

Agenda Item 3.B
**Public comment below was received by 71 members of
the public (names listed on page 2).**

It is my understanding that this coming Tuesday, January 19, 2021, you will discuss and vote whether to ban the sale and use of State Fire Marshal-Approved, Safe and Sane Fireworks in Tracy.

As a resident and voter in Tracy, I am respectfully urging you to consider the following:

- State-Approved Fireworks are not the problem in Tracy... **Illegal fireworks are the problem!** City Councilmembers and the Tracy Police and Fire Departments have all acknowledged this fact!
- Banning the sale and use of State-Approved Fireworks will not lead to less illegal fireworks, **it will lead to significantly more illegal fireworks!**
- Last October the entire City Council unanimously adopted the recommendations of a workgroup, made up of members from the Tracy police and fire departments, the City Attorney's office, the City Manager's office, and a Deputy District Attorney specializing in fireworks-related enforcement, when they presented their recommendations to the City Council on how to deal with the increased use of illegal fireworks in the City of Tracy. This workgroup conducted a significant amount of research and among things they recommended were the following:
 1. Increased proactive illegal fireworks enforcement operations,
 2. Use of technology to identify and cite violators,
 3. Educational campaigns about the dangers and risks of illegal fireworks, and
 4. The adoption of a Fireworks Social Host Ordinance to address these issues.

Give this workgroup's recommendations that you adopted a reasonable opportunity to work! Similar recommendations are working in dozens of other California cities. Please have faith in Tracy!

Andrew
Marcus R. Chaparro
Jason Kennedy
Brent Rinehart
Thomas Staiano
Patrick Siufanua
Jordan T. Redford
Robert Zednick
Todd Neubert
Adam Gessler
Mario Arranga
Charles Manne
Eric Hawkins
John Ortiz
Kaycee Thomas
Deana Pender
Jenese Soto
Joe Coffey
Heather Small
Tarrina Bordes
Kristin Lopez
Sonny Mercado
Makayla Hammell
Cindy Adams

John J. Hymes
Josh Harrington
Pat Taugher
Matt Pender
Abhijit Thatte
Robert T. Bonin
Doug Gregory
Dennis Cox
Josh Brims
Kimberly Gessler
Leticia Parks
Tracy Carter
Elizabeth Hamblin
Rick Inocencio
Ruth Piper
Meloney Celes
Jessica
Irene Rodriguez
Tami Kisling
Brie-Anne Patterson
Jennifer Speer
Peter Marcota
Chris Richardson
Rick Anderson

Dales Jepsen
Brent Delahay
Justin Winn
Eddie Chagoya
Randy
Luis Mendoza
Juan J. Rios Jr.
Eric Hawkins II
Joseph Munoz
Amanda Cammisa
Jose Figueroa
Gia Pagani
Bryan Tuttle
Rudy Rivera
Brianna Inman
Connor Cooper
Merlyn Pittman
Ashley Gammill
Michael Baty
Anthony Avila
Angela Suarez
Joseph Martin
David Osborn

Public Comment – Agenda Item 3.B

From: Amanda Maxwell [REDACTED]
Sent: Tuesday, January 19, 2021 9:35 AM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Agenda Item 3.B - Safe and Sane Fireworks

To whom it may concern,

My name is Amanda Maxwell and I work for Mission City Church Tracy.
I write to you regarding the possible banning fo safe and sane fireworks in Tracy.

Tracy, like virtually every other city in the State, has a growing illegal fireworks problem.

- Safe and Sane Fireworks are not the problem in Tracy...Illegal Fireworks are the Problem!
- The workgroup’s recommendations of October 6, 2020 and the ordinance the former City Council adopted on that date will go a long way to improving the situation in Tracy and put a serious dent in the use of illegal fireworks in Tracy.
- Banning the sale and use of safe and sane fireworks will not lead to less illegal fireworks, it will lead to significantly more illegal fireworks!

Our non profit organization uses the funds earned through our fireworks booth to serve our community with events like youth programs, feeding & clothing homeless, Trunk or Treat, grocery giveaways, etc.

Blessings,

Amanda Maxwell
Executive Assistant
Mission City Church
[REDACTED]

Public Comment - Agenda Item 3.B

From: Barbara Lawson [REDACTED]
Sent: Monday, January 18, 2021 11:07 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Safe and Sane Fireworks

Banning “ Safe and Sane fireworks” is just another example of law abiding citizens being punished for the actions of those who chose to break the law; specifically those who chose to use non “Safe and Sane Fireworks”.

