund in the county treasury. A separate accounting of funds deposited shall be maintained for each depositor, and funds deposited shall be for the exclusive use of the sheriff's civil division or marshal.

(c) Ninety-five percent of the moneys in the special fund shall be expended to supplement the costs of the depositor for the implementation, maintenance, and purchase of auxiliary equipment and furnishings for automated systems or other nonautomated operational equipment and furnishings deemed necessary by the sheriff's civil division or marshal. Five percent of the moneys in the special fund shall be used to supplement the expenses of the sheriff's civil division or marshal in administering the funds.

(Amended by Stats. 2014, Ch. 470, Sec. 22. (AB 2256) Effective January 1, 2015.)

State of California

GOVERNMENT CODE

Section 53150

53150. Any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, is liable for the expense of an emergency response by a public agency to the incident.

(Added by Stats. 1985, Ch. 337, Sec. 1.)

State of California

PENAL CODE

Section 11105

11105. (a) (1) The Department of Justice shall maintain state summary criminal history information.

(2) As used in this section:

(A) "State summary criminal history information" means the master record of information compiled by the Attorney General pertaining to the identification and criminal history of any person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data about the person.

(B) "State summary criminal history information" does not refer to records and data compiled by criminal justice agencies other than the Attorney General, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice.

(b) The Attorney General shall furnish state summary criminal history information to any of the following, if needed in the course of their duties, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity, in fulfilling employment, certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(1) The courts of the state.

(2) Peace officers of the state, as defined in Section 830.1, subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section 830.3, subdivision (a) of Section 830.31, and subdivisions (a) and (b) of Section 830.5.

(3) District attorneys of the state.

(4) Prosecuting city attorneys of any city within the state.

(5) City attorneys pursuing civil gang injunctions pursuant to Section 186.22a, or drug abatement actions pursuant to Section 3479 or 3480 of the Civil Code, or Section 11571 of the Health and Safety Code.

(6) Probation officers of the state.

(7) Parole officers of the state.

(8) A public defender or attorney of record when representing a person in proceedings upon a petition for a certificate of rehabilitation and pardon pursuant to Section 4852.08.

(9) A public defender or attorney of record when representing a person in a criminal case, or a parole, mandatory supervision pursuant to paragraph (5) of subdivision (h)

of Section 1170, or postrelease community supervision revocation or revocation extension proceeding, and if authorized access by statutory or decisional law.

(10) Any agency, officer, or official of the state if the criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. The agency, officer, or official of the state authorized by this paragraph to receive state summary criminal history information may also transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.

(11) Any city or county, city and county, district, or any officer or official thereof if access is needed in order to assist that agency, officer, or official in fulfilling employment, certification, or licensing duties, and if the access is specifically authorized by the city council, board of supervisors, or governing board of the city, county, or district if the criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. The city or county, city and county, district, or the officer or official thereof authorized by this paragraph may also transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.

(12) The subject of the state summary criminal history information under procedures established under Article 5 (commencing with Section 11120).

(13) Any person or entity when access is expressly authorized by statute if the criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct.

(14) Health officers of a city, county, city and county, or district when in the performance of their official duties enforcing Section 120175 of the Health and Safety Code.

(15) Any managing or supervising correctional officer of a county jail or other county correctional facility.

(16) Any humane society, or society for the prevention of cruelty to animals, for the specific purpose of complying with Section 14502 of the Corporations Code for the appointment of humane officers.

(17) Local child support agencies established by Section 17304 of the Family Code. When a local child support agency closes a support enforcement case containing summary criminal history information, the agency shall delete or purge from the file and destroy any documents or information concerning or arising from offenses for or of which the parent has been arrested, charged, or convicted, other than for offenses related to the parent's having failed to provide support for minor children, consistent with the requirements of Section 17531 of the Family Code.

(18) County child welfare agency personnel who have been delegated the authority of county probation officers to access state summary criminal history information pursuant to Section 272 of the Welfare and Institutions Code for the purposes specified in Section 16504.5 of the Welfare and Institutions Code. Information from criminal history records provided pursuant to this subdivision shall not be used for any purposes other than those specified in this section and Section 16504.5 of the Welfare and Institutions Code. When an agency obtains records obtained both on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check.

(19) The court of a tribe, or court of a consortium of tribes, that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code. This information may be used only for the purposes specified in Section 16504.5 of the Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. Article 6 (commencing with Section 11140) shall apply to officers, members, and employees of a tribal court receiving criminal record offender information pursuant to this section.

(20) Child welfare agency personnel of a tribe or consortium of tribes that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code and to whom the state has delegated duties under paragraph (2) of subdivision (a) of Section 272 of the Welfare and Institutions Code. The purposes for use of the information shall be for the purposes specified in Section 16504.5 of the Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. When an agency obtains records on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check. Article 6 (commencing with Section 11140) shall apply to child welfare agency personnel receiving criminal record offender information pursuant to this section.

(21) An officer providing conservatorship investigations pursuant to Sections 5351, 5354, and 5356 of the Welfare and Institutions Code.

(22) A court investigator providing investigations or reviews in conservatorships pursuant to Section 1826, 1850, 1851, or 2250.6 of the Probate Code.

(23) A person authorized to conduct a guardianship investigation pursuant to Section 1513 of the Probate Code.

(24) A humane officer pursuant to Section 14502 of the Corporations Code for the purposes of performing his or her duties.

(25) A public agency described in subdivision (b) of Section 15975 of the Government Code, for the purpose of oversight and enforcement policies with respect to its contracted providers.

(c) The Attorney General may furnish state summary criminal history information and, when specifically authorized by this subdivision, federal level criminal history information upon a showing of a compelling need to any of the following, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity in fulfilling employment,

certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(1) Any public utility, as defined in Section 216 of the Public Utilities Code, that operates a nuclear energy facility when access is needed in order to assist in employing persons to work at the facility, provided that, if the Attorney General supplies the data, he or she shall furnish a copy of the data to the person to whom the data relates.

(2) To a peace officer of the state other than those included in subdivision (b).

(3) To an illegal dumping enforcement officer as defined in subdivision (j) of Section 830.7.

(4) To a peace officer of another country.

(5) To public officers, other than peace officers, of the United States, other states, or possessions or territories of the United States, provided that access to records similar to state summary criminal history information is expressly authorized by a statute of the United States, other states, or possessions or territories of the United States if the information is needed for the performance of their official duties.

(6) To any person when disclosure is requested by a probation, parole, or peace officer with the consent of the subject of the state summary criminal history information and for purposes of furthering the rehabilitation of the subject.

(7) The courts of the United States, other states, or territories or possessions of the United States.

(8) Peace officers of the United States, other states, or territories or possessions of the United States.

(9) To any individual who is the subject of the record requested if needed in conjunction with an application to enter the United States or any foreign nation.

(10) (A) (i) Any public utility, as defined in Section 216 of the Public Utilities Code, or any cable corporation as defined in subparagraph (B), if receipt of criminal history information is needed in order to assist in employing current or prospective employees, contract employees, or subcontract employees who, in the course of their employment, may be seeking entrance to private residences or adjacent grounds. The information provided shall be limited to the record of convictions and any arrest for which the person is released on bail or on his or her own recognizance pending trial.

(ii) If the Attorney General supplies the data pursuant to this paragraph, the Attorney General shall furnish a copy of the data to the current or prospective employee to whom the data relates.

(iii) Any information obtained from the state summary criminal history is confidential and the receiving public utility or cable corporation shall not disclose its contents, other than for the purpose for which it was acquired. The state summary criminal history information in the possession of the public utility or cable corporation and all copies made from it shall be destroyed not more than 30 days after employment or promotion or transfer is denied or granted, except for those cases where a current or prospective employee is out on bail or on his or her own recognizance pending trial, in which case the state summary criminal history information and all copies shall be destroyed not more than 30 days after the case is resolved.

(iv) A violation of this paragraph is a misdemeanor, and shall give the current or prospective employee who is injured by the violation a cause of action against the public utility or cable corporation to recover damages proximately caused by the violations. Any public utility's or cable corporation's request for state summary criminal history information for purposes of employing current or prospective employees who may be seeking entrance to private residences or adjacent grounds in the course of their employment shall be deemed a "compelling need" as required to be shown in this subdivision.

(v) This section shall not be construed as imposing any duty upon public utilities or cable corporations to request state summary criminal history information on any current or prospective employees.

(B) For purposes of this paragraph, "cable corporation" means any corporation or firm that transmits or provides television, computer, or telephone services by cable, digital, fiber optic, satellite, or comparable technology to subscribers for a fee.

(C) Requests for federal level criminal history information received by the Department of Justice from entities authorized pursuant to subparagraph (A) shall be forwarded to the Federal Bureau of Investigation by the Department of Justice. Federal level criminal history information received or compiled by the Department of Justice may then be disseminated to the entities referenced in subparagraph (A), as authorized by law.

(D) (i) Authority for a cable corporation to request state or federal level criminal history information under this paragraph shall commence July 1, 2005.

(ii) Authority for a public utility to request federal level criminal history information under this paragraph shall commence July 1, 2005.

(11) To any campus of the California State University or the University of California, or any four year college or university accredited by a regional accreditation organization approved by the United States Department of Education, if needed in conjunction with an application for admission by a convicted felon to any special education program for convicted felons, including, but not limited to, university alternatives and halfway houses. Only conviction information shall be furnished. The college or university may require the convicted felon to be fingerprinted, and any inquiry to the department under this section shall include the convicted felon's fingerprints and any other information specified by the department.

(12) To any foreign government, if requested by the individual who is the subject of the record requested, if needed in conjunction with the individual's application to adopt a minor child who is a citizen of that foreign nation. Requests for information pursuant to this paragraph shall be in accordance with the process described in Sections 11122 to 11124, inclusive. The response shall be provided to the foreign government or its designee and to the individual who requested the information.

(d) Whenever an authorized request for state summary criminal history information pertains to a person whose fingerprints are on file with the Department of Justice and the department has no criminal history of that person, and the information is to be used for employment, licensing, or certification purposes, the fingerprint card

accompanying the request for information, if any, may be stamped "no criminal record" and returned to the person or entity making the request.

(e) Whenever state summary criminal history information is furnished as the result of an application and is to be used for employment, licensing, or certification purposes, the Department of Justice may charge the person or entity making the request a fee that it determines to be sufficient to reimburse the department for the cost of furnishing the information. In addition, the Department of Justice may add a surcharge to the fee to fund maintenance and improvements to the systems from which the information is obtained. Notwithstanding any other law, any person or entity required to pay a fee to the department for information received under this section may charge the applicant a fee sufficient to reimburse the person or entity for this expense. All moneys received by the department pursuant to this section, Sections 11105.3 and 26190, and former Section 13588 of the Education Code shall be deposited in a special account in the General Fund to be available for expenditure by the department to offset costs incurred pursuant to those sections and for maintenance and improvements to the systems from which the information is obtained upon appropriation by the Legislature.

(f) Whenever there is a conflict, the processing of criminal fingerprints and fingerprints of applicants for security guard or alarm agent registrations or firearms qualification permits submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4 of the Business and Professions Code shall take priority over the processing of other applicant fingerprints.

(g) It is not a violation of this section to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.

(h) It is not a violation of this section to include information obtained from a record in (1) a transcript or record of a judicial or administrative proceeding or (2) any other public record if the inclusion of the information in the public record is authorized by a court, statute, or decisional law.

(i) Notwithstanding any other law, the Department of Justice or any state or local law enforcement agency may require the submission of fingerprints for the purpose of conducting summary criminal history information checks that are authorized by law.

(j) The state summary criminal history information shall include any finding of mental incompetence pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 arising out of a complaint charging a felony offense specified in Section 290.

(k) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization and the information is to be used for peace officer employment or certification purposes. As used in this subdivision, a peace officer is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Every arrest or detention, except for an arrest or detention resulting in an exoneration, provided, however, that where the records of the Department of Justice do not contain a disposition for the arrest, the Department of Justice first makes a genuine effort to determine the disposition of the arrest.

(D) Every successful diversion.

(E) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(F) Sex offender registration status of the applicant.

(l) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by a criminal justice agency or organization as defined in Section 13101, and the information is to be used for criminal justice employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Every arrest for an offense for which the records of the Department of Justice do not contain a disposition or did not result in a conviction, provided that the Department of Justice first makes a genuine effort to determine the disposition of the arrest. However, information concerning an arrest shall not be disclosed if the records of the Department of Justice indicate or if the genuine effort reveals that the subject was exonerated, successfully completed a diversion or deferred entry of judgment program, or the arrest was deemed a detention.

(D) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(E) Sex offender registration status of the applicant.

(m) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or any statute that incorporates

the criteria of any of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other provision of law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction of an offense rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Every arrest for an offense for which the Department of Social Services is required by paragraph (1) of subdivision (a) of Section 1522 of the Health and Safety Code to determine if an applicant has been arrested. However, if the records of the Department of Justice do not contain a disposition for an arrest, the Department of Justice shall first make a genuine effort to determine the disposition of the arrest.

(D) Sex offender registration status of the applicant.

(3) Notwithstanding the requirements of the sections referenced in paragraph (1) of this subdivision, the Department of Justice shall not disseminate information about an arrest subsequently deemed a detention or an arrest that resulted in either the successful completion of a diversion program or exoneration.

(n) (1) This subdivision shall apply whenever state or federal summary criminal history information, to be used for employment, licensing, or certification purposes, is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual pursuant to any of the following:

(A) Paragraph (10) of subdivision (c), when the information is to be used by a cable corporation.

(B) Section 11105.3 or 11105.4.

(C) Section 15660 of the Welfare and Institutions Code.

(D) Any statute that incorporates the criteria of any of the statutory provisions listed in subparagraph (A), (B), or (C), or of this subdivision, by reference.

(2) With the exception of applications submitted by transportation companies authorized pursuant to Section 11105.3, and notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction, except a conviction for which relief has been granted pursuant to Section 1203.49, rendered against the applicant for a violation or attempted violation of any offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code. However, with the exception of those offenses for which registration is required pursuant to Section 290, the Department of Justice shall not disseminate information pursuant to this subdivision unless the conviction occurred within 10 years of the date of the agency's request for information or the conviction is over 10 years old but the subject of the request was incarcerated within 10 years of the agency's request for information.

(B) Every arrest for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(o) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 379 or 550 of the Financial Code, or any statute that incorporates the criteria of either of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant for a violation or attempted violation of any offense specified in Section 550 of the Financial Code, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for a violation or attempted violation of an offense specified in Section 550 of the Financial Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(p) (1) This subdivision shall apply whenever state or federal criminal history information is furnished by the Department of Justice as the result of an application by an agency, organization, or individual not defined in subdivision (k), (l), (m), (n), or (o), or by a transportation company authorized pursuant to Section 11105.3, or any statute that incorporates the criteria of that section or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(q) All agencies, organizations, or individuals defined in subdivisions (k), (l), (m), (n), (o), and (p) may contract with the Department of Justice for subsequent notification pursuant to Section 11105.2. This subdivision shall not supersede sections that mandate an agency, organization, or individual to contract with the Department of Justice for subsequent notification pursuant to Section 11105.2.

(r) This section does not require the Department of Justice to cease compliance with any other statutory notification requirements.

(s) The provisions of Section 50.12 of Title 28 of the Code of Federal Regulations are to be followed in processing federal criminal history information.

(t) Whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual defined in subdivisions (k) to (p), inclusive, and the information is to be used for employment, licensing, or certification purposes, the authorized agency, organization, or individual shall expeditiously furnish a copy of the information to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision. When furnished other than in person, the copy shall be delivered to the last contact information provided by the applicant.

(Amended by Stats. 2014, Ch. 708, Sec. 5.5. (AB 1585) Effective January 1, 2015.)

State of California

PENAL CODE

Section 26150

26150. (a) When a person applies for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the sheriff of a county may issue a license to that person upon proof of all of the following:

- (1) The applicant is of good moral character.
- (2) Good cause exists for issuance of the license.

(3) The applicant is a resident of the county or a city within the county, or the applicant's principal place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business.

(4) The applicant has completed a course of training as described in Section 26165.

(b) The sheriff may issue a license under subdivision (a) in either of the following formats:

(1) A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Where the population of the county is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) (1) Nothing in this chapter shall preclude the sheriff of the county from entering into an agreement with the chief or other head of a municipal police department of a city to process all applications for licenses, renewals of licenses, or amendments to licenses pursuant to this chapter, in lieu of the sheriff.

(2) This subdivision shall only apply to applicants who reside within the city in which the chief or other head of the municipal police department has agreed to process applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.

(Amended by Stats. 2015, Ch. 785, Sec. 2. (AB 1134) Effective January 1, 2016.)

State of California

PENAL CODE

Section 26190

26190. (a) (1) Each applicant for a new license or for the renewal of a license shall pay at the time of filing the application a fee determined by the Department of Justice. The fee shall not exceed the application processing costs of the Department of Justice for the direct costs of furnishing the report required by Section 26185.

(2) After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget.

(3) The officer receiving the application and the fee shall transmit the fee, with the fingerprints if required, to the Department of Justice.

(b) (1) The licensing authority of any city, city and county, or county may charge an additional fee in an amount equal to the actual costs for processing the application for a new license, including any required notices, excluding fingerprint and training costs, but in no case to exceed one hundred dollars (\$100), and shall transmit the additional fee, if any, to the city, city and county, or county treasury.

(2) The first 20 percent of this additional local fee may be collected upon filing of the initial application. The balance of the fee shall be collected only upon issuance of the license.

(c) The licensing authority may charge an additional fee, not to exceed twenty-five dollars (\$25), for processing the application for a license renewal, and shall transmit an additional fee, if any, to the city, city and county, or county treasury.

(d) These local fees may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(e) (1) In the case of an amended license pursuant to Section 26215, the licensing authority of any city, city and county, or county may charge a fee, not to exceed ten dollars (\$10), for processing the amended license.

(2) This fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(3) The licensing authority shall transmit the fee to the city, city and county, or county treasury.

(f) (1) If psychological testing on the initial application is required by the licensing authority, the license applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. The applicant may be charged for the actual cost of the testing in an amount not to exceed one hundred fifty dollars (\$150).

(2) Additional psychological testing of an applicant seeking license renewal shall be required only if there is compelling evidence to indicate that a test is necessary. The cost to the applicant for this additional testing shall not exceed one hundred fifty dollars (\$150).

(g) Except as authorized pursuant to this section, no requirement, charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant, or requires the applicant to obtain liability insurance, may be imposed by any licensing authority as a condition of the application for a license.

(Amended by Stats. 2011, Ch. 741, Sec. 2. (SB 610) Effective January 1, 2012.)

State of California

PENAL CODE

Section 26705

26705. (a) The duly constituted licensing authority of a city, county, or a city and county shall accept applications for, and may grant licenses permitting, licensees to sell firearms at retail within the city, county, or city and county. The duly constituted licensing authority shall inform applicants who are denied licenses of the reasons for the denial in writing.

(b) No license shall be granted to any applicant who fails to provide a copy of the applicant's valid federal firearms license, valid seller's permit issued by the State Board of Equalization, and the certificate of eligibility described in Section 26710.

(c) A license granted by the duly constituted licensing authority of any city, county, or city and county, shall be valid for not more than one year from the date of issuance and shall be in one of the following forms:

(1) In the form prescribed by the Attorney General.

(2) A regulatory or business license that states on its face "Valid for Retail Sales of Firearms" and is endorsed by the signature of the issuing authority.

(3) A letter from the duly constituted licensing authority having primary jurisdiction for the applicant's intended business location stating that the jurisdiction does not require any form of regulatory or business license or does not otherwise restrict or regulate the sale of firearms.

(d) Local licensing authorities may assess fees to recover their full costs of processing applications for licenses.

(Added by Stats. 2010, Ch. 711, Sec. 6. (SB 1080) Effective January 1, 2011. Operative January 1, 2012, by Sec. 10 of Ch. 711.)

State of California

PENAL CODE

Section 33880

33880. (a) A city, county, or city and county, or a state agency may adopt a regulation, ordinance, or resolution imposing a charge equal to its administrative costs relating to the seizure, impounding, storage, or release of a firearm or ammunition.

(b) The fee under subdivision (a) shall not exceed the actual costs incurred for the expenses directly related to taking possession of a firearm or ammunition, storing the firearm or ammunition, and surrendering possession of the firearm or ammunition to a licensed firearms dealer or to the owner.

(c) The administrative costs described in subdivisions (a) and (b) may be waived by the local or state agency upon verifiable proof that the firearm or ammunition was reported stolen at the time the firearm came into the custody or control of the law enforcement agency.

(d) The following apply to any charges imposed for administrative costs pursuant to this section:

(1) The charges shall only be imposed on the person claiming title to the firearm or ammunition.

(2) Any charges shall be collected by the local or state authority only from the person claiming title to the firearm or ammunition.

(3) The charges shall be in addition to any other charges authorized or imposed pursuant to this code.

(4) A charge may not be imposed for a hearing or appeal relating to the removal, impound, storage, or release of a firearm or ammunition, unless that hearing or appeal was requested in writing by the legal owner of the firearm or ammunition. In addition, the charge may be imposed only upon the person requesting that hearing or appeal.

(e) Costs for a hearing or appeal related to the release of a firearm or ammunition shall not be charged to the legal owner who redeems the firearm or ammunition, unless the legal owner voluntarily requests the post-storage hearing or appeal. A city, county, city and county, or state agency shall not require a legal owner to request a post-storage hearing as a requirement for release of the firearm or ammunition to the legal owner.

(Amended by Stats. 2015, Ch. 205, Sec. 3. (AB 950) Effective January 1, 2016.)

Legal Codes

Tracy Municipal Code

1.28.050 - Amount of fines.

(a) Maximum amount of fine. The maximum amount of the fine for each Code violation imposed under this chapter shall be established in a schedule of fines adopted by resolution of the City Council. The schedule of fines shall specify:

(1) Any increased fines for repeat violations of the same Code provision by the same person within a twelve (12) month period; and

(2) Any late payment charges imposed for the payment of a fine after its due date.

(b) Additional amounts. Administrative costs, interest, late payment charges, costs of compliance reinspections, and collection costs are in addition to the fines.

(c) Factors in establishing fine.

(1) Enforcement officer. When preparing the administrative citation, the enforcement officer shall set the fine at the maximum fine established by the City Council.

(2) Hearing officer. Upon request before or at the hearing held under section 1.28.090, the hearing officer may in his or her sole discretion reduce the amount of the fine based on the following factors: (A) the duration of the violation; (B) the frequency, recurrence and number of violations, related or unrelated, by the same violator; (C) the seriousness of the violation; (D) the good faith efforts of the violator to come into compliance; (E) the impact of the violation on the community; and (F) such other factors as justice requires.

(Ord. 1040 § 2 Exh. B (part), 2002)

3.16.030 - Limitations on number of permits.

(a) The City Council shall set by resolution the maximum number of vehicles for hire to be operated in the City and the maximum number of vehicles for hire for which each business owner may seek vehicle permits.

(b) Should the maximum number of taxicabs or vehicles for hire in the City be reached as stated by City Council resolution, the City shall create a waiting list for vehicles which shall be notified when permits become available. Existing permit holders in good standing have priority in renewal and vehicles on the waiting list shall receive annual permits only after existing vehicle permit holders have been given an opportunity to renew.

(Ord. No. 1160, § 1, 6-21-2011)

3.16.040 - Business owner's permits.

(a) Permit applications. Any person or entity seeking to operate as a business owner shall apply in the matter set forth in this chapter. The application shall be in writing, signed by the business owner, and shall set forth all information required, including, but not limited to, the following:

(1) Name and address of each business owner applying to operate taxicabs or other vehicles for hire;

(2) Fictitious business name of the applicant, if any;

(3) Mailing address and business telephone number of the applicant;

- (4) Name, address, age and driver's license number of each employee who will be driving the owner's vehicles;
- (5) Total number of vehicles to be operated in the City under the business owner's permit, including the numbering of said vehicles; legal and registered ownership of each of the vehicles to be used by the applicant; and the manufacturer, model year, vehicle type, vehicle identification number ("VIN") for each vehicle; license plate number; company identification number; passenger capacity and proof of commercial registration for each vehicle to be operated within the City; together with evidence satisfactory to the City that each taxicab or vehicle for hire proposed to be operated under the permit has been safety-inspected in accordance with the terms of this chapter, and otherwise complies in all respects with all applicable laws, rules and regulations;
- (6) Description of the color scheme, insignia, trade style and/or any other unique characteristics of the taxicab design and placement of City required markings and company markings along with a color photograph of the vehicle;
- (7) The street address(es) from which the applicant conducts or will conduct the taxicab or vehicle for hire business; where dispatch will be conducted; and each location at which the business's vehicles will be garaged;
- (8) Prior experience of the applicant in a taxicab or vehicle for hire business, including the details of any prior permit denial, revocation or suspension by any public agency of any type of operator's or driver's permit, license or certificate;
- (9) A certification by the business owner that no driver employed or to be employed by the operator has been convicted of driving under the influence of alcohol or drugs in any state within five (5) calendar years preceding the date of application;
- (10) A copy of the business owner's maintenance program, including preventative maintenance. The program must be in accordance with the vehicle manufacturer's warranty specifications and any applicable state and federal laws;
- (11) Rates to be charged to the public throughout the term of the business owner's permit;
- (12) Federal taxpayer identification or social security number of the applicant;
- (13) Satisfactory proof of insurance as provided in section 3.16.110 of this chapter for each driver and vehicle to be operated in the City under the permit;
- (14) Satisfactory evidence establishing that the applicant has complied and currently complies with the provisions of California Government Code Section 53075.5(b)(3), or any successor provision, pertaining to pre-employment and periodic testing of drivers for controlled substances and alcohol, and with provisions pertaining to payment for drug and alcohol testing programs and related reporting requirements. The applicant must also provide satisfactory evidence from a City approved lab that each driver who will operate a taxicab or vehicle for hire within the City has tested negative for drugs and alcohol as required by section 53075.5;
- (15) Unless otherwise provided by law, evidence that the applicant has procured worker's compensation insurance covering all drivers to be employed by the applicant;
- (16) Acknowledgement that the taxicab service or vehicle for hire has the ability to provide service to persons utilizing the City's mandatory subsidized taxi service program within twenty-four (24) hours' notice;

- (17) The history of the organization and the manner in which it is organized, including, without limitation, the date of formation, the business commencement date(s), and all business locations in California during the five (5) calendar years preceding the year of application;
 - (18) Submission of Department of Motor Vehicles (DMV) Pull Notice Program Requestor Code Number, as defined in Vehicle Code Section 1808.1, issued to the applicant. As a condition of accepting a business owner's permit, the business owner is required to notify the City immediately if it receives a DMV Pull Notice on one of its drivers that would affect that person's driver's permit. In the event a driver's DMV record indicates that a driver no longer qualifies for a driver's permit, the business owner must require the driver to surrender the driver's permit to the Chief of Police. DMV Pull Notice records must be made available for review by the City upon request;
 - (19) Submission of records of any convictions in any court of any state of the United States or in any United States court with respect to any business owner or driver identified in the business owner's permit application; including any such convictions following a plea of no contest (or nolo contendere). The City council specifically authorizes the Chief of Police or designee to receive state and local summary criminal history information in fulfilling his licensing duties under this chapter;
 - (20) Satisfactory proof that the business will be operated in compliance with all provisions of this chapter;
 - (21) Any additional information pertinent to the operation of the proposed taxicab or vehicle for hire service that the City may require.
- (b) Disposition of business owner's application—Conditions.
- (1) Such business owner's permit shall be granted unless:
 - (i) The applicant fails to submit a complete application; or
 - (ii) The applicant makes any omission, untrue statement or material misrepresentation in the application, or provides fraudulent documentation with the application; or
 - (iii) Any vehicle proposed to be operated lacks the required equipment, is improperly licensed or unsafe; or
 - (iv) Additional taxicab service or vehicle for hire will have a detrimental effect on traffic and parking within the City, or will otherwise be contrary to the public welfare; or
 - (v) The applicant has been convicted of any felony offense, or of any misdemeanor offense involving moral turpitude, theft or fraud, including any such convictions following a plea of no contest, taking into consideration the nature of the conviction, the age of the applicant at the time of the conviction, any evidence of rehabilitation, and the relationship of the conviction to the propriety of the applicant operating a vehicle for hire; or
 - (vi) The applicant's proposed schedule of rates conflicts with those set by resolution by the City Council, or are otherwise unjust, unreasonable, discriminatory or preferential; or
 - (vii) The applicant has not otherwise complied with this chapter.

(2) The issuance of a business owner's permit is conditional upon such owner ensuring that each vehicle for hire operated by such business owner has a vehicle permit issued by the City, and each driver of such vehicle for hire has a driver's permit issued by the City, within the limits and in the manner set forth in this chapter.

(3) The business owner shall notify the City immediately upon termination of employment of an employee hired to operate a taxicab or vehicle for hire in the City.

(Ord. No. 1160, § 1, 6-21-2011)

3.16.150 - Maintenance and inspection requirements.

Requirements for inspection of taxicabs and vehicles for hire.

(a) Initial inspection: Before a vehicle permit is issued to a business owner, each vehicle for which a vehicle permit is requested shall be inspected by the City or shall be delivered to a City-approved vehicle inspection station for inspection of such vehicle and its equipment to ascertain whether such vehicle and equipment comply with the provisions of this chapter. The City shall provide to the business owner a list of approved vehicle inspection stations. Any vehicle which is found after such inspection to be unsafe or in any way unsuitable for service will not be issued a vehicle permit and immediately may be ordered out of service. Before a vehicle permit is issued, or the vehicle is again placed in service, it shall be placed in a safe and sanitary condition, inspected, and a completed "certificate of safety" inspection certificate shall be filed with the City. Before a vehicle permit is issued, or the vehicle is again placed in service, the inspecting garage shall also issue an official smog certificate for each vehicle inspected to accompany the "certificate of safety" inspection certificate. The interior and exterior of any vehicle shall be clean and well maintained as determined by the City and meet California Vehicle Code requirements and the requirements of this chapter at all times when in operation.

(b) Annual reinspections: To ensure continued maintenance of safe operating conditions, each vehicle to be operated and its equipment shall be reinspected upon annual renewal of the vehicle permit by the City or at a City-approved garage as provided on the City's list of approved vehicle inspection stations. The City or garage shall, after such annual inspection, issue a "certificate of safety" inspection certificate stating that the vehicle and its equipment comply with the safety requirements of this chapter. The inspecting garage shall issue an official smog certificate for each vehicle inspected to accompany the "certificate of safety" inspection certificate. The owner of taxicabs shall also annually take the taxicabs to the County of San Joaquin, Division of Weights and Measures, for recertification of the taximeters. The cost of the inspections shall be paid by the owner of the vehicles.

(c) Authority of city to inspect taxicabs and vehicles for hire. Any City official charged by the Chief of Police with the authority to enforce this chapter shall have the right, after displaying the proper identification, to enter into or upon any permitted taxicab or vehicle for hire in the City for the purpose of ascertaining whether or not any of the provisions of this chapter are being violated. The last inspection form, a current commercial vehicle registration, a copy of the current Division of Weights and Measures certificate certifying the taximeter, and a copy of the current insurance policy shall be carried in the vehicle at all times and shall be made readily available to the City representative in the course of the inspection. The scope of this inspection is limited to determining compliance with the requirements of this chapter and may be done without notice, warrant, or individualized suspicion of wrongdoing.

(Ord. No. 1160, § 1, 6-21-2011)

3.20.060 - License fees.

License fees are hereby established for the purpose of issuing bicycle licenses and registration certificates, the transfer of registration certificates, the replacement of bicycle licenses and/or registration certificates, and the renewal stickers as required by the Vehicle Code of the State for the registration and licensing of bicycles. Revenues collected pursuant to this section from license fees shall be retained by the City and shall be used for the support of such bicycle licensing provisions as set forth in this section, for the enforcement of bicycle violations, and for bicycle education and safety. In addition, fees collected may be used to improve bicycle safety programs and establish bicycle facilities, including bicycle paths and lanes, within the City. The fees required to be paid under this article shall be in the amounts established by resolution of the City Council, for the following items, as follows:

- (a) For each new bicycle license and registration certificate.
- (b) For each transfer of a registration certificate.
- (c) For each replacement of a bicycle license or registration certificate.
- (d) For each bicycle license renewal. Any fraction thereof shall be considered a full year.

(Prior code § 3-5.106)

(Ord. No. 1159, § 3, 6-7-2011)

3.20.070 - Renewal of registrations—Fees.

A renewal sticker shall be in the amount established by resolution of the City Council and shall be renewed every three (3) years under Section 3.20.060 of this article.

(Prior code § 3-5.107)

(Ord. No. 1159, § 4, 6-7-2011)

3.36.010 - Fee schedule.

The City Council shall by resolution action taken from time to time establish a fee schedule for services provided to the public by the departments of the City.

(Prior code § 3-9.01)

3.40.060 - Alarm user permit required.

(a) It shall be unlawful for any person to install or use an alarm system without first obtaining, and maintaining as valid, an alarm permit issued by the City in accordance with this chapter.

(1) The alarm user permittee shall pay an alarm use permit issuance fee in an amount determined by City Council resolution. Any alarm system which is connected directly to the Tracy Police Department will be subject to special permits and additional service fees to be determined by resolution.

(2) New construction alarm system permit. An alarm system permit must be obtained for all alarm systems installed as a part of the construction of a structure where the system will not be activated until the alarm area is sold, leased, or rented to another.