I would really like to think the City Council is not so naïve to believe that banning “Safe and Sane” fireworks is actually going to decrease the amount of aerial fireworks that are launched during the Fourth of July holiday.

If 2020 is any example; where the majority of the outlets for entertainment, celebration and stress relief were shut down, the amount of aerial fireworks being launched increased significantly. Taking away the outlet that “Safe & Sane” fireworks presents is likely to have a similar impact.

Additionally it would be extremely short sighted to take away such a profitable fundraiser for our local non-profits that do so much good for the community. You know like those non-profits that are helping our homeless. Does the City intend to make the difference in funding?

Barbara Lawson

Public Comment – Agenda Item 3.B

From: Cindy Sasser [REDACTED]
Sent: Tuesday, January 19, 2021 6:36 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Item 3B: Banning the Sale and Use of Safe and Sane Fireworks

I am the site administrator of West Valley Christian Academy, a private school in Tracy, with a 501(c)3 nonprofit status. We receive no federal or state funding. We received a waiver from the state which allows us to have students physically in class (five days a week, all day) during this pandemic based upon our safety plan. This is a critical option for Tracy families, to not only have their children in a school with very low class sizes, but also allows students to receive instruction, academic help, and socialization from people, not just a computer screen.

At WVCA, we try to keep our tuition very low for families. One-hundred percent of the tuition goes to curriculum, supplies, and staff salaries. We rely on outside donations and fundraisers for additional materials such as STEM (Science, Technology, Engineering, Mathematics) kits, and scholarships for families with financial concerns. Due to COVID-19 restrictions this past year, we had to cancel our largest annual fundraisers: crab feed/basket auction, World's Finest candy bar sales, drive-through bar-b-que, and a book fair. This significantly affected our budget. We were fortunate to have been drawn in last years' TNT lottery. This opportunity literally saved our school.

I firmly believe that if Tracy does not provide an opportunity for Tracy families to purchase safe fireworks, we will see more illegal fireworks, leading to the potential of more injuries and fires. Your support allowing the sales of safe and sane fireworks to continue in Tracy would be greatly appreciated.

Sent from [Mail](#) for Windows 10

AGENDA ITEM 3.B

From: Dennis Revell [REDACTED] >

Sent: Friday, January 15, 2021 1:50 PM

To: Nancy Young <Nancy.Young@cityoftracy.org>; Veronica Vargas <veronica.vargas@cityoftracy.org>; Dan Arriola <Dan.Arriola@cityoftracy.org>; Mateo Bedolla <mateo.bedolla@cityoftracy.org>; Eleassia Davis <eleassia.davis@cityoftracy.org>



Public Relations & Public Affairs

Cc: Sekou Millington <sekou.millington@TracyPD.com>; Randall Bradley <randall.bradley@cityoftracy.org>; Web - City Clerk <CityClerk@cityoftracy.org>; CAO <main-CAO@cityoftracy.org>; Web - City Manager <CM@cityoftracy.org>; randall.bradley-sjcfire <randall.bradley@sjcfire.org>

Subject: Regular Agenda: Item 3.B "Discuss and Provide Direction Regarding Banning the Sale and Discharge of Safe and Sane Fireworks in the City of Tracy"

Importance: High

January 15, 2021

The Honorable Nancy Young and
Members of the Tracy City Council
Tracy City Hall
333 Civic Center Drive
Tracy, CA 95376

via email

RE: Our Client: American Promotional Events, Inc (TNT Fireworks)

SUBJECT: Tracy City Council Meeting

DATE: Tuesday, January 19, 2021 at 7:00 PM

AGENDA ITEM: Regular Agenda: Item 3.B "Discuss and Provide Direction Regarding Banning the Sale and Discharge of Safe and Sane Fireworks in the City of Tracy"

Dear Mayor Young and Councilmembers:

Since 1989 Revell Communications has served as the public relations/public affairs representative for American Promotional Events, Inc. (TNT Fireworks), the state's leading wholesale distributor of State Fire Marshal-Approved Fireworks. We assist TNT Fireworks with its community liaison activities as well as with the development and implementation of both local and statewide Fireworks Safety & Education Programs that it coordinates and/or underwrites in conjunction with local and state fire departments and law enforcement agencies. We also assist our client as well as the State of California and many local communities with the collection, tabulation and analysis of local fire and injury data as it relates to illegal, state-approved and unknown fireworks and act as a resource library for those same entities on emerging enforcement and public education techniques throughout the country as we all battle with the growing menacing problem of illegal fireworks.