- (3) Alarm user. Prior to activation of an alarm system installed as described in subsection (1) of this subsection, or prior to installation of an alarm system not covered in subsection (1) of this subsection, an alarm user permit shall be obtained.
- (b) Alarm user permits shall be invalid unless renewed yearly on or before July 1 of each year.
- (c) When emergency message signals or notices are received by the Police Department that evidence a failure to obtain a permit, the Police Chief or his representative is authorized to demand that the owner or lessee of the alarm system initiating such message signals or notice disconnect the alarm system until it is made to comply with said requirements.
(Ord. 1099 § 1, 2006: prior code § 3-10.06)

3.40.150 - False alarms—Costs recoverable.

All false alarms per permit shall be tabulated on a fiscal year, July 1 through June 30.

- (a) Alarms within the first fifteen (15) days of operation of a new system or first ten (10) days of a substantially modified system will not be counted as false alarms.
- (b) No recoverable costs shall be assessed for the first two (2) false alarms activations per alarm system during said fiscal year.
- (c) The second false alarm activation during said fiscal year shall result in notification by the Police Department of the required provisions of this chapter and outline expected remedial action.
- (d) Upon the fourth and subsequent false alarms in said fiscal year, the alarm business or permittee shall be required to pay a fee in an amount determined to recover the City's costs of response to such false alarms as specifically set forth and specified by resolution of the City Council pursuant to section 3.36.010 of the Tracy Municipal Code.
(Ord. 1099 § 4, 2006: prior code § 3-10.15)

3.44.140 - Attendant—Permit.

- (a) Application. An application for attendant's permit shall be made upon forms furnished by the City, signed by the applicant under penalty of perjury, and shall contain:
- (1) The applicant's full name, present residence address, and any other residence address during the past year;
 - (2) Age, date of birth, weight, height, color of eyes and hair and drivers license number;
 - (3) A statement of all felonies and misdemeanors (including moving traffic violations and excluding parking violations) for which the applicant has been convicted with the five (5) years immediately preceding application for the permit; and
 - (4) A statement of past experiences as a tow car or tow truck operator or attendant, including the name and address of each employment as a towing service operator or attendant within the five (5) years immediately preceding applicant for the permit.
- (b) Application fee; fingerprints. Applicants for attendant's permits shall pay to the City a fee as set by resolution of the City Council. When the application is processed, fingerprints shall be submitted as required by the Bureau of Identification, State of California. The applicant shall pay the fingerprint fee in addition to the City fee.

- (c) Investigation. The Chief of Police shall cause to be conducted an investigation of each application for an attendant's permit; and a report of such investigation, including a copy of the traffic and police record of the applicant, if any, shall be attached to the application.
- (d) Approval or rejection of application; findings.
- (1) The Chief of Police, upon consideration of an application for an attendant's permit, and the investigation reports and documents attached thereto, shall approve or reject the application in accordance with the provisions of this chapter.
- (2) The Chief of Police shall issue an attendant's permit if he/she finds that the applicant:
- (i) Is the age of eighteen (18) years or over;
 - (ii) Is able to speak, read and write the English language;
 - (iii) Has a safe driving record. Applicant must possess a valid California Driver's License;
 - (iv) Has met all of the requirements of this chapter and all other applicable laws and regulations;
 - (v) Has not been convicted within the five (5) years immediately preceding application for a permit of a crime involving honesty or veracity, violence, dangerous or deadly weapons, or more than once during the five (5) year period has been convicted of the use or possession of narcotics, or for operating a vehicle under the influence of intoxicating liquor.
- (3) Applicant shall be rejected if:
- (i) Applicant has more than two (2) convictions for hazardous traffic violations in the prior twelve (12) months; or
 - (ii) Applicant has been involved in more than two (2) accidents in which the applicant was the primary cause of the accident or significantly contributed to the cause of the accident in the prior twelve (12) months; or
 - (iii) Applicant has more than one conviction for a hazardous misdemeanor traffic violation in the past twelve (12) months; or
 - (iv) Applicant has three (3) or more convictions or accidents in any of the above listed categories.

(Prior code § 3-11.14)

3.52.030 - Fee imposed.

The Police Department shall charge a fee to cover its costs in taking possession, storing and surrendering a firearm under a domestic violence protective order (Family Code § 6389). The amount of the fee shall be established by City Council resolution. The fee shall not exceed the actual costs.

The portion of the fee for processing is payable when the Police Department takes possession of the firearm. The portion of the fee for storage is payable when the Police Department surrenders the firearm to the owner or a firearms dealer.

(Ord. No. 1128, § 1, 11-18-2008)

3.52.040 - Limitations.

The fee shall be imposed and collected only from the person claiming title to the firearm. No charge may be imposed for any hearing or appeal relating to the firearm, unless that the owner of the firearm requested that hearing or appeal.
(Ord. No. 1128, § 1, 11-18-2008)

4.04.030 - Card room license: application, fee and investigation.

(a) Application. An applicant for a card room license shall submit his/her application to the Chief. The application shall be under oath and shall include the following information for the applicant and for each person financially interested in the business. "Financially interested" includes sharing in the profits of the business on the basis of gross or net revenue.

1. The true names and addresses.
2. The past criminal record, if any.
3. Fingerprints.

(b) Fee. At the time the application is submitted, the applicant shall pay to the City an application fee as established by resolution of the City Council. This fee is exclusive of any other fees charged by other agencies.

(c) Investigation. The Chief shall investigate the applicant and those financially interested. The Chief of Police shall act as an investigation officer and submit his/her report to the Council stating his/her approval or disapproval for the issuance of such license.
(Ord. No. 1134, § 1, 5-5-2009)

4.04.050 - Card room license; annual renewal.

Licenses shall be issued on an annual basis. The annual license fee, payable each fiscal year beginning July 1, shall be established by resolution of the City Council. The fees shall be payable to the City after the Council has approved the issuance of the license but prior to the issuance of the license. The operator of a card room shall pay the license fee set forth in this section regardless of the license fees he/she might pay for other businesses.
(Ord. No. 1134, § 1, 5-5-2009)

4.04.070 - Card room work permits.

(a) Application. Card room employees shall obtain a work permit from the Chief. Applications for such work permits shall be submitted under oath and contain the name, address, and past criminal record, if any, of the applicant and such other information as may be deemed necessary by the Chief to determine whether the applicant is a proper person to be issued a card room work permit. The application shall be accompanied by the fingerprints of the applicant. The work permit shall be issued only to citizens of the United States who have resided in the State for at least one year immediately preceding the issuance of such work permit.

(b) Grounds for denial. The Chief shall deny a work permit if the applicant has previously been convicted of a felony or a misdemeanor crime involving moral turpitude, or if the applicant has been convicted of a felony or misdemeanor involving:

- (1) Force or violence;
- (2) Fraud;
- (3) Embezzlement;

- (4) Theft; or
 - (5) Uniform Controlled Substance Act.
- (c) Fee. Each application for a work permit shall be accompanied by a nonrefundable fee as established by resolution of the City Council. The work permit shall be valid for a period of one year. Only one such work permit is required each year, even though the permit holder may change his/her place of employment within the City.
- (d) Temporary permit. A temporary card room work permit may be obtained from the Chief in accordance with the following:
- (1) A completed "card room dealer work permit application" accompanied by the appropriate fees as established by resolution of the City Council;
 - (2) Presentation of California Driver's License or Picture Identification card;
 - (3) Completion by the Police Department of a local record check and check of the "state wanted person system"; and
 - (4) Fingerprints to be taken, submitted to and cleared the Department of Justice.
- Upon review of the application, in accordance with the card room work permit provisions set forth in this chapter, the temporary permit may be issued for a period of ninety (90) days. If the fingerprint clearance is not completed within that time, a thirty-day extension may be granted. If the card room work permit is granted in accordance with this section, the one year term shall be from the date of the issuance of the temporary permit.
- (e) Appeal. The action of the Chief in denying a work permit on the basis of subsections (a) or (b) of this section is subject to an appeal to the City Manager. An appeal must be filed with the City Clerk within ten (10) days after the denial, after which time the decision of the Chief is final. On appeal, a decision of the City Manager is final.
- (f) An application for a work permit may be denied or revoked based upon the objection of the State Division of Gambling Control.
- (Ord. No. 1134, § 1, 5-5-2009)Resolutions

4.12.190 - Payment of license fees.

The applicant shall, with his application for a new license or transfer of any existing license, deposit with the City Clerk a license fee of Five Hundred Fifty and no/100ths (\$550.00) Dollars for the first year, and in the event the license is granted, it shall be renewed for periods of one year at a time until revoked upon the payment of a license fee for each successive year of Three Hundred Fifty and no/100ths (\$350.00) Dollars per year, payable in advance. In the event the application is not granted, the applicant shall have refunded to him the license fee paid for the first year, except for the costs of the investigation hereinbefore referred to, including the costs of publishing the notice of application.

(Prior code § 4-3.513)

4.24.050 - Licenses—Applications.

Applications for licenses shall be made to the Chief of Police on forms prescribed by the Police Department and shall be filed not less than thirty (30) days prior to the proposed date of the bingo game or games. Such application form shall require from the applicant the following:

(a) The name of the applicant organization and written proof that the applicant is an eligible organization under section 4.24.040 of this chapter;

- (b) A list of the names and residence addresses of members of the applicant organization who will, from time to time, operate and staff bingo games;
 - (c) The particular property within the City, including the street number, owned or leased by the applicant and used by such applicant for an office or for the performance of the purposes for which the applicant is organized, on which property bingo games will be conducted, together with the occupancy capacity of such place;
 - (d) The proposed days of the week and hours of the day for the conduct of bingo games;
 - (e) The annual license fee, as set forth in section 4.24.060 of this chapter shall accompany the application;
 - (f) A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of Section 326.5 of the Penal Code of the State and this chapter, as they may be amended from time to time, and agrees that the license to conduct bingo games may be revoked by the Chief of Police upon the violation of any of such provisions; and
 - (g) Such application shall be signed for the applicant by the presiding officer and one other officer of the applicant under penalty of perjury.
- (Prior code § 4-6.05)

5.08.130 - License tags for dogs.

- (a) Licenses required. It is hereby declared unlawful for any dog, not duly vaccinated, licensed, and registered in accordance with the provisions of this section, to be in the City or to be owned, kept, or possessed in the City by any person.
 - (b) Vaccinations required. Any person desiring to keep a dog in the City, within ten (10) days after the dog attains the age of four (4) months and prior to licensing the dog, shall have the dog vaccinated by a licensed veterinarian with a canine anti-rabies vaccine.
 - (c) License fees. Any person desiring to keep a dog over the age of four (4) months in the City, shall pay the City a license fee within thirty (30) days after acquiring such a dog or within thirty (30) days of an owned dog attaining the age of four (4) months. The license fee shall be established by resolution of the Council. Such fee shall be reduced by one-half (½) or more if a certificate is presented from a licensed veterinarian that the dog is spayed or neutered. Licenses of dogs over the age of four (4) months shall be renewed before or upon expiration of the current license. The license fee shall be delinquent if not paid on or before the due date. A penalty determined by resolution of the Council shall be added to the fee when the license is delinquent. All license terms issued shall not exceed the expiration date of the anti-rabies vaccination.
- Two and 50/100ths (\$2.50) Dollars for each unneutered female dog and One and 50/100ths (\$1.50) Dollars for each male or neutered dog of the fees collected pursuant to the provisions of this subsection shall be deposited to the credit of the Rabies Treatment and Eradication Fund until an order has been issued by the Department of Public Health of the State declaring that the County is free from rabies or further danger of its spread. Thereafter such fees shall be paid into the City Treasury and placed in the General Fund. The remaining amount of such fees shall be paid into the City Treasury and constitute a fund to be known as the Livestock Indemnity Fund.
- (1) At the end of each fiscal year, any surplus in the Livestock Indemnity Fund may be transferred by order of the Council to the General Fund provided sufficient funds

remain to adequately carry out the administration of the fund, including the indemnifying of owners of livestock killed by dogs.

(2) Licenses shall not be transferable on a change of ownership, nor from one dog to another.

(3) Licenses may be issued for a term of three (3) months to one year for dogs under one year of age and for three (3) months to three (3) years for dogs over one year of age. Licenses shall be issued from time to time and expire at the end of their term. Such license terms shall be quarterly or multiples thereof up to the maximum term.

(d) Certificates of vaccination. A dog license shall not be issued unless the applicant shows the License Clerk a valid certificate of canine anti-rabies vaccination, which certificate adequately describes the physical features of the dog, the date of vaccination, the type of vaccine used, and bears the signature of a licensed veterinarian.

(e) Type and frequency of vaccinations. The type of vaccine acceptable and the frequency of vaccination shall be determined by the Department of Public Health of the State.

(f) House-to-house checks. A house-to-house check may be conducted to locate dogs which are not vaccinated or licensed according to the provisions of this section to cause licenses to be taken and vaccinations to be given for such dogs.

(g) License tags. A suitable tag shall be furnished by the City, at the expense of the City, to each owner who shall pay such license fee, which tag the owner shall attach and keep attached to a collar around the neck of such dog at all times. Such tag shall have legibly stamped thereon the registered number of the dog.

(h) Registration records. The City shall keep a record in which it shall register the number of such tags supplied to each of the owners of such dogs, a description of the dog, the period for which such tag was purchased, the amount received therefor, and the residence address of the owner thereof.

(i) Dogs not allowed at large. Such license shall entitle the owner of the dog for which such license is issued to keep such dog in the City during the term for which the license was issued; provided, however, such owner at all times shall keep such dog securely enclosed in a room, pen, or enclosure or shall keep such dog securely tethered or on a leash, and it shall be unlawful for any person at any time to have, own, or possess any dog within the City, whether the dog shall be licensed or not, unless such dog shall be kept so enclosed, tethered, or on a leash.

(j) Impoundment of dogs at large. It is hereby made the duty of the Tracy Police Department to take and impound any dog so licensed and registered which may be found in the City, and also to take and impound any dog, whether licensed and registered or not, which may be found in the City if such dog is not enclosed or tethered or is not on a leash as provided in this section.

(k) Notices of impoundment. If any dog so taken or impounded shall be licensed or registered, and if such tag and number shall be upon the collar of such dog, the Tracy Police Department shall give a notice to the owner thereof within forty-eight (48) hours after such dog shall have been taken. Such notice shall state that the dog has been taken and impounded and that such dog will be disposed of or killed as provided in this section. Such notice shall be served upon the owner by delivering the notice to such owner personally, or by leaving the notice with any person at the place of residence of the owner, as stated in the records of the

City, or by posting the notice in a conspicuous place at the address of such owner, or by United States mail.

(l) Redemption of impounded dogs and cats. At any time within five (5) days after such notice shall have been so given, the owner or possessor of such licensed dog may redeem the dog by paying to the City a redemption fee and a boarding fee established by resolution of the Council. The owner or possessor of an unlicensed dog may redeem the dog by purchasing a license and paying to the City the same charges and fees set forth in this subsection. The owner or possessor of a cat may redeem the cat by paying to the City the same charges and fees set forth in this subsection. All dogs and cats not redeemed, as provided in this section, may be assigned to a third party provided the third party agrees to indemnify the City for incurred costs of care, and for the proper license fees, and for assignment fees, and further agrees to carry out the other provisions of this section, or the dog or cat may be humanely killed by the Animal Service Officer after five (5) business days of the impoundment of cat and unlicensed dogs and five (5) business days after proper notification of impoundment to the owners of licensed dogs.

(m) Impoundment of cats at large. It is hereby the duty of the Tracy Police Department to take and impound any cat which is found running at large and causing a public nuisance.

(n) Prohibition against assigning unaltered dogs or cats. Deposits for costs of spaying or neutering.

(1) The small animal shelter shall not assign any dog or cat which has not been spayed or neutered, unless a deposit for spaying or neutering has been tendered to the shelter. The deposit shall be in the amount determined by resolution of the Council to be comparable to the lowest fee charged by veterinarians in the locale. The deposit shall be held in trust and accounted for in a manner consistent with City policies. The deposit may be paid directly to a veterinarian for altering the assigned animal or returned to the person receiving the assigned animal upon the presentation of a certificate of alteration from a veterinarian to the Finance Department.

(2) Any dog or cat six (6) months of age or younger at the time of assignment shall be spayed or neutered within six (6) months, or the deposit shall be deemed unclaimed. Any dog or cat over six (6) months of age at the time of assignment shall be spayed or neutered within sixty (60) days, or the deposit shall be deemed unclaimed. Any deposit not claimed shall be used only for the following purposes:

(i) A public education program to prevent the overpopulation of cats and dogs;

(ii) A program to spay or neuter cats and dogs;

(iii) A follow-up program to assure that animals assigned by the shelter are spayed or neutered; or

(iv) Any additional costs incurred pursuant to this section.

(o) Prohibition against assigning dogs which have not been vaccinated for rabies: Deposits for costs of rabies vaccination.

(1) The small animal shelter shall not assign any dog which has not been vaccinated for rabies, unless a deposit for rabies vaccination has been tendered to the shelter. The deposit shall be in the amount determined by resolution of the Council. The deposit shall be held in trust and accounted for in a manner consistent with City standards. The deposit may be paid directly to a veterinarian for vaccinating the assigned animal or

returned to the person receiving the assigned animal upon the presentation of a certificate of vaccination from a veterinarian to the Finance Department. Any deposit not claimed may be transferred by resolution of the Council to the General Fund.

(2) Any dog four (4) months of age or younger at the time of assignment shall be vaccinated for rabies within ten (10) days after attaining the age of four (4) months and prior to licensing, or the deposit shall be deemed unclaimed. Any dog over four (4) months of age at the time of assignment shall be vaccinated for rabies and licensed within ten (10) days, or the deposit shall be deemed unclaimed. Any deposit not claimed shall be used only for the following purposes:

- (i) A public education program to prevent the over-population of cats and dogs;
- (ii) A program to spay or neuter cats and dogs;
- (iii) A follow-up program to assure that animals assigned by the shelter are spayed or neutered; or
- (iv) Any additional costs incurred pursuant to this section.

(Ord. 1040 § 5 Exh. E (part), 2002; prior code § 5-2.203)
(Ord. No. 1159, § 12, 6-7-2011)

5.08.170 - Burial of deceased animals.

It is the duty of all persons having dead animals upon their premises to bury the dead animals at least one foot underground, either upon their own premises or in some place outside City, with the property owner's permission, within twenty-four (24) hours after they shall have died or convey the dead animals to the animal shelter or to a licensed veterinary facility for disposal.

(Ord. 1040 § 5 Exh. E (part), 2002; prior code § 5-2.207)

5.08.180 - Failure or refusal of owner to bury deceased animal.

If any person fails or neglects to bury or otherwise dispose of any animal as provided for in this article, then in such case it shall be the duty of the Animal Service Officer to proceed forthwith to have the same disposed of, and it shall be lawful for the City to charge to and recover from the owner or possessor of such dead animals the cost of disposal thereof; and such person who shall neglect or refuse to bury or dispose, or cause the burial or disposal of, any dead animal as provided for in this article upon his premises or in any public place of which he is the owner or possessor, or pay the City the cost incurred in burying such dead animal, shall be guilty of a misdemeanor. In case the Animal Service Officer, after diligent search, cannot find the owner or possessor of any dead animal, in this article referred to, the Animal Service Officer shall cause the same to be disposed of and the cost thereof shall be paid by the City.

(Ord. 1040 § 5 Exh. E (part), 2002; prior code § 5-2.208)

5.08.240 - Impounding.

The Chief of Police and all police officers and other persons employed to perform any of such duties are hereby authorized and empowered to take up and impound any animals or poultry running at large in violation of the provisions of this article, and to keep such animals or poultry confined at the public pound or at such other place as the Chief of Police may provide, for not less than three (3) days unless such animals or poultry be redeemed by the payment in the

amount established by resolution of the City Council. Notices containing a description of the animals or poultry impounded shall be posted on the bulletin board near the entrance of the City Hall for at least three (3) days. The Chief of Police may, in his discretion, publish notices of the impounding of such animals or poultry in an attempt to locate the owner, in which event the cost of so doing shall be added to the costs of the care of such animals or poultry.

At expiration of the three (3) days, if the animals or poultry are not redeemed, the Chief of Police shall be deemed to have acquired jurisdiction over the animals or poultry and is hereby authorized to destroy, or to sell, or to otherwise dispose of them, and any proceeds derived therefrom shall accrue to the City, to be deposited in its general fund.

(Prior code § 5-2.305)

(Ord. No. 1159, § 14, 6-7-2011)

5.08.420 - Application for multiple pet permit; fee, investigation.

(a) Any person who desires to keep more than two (2) dogs and/or three (3) cats at any single residence in the City may apply to the Animal Services Department for a multiple pet permit.

(b) The application must be made on a form provided by the Animal Services Department and there shall be paid a nonrefundable application fee, the amount of which shall be set by Council resolution, and revised from time to time, in an amount sufficient to recover the costs of administering the multiple pet permit program.

(c) The application shall identify the owner by name, address and telephone number, the animals by name, breed, age, sex and for dogs, City of Tracy License Number.

(d) Upon receipt of the application, Animal Services shall serve notice of application and comment cards to neighboring property owners within a 100-foot radius of the applicant's residence.

(e) An Animal Services Officer shall inspect the applicant's property to determine if the size and condition of the property is adequate for keeping additional animals, and whether the manner of keeping the additional animals may violate any of the provisions of this chapter or of State or Federal law.

(Ord. No. 1133, I § 1, 3-3-2009)

State of California

VEHICLE CODE

Section 9255

9255. Upon application for the transfer of the title or any interest of an owner or legal owner in or to a vehicle registered under this code, or for which a certificate of ownership has been issued without registration under Section 4452, other than upon a transfer to a chattel mortgagee and other than upon a transfer to a transferee not required under this code to obtain the issuance to the owner of a new certificate of ownership and registration card, there shall be paid the following fees:

- | | |
|--|------|
| (1) For a transfer by the owner of an automobile or motorcycle | \$15 |
| (2) For a transfer by the owner of a trailer coach or commercial vehicle | \$15 |
| (3) For a transfer by the legal owner | \$15 |
| (4) When an application is presented showing a transfer by both the owner and legal owner of an automobile or motorcycle | \$15 |
| (5) When an application is presented showing a transfer by both the owner and legal owner of a trailer coach or commercial vehicle | \$15 |

(Amended by Stats. 2002, Ch. 758, Sec. 7. Effective January 1, 2003.)

State of California

VEHICLE CODE

Section 20012

20012. All required accident reports, and supplemental reports, shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Motor Vehicles and the Department of the California Highway Patrol, except that the Department of the California Highway Patrol or the law enforcement agency to whom the accident was reported shall disclose the entire contents of the reports, including, but not limited to, the names and addresses of persons involved or injured in, or witnesses to, an accident, the registration numbers and descriptions of vehicles involved, the date, time and location of an accident, all diagrams, statements of the drivers involved or occupants injured in the accident and the statements of all witnesses, to any person who may have a proper interest therein, including, but not limited to, the driver or drivers involved, or the guardian or conservator thereof, the parent of a minor driver, the authorized representative of a driver, or to any named person injured therein, the owners of vehicles or property damaged thereby, persons who may incur civil liability, including liability based upon a breach of warranty arising out of the accident, and any attorney who declares under penalty of perjury that he or she represents any of the above persons.

A request for a copy of an accident report shall be accompanied by payment of a fee, provided such fee shall not exceed the actual cost of providing the copy.

(Amended by Stats. 1994, Ch. 1247, Sec. 10. Effective January 1, 1995.)

State of California

VEHICLE CODE

Section 22850.5

22850.5. (a) A city, county, or city and county, or a state agency may adopt a regulation, ordinance, or resolution establishing procedures for the release of properly impounded vehicles to the registered owner or the agent of the registered owner and for the imposition of a charge equal to its administrative costs relating to the removal, impound, storage, or release of the vehicles to the registered owner or to the agent of the registered owner. Those administrative costs may be waived by the local or state authority upon verifiable proof that the vehicle was reported stolen at the time the vehicle was removed.

(b) The following apply to any charges imposed for administrative costs pursuant to subdivision (a):

(1) The charges shall only be imposed on the registered owner or the agents of that owner and shall not include any vehicle towed under an abatement program or sold at a lien sale pursuant to Sections 3068.1 to 3074, inclusive, of, and Section 22851 of, the Civil Code unless the sale is sufficient in amount to pay the lienholder's total charges and proper administrative costs.

(2) Any charges shall be collected by the local or state authority only from the registered owner or an agent of the registered owner.

(3) The charges shall be in addition to any other charges authorized or imposed pursuant to this code.

(4) No charge may be imposed for any hearing or appeal relating to the removal, impound, storage, or release of a vehicle unless that hearing or appeal was requested in writing by the registered or legal owner of the vehicle or an agent of that registered or legal owner. In addition, the charge may be imposed only upon the person requesting that hearing or appeal.

No administrative costs authorized under subdivision (a) shall be charged to the legal owner who redeems the vehicle unless the legal owner voluntarily requests a poststorage hearing. No city, county, city and county, or state agency shall require a legal owner or a legal owner's agent to request a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The impounding agency, or any person acting on behalf of the agency, shall not require the legal owner or the legal owner's agent to produce any documents other than those specified in paragraph (3) of subdivision (f) of Section 14602.6 or paragraph (3) of subdivision (e) of Section 14602.7. The impounding agency, or any person acting on behalf of the agency, shall not require any documents to be notarized.

(Amended by Stats. 2015, Ch. 740, Sec. 17. (AB 281) Effective January 1, 2016.)

State of California

VEHICLE CODE

Section 20012

20012. All required accident reports, and supplemental reports, shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Motor Vehicles and the Department of the California Highway Patrol, except that the Department of the California Highway Patrol or the law enforcement agency to whom the accident was reported shall disclose the entire contents of the reports, including, but not limited to, the names and addresses of persons involved or injured in, or witnesses to, an accident, the registration numbers and descriptions of vehicles involved, the date, time and location of an accident, all diagrams, statements of the drivers involved or occupants injured in the accident and the statements of all witnesses, to any person who may have a proper interest therein, including, but not limited to, the driver or drivers involved, or the guardian or conservator thereof, the parent of a minor driver, the authorized representative of a driver, or to any named person injured therein, the owners of vehicles or property damaged thereby, persons who may incur civil liability, including liability based upon a breach of warranty arising out of the accident, and any attorney who declares under penalty of perjury that he or she represents any of the above persons.

A request for a copy of an accident report shall be accompanied by payment of a fee, provided such fee shall not exceed the actual cost of providing the copy.

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(Amended by Stats. 2015, Ch. 740, Sec. 17. (AB 281) Effective January 1, 2016.)

Police Department

Resolutions

RESOLUTION 2016-045

INCREASE FEES CHARGED BY TOWING SERVICE OPERATORS FOR SERVICES RENDERED, EFFECTIVE MARCH 16, 2016, TO REFLECT INCREASED OPERATING COSTS

WHEREAS, The towing and vehicle storage fees tow companies on the Tracy Police Department rotation list charge to customers have not been increased since September 2005, and

WHEREAS, Representatives from the tow companies have indicated that the cost of doing business for the City of Tracy has increased significantly since 2005, and

WHEREAS, In accepting this fee schedule there will be no fiscal impact on the City of Tracy, and

WHEREAS, The increase will be effective March 16, 2016, and will be reviewed annually beginning on July 1, 2017 to adjust for cost increases;

NOW, THEREFORE, BE IT RESOLVED, That City Council does hereby approve the increase of fees tow truck operators charge, effective March 16, 2016, as set forth in Attachment A to the staff report accompanying this agenda item.


The foregoing Resolution 2016-045 was passed and adopted by the Tracy City Council on the 15th day of March, 2016, by the following vote:

AYES: COUNCIL MEMBERS: MITRACOS, VARGAS, YOUNG, MACIEL

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: RICKMAN


MAYOR

ATTEST:

CITY CLERK

RESOLUTION 2009-178

ADOPTING ANIMAL SERVICES FEES FOR CERTAIN SERVICES

WHEREAS, Many Animal Services fees have not been increased for quite some time,
and

WHEREAS, A gradual tiered increase over three years will help to bring Animal Services fees more in line with those charged by surrounding jurisdictions.

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby adopts the following Animal Services fees:

2010 Fees (to be effective January 1, 2010)

\$6.00 for License Fee for Altered Dogs
\$20.00 for License Fee for Unaltered Dogs
\$10.00 for Late License Fee
\$5.00 for Lost License Replacement
\$6.00 for Daily Board and Care for Impounded Dogs
\$3.00 for Daily Board and Care for Impounded Cats
\$20.00 for Multiple Pet Permit Application Fee
\$25.00 for Owner Surrender of Live Animals

2011 Fees (to be effective January 1, 2011)

\$8.00 for License Fee for Altered Dogs
\$30.00 for License Fee for Unaltered Dogs
\$15.00 for Late License Fee
\$5.00 for Lost License Replacement
\$8.00 for Daily Board and Care for Impounded Dogs
\$4.00 for Daily Board and Care for Impounded Cats
\$25.00 for Multiple Pet Permit Application Fee
\$30.00 for Owner Surrender of Live Animals

2012 Fees (to be effective January 1, 2012)

\$10.00 for License Fee for Altered Dogs
\$50.00 for License Fee for Unaltered Dogs
\$20.00 for Late License Fee
\$5.00 for Lost License Replacement
\$10.00 for Daily Board and Care for Impounded Dogs
\$10.00 for Daily Board and Care for Impounded Cats
\$30.00 for Multiple Pet Permit Application Fee
\$40.00 for Owner Surrender of Live Animals

RESOLUTION 2008-234

A RESOLUTION OF THE CITY OF TRACY AMENDING RESOLUTION 2003-059 BY ADDING
A NEW FEE FOR STORAGE OF FIREARMS EFFECTIVE ON THE EFFECTIVE DATE OF
PROPOSED TRACY MUNICIPAL CODE CHAPTER 3.52

WHEREAS, In 1998, the City undertook a Cost of Service Study and adopted fees for various City departments, and

WHEREAS, In 2003, the City updated those fees by Resolution No. 2003-059, and

WHEREAS, proposed Tracy Municipal Code Chapter 3.52, when effective, will allow for collection of a fee for the storage of certain firearms by the Police Department, and

WHEREAS, the City Council wishes to amend Resolution No. 2003-059 to add a fee for the storage of firearms effective on the effective date of proposed Tracy Municipal Code Chapter 3.52, and

WHEREAS, pursuant to Government Code section 66018, a duly noticed public hearing was held on November 5th, 2008, and notice of the meeting published at least 10 days before the meeting.

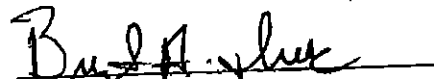
NOW, THEREFORE, the Tracy City Council does resolve, declare, determine and order as follows:

Resolution No. 2003-059 is amended, effective on effective date of proposed Tracy Municipal Code Chapter 3.52, by adding the following to the Police Department Fees:

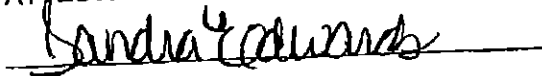
Storage of firearms (TMC Chapter 3.52): \$51, plus \$1.90/day of firearm storage.

The foregoing Resolution 2008-234 was passed and adopted by the Tracy City Council on the 5th day of November, 2008, by the following vote:

AYES: COUNCIL MEMBERS: ABERCROMBIE, SUNDBERG, TOLBERT, TUCKER, IVES
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE


Mayor

ATTEST:



RESOLUTION 2006-209

ADOPTING A TWENTY DOLLAR ANNUAL FEE FOR REQUIRED ALARM PERMITS

WHEREAS, The City of Tracy has identified the need to reduce the number of false burglar alarms police officers respond to in order to more effectively utilize police resources; and

WHEREAS, The Tracy Police Department has identified false alarm reduction strategies that will be incorporated into policies and procedures; and

WHEREAS, Required alarm permits have proven to be a viable false alarm reduction strategy; and

WHEREAS, The City of Tracy incurs, and will continue to incur, expenses by virtue of Tracy Police Department staff processing alarm permit applications and administering the alarm permit program; and

WHEREAS, such costs exceed, and will exceed, on average, \$20.00 to process each alarm user permit application and to administer the alarm permit program, and


NOW, THEREFORE, BE IT RESOLVED, That effective October 1, 2006, the City Council does set the fee for alarm user permits to be \$20.00 annually.

The foregoing Resolution 2006-209 is hereby passed and adopted by the Tracy City Council this 15th day of August, 2006, by the following vote:

AYES: COUNCIL MEMBERS: IVES, SUNDBERG, TOLBERT, TUCKER, BILBREY
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE



Mayor

ATTEST:


City Clerk

RESOLUTION 2003-059

REPEALING RESOLUTION 99-094 AND ADOPTING UPDATED FEES FOR POLICE, FIRE, AND ADMINISTRATIVE SERVICES AS IDENTIFIED IN THE COST OF SERVICES STUDY PREPARED BY THE FINANCE DEPARTMENT

WHEREAS, Resolution 99-094 set certain of the City's current fees for providing Police, Fire, and Administrative Services, and

WHEREAS, The purpose of the 1998 Cost of Service Study was to identify the costs of certain services and the corresponding fee revenue so that City Council has the information necessary to review those fees and update those for which the City's costs have increased, and

WHEREAS, The City's Cost Of Services update prepared by the Finance Department indicates that a number of the Police, Fire, and Administrative Services fees adopted pursuant to Resolution 99-094 are no longer sufficient to cover the cost of providing those services, and

WHEREAS, The City's Costs of Services Study supports the increased fees shown in the attached fee schedule;

NOW, THEREFORE, The City Council of the City of Tracy resolves as follows:

1. The foregoing recitals are true and correct and incorporated herein as findings.
2. Resolution 99-094 is repealed effective March 1, 2003.
3. The attached fee schedule for Police, Fire, and Administrative services shall be in effect on March 1, 2003.