I believe everyone agrees that the sale and use of illegal fireworks in California has reached epidemic proportions. While 2019 was bad, I believe 2020 proved to be substantially worse, especially in communities where no fireworks are allowed. Despite public demands for increased enforcement, increased public education and some local jurisdictions finally employing administrative fines, adopting fireworks social host ordinances, and deploying dedicated illegal fireworks patrols, the volume of illegal aerial items in particular, continues to metastasize across our state.

To fully appreciate the severity of the illegal fireworks problem in California in 2020, I have developed the below dropbox containing a sampling of both video and print coverage of the illegal fireworks problems across the state over the last three months. **Please keep in mind, all of this media coverage is in jurisdictions where no fireworks, not even State Fire Marshal-Approved, Safe and Sane Fireworks, are allowed.**

DROP BOX
Illegal Fireworks Video/Newsclips

To view the below videos and newsclips please go to
<https://www.dropbox.com/sh/1a1jnejpwacp9kw/AAC2zwGxSikDzgKpTDkLTvxKa?dl=0>

If you have a drop box account, the link will go directly to this folder. If you do not, you will be taken to a window that will ask you to create an account...you do not need to create one, simply select "No Thank You" at the bottom right and you will be redirected to the folder.

You may download by hovering over an item and then select the three dots ... on the right side of the Share and Open icons.

Inside this folder are the following clips:

- ABC 7 Pasadena 6/24/20
- Aerial View Illegal Fireworks LA – 2 7/6/20
- Aerial View Illegal Fireworks LA 7/6/20

- Bay Area Illegal Fireworks Composite 7/6/20
- Channel 4 news report on LA Illegal Fireworks 7/5/20
- Closed Cities Struggling with Illegal Fireworks Press Clips Sample
- Illegal Fireworks set to Blade Runner 2020
- Insane Fireworks drone footage LA 7/4/20
- KRON Bay Area Fireworks 6/24/20
- LA July 1 2020 aerial view of illegal fireworks across SoCal
- Oakland 6/22/20 Illegal Fireworks News Report
- Orange County Channel 4 news report on Illegal Fireworks 7/3/20
- Orange County Illegal Fireworks Report 6/29/20
- San Jose Illegal Fireworks News Report June 2020
- San Jose Illegal Fireworks Jan 2020
- TicTok 7/6/20 Illegal Fireworks in LA

Attached hereto you will find a document in which I offer my perspective of the problem entitled, **“Why Are Illegal Firework So Bad Each Year?”**.

If you attended the League of California Cities Annual Conference in Sacramento on Thursday, September 14, 2017 you may have experienced a comprehensive presentation on illegal fireworks by the then head of the League’s Fire Chiefs Division, Mike McLaughlin, Fire Chief, Cosumnes Community Services District Fire Department. Attached hereto please find a summary of his presentation and at the conclusion of that summary is a dropbox account link where you can view actual ordinances and rationales for those ordinances on all of these possible and suggested amendments that could be made to the Sacramento City Fireworks Ordinance.

I would also like to share with you the attached one-page digital summary of ways in which our client can assist the City of Tracy to tackle its illegal fireworks problem. (See Attached TNT Interactive Flyer entitled **“How Can TNT Fireworks Help You with Your Illegal Fireworks Issue?”**)

Several California jurisdictions have taken the buffet of legal solutions and operational enforcement options presented by the League of California Cities and TNT Fireworks one step further. Here is just a sampling of what other cities are doing:

SOUTHERN CALIFORNIA

ANAHEIM:

- Utilized a new real-time heat map that outlined calls and complaints so that enforcement teams could concentrate their patrols in areas most severely impacted by illegal fireworks.

CENTRAL CALIFORNIA

VISALIA:

- Came up with a mapping system similar to what we have on Nail'em. It allowed patrols to see what calls were the most recent and if there were multiple calls in the same area.
- They issued 87 citations as a result.

MANTECA: ([Click here for summary](#))

- Utilize the Nail'em app and dispatched reports to all on-duty officers.
- Requested off-duty personnel to download Nail'em app and report illegal fireworks use and be witness a at enforcement hearing.
- The most active and successful use of the Nail'em app, per capita, of any jurisdiction in California. Received 678 Nail'em reports in 2020.