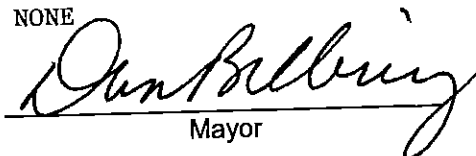
The foregoing Resolution 2003-059 was adopted by the Tracy City Council on the 18th day of February, 2003, by the following vote:

AYES: COUNCIL MEMBERS: HUFFMAN, IVES, TOLBERT, TUCKER, BILBREY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE


Mayor

ATTEST


City Clerk

**CITY OF TRACY
POLICE DEPARTMENT FEES**

<u>SERVICE</u>	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
False Alarm Response	\$25 - 4th Response \$50 - 5th Response \$65 - 6th Response \$75 - 7th Response	\$30 - 4th Response \$55 - 5th Response \$70 - 6th Response \$80 - 7th Response
Vehicle Release	\$40 per vehicle	\$45 per vehicle
Records Check/Clearance Letter	\$10 per letter	\$10 per letter
Immigration Card	\$14 per applicant	\$15 per applicant
Examination of Local Record	\$45 per request	\$50 per request
Concealed Weapon Permit	\$3 permit	\$3 permit
Solicitor Permit	\$15 per permit	\$15 per permit
Taxi Driver Permit	\$90 per permit, plus DOJ fee	\$110 per permit, plus DOJ fee
Taxi Driver Renewal Permit	\$65 per permit	\$80 per permit
Tow Truck Driver Permit	\$50 per permit, plus DOJ fee	\$60 per permit, plus DOJ fee
Tow Truck Driver Renewal Permit	\$25 per permit	\$30 per permit
Card Room Dealer Permit	\$50 per permit, plus DOJ fee	\$60 per permit, plus DOJ fee
Card Room Dealer Permit Renewal	\$25 per permit	\$25 per permit
Fingerprint Request	\$10 per card	\$10 per card
Police Photo Reproduction	\$33 per request, plus contracted reproduction costs	\$42 per request, plus contracted reproduction costs
Video/Audio Tape Reproduction	\$25 per tape requested plus \$3 for tape	\$30 per tape requested plus \$3 for tape
Vehicle Equipment Correction Inspection	\$10 per vehicle for citations not issued by Tracy PD	\$15 per vehicle for citations not issued by Tracy PD
DUI Arrest and Report	Actual personnel costs, up to a state imposed maximum of \$1,000	Actual personnel costs, up to a state imposed maximum of \$1,000
DUI Accident Response and Investigation	Actual personnel costs, up to a state imposed maximum of \$1,000	Actual personnel costs, up to a state imposed maximum of \$1,000
VIN Verification	\$15 per request	\$20 per request
Crime Report Copy	\$10 first page \$0.25 per additional page	\$10 first page \$0.25 per additional page
Police Special Services	\$4 bulletin entries and citations Actual personnel costs	\$4 bulletin entries and citations Actual personnel costs
Fire Arms Sales Permit	\$30 per permit, plus DOJ fee	\$30 per permit, plus DOJ fee

**CITY OF TRACY
FIRE DEPARTMENT FEES**

<u>SERVICE</u>	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
Fire Arms Sales Permit	\$30 per permit, plus DOJ fee	\$30 per permit, plus DOJ fee
Sprinkler Plan Check	\$0-\$5,000 \$55 \$5,001-\$20,000 \$170 \$20,000+ \$225	\$0-\$5,000 \$80 \$5,001-\$20,000 \$240 \$20,000+ \$330
Sprinkler Inspection	\$0-\$5,000 \$170 \$5,001-\$20,000 \$310 \$20,000+ \$560	\$0-\$5,000 \$245 \$5,001-\$20,000 \$455 \$20,000+ \$825
Alarm Plan Check	\$0-\$20,000 \$225 \$20,000+ \$335	\$0-\$20,000 \$330 \$20,000+ \$495
Alarm Inspection	\$0-\$20,000 \$110 \$20,000+ \$335	\$0-\$20,000 \$165 \$20,000+ \$495
Hood Plan Check	\$30 per application	\$40 per application
Hood Inspection	\$85 per application	\$125 per application
New Address Mapping	\$64, multifamily \$64 + \$32 per unit (5 or more)	\$80, multifamily \$80 + \$40 per unit (5 or more)
Underground Tank Installations	\$110 per application	\$165 per application
Underground Tank Removal	\$170 per application	\$245 per application
Annual Fire Permit Inspection	Type A \$20, Type B \$28, Type C \$37, Type D \$56, Type E \$75, Type F \$112, Type G \$170, Type H \$225, Type I \$337 Day Care <= 14 \$55, Day Care > 14 \$85, Conv Home \$170	Type A \$30, Type B \$40, Type C \$55, Type D \$80, Type E \$110, Type F \$165, Type G \$245, Type H \$330, Type I \$490 Day Care <= 14 \$80, Day Care > 14 \$125, Conv Home \$245
State Mandated Inspection		\$110 per hour per engine responding with a half hour minimum.
Illegal Burn Response	None	Actual costs charged for all responding personnel.
Hazardous Materials Clean-up	Cost recovery	Actual costs charged for all responding personnel.
Special Even Fire Prot. Stand-by	Cost recovery	These costs should be charged to the water utility.
Hydrant System Flow Testing	None	\$110 per test.
Water Flow Test	None	\$8 per report.
Fire Incident Report Copy	\$6 per report	No change.
Weed Abatement	Contract costs plus 25% overhead charge	\$95 per permit
New Fire Permit	None	\$95 per permit
Renewal of Fire Permit	None	

CITY OF TRACY
ADMINISTRATION FEES

<u>SERVICE</u>	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
Water Delinquent Turn Off/On	\$20 reconnect	\$35 reconnect
Business License Applications	\$50 processing fee	\$75 processing fee
Business License Renewal	\$10 processing fee	\$15 processing fee
Returned Check Processing Fees	\$10 per NSF fee	\$15 per NSF fee
Document Certification	\$10 per document	\$15 per document
Agenda/Meeting Mailing Service	\$25 per subscriber per year	\$35 per subscriber per year + \$1 per meeting
Audio/Video Tape Per Meeting	\$20 per audio/video tepe	\$20 per audio/Video tape

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Appendix VII

Public Works Department

Maintenance and Operations

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Public Works Department

Legal Codes

Legal Codes

Tracy Municipal Code

10.08.4465 - Banner signs on public property.

(a) Purpose. The purpose of this section is to establish the manner by which banners may be displayed on public property to promote the City of Tracy, to promote co-sponsored, community-wide public events, and for beautification of the City.

(b) Definitions. For the purpose of this section:

"Banner" means either of the following two (2) types:

(1) "Street light banner" means a banner on a City street light pole, including a light pole on any City-owned property, and which is affixed by brackets.

(2) "Over-the-street banner" means a banner traversing the public right-of-way at one of three (3) locations as set forth in subsection (d)(2) below.

"City-sponsored" means the City alone (including a City Board or Commission) is sponsoring the public event.

"Co-sponsor" means the City is co-sponsoring a public event in one of the following ways:

(1) The City has entered into a memorandum of understanding (MOU) with an organization to cooperate in putting on the event (pursuant to Council Resolution No. 2005-076, or the successor co-sponsorship guidelines); or

(2) The City has made a substantial contribution of money and or City services toward the event.

"Director" means the Director of Development and Engineering Services or his or her designee, unless stated otherwise.

(c) City banners to promote or beautify the City. The City may install street light banners throughout the City to promote the City or for beautification of the City. No sign permit is necessary.

(d) Banners for City-sponsored or co-sponsored, community-wide events. The City may install banners to advertise an upcoming community-wide event for which the City is a sponsor or co-sponsor. No sign permit is necessary. However, the applicant must obtain a special events permit from the Parks and Community Services Department, and the Parks and Community Services Director is authorized to approve the placement of banners and their conformance to the banner guidelines.

(1) Street light banners for City-sponsored or co-sponsored, community-wide events may be placed in any one or more of the following zones:

- (A) Zone 1: Eleventh Street between Lammers Road and Corral Hollow Road;
- (B) Zone 2: Tenth Street between A and East Streets;
- (C) Zone 3: Central Avenue between Eleventh and Sixth Streets.

These three (3) zones do not include the four (4) street corners at Tenth Street and Central Avenue, which are reserved for City banners.

(2) Over-the-street banners for City-sponsored or co-sponsored, community-wide events may be placed in any one or more of the following locations, once the City has installed appropriate pole structures:

- (A) In the center median of Eleventh Street between Lammers Road and Crossroads Drive;
- (B) On Central Avenue between Eleventh Street and Tenth Street; and
- (C) At Sixth Street and Central Avenue, upon completion of the Downtown Plaza.

(3) The Director shall establish banner guidelines, including banner specifications, length of time banners may be displayed, scheduling and utilization of the special event permit process. The Director may revise the banner guidelines as necessary, as long as they conform to this section.

(4) Banners shall be installed and removed by City staff.

(Ord. 1115 § 1, 2008; Ord. 1110 § 1, 2007)

(Ord. No. 1145, § 1, 3-16-2010)

(Intentionally left blank)

Public Works Department

Resolutions

RESOLUTION 2010-025

ESTABLISHING FEES FOR INSTALLATION OF BANNERS AND REPEALING RESOLUTION
NO. 2008-027

WHEREAS, Tracy Municipal Code section 10.08.4465 generally describes the manner in which banners may be placed on public property, and authorizes the Director of Development and Engineering Services to develop banner guidelines; and

WHEREAS, The City Council wishes to establish fees for the installation of banners to reflect the cost of City staff time to install and remove banners, for traffic control during installation and removal, and for the use of City vehicles required in the installation; and

WHEREAS, The fees were based on Public Works costs for installing the banners currently in place. In the case of Zone 1, this involves the use of lift trucks and traffic control on Eleventh Street; and

WHEREAS, The City Council wishes to clarify the status of Resolution No. 2008-027 regarding banners previously approved.

NOW, THEREFORE, The Tracy City Council does resolve as follows:

SECTION 1. The following fees for installation and removal of banners represent the estimated reasonable cost of providing this service and are here approved:

The fees are:

1. For each over-the-street banner location: \$200 per banner.
2. For each street light banner zone:
 - Zone 1: \$4,000
 - Zone 2: \$1,000
 - Zone 3: \$1,000
3. The fees reflect the cost of both installation and removal. If removal of a set of banners happens to occur simultaneously with installation of other non-City banners in the same location, then each of the applicants may apply to the Parks and Community Services Department for a 25% refund of the fees.

SECTION 2. Resolution No. 2008-027 authorized Tracy "Military Moms" to install banners on city light poles on Central Avenue between Eleventh Street and Sixth Street. Based on the current version of Tracy Municipal Code section 10.08.4465, those banners are no longer permitted and Resolution No. 2008-027 is repealed. However, the existing, now non-conforming banners, are permitted to remain in place (1) until the current wars have ended, or (2) until a City Council resolution ends their use. At that time the banners will be returned to "Military Moms" and replaced with City banners in compliance with TMC section 10.08.4465.

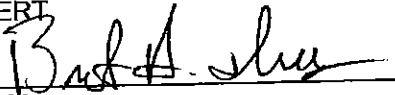
The foregoing Resolution 2010-025 was passed and adopted by the Tracy City Council on the 2nd day of March, 2010, by the following vote:

AYES: COUNCIL MEMBERS: ABERCROMBIE, MACIEL, TUCKER, IVES

NOES: COUNCIL MEMBERS: NONE

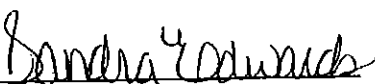
ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: TOLBERT



Mayor

ATTEST:



City Clerk

RESOLUTION _____

APPROVING THE CITY-WIDE MASTER FEE SCHEDULE FOR
FISCAL YEAR 2020-2021

WHEREAS, City departments have proposed, and the City Council has adopted, various fees relating to the work of City departments, and

WHEREAS, The City desires to improve public and customer information dissemination, and

WHEREAS, On May 16, 2017, the City Council adopted the most recent consolidated City-wide Master Fee Schedule to provide for a record of fees in a single document, improve public information, and provide consistent updating of the fees (Resolution 2017-098), and

WHEREAS, The Master Fee Schedule reflects fees charged for City services but does not include the following types of fees and charges:

- development impact fees adopted under the Mitigation Fee Act;
- mitigation fees (i.e., habitat and agricultural mitigation fees);
- business license fees (taxes);
- enterprise fund charges (water, sewer, storm water, airport, transit);
- fees adopted under franchise agreements (cable franchise under TMC Chapter 8.10; franchise contractor for collection of solid and yard waste, and recycling under TMC Chapter 5.20);
- landscape maintenance district (special assessments);
- fines (imposed as penalties);
- leases of City property; and
- rates established by separate agreements (i.e., Tracy Unified School District and performance artists), and

WHEREAS, The City shall continue to update the Master Fee Schedule on an annual basis, based on an automatic cost-of-living adjustment calculated since the fees were last set, with the exception fees legislatively set or indicated by an asterisk, and

WHEREAS, The adoption of the Master Fee Schedule is not subject to the California Environmental Quality Act because it is not a project that has the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)(3)), and

WHEREAS, On June 16, 2020, the City Council held a public hearing where all interested parties were able to provide testimony;

NOW, THEREFORE, BE IT RESOLVED, That City Council of the City of Tracy hereby resolves, declares, determines, and orders as follows:

1. The Master Fee Schedule, attached to this Resolution as Exhibit A, is approved.
2. This Resolution takes effect on July 1, 2020 with the exception of Development Services fees which take effect on August 17, 2020.

3. Resolution 2017-098 is hereby rescinded and superseded by this Resolution.

* * * * *

The foregoing Resolution 2020-_____ was adopted by the Tracy City Council on the 16th day of June, 2020 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

Attachment: Exhibit A - Master Fee Schedule

AGENDA ITEM 3.C

REQUEST

PROVIDE FOR THE SUBMITTAL OF BALLOT ARGUMENTS AND REBUTTALS REGARDING THE CITY'S CANNABIS BUSINESS TAX MEASURE TO BE ON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT; AUTHORIZE THE SUBMISSION OF AN ARGUMENT FROM THE COUNCIL, DESIGNATE AN AUTHOR FOR THAT ARGUMENT, AND DIRECT THE CITY ATTORNEY TO SUBMIT AN IMPARTIAL ANALYSIS REGARDING THE MEASURE

EXECUTIVE SUMMARY

On May 19, 2020, the City Council ordered the City Clerk, by Resolution No. 2020-079, to submit a measure to the voters to adopt an ordinance imposing a cannabis business tax on commercial cannabis and hemp activities in Tracy to fund core City services at the General Municipal Election on November 3, 2020.

The Elections Code allows legislative bodies to provide for the submission of arguments for and against the ballot measure and to direct the City Attorney to prepare an impartial analysis of the measure. The Election Code also allows the legislative body who is placing a measure on the ballot to also submit an argument in support of the measure.

This item requests that City Council direct the City Clerk to allow for the submission for arguments for and against, as well as rebuttals, regarding the measure, authorize the submission of an argument for or against the measure on behalf of the Council, designate an author, and direct the City Attorney to prepare an impartial analysis of the ballot measure.

DISCUSSION

On May 19, 2020, the City Council ordered the City Clerk, by Resolution No. 2020-079, to submit a measure to the voters to adopt an ordinance imposing a cannabis business tax on commercial cannabis and hemp activities in Tracy to fund core City services at the General Municipal Election on November 3, 2020. The ballot question is as follows:

Shall the City adopt an ordinance imposing a general tax on cannabis businesses, including hemp, not to exceed \$12.00 per canopy square foot for cultivation (adjusted for inflation), 6% of gross receipts for retail, and 4% for all other businesses; estimated to generate \$350,000 to \$700,000 annually for Tracy until voters change or repeal it, to fund core City services such as public safety, public works, parks, and community services?

Section 9282 of the Elections Code allows "...the legislative body, or a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of voters and associations..." to file an argument for or against a ballot measure submitted by a legislative body. The statute requires that written arguments not exceed 300 words in length and meet certain formatting requirements. The proposed resolution sets forth

the requirements for these arguments and requires their submission by the dates set by the County Registrar of Voters. The County Registrar of Voters has not yet released the ballot measure calendar as of the date of the publishing of this staff report. In addition, the proposed resolution requests that Council determine whether to submit an argument for or against the measure on behalf of the City Council and designate an author, by motion. Only one argument filed in support of, or against, a measure may be selected to appear with the measure. Section 9287 of the Elections Code provides that if multiple arguments in favor of, or against, the measure are timely filed with the City Clerk's Office, then the City Clerk must grant preference first to any argument authored by the legislative body, then to an authorized Council member or members, then to a bona fide citizens group, and finally to an individual voter registered and eligible to vote on the measure.