SALINAS:

- 800 lawn signs in challenged neighborhoods which were credited with decreased calls.
- For the first time they involved code enforcement personnel to observe and record illegal activity and then give it to the police department to issue citations.
- Administrative Citations ballooned to 108 with fines from \$1,250 to \$2,250 for use and possession when an additional \$1,000 was added for violation of the noise ordinance.

SEASIDE:

- Implemented a drone program to obtain video of fireworks violations and then issued citations based on that footage.
- Increased fines from \$1,000 to \$2,500.
- Mailed a letter to property owners warning that strict liability would be imposed on owners for the use of illegal fireworks on their property.
- 26 Administrative Citations issued worth \$65,000.

NORTHERN CALIFORNIA

ELK GROVE: ([Click here for summary](#))

- Utilize the Nail'em app with seven officers and fire personnel pursuing violators. Received 540 Nail'em reports in 2020.
- 200 yard-signs in challenged neighborhoods which was credited with increased citations and enforcements.

- Deployed enforcement officers in dedicated, unmarked vehicles.
- Adopted and implemented a Fireworks Social Host Ordinance.
- Engaged in a major media and public education program explaining Nail'em and Social Host Liability.

ROHNERT PARK

- Adopted and implemented a Fireworks Social Host Ordinance.
- Utilized the Nail'em app, received 88 reports and issued fifty-nine \$1,000 citations.
- Like Manteca, requested off-duty fire and police personnel to download Nail'em app, file reports of illegal fireworks use and agree to testify at enforcement hearings.

Like the City of Tracy, an increasing number of cities, counties and fire districts are adopting “**Fireworks Social Host Ordinances**” in order to make owners, renters, leasees and/or those that have possession of a residence or other property (“Responsible Person”), responsible for dangerous illegal fireworks possession and use on that property. Law enforcement and fire authorities in a jurisdiction only need to verify on what property the fireworks were launched or used. Once that is verified, the jurisdiction may pursue the “Responsible Person” for that jurisdiction’s fine. ([click here for rationale for and samples of Social Host Ordinances.](#))

I would also strongly suggest that Tracy fully participate with TNT Fireworks’ free illegal fireworks reporting smartphone app... “**Nail'em**”: In 2020 157 Cities, Counties and Fire Jurisdictions had their residents create 8,478 illegal fireworks usage and/or sale reports. TNT Fireworks offers this service free of charge with no contracts and agreements. ([Click here](#) for an overview of Nail'em for both Apple and Android, an Overview of the process to start and use the free Nail'em smartphone mobile app, and the Distribution Form)

For the two months leading up to this 4th of July, Californians were treated to a cacophony of booms, bangs and amateur illegal aerial fireworks displays. Local fire and law enforcement agencies who were kept busy responding nightly to residents’ complaints about these illegal aerial displays and the celebratory explosives, said it was one of the most prolonged and intense periods of illegal, intermittent neighborhood bombardments they had ever witnessed. While no community was immune from these insane illegal displays this year, the rampant use of illegal fireworks was particularly crazy in communities where no fireworks are allowed.

So many California communities have been experiencing an annual, growing, rampant use of illegal fireworks, because until recently, little or nothing was being done to stop the interdiction of these illegal, dangerous items into California. As a result, local jurisdictions have become not only the “**first line of defense**”, but the “**only line of defense**” against illegal fireworks!

For the better part of the last two decades, there has been no border integrity or inspections for illegal fireworks like there used to be. As a result, there are both hordes of individual criminal entrepreneurs as well as large commercial operations smuggling these dangerous, illegal fireworks into the state without fear of being caught or suffering any criminal consequences. One of those operations openly brags that it makes somewhere in the neighborhood of \$5 million each year from illegal fireworks sales in Los Angeles County alone.

Many opponents of the sale and use of state-approved fireworks will argue that the presence of state-approved fireworks in a community masks the use of illegal fireworks and that if you only banned the use of state-approved fireworks by law-abiding residents in your community you could take care of the illegal fireworks problem. If such was the case, the videos at the link earlier in this correspondence would not show the overpowering, insane displays that began in early May and have continued through and after the 4th of July throughout the State of California. All of those illegal aerial displays are in communities that prohibit the sale and use of any fireworks. Banning the sale and use of state-approved fireworks in the City of Tracy is not this community's answer to illegal fireworks.

I am pleased to report that with TNT's support and encouragement, legislators in Sacramento are finally saying, **"It's time to fix the illegal fireworks problem!"** Attached please find a press release dated August 24, 2020 from Senator Bob Archuleta (D-Pico Rivera) where he is asking his colleagues, county supervisors, city councilmembers, fire and law enforcement agencies, the state-approved fireworks industry and concerned Californians to work with him to tackle this problem and help identify and propose local, state and federal options to keep illegal fireworks out of California. This effort poses the best and brightest hope for all of us to contain, control and eliminate illegal fireworks in this state. Senator Archuleta points to the presentation by the League of California Cities in 2017 as a great starting point.

It is important to remember that state-approved fireworks are not the problem in Tracy or in any other community in California. Illegal fireworks are the problem! The sale and use of illegal fireworks are no longer a seasonal concern, it is a year-round concern. The organized illegal sales operations are moving illegal fireworks into California year-round.

I realize that you may view this email as a major information dump from a representative of a biased stakeholder in the matter. However, I think that the documents presented by Chief McLaughlin before the League of Cities speak for themselves and reinforce that there are other options that local governments could and should be taking.

At the October 6, 2020 City Council meeting a workgroup, made up of members from the Tracy police and fire departments, the City Attorney's office, the City Manager's office, and a Deputy District Attorney specializing in fireworks-related enforcement, presented to the City Council their recommendations on how to deal with the increased use of illegal fireworks in the City of Tracy. This workgroup conducted a significant amount of research and among the things they recommended were the following:

1. Increased proactive illegal fireworks enforcement operations,
2. Use of technology to identify and cite violators,

3. Educational campaigns about the dangers and risks of illegal fireworks, and
4. The adoption of a Fireworks Social Host Ordinance to make illegal firework enforcement easier.

The City Council adopted the Fireworks Social Host Ordinance and supported the workgroup's recommendations with a unanimous vote.

I respectfully urge you to give the workgroup's recommendations and your adoption of those recommendations an opportunity to work and have their impact on reducing the sale and use of illegal fireworks in the City of Tracy. It will not happen overnight. Absent state legislative or gubernatorial intervention to stop the importation of illegal fireworks into California, Tracy, as well as every other community in this state, will continue to have an illegal fireworks problem.

I would welcome the opportunity to speak with each of you on the phone in advance of your City Council meeting to discuss and answer any questions or concerns you have regarding the enclosed information.

Respectfully submitted,

REVELL COMMUNICATIONS

Dennis C. Revell
President/CEO

██████████
██████████

Cc: Sekou Millington, Police Chief
Randall Bradley, Fire Chief
Adrienne Richardson, City Clerk
Leticia Ramirez, Interim City Attorney
Jenny Haruyama, City Manager

SUMMARY OF PRESENTATION
by
THE LEAGUE OF CALIFORNIA CITIES
at their
ANNUAL CONFERENCE
on
September 14, 2017

Program Topic: “Fireworks: Impacts Enforcement Challenges, and What City Officials Should Know 1:25 - 1:45 p.m.

The sale of safe and sane fireworks is one of the top fundraiser activities for nonprofit organizations. The impacts from the use and seizure of legal and illegal fireworks inundate public safety agencies throughout the state and cities are burdened with the costs. Current laws have created a conundrum that impacts cities: Seized fireworks are Hazardous Materials; Metallic ingredients/environmental contaminants; Moratorium on burning; Packaging requirements; Disposal costs. This session provides an overview of current laws and their impacts, stockpiling seized materials, industry viewpoints, and regulatory options for consideration.

Speaker: Michael McLaughlin, Fire Chief, Cosumnes Community Services District Fire Department”

Outline of Chief McLaughlin’s presentation at the League of Cities Conference:

“If we are going to change these trends, all the stakeholders must collectively focus on seriously tackling the illegal fireworks problem and its source. We have a unique, time-sensitive opportunity to craft and implement solutions, because:

1. The news media has finally and universally focused on the scope and severity of the illegal fireworks problem.
2. People are frustrated and fed up with the inability to control or manage the problem.
3. The governing bodies are beginning to clamor for answers and solutions as they feel the pressure from their constituents.
4. Non-profit organizations who rely on the sale of State approved fireworks as their primary fundraiser, and the state-approved fireworks industry are losing sales to these illegal fireworks criminals.
5. Despite their best efforts, local law enforcement and fire departments are frustrated with being unable to deliver for their constituents.
6. California Department of Toxic Substances Control (DTSC) finds that all seized fireworks, regardless of their condition, shall be categorized as hazardous waste, which categorically increases the cost of disposal. Conversely, the US Environmental Protection Agency found on July 6, 2017, that seized fireworks only become

hazardous waste “when they fail to function, are damaged and cannot be reclaimed, or are otherwise discarded.”