Section 9280 of the Elections Code provides that once a ballot measure qualifies for the ballot, that the governing body may direct the City Clerk to transmit a copy of the measure to the City Attorney to prepare an impartial analysis. The proposed resolution establishes requirements and states that the analysis must be submitted by the deadline established by the County Registrar of Voters.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's four strategic priorities.

FISCAL IMPACT

If approved by the voters, the cannabis business tax is estimated to generate between \$350,000 to \$700,000 annually.

RECOMMENDATION:

Staff recommends that Council approve the following actions related to the cannabis business tax measure:

1. Adopt a resolution that:
 - a. orders the City Clerk to provide for the submission of arguments for and against the measure,
 - b. authorizes the filing of an argument [for] or [against] the measure on behalf of City Council, and
 - c. directs the City Attorney to prepare an impartial analysis of the measure by the date set by the County Elections Department.
2. By motion, designate an author of the City Council's argument.

Prepared by: Leticia Ramirez, City Attorney

Reviewed by: Adrienne Richardson, City Clerk
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

RESOLUTION NO. 2020- _____

PROVIDING FOR SUBMITTAL OF BALLOT ARGUMENTS AND REBUTTALS, AUTHORIZING THE SUBMISSION OF AN ARGUMENT ON BEHALF OF THE CITY COUNCIL, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE CANNABIS BUSINESS TAX MEASURE ON THE NOVEMBER 2020 BALLOT

WHEREAS, On May 19, 2020 the City Council of the City of Tracy adopted Resolution No. 2020-079 ordering the City Clerk to submit a measure to the voters to adopt an ordinance imposing a cannabis business tax on commercial cannabis and hemp activities in Tracy to fund core City services (“Measure”) at the General Municipal Election on November 3, 2020, and

WHEREAS, The Elections Code allows legislative bodies to provide for the submission of arguments for and against the ballot measure and to direct the City Attorney to prepare an impartial analysis of the measure, and

WHEREAS, The Election Code also allows the legislative body who is placing a measure on the ballot to also submit an argument in support of or against the measure.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRACY AS FOLLOWS:

Section 1. Submission of Arguments For and Against. In accordance with California Elections Code sections 9282 and 9283, arguments submitted for or against the Measure shall not exceed 300 words in length, and shall be printed upon the same sheet of paper and mailed to each voter with the sample ballot for the election and may be signed by more than five persons. However, only the first five persons to sign will be printed with the Measure.

(a) In accordance with California Elections Code section 9282, the following headings, as appropriate, shall precede the arguments’ wording, but shall not be counted in the 300 word maximum: “Argument Against Measure _____” or “Argument For Measure _____” (the blank spaces being filled only with the letter or number, if any, designating the measure).

(b) In accordance with California Elections Code section 9283, printed arguments submitted to voters in accordance with California Elections Code section 9282 shall be filed with the City Clerk, accompanied by the printed name(s) and signature(s) of the author(s) submitting it or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers. Arguments are due in the office of the City Clerk by the date established by the County Registrar of Voters.

(c) The City Council hereby authorizes the submission of an argument **[in favor of]** or **[against]** the Measure set forth in this Resolution on behalf of the City Council to be signed by the full Council.

(d) Pursuant to California Elections Code section 9285, when the City Clerk has selected the arguments for and against the Measure that will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal

arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

Rebuttal arguments shall not exceed 250 words and may be signed by more than five persons. However, only the first five persons to sign will be printed with the Measure. The persons that sign the rebuttal arguments may be different persons than the persons that signed the direct arguments.

The last day for submittal of rebuttal arguments for or against the Measure shall to the City Clerk by the deadline established by the County Registrar of Voters.

Section 2. Impartial Analysis. The City Attorney is hereby directed to prepare an impartial analysis of the measure in accordance with Elections Code 9280, and file the analysis with the City Clerk by the date established by the County Elections Department.

Section 3. Effective Date. This Resolution shall be effective immediately upon adoption by a majority vote of the City Council.

The foregoing Resolution was adopted by the Tracy City Council on the 16th day of June, 2020, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 3.D

REQUEST

RECEIVE AND DISCUSS UPDATE ON THE TRACY CHAMBER OF COMMERCE 4TH OF JULY FIREWORKS EVENT AND PROVIDE STAFF DIRECTION

EXECUTIVE SUMMARY

As established by the Memorandum of Understanding (MOU) between the City of Tracy and the Chamber of Commerce, the Chamber plans and hosts 4th of July events, including the fireworks show and parade. The most recent MOU was approved by City Council on February 4, 2020.

At the regular Council meeting on June 2, 2020, Council directed staff to bring back a report on the fireworks event in order to provide direction to staff.

DISCUSSION

The City and Chamber have been closely monitoring the emerging, rapidly evolving Coronavirus Disease 2019 (COVID-19) situation to remain current on the most up-to-date information and guidance as it becomes available. Discussions between City staff and the Chamber regarding plans for the 4th of July have been occurring regularly since early March.

Due to restrictions in the Stay at Home Order, the Chamber decided early on that a parade and event in the park would not be feasible, but remained open to providing a fireworks show to the community. In late April, City staff conducted a survey of neighboring agencies, in addition to obtaining state-wide agency surveys, and determined that the majority of 4th of July celebrations had been cancelled and/or postponed. This information was provided to the Chamber to aid in its decision-making process. The decision to align with local and state orders (specifically guidelines on mass gatherings and social distancing) was always the goal of the City and Chamber.

At the June 2, 2020 regular Council meeting, Council directed staff to bring back a report on the fireworks show and to provide staff direction. Since then, the Chamber has confirmed the fireworks show will take place on the night of July 4th. This event, in complying with the County order, will look different than in years past due to restrictions on mass gatherings. The Chamber will encourage the community to watch from their homes, cars or other viewable locations, as Lincoln Park and Tracy High School will not be open for public use. For those that cannot view the event, the event will broadcast live on social media and Channel 26. Any additions to this event will require more resources from the Chamber and the City. Staff is not recommending any additional in-person events take place.

At this time, the Chamber plans to host a Virtual Run event (1 mile and 5K distances) for which residents will register, complete on their own, and submit their times between July 1 and 5. Being mindful of limited resources and the state and county State at Home Order, staff does not recommend any additional events that could encourage large crowds.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's Strategic Plans.

FISCAL IMPACT

Depending on Council direction, fiscal impacts to the General Fund may vary.

RECOMMENDATION

Staff recommends that City Council receive and discuss the report on the Tracy Chamber of Commerce 4th of July fireworks event and provide staff direction.

Prepared by: Brian MacDonald, Parks & Recreation Director

Reviewed by: Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

AGENDA ITEM 3.E

REQUEST

REVIEW APPOINTMENTS TO COUNCIL COMMITTEES AND OTHER COMMITTEES, BOARDS AND COMMISSIONS

EXECUTIVE SUMMARY

Council Member Vargas, supported by Council Member Ransom requested to review the 2020 appointments of Council representatives on various City Council committees and regional and multi- agency committees, boards, and commissions, and vote on possible reassignments.

DISCUSSION

Appointments to Council committees are reviewed on an annual basis. Appointments were last made on January 21, 2020. Attached is the list of appointments approved by the Council in January 2020 (Attachment A) to various Council committees and regional and multi-agency committees, boards, and commissions on which the City of Tracy is allocated a representative.

On April 7, 2020 Council Member Vargas, supported by Council Member Ransom, requested to review the current appointments of Council representatives on various City Council committees and regional and multi-agency committees, boards, and commissions for possible reassignments.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's Strategic Plans.

FISCAL IMPACT

There is no fiscal impact associated with this report.

RECOMMENDATION

That the City Council, by motion, review the 2020 appointments to various Council committees, regional and multi-agency committees, boards, and commissions and make any reassignments to the listed bodies as appropriate.

Prepared by: Adrienne Richardson, City Clerk
Reviewed by: Midori Lichtwardt, Assistant City Manager
Approved by: Jenny Haruyama, City Manager

ATTACHMENT:

Attachment A - List of Council Appointments for 2020

**2020 LIST OF CITY COUNCIL REPRESENTATIVES ON VARIOUS
COMMITTEES/BOARDS/COMMISSIONS/AGENCIES**

Committee/Commission	Meetings Held	Council Members
*City/Chamber Liaison	Quarterly	Council Member Arriola Council Member Ransom (Alternate)
*City/Schools Liaison	Every other month	Mayor Rickman Council Member Arriola
*Investment Review Committee	Quarterly	Council Member Vargas Council Member Ransom
*South San Joaquin County Fire Authority (SSJCFA)	Monthly	Mayor Rickman Council Member Ransom Mayor Pro Tem Young (Alternate)
***City Selection Committee	Annually, additional meetings as needed	Mayor Rickman
***Community Development Block Grant Policy Advisory Committee	As needed, in conjunction with the distribution of the CDBG grants.	Council Member Vargas
***Council of Governments	Monthly, in Stockton at 4:00 p.m. on the fourth Thursday of the month.	Mayor Rickman Council Member Ransom - Alternate
***Duel Vocational Institution, Citizen's Advisory Committee	Alternate Months	Council Member Ransom Mayor Pro Tem Young (Alternate)
***San Joaquin County Water Advisory Commission	Monthly	Kul Sharma Stephanie Reyna-Heinstand
***San Joaquin Partnership	Monthly, on the fourth Thursday of each month	Council Member Ransom Council Member Vargas (Alternate)
***San Joaquin Regional Rail Commission	Monthly	Mayor Pro Tem Young Council Member Vargas (Alternate)
***Solid Waste Management Plan Advisory Task Force	As needed	Mayor Pro Tem Young Don Scholl
***Special City Selection Committee, SJVAPCD	As needed	Council Member Vargas Mayor Pro Tem Young (Alternate)
***League of California Cities, Central Valley Division Executive Committee	Quarterly	Council Member Ransom Mayor Pro Tem Young (Alternate)
San Joaquin Council of Government's One Voice – Washington	Annual Delegation:	
***Altamont Regional Traffic Authority (ARTA) JPA	As needed	Mayor Rickman

2020 - COUNCIL COMMITTEES/COMMISSIONS CONTINUED

***Tri-Valley- San Joaquin Valley Region Rail Authority (Valley Link)	Monthly	Council Member Vargas Council Member Ransom (Alternate)
***LAFCo		No appointment at this time
Tracy Chamber Governmental Affairs Committee	Monthly	Jenny Haruyama, City Manager (or Designee)
**Homelessness Strategic Plan Ad Hoc Committee		Council Member Ransom Council Member Arriola
***East Bay Community Energy (EBCE)	Monthly	Council Member Arriola Council Member Vargas (Alternate)

*Standing Committees **Ad Hoc Committee ***Multi- Agency Board

COUNCIL COMMITTEES - 2020

Following is a current list of both standing committees and ad hoc committees. Some of these appointments are City of Tracy appointments to a larger body, while others are City directed activities only.

I. **STANDING COMMITTEES**

A. **City/Chamber Liaison Committee**

1. Dan Arriola, Council Member
2. Rhodesia Ransom, Council Member (Alternate)
3. City Manager

Meets quarterly, typically on the second Monday of the designated month at 4:00 p.m. at the Chamber to discuss issues of concern to both the City and the Chamber, i.e. Fourth of July activities, Downtown activities, etc.

B. **City/Schools Liaison Committee**

1. Robert Rickman, Mayor
2. Dan Arriola, Council Member
3. City Manager
4. Alex Neicu, Interim Police Chief
5. Assistant City Manager
6. Don Scholl, Public Works Director
7. Brian MacDonald, Parks & Recreation Director

Meets every other month with School District officials to discuss issues of mutual concern, i.e. school pedestrian routes, bus routes, facilities, crossing guards, etc.

C. **Investment Review Committee**

1. Veronica Vargas, Council Member
2. Rhodesia Ransom, Council Member
3. Ray McCray, Treasurer
4. Finance Director
5. City Manager

Meets on a quarterly basis to address issues involving investment of the City's funds and management of the City's portfolio. Meetings are usually held on the last Monday of the quarter at 5:30 p.m. in Room 109 at City Hall.

D. South San Joaquin County Fire Authority (SSJCFA) – Joint Powers Authority

1. Robert Rickman, Mayor
2. Rhodesia Ransom, Council Member
3. Nancy Young, Mayor Pro Tem Young (Alternate)

The SSJCFA consists of four members - two Council Members appointed annually by the City Council, and two Board Members of the Tracy Rural Fire Protection District appointed annually by the Board. The Board of Directors meets on a monthly basis, and has the responsibility to manage and administer the fire protection services provided to the jurisdictional area of the South San Joaquin County Fire Authority. The meetings are held on the third Tuesday of each month at 3:00 p.m. at Fire Administration

II. AD HOC COMMITTEES

A. Tracy Area Public Facilities Financing Agency (TAPFFA)

1. Nancy Young, Mayor Pro Tem
2. Veronica Vargas, Council Member
3. Finance Director

TAPFFA was formed as a Joint Power Authority between the City, Tracy School District, and Jefferson School District. The JPA was authorized to issue Mello-Roos bonds primarily to build new schools in the Residential Specific Plan area. With the ultimate build out of the TAPFFA area usually only a brief annual meeting of the TAPFFA Board of Directors is necessary in order to approve the budget and levy the necessary tax for the duration of the bonds. The annual meeting is normally held in May.

B. Tracy Homelessness Strategic Plan Development Ad Hoc Committee

1. Rhodesia Ransom, Council Member
2. Dan Arriola, Council Member

On April 16, 2019, City Council formed a City Homelessness Committee to develop a strategic plan to address homelessness in Tracy. On September 3, 2019, Council adopted Resolution 2019-187 establishing the Tracy Homelessness Strategic Plan Development Ad Hoc Committee through December 31, 2019. On December 17, 2019 Council adopted Resolution 2019-252 establishing the committee through June 30, 2020.

III. THIRD AGENCY MEMBER APPOINTMENTS

A. City Selection Committee

1. Robert Rickman, Mayor

This committee is composed of the Mayors of the cities in San Joaquin County

and addresses issues related to membership and appointments to regional boards, such as LAFCO, Delta Protection Agency, and the San Joaquin Valley Unified Air Pollution Control District, etc.

B. Community Development Block Grant Policy Advisory Committee

1. Veronica Vargas, Council Member

Meets as needed in conjunction with the distribution of the CDBG grants.

C. San Joaquin Council of Governments (COG)

1. Robert Rickman, Mayor
2. Rhodesia Ransom, Council Member (Alternate)

The Council of Governments meets monthly and deals with regional issues, including transportation issues, habitat mitigation, regional rail issues, airport land use matters, etc. The Board includes one representative from the cities of Ripon, Escalon, Lathrop, Lodi, Manteca, and Tracy; three representatives from the City of Stockton; three representatives from the Board of Supervisors. Meetings are held in Stockton at 4:00 p.m. on the fourth Thursday of the month.

D. Deuel Vocational Institution, Citizens Advisory Committee

Contact: Martina Virrey, Community Partnership Manager (209/830-3891) or martina.virrey@cdcr.ca.gov

1. Rhodesia Ransom, Council Member
2. Nancy Young, Mayor Pro Tem (Alternate)

This subcommittee serves in an advisory capacity to Deuel Vocational Institution, a state prison located to the southeast of Tracy. The subcommittee's primary objective is to promote effective communication between the Institution and the community at large. California Penal Code Section 5056 requires two persons shall be appointed for two year terms from nominations submitted by the local City Council in whose district the prison is located. Individuals nominated may be elected officials or involved residents of the City. Meetings are normally held on the second Thursday of odd numbered months from 9:00 a.m. to 10:00 a.m.

E. Local Transportation Authority Citizens Advisory Committee (COG) Contact: COG – David Ripperda (209-235-0450)

1. Eleassia Davis (Citizen appointed by Mayor)

The **Citizens Advisory Committee (CAC)**, was established in 1991 to involve citizens from a diverse set of backgrounds and interest areas in the development of transportation plans and programs overseen by SJCOG. The CAC provides an important forum for discussion and debate about the implementation of the Measure K program and regional transportation planning issues.

The CAC is composed of 16 members that represent the geographical, social, cultural, and economic mix of the region. One member is appointed from each of the seven cities (Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy), and from San Joaquin County. One member is appointed from each of these special interest groups: League of Women Voters, Sierra Club, Business Industry, Trucking Industry, the National Association for the Advancement of Colored People (NAACP), University of the Pacific, and the Agriculture Industry. One member is appointed from the transit advocate category. Meets on the third Wednesday of each month at 6:00 p.m. Location: SJCOG, 555 Weber Ave, Stockton, CA.

F. San Joaquin County Water Advisory Commission

Contact: Kristy Smith (Clerk), San Joaquin County Public Works Dept. (209-468-0219)

1. Kul Sharma, Director of Utilities
2. Stephanie Reyna-Heinstand, Water Resources Coordinator (Alternate)

Appointed by the Board of Supervisors, this Commission acts in an advisory capacity to the San Joaquin County Flood Control and Water Conservation District. Consists of 22 members from the various cities and water agencies in San Joaquin County. Meets on the 3rd Wednesday of each month at 1:00 p.m. Location: Public Health Conference Room, 1601 E. Hazelton, Stockton, CA.