7. The State of California has a continuing, statutorily-mandated responsibility to pick up seized illegal fireworks and dispose of them despite the failure of the State Legislature or any recent Administration to budget general fund dollars to cover these costs or state enforcement efforts.
8. The California State Fire Marshal (SFM) is responsible for the disposal of seized fireworks; this responsibility continues to be unfunded or underfunded. Local agencies are concerned about absorbing the costs of disposal of all the illegal fireworks they seize.

Local Options for Consideration

1. To develop measurable results, adopt ordinance provisions that require law enforcement and fire departments to develop a joint Event Action Plan and present it to the governing body by June 15th each year followed up by an After Action Report by September 1st of each year.
2. Adopt ordinance provisions that provide for “Fireworks Social Host” liability and enforcement.
3. Adopt maximum Administrative Fines for possession and use of under 25 lbs. gross weight of illegal fireworks rather than relying on the District Attorney or City Attorney to prosecute in Superior Court under either the California Health and Safety Code (H&SC) or that jurisdiction’s municipal code.
4. Empower the citizenry to be extensions of a community’s enforcement effort by utilizing mechanisms that require the reporting party to provide the maximum amount of details or evidence of a violation, and provide consent to act as a witness in any administrative citation actions against the alleged violator. Smartphone apps already exist.
5. Then act on those online or app reports by citing the violators, be they users or social hosts of the violations.

At a State and Federal Level We Need to Advance the Following Targeted Approaches:

1. Staff, fund and empower the SFM to fulfill their H&SC responsibilities and tackle the rampant growth of illegal fireworks in virtually every community in this state.
2. Craft a disposal/repurposing solution that makes sense for the taxpayers, local government and the state-approved fireworks industry in California, so local jurisdictions are not reluctant to make seizures of illegal fireworks and risk the responsibility to bear the hefty out-of-state disposal costs.
3. Challenge the SFM, US Department of Transportation (DOT), US Customs/Homeland Security, California OES - Homeland Security Division, Licensed Fireworks Importers/Exporters and the California Ports to develop a

tracking and enforcement strategy. Develop State and Federal legislation or regulations to mitigate the “drop shipments” in California of large quantities of illegal fireworks originating from the ports.

4. Challenge the SFM, California OES, and Licensed Fireworks Importers/Exporters to form new regional illegal fireworks enforcement task forces and establish a centralized communication network among these task forces.
5. Enhance the Social Media Tracking of illegal fireworks sales and coordinate regional or multi-regional sting and enforcement actions between these task forces and state and federal agencies.
6. Examine and deploy new illegal fireworks detection and surveillance tools such as aerial drones, shot spotter, GPS tracking, etc.
7. Charge state and federal agencies to evaluate and surveil the import and export activities of fireworks importers and any transportation vendors that ship the fireworks once they arrive at a California port.”

A League of Cities drop box folder has been established and contains reference materials for Chief McLaughlin’s presentation. Below is the Table of Contents for this “League of Cities” folder in the drop box. The link and instructions on how to access the drop box documents are below..

League of Cities **Table of Contents**

1 Why are Illegal Fireworks so Bad

One Person’s Perspective
Lois Henry’s Perspective

2 Illegal Fireworks Administrative Fines

Rationale for Administrative Fine
OSFM Draft Administrative Fine Model Ordinance
SB 839 Chaptered
SB 839 Fact Sheet

3 Illegal Fireworks Social Host Ordinances

Rationale for Fireworks Social Host
Actual Social Host and Administrative Fine Ordinances
 Bakersfield Administrative Fines
 Ceres Fireworks Ordinance April 2017
 Desert Hot Springs Admin Fine Staff Report and Ordinance
 Downey Administrative Fine Staff Report and Ordinance
 Kern County Social Host
 Lemoore Social Host w