G. San Joaquin Partnership

Contact: Chris Youngsma, (956-3380)

1. Rhodesia Ransom, Council Member
2. Council Member Vargas (Alternate)

The San Joaquin Partnership is a non-profit, private-public economic development corporation assisting business and industry to locate into San Joaquin County. The partnership meets on the fourth Thursday of each month at 8:00 a.m. Location: 2800 March Lane #470, Stockton, CA.

H. San Joaquin Regional Rail Commission

Contact: Rail Commission staff (1-800-411-7245)

1. Nancy Young, Mayor Pro Tem
2. Veronica Vargas, Council Member (Alternate)

The San Joaquin Regional Rail Commission (SJRRRC) oversees the development of rail services on a regional basis. The San Joaquin Regional Rail Commission owns and operates and is the policy-making body for the Altamont Corridor Express (ACE) service. SJRRRC is governed by a Board of Directors which consists of six full-voting members from San Joaquin County and two special-voting members from Alameda County. The members are appointed by the San Joaquin Council of Governments (SJCOG) and are based on nominations by the local elected government. Ex-officio members represent Caltrans District 10, the San Joaquin Regional Transit District (SJRTD), SJCOG and

StanCOG. The commission meets monthly on the first Friday of each month at 8:00 a.m. Location: Robert J. Cabral Station, South Hall Meeting Room, 949 East Channel Street, Stockton, CA. (Appointed by Commission) The San Joaquin Regional Rail Commission (SJRRRC)

I. Integrated Waste Management Task Force (Formerly: Solid Waste Management Plan Advisory Task Force) Contact: Desi Reno, SJC Public Works Department – (209/468-3066)

1. Nancy Young, Mayor Pro Tem
2. Don Scholl, Public Works Director

This task force is comprised of elected representatives of the governmental agencies responsible for preparing the County Integrated Waste Management Plan. The duties of the task force include: identifying solid waste management issues of County-wide or regional concern; facilitating the development of multi-jurisdictional arrangements for the marketing of recyclable materials; developing goals, policies and procedures consistent with guidelines and regulations adopted by the Department of Resources Recycling and Recovery, and advising the Board of Supervisors on matters pertaining to the County-wide Household Hazardous Waste Program. Meets as needed.

J. Special City Selection Committee, SJVAPCD

Contact: Seyed Sadredin, Executive Director – (559/230-6036),
Email: seyed.sadredin3@valleyair.org, Michelle, Clerk of the Board (559/230-6038)

1. Veronica Vargas, Council Member
2. Nancy Young, Mayor Pro Tem (Alternate)

The Committee is charged with making appointments of City representatives to the San Joaquin Valley Air Pollution Control District's Governing Board. Meets as needed.

K. League of California Cities, Central Valley Division Executive Committee

1. Rhodesia Ransom, Council Member
2. Nancy Young, Mayor Pro Tem (Alternate)

The Central Valley Division includes 25 cities in Calaveras, Merced, Madera, San Joaquin, Stanislaus, and Tuolumne counties and provides members with the opportunity to exchange ideas and information and share the advantages of cooperative advocacy. Elected city officials and professional city staff attend division meetings. Meets Quarterly

L. Joint City/County Criminal Justice Task Force

1. Nancy Young, Mayor Pro Tem
2. Veronica Vargas, Council Member (Alternate)

Meets when needed.

M. San Joaquin Council of Government's One Voice Trip to Washington

1. All City Council will be attending in 2019.

Annual trip to Washington, D.C. as part of SJCOG delegation.

N. Tri-Valley-San Joaquin Valley Regional Rail Authority (Valley Link)

1. Veronica Vargas, Council Member
2. Rhodesia Ransom, Council Member (Alternate)

The Tri-Valley-San Joaquin Valley Regional Rail Authority was formed for purposes of planning, developing, and delivering cost-effective and responsive transit connectivity between the Bay Area Rapid Transit District's (BART) rapid transit system and the Altamont Corridor Express commuter rail service in the Tri-Valley region. The Authority consists of 15 members representing the Tri-Valley cities, the Central Valley cities, and BART. Meets on second Wednesday of the month. Location rotates. Contact: Michael Tree

O. Altamont Regional Traffic Authority (ARTA) Joint Powers Authority (JPA)

1. Robert Rickman, Mayor

Primary purpose is to collect and authorize expenditure of transportation impact fees. The JPA consists of Mayor of Tracy, Mayor of Livermore, and Supervisor from Alameda County BOS District 1. Meets as needed.

P. LAFCo (Local Agency Formation Commission)

1. City of Tracy's next rotation will not be until 2025 as Alternate

LAFCo is responsible for coordinating logical and timely changes in local governmental boundaries, including: annexations and detachments of territory; incorporations of cities; formations of special districts; and consolidations, mergers, and dissolutions of districts. LAFCo Commission meets regularly on the 2nd Thursday of each month at 9:00 a.m.

Q. Tracy Chamber Governmental Affairs Committee

1. Jenny Haruyama City Manager (or Designee)

The purpose of the Tracy Chamber Governmental Affairs Committee is to provide information and updates to Chamber membership on issues and legislation affecting businesses. Every month, the Chamber invites businesses to agenda the Governmental Affairs Committee to engage in dialogue about issues affecting the business community, as well as receive updates from local, county, state, and federal representatives. The committee meets on the third Wednesday of every month at 4:00 p.m. at the Chamber of Commerce office.

R. East Bay Community Energy (EBCE) Authority

Contact: Stephanie Cabrera, Board Clerk – (510-993-7562) Email: scabrera@ebce.org and Alex DiGiorio, Public Engagement Manager – (510-993-7562) Email: adigiorgio@ebce.org

1. Dan Arriola, Council Member
2. Veronica Vargas, Council Member (Alternate)

Alameda County and Cities in Alameda County developed the East Bay Community Energy Authority Joint Powers Agreement (JPA) which creates the East Bay Community Energy Authority (Authority), which governs and operates the CCA program. The Authority provides alternate electric services to consumers under a JPA with Alameda County and the vast majority of all cities in that county. On August 20, 20019, the City Council authorized staff to pursue services with East Bay Community Energy (EBCE). The EBCE Board of Directors is made up of an elected officials from each of the participating jurisdictions and one representative (non-voting) from the Community Advisory Committee (CAC). The Board meets monthly on the third Wednesday of each month except for the months that have 5 Wednesdays, where the meeting will be held on the second Wednesday of that month. Meeting location: City of Hayward Council Chambers, 777 B Street, Hayward Ca. 94544 at 6:00 p.m.

AGENDA ITEM 3.F

REQUEST

AMEND COUNCIL MEETING PROTOCOLS AND RULES OF PROCEDURE TO REQUIRE AGENDAS FOR SPECIAL MEETINGS TO INCLUDE A “COUNCIL ITEMS AND COMMENTS” SECTION

EXECUTIVE SUMMARY

On November 5, 2019, the City Council adopted revised Council Meeting Protocols and Rules of Procedures (“Council Protocols”) via Resolution No. 2019-240 (Attachment A).

On April 7, 2020, Council Member Veronica Vargas, with a second from Council Member Rhodesia Ransom, requested that the Council Protocols be amended to require that agendas for special meetings of the Council include a “Council Items and Comments” portion of the agenda like regular meetings of the Council.

Currently, agendas for special meetings do not include a “Council Items and Comments” portion given historic practice. This item requests that Council discuss amending the Council Protocols to require that agendas for special meetings include a “Council Items and Comments” section.

DISCUSSION

Government Code section 36813 authorizes legislative bodies to establish rules for the conduct of their proceedings. These rules must comport with the Ralph M. Brown Act (“Brown Act”; Government Code sections 54950 et seq.) which applies to all meetings of “legislative bodies” within California, including the Tracy City Council and advisory boards and commissions.

Section 54956 of the Brown Act authorizes the presiding officer or majority of a legislative body to call a “special meeting” to discuss discrete items on the agenda and only requires that notice of the meeting be posted 24 hours in advance. The Council Protocols also authorize the City Manager and the City Attorney to call a special meeting. The City Attorney may only call a special meeting for purposes of holding a closed session.

While Section 5.1 of the Council Protocols lists a suggested order of business for Council meetings, that order of business is only used for regular meetings. The agendas for special meetings are prepared in accordance with past practice and custom. For example, special meeting agendas only include one public comment period and typically do not include “Proclamations”, “Pledge of Allegiance”, “Invocation”, “Staff Items” or “Council Items and Comments.” The Brown Act does not require that a general public comment period be provided during a special meeting.

Staff has drafted proposed language to require that agendas for special meetings of the Council include a “Council Items or Comments” portion (Attachment B). The “Council

Items or Comments” agenda item affords individual Council Members with the opportunity to provide brief reports regarding interagency or other legislative body meetings, trainings, community meetings, and other meetings attended at the City’s expense. In addition, this portion of the agenda serves as Council’s opportunity to request future Council agenda items in accordance with Sections 4.3.1 and 11 of the Council Protocols.

The proposed language would require that agendas for regular and special meetings of the Council, except for Workshops as defined in Section 3.3 of the Council Protocols, include a “Council Items and Comments” section.

STRATEGIC PLAN

This item address the Council’s Strategic Priority of Governance that encourages the development of good governance policies.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

That the City Council adopt, by resolution, the proposed amendment to the Council Meeting Protocols and Rules of Procedure to require agendas for special meetings to include a “Council Items and Comments” section.

Prepared by: Leticia Ramirez, City Attorney

Reviewed by: Adrienne Richardson, City Clerk
Midori Lichtwardt, Assistant City Manager
Karin Schnaider, Finance Director

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

- A – Council Meeting Protocols and Rules of Procedure adopted by Resolution No. 2019-240
- B - Proposed Amendment to Council Protocols



**COUNCIL MEETING
PROTOCOLS AND
RULES OF PROCEDURE**

Adopted by Resolution No. 2019-240

City of Tracy – Council Meeting Protocols and Rules of Procedures

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City of Tracy – Council Meeting Protocols and Rules of Procedures

Section 1 –Purpose and Applicability

1. Purpose and Applicability

- 1.1. The purpose of these Council Meeting Protocols and Rules of Procedures (“Protocols”) are to provide clear guidelines to assist the City Council, staff and the public to conduct meetings in an efficient and transparent manner and in accordance with the Ralph M. Brown Act (“Brown Act”; Government Code sections 54950-54963) and all applicable laws.¹ These Protocols are adopted pursuant to Section 36813. In the event of a conflict between the Brown Act and these Protocols, the Brown Act shall control.
- 1.2. These Protocols shall apply to the City Council, the Successor Agency to the Community Development Agency, the Tracy Public Facilities Corporation, the Tracy Industrial Development Authority, and all City Boards, Commissions, and Committees.
- 1.3. Suspension of Protocols. Any rule set forth herein may be suspended by a supermajority vote of Council.
- 1.4. Review and Changes to Protocols. These Protocols shall be reviewed by December 31st of every odd numbered year. A majority vote of the Council shall be necessary to amend these Protocols.
- 1.5. A copy of these Protocols shall be available for public review at the City Clerk’s Office and City’s website (www.cityoftracy.org).

¹ All references to statutes are to the California Government Code unless otherwise specified.

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Section 2 –Duties (Roles and Responsibilities)

2. Roles and Responsibilities' at Council Meetings

- 2.1. Mayor. The Mayor is the Presiding Officer of all meetings of the Council. The Presiding Officer is the primary, but not the only, person responsible for ensuring that the Council, staff, and members of the public adhere to these Protocols during Council meetings. (Section 36802). The Chair of a City board or commission shall act as the Presiding Officer.
- 2.2. Mayor Pro Tem. The Mayor Pro Tem shall serve as the Presiding Officer in the absence of the Mayor. Upon arrival of the Mayor, the Mayor Pro Tem shall immediately relinquish the role of Presiding Officer at the conclusion of the business then before Council. (Section 36802) The Vice Chair of a City board or commission shall act as the Presiding Officer in the absence of the Chair.
- 2.3. Council. All members of Council shall comply with the Council Code of Conduct at meetings. Newly elected Council members shall be sworn in and seated at the first regular Council meeting after receipt of the certified election results from the County Registrar of Voters.
- 2.4. Sergeant-at-Arms. The Sergeant-at-arms is the law enforcement official charged with maintaining security during meetings of the Council. The Sergeant-at-arms of the Council shall be a police officer assigned by the Police Chief. There shall be at least one member so assigned and present at each meeting of the Council. The officer shall maintain order and enforce the orders of the Council and Presiding Officer.
- 2.5. City Manager. Pursuant to the Council-Manager form of government established by Chapter 2.08 of the Tracy Municipal Code, the City Manager sets the Council agenda and once published, may withdraw an item(s). The City Manager may consult with the Mayor regarding the development of the agenda.
- 2.6. City Clerk. The City Clerk shall attend all meetings of the Council unless excused. The Deputy City Clerk shall attend Council meetings in the City Clerk's absence. The City Clerk shall record, prepare, and maintain the official records of the Council and perform other duties as directed by the City Manager. (Section 36804)
 - 2.6.1. Minutes. The City Clerk's office shall be responsible for the preparation and distribution of the Council minutes. The minutes shall include a public report on any action taken and the vote or abstention on such action of each Council Member present for the action. Unless a reading of the minutes is requested by a Council Member, the minutes may be approved as a Consent Calendar item.
 - 2.6.1.1. No minutes or written record of closed sessions of the City Council shall be kept, except as required by state law or as directed by the majority vote of the City Council. The Council shall report at a public meeting any action taken in closed session, as required by Section 54957.1.

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2.6.1.2. The City Clerk shall include a report on posting of the agenda in the minutes.

2.7. City Staff. City staff shall (a) prepare balanced staff reports and provide accompanying documents on all agenda items in accordance with the agenda preparation schedule; (b) be available for questions from Council in accordance with the Brown Act prior to and during meetings; and (c) respond to questions from the public during meetings only when requested to do so by the Council or the City Manager.

2.8. City Attorney. The City Attorney shall attend all meetings of the Council unless excused. The Assistant City Attorney shall attend Council meetings in the City Attorney's absence. The City Attorney shall give opinions upon request from Council, either in writing or verbally, on questions of law. The City Attorney shall advise the Council at meetings on legal issues, including these Protocols.

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Section 3 – Meeting Types

3. Council Meeting Types

- 3.1. Regular Meetings. Regular Council meetings are held on the first and third Tuesdays of the month at 7:00 p.m. at City Hall Council Chambers, 333 Civic Center Plaza, Tracy, California 95376, unless otherwise noticed and as allowed under Section 54954. No meeting shall be held on a holiday as defined by Section 6700. (Section 36805)
- 3.2. Special Meetings. The City Manager, Mayor, or a majority of the members of Council may call a special meeting. (Section 54956). The City Attorney is also authorized to call a special meeting for the sole purpose of convening a closed session in accordance with the Brown Act. (Section 36807)
- 3.3. Workshops. The purpose of a workshop is to inform Council of complex issues and provide an opportunity for the Council to review documents and request additional information. However, no final Council action shall be taken during the workshop on workshop items. Workshops are open to the public and are meetings for the purpose of the Brown Act.
- 3.4. Closed Sessions.
 - 3.4.1. Closed sessions shall be held in accordance with the Brown Act. Non-agendized matters shall not be discussed in closed session. Closed sessions may precede or follow a Council meeting.
 - 3.4.2. All closed session information, verbal or written, is privileged and confidential and shall not be shared with any person not at the closed session. Any member sharing information in violation of this rule may be subject to censure by the Council or other legal remedies as set forth in Section 54963.
 - 3.4.3. The public may speak regarding any closed session item prior to the closed session as required by the Brown Act.
 - 3.4.4. The Presiding Officer shall report out in public session any reportable actions there taken by Council and the vote on such actions in accordance with the Brown Act.
- 3.5. Teleconferenced Meetings. The City Council may hold a meeting by teleconference, meaning a meeting of the Council in which members are in different locations and connected by electronic means, through either audio or video, or both. Any teleconference meeting of the Council must be comply with the requirements under Section 54953, including but not limited to the requirement that all votes taken shall be by roll call.
- 3.6. Emergency Meetings. In the case of an emergency as defined by Section 54956.5, as may be amended from time to time, a majority of Council may call a meeting and dispense

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with the special meeting notice and posting requirements under the Brown Act. Any emergency meeting held shall comply with the applicable Brown Act provisions.

- 3.7. The City Clerk shall ensure that the applicable noticing and posting requirements under the Brown Act are followed for all meetings of the Council.

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Section 4 – Meeting Agendas

4. Meetings Agendas

4.1. Purpose of Agenda. The Council meeting agenda documents serve four purposes:

- To communicate and inform City Council, City staff, the public and the press about City business.
- To comply with mandated state laws.
- To facilitate the decision-making process by including sufficient background information so that the City Council can obtain a full understanding of the issues and staff's analysis and recommendation prior to their consideration and action.
- To serve as a historical reference that can be kept as a record of proceedings and actions as needed for future actions and/or litigation.

As set forth above, the purpose of the agenda is to provide a framework within which Council meetings can be conducted and to effectively implement the approved Council programs, goals and budget. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting.

4.2. Posting and Distribution of Agendas. At a minimum the posting and distribution of all agendas shall be done in accordance with the Brown Act. Agendas for regular meetings shall be posted not less than 72 hours prior to the meeting (Section 54954.2(a)(1)); special meeting agendas shall be posted not less than 24 hours prior to the meeting (Section 54956).

4.2.1. All agendas shall be posted in the following locations: City Hall, the Tracy Library, the City's website, and other locations as may be required by the bylaws of a particular Board or Commission. Posting of agendas at City Hall shall be the official location for purposes of Brown Act compliance.

4.2.2. Agenda packets are provided electronically to City Council Members on the Thursday prior to a City Council meeting unless technical difficulties occur. If technical difficulties occur, the City Clerk will endeavor to provide Council with hard copies of the agenda as soon as reasonably possible. Distribution to the staff, public and media shall occur immediately after distribution to the City Council. Members of the public may sign up to receive notification that a Council meeting agenda has been posted on the City's website (www.cityoftracy.org). The City Clerk will mail copies of the agenda or particular agenda items to any person submitting a request. (Section 54954.1) Said requests will be valid for one year. Copies of the agenda, and of individual agenda items, are available at costs established in the City's Master Fee Schedule. Copies of the agenda are also available for inspection at the Tracy Library and City Clerk's office. Agendas for Council meetings are posted on the City's website (www.cityoftracy.org).

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4.3. Agenda Item Submission

4.3.1. Council Member Request for Agenda Items. Council Members wishing to have a matter discussed by the City Council may request that it be placed on a future City Council agenda during a Council meeting, under "Council Items and Comments." A time sensitive item may be requested by contacting the City Manager, or their designee, via telephone, email or in person. Upon the request of a Council Member, the item will be placed on a future City Council agenda as long as one other Council Member concurs with the request. In the interest of transparency and Brown Act compliance, Council shall limit discussions outside of Council meetings about requests to support agenda items to a maximum of two Council Members.

4.3.1.1. In the event of a time sensitive request, the City Manager shall notify the rest of Council when two Council Members request an item to be placed on the agenda. The City Manager will determine when to place the item on a future agenda based on time necessary to complete the research and staff workload considerations.

4.3.2. Other Public Agencies. Agenda items such as presentations and proposals from other public entities must be sponsored for agenda placement by two Council members or the City Manager.

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Section 5 –Conduct of Meetings

5. Conduct of Meetings

- 5.1. Order of Business. The suggested order of business of Council meetings shall be as follows. However, the Mayor may reorder the items unless a majority of Council members object.
1. Call to Order
 2. Roll Call
 3. Pledge of Allegiance
 4. Invocation
 5. Presentations/Proclamations and Awards
 6. Consent Calendar
 7. Items from the Audience/Public Comment
 8. Continued Public Hearings
 9. Public Hearings
 10. Regular Items
 11. Items from the Audience/Public Comment
 12. Staff Items
 13. Council Items and Comments
 14. Adjournment
- 5.2. Call to Order. The Presiding Officer shall take the chair at the hour appointed for the meeting and shall immediately call the meeting to order.
- 5.3. Roll Call. A majority of the members of the Council then in office shall constitute a quorum. (Section 36810)
- 5.4. Invocations. Any member of the public who wishes to offer an invocation prior to the opening of a regular Council meeting shall contact the City Clerk. The City Clerk shall select a mutually agreeable City Council meeting date for the invocation.
- 5.5. Presentations/Proclamations and Awards. This portion of the Agenda is dedicated for presentations, such as proclamations and awards, employee of the month recognitions, board and commission recognitions, and employee swearing-ins, and shall be limited to a 15-minute maximum period.
- 5.6. Consent Calendar. All items listed on the Consent Calendar are considered to be routine matters or consistent with previous City Council direction, such as resolutions confirming action from a previous meeting or the adoption of an ordinance previously introduced by Council. One motion, a second, and a roll call vote may enact the items listed on the Consent Calendar. No separate discussion of Consent Calendar items shall take place unless a member of the City Council, City staff or the public request discussion on a specific item.
- 5.7. Items from the Audience/Public Comment. It is the policy of the City Council that members of the public be allowed to address the Council on any item of interest to the

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public, before or during its consideration of that item, that is within the Council's subject matter jurisdiction. (Section 54954.3(a)).

5.7.1. Agendas for regular meetings will have two opportunities for "Items from the Audience/Public Comment." (Section 54954.3(a)). In the interest of allowing Council to have adequate time to address the agenda items of business, the first public comment opportunity will be limited to a 15-minute maximum period. (Section 54954.3(b)). The second opportunity will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during the "Items from the Audience/Public Comment" portion of the agenda. The City Clerk shall be the timekeeper. Speakers may not concede any part of their allotted time to another speaker.

5.7.1.1. However, in the event there are 15 or more individuals wishing to speak regarding any agenda item including the "Items from the Audience/Public Comment" portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes

5.7.2. Each speaker shall avoid repetition of the remarks of the prior speakers, and when speaking under a specific agenda item, shall speak only to that agenda item. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak.

5.7.3. Speaker Cards. To facilitate the orderly process of public comment and to assist the Council to conduct its business as efficiently as possible, members of the public wishing to address the Council are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address, to the City Clerk prior to the agenda item being called. Generally, once the City Council begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the Council. (Section 54953.3)

5.8. Public Hearings. Public hearings are required for a variety of City Council actions such as changes to the Tracy Municipal Code, zoning revisions, some annexations, street vacations, weed abatement, liens, fee increases, etc. Whenever the law provides that publication of a notice shall be made, such notice shall be published in a newspaper of general circulation for the period prescribed, the number of times, and in the manner required. Each speaker will be allowed a maximum of five minutes for public input or testimony. However, in the event there are 15 or more individuals wishing to speak regarding a public hearing item, the maximum amount of time allowed per speaker will be three minutes. The City Clerk shall be the timekeeper.

5.8.1. Public Hearings for Land Use and Other Matters. The Presiding Officer may designate individuals as the "Proponent/Appellant" or "Opponent" and provide each with additional time for comments and the opportunity to present a rebuttal.

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- 5.9. Regular Items. This portion of the Agenda is for non-public hearing agenda items that require Council action or direction such as status or informational reports from staff and Council requests for agenda items.
- 5.10. Staff Items. This portion of the agenda provides an opportunity for the City Manager, City Attorney, and City staff to provide information of community interest to the City Council.
- 5.11. Council Items and Comments. This portion of the agenda is for each member of the City Council to provide brief reports on any intergovernmental agency meetings, conferences, community meetings, meetings of other legislative bodies, or other events of interest to the community that they attended, as well as meetings attended at the City's expense. This portion of the agenda is also for the City Council to provide guidance and direction to staff concerning items to be included on future agendas and information to be provided in response to questions raised during "Items from the Audience/Public Comment." Under this portion of the agenda, two Council members may request staff to provide information, perform studies, or undertake other action. If the requested action is routine in nature, the City Manager will direct staff to proceed. However, if the request cannot be accomplished within the approved budget or City Council priorities, or if it will involve substantial staff resources, the City Manager will report to the City Council at a subsequent City Council meeting and request further direction. At that time, the consensus of a majority of the City Council will be required to proceed.
- 5.12. Adjournment. If a Council meeting is still in session at 11:00 p.m., the Presiding Officer shall ask the question of whether Council desires to consider any new items after 11:00 p.m. Council shall determine, by motion, which specific items will be considered or continued. City Manager shall inform Council of any time sensitive items. Any item continued due to the lateness of the hour shall automatically be placed on the agenda for the next regularly scheduled City Council meeting unless otherwise scheduled by motion action of the Council.
- 5.13. Non-Agendized Items. The Brown Act prohibits Council from discussing or acting upon any non-agendized matter, unless an exception under Section 54954.2 applies. For non-agendized items, Council members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff person; or request that the matter be placed on a future agenda or that staff provide additional information to Council. However, items may be added to the agenda (such as emergency matters) as permitted in the Brown Act. Brief announcements, brief responses, or questions seeking clarifications, may be made to statements or questions raised on items not on the agenda (Section 54954.2(a)(3)). Action on any item not on the agenda shall be deferred until the item is properly listed on the agenda for a subsequent Council meeting unless added due to an immediate need if permitted under state law.

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- 5.14. Voting Requirements. All ordinances, resolutions, and orders for payment of money require a majority vote of the total membership of the Council in accordance with Section 36939, unless otherwise required by state law.
- 5.14.1. It is a best practice that all Council members vote on every item of business unless prevented from doing so by virtue of an actual or potential conflict of law or other valid abstention under applicable laws. Council Members are encouraged to disclose the reason for that abstention prior to Council engaging in discussion on that item.
- 5.15. Parliamentary Procedures. Council meetings shall be conducted in accordance with the Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century unless otherwise specified herein. (Appendix A - Rosenberg's Rules of Order, Revised 2011, as may be amended).
- 5.15.1. Point of Order. Any Council member may ask for a point of order, at which time the Presiding Officer will ask for an explanation. Points of order relate to matters that a Council member considers inappropriate conduct for the meeting, such as the failure to adhere to these Protocols. The Presiding Officer shall rule on matter. Any member can move to appeal the Presiding Officer's ruling, with a second from another Council member. Following debate, the ruling of the Presiding Officer may be reversed by a majority vote.
- 5.16. Written Communications from the City and the Public. The City Clerk shall manage communications to members regarding meeting topics to ensure compliance with the Brown Act.
- 5.16.1. Except for records exempt from disclosure under the California Public Records Act and otherwise by law, agendas or any other writings distributed to all or a majority of the members of a legislative body for discussion or consideration at a public meeting are disclosable to the public, and shall be made available upon request without delay.
- 5.16.2. Materials distributed to the members during the meeting shall be available for viewing by the public during the meeting if the materials were prepared by the City or a Council member, or posted on the City's website within 48 hours the conclusion of the meeting if prepared by another person.
- 5.17. Written Materials after the Council Agenda has been Distributed. On occasion, Council may receive written materials either after the Agenda has been posted or at a Council meeting. These written materials are typically related to an agendized item or handed out during "Items from the Audience/Public Comment." Upon the Council receiving these written materials they become a public record. For materials related to an agendized item, a copy will be kept on file at the City Clerk's Office and will typically be posted on the City's website under "Materials Distributed at Council Meetings" 48 hours after the Council meeting.

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- 5.17.1. Any materials about an agenda item that are received less than 72 hours before a Council meeting that are distributed to a majority of Council will be made available at the Council meeting for the public to review.
- 5.17.2. Interested parties or their authorized representatives may address the Council by written communications regarding agenda items.
 - 5.17.2.1. Documents (6 copies are recommended) that members of the public submit to the City Council at the meeting shall be given directly to the City Clerk for distribution and shall not be given directly to the Council. The documents will be available to the public on the City's website within 48 hours of the conclusion of the meeting.
- 5.18. Compliance with the Americans with Disabilities Act (ADA). The City of Tracy is in compliance with the Americans with Disabilities Act and will make all reasonable accommodations for the disabled. To allow for such reasonable accommodations, persons requiring assistance or auxiliary aids to participate at a City meeting, should contact the City Clerk's Office at (209) 831-6105 at least 24 hours prior to the meeting.

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Section 6 – Conduct of the Public

6. Conduct of the Public

- 6.1. Purpose of Public Comment. The City, in accordance with the Brown Act, provides the public the opportunity to address the Council body as a whole and express their opinions regarding agenda items and non-agenda matters within the subject matter jurisdiction of the City Council. (Section 54954.3) Items are generally considered to be within the Council's subject matter jurisdiction if they are within the City Council's scope of influence.
- 6.1.1. Nothing in these Protocols shall be construed as prohibiting public criticism of the City's policies, procedures, programs or services, or the acts or omissions of the Council. However, these Protocols are not intended to confer any privilege or protection for expression beyond that otherwise provided by law. (Section 54954.3(c)).
- 6.1.2. Public comments should not be addressed to individual Council members nor City staff, but rather to the Council as a whole.
- 6.1.3. While members of the public may speak their opinions on City business, personal attacks on members and City officials, use of swear words, and verbal or non-verbal signs or displays of disrespect for individuals are discouraged as they impede good communication with the Council.
- 6.1.4. Consistent with the Brown Act, the Council is limited in its ability to respond to public comments regarding non-agenda matters. The limited circumstances under which members may respond to public comments are set out in Rule 5.13.
- 6.2. In the interest of conducting an efficient meeting, the Presiding Officer may stop a member of the public whose comments are not confined to the agenda item being heard. In addition, during the "Items from the Audience/Public Comment" portion of the agenda, the Presiding Officer may stop a member of the public whose comments are not within the subject matter jurisdiction of the City.
- 6.3. Rules of Decorum. While the Council is in session, no person in the audience at a Council meeting shall engage in conduct that disrupts the orderly conduct of a Council meeting, including, but not limited to, the utterance of loud, threatening or abusive language, refusing to abide speaker time limits and leave the podium when directed; whistling, clapping, stamping of feet, yelling or shouting or interrupting a speaker who is addressing the Council; repeated waving of arms; or other disruptive acts.
- 6.4. Any person who disrupts the orderly course of the meeting may be issued a criminal citation pursuant to Penal Code section 403 and/or called out of order by the Presiding Officer and barred from further participation during that session of the Council in accordance with the Brown Act.

City of Tracy – Council Meeting Protocols and Rules of Procedures

- 6.4.1. All persons attending a Council meeting shall obey any lawful order or direction of the Presiding Officer or Sergeant-at-Arms.
 - 6.4.2. The Sergeant-at-arms shall assist the Presiding Officer in enforcing these rules of decorum at Council meetings, including but not limited, removing disruptive audience members. Additionally, any Council member may at any time call for a point of order, to request the timely enforcement of these rules of decorum.
- 6.5. Location of Speaker. Members of the public wishing to address the Council must approach the podium when recognized by the Presiding Officer and shall speak only from the podium.

City of Tracy – Council Meeting Protocols and Rules of Procedures

Section 7 – Miscellaneous

7. Miscellaneous

- 7.1. Conflicts of Interests. It is the responsibility of every Council member to disclose conflicts of interest in accordance with state and local conflict of interest laws.
- 7.2. Proclamations. The Mayor issues proclamations to provide special recognition by the City to an individual, event, issue etc. Proclamations are not statements of policy and do not require the official approval or action of Council.
- 7.3. Broadcasting of Council Meetings. Generally Council meetings are broadcast live on Channel 26 and the City's website (www.cityoftracy.org), unless technical difficulties make that infeasible. Reruns of the preceding Council meeting are shown every Wednesday at 8:00 p.m., every Thursday at 10:00 a.m., and every Saturday at 9:00 a.m. on Channel 26.
 - 7.3.1. Recordings of Council meetings shall be accessible on the City's website (www.cityoftracy.org) by the end of the following business day. DVD recordings of Council meetings are available at costs established in the City's Master Fee Schedule.

City of Tracy – Council Meeting Protocols and Rules of Procedures

Appendices

- A. Rosenberg's Rules of Order, revised 2011, Simple Rules of Parliamentary Procedure for the 21st Century. Judge Dave Rosenberg



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would NOT count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you DO count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body DOES have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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ATTACHMENT B

Proposed Amendment to Council Protocols regarding Special Meetings

The following language shall be added as a new subsection of Section 5.11 of the Council Protocols, adopted by Resolution No. 2019-240:

“5.11.1 Agendas for regular and special meetings, except for Workshops as defined by Section 3.3, of the Council shall include a “Council Items and Comments” section.”

RESOLUTION 2020 - _____

AMENDING COUNCIL MEETING PROTOCOLS AND RULES OF PROCEDURE TO REQUIRE AGENDAS FOR SPECIAL MEETINGS TO INCLUDE A "COUNCIL ITEMS AND COMMENTS" SECTION

WHEREAS, Government Code section 36813 authorizes legislative bodies to establish rules for the conduct of their proceedings. These rules must comport with the Ralph M. Brown Act ("Brown Act"; Government Code sections 54950 et seq.) which applies to all meetings of "legislative bodies" within California, including the Tracy City Council and advisory boards and commissions, and

WHEREAS, On November 5, 2019, Council adopted Council Meeting Protocols and Rules of Procedures ("Council Protocols") by Resolution No. 2019-240, and

WHEREAS, On June 16, 2020, Council discussed amending the Council Protocols to require that agendas for special meetings of the Council include a "Council Items and Comments" section;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby amends the Council Meeting Protocols and Rules of Procedure to include the language contained in Attachment B to the staff report accompanying this Resolution.

* * * * *

The foregoing Resolution 2020-_____ was adopted by Tracy City Council on the 16th day of June, 2020, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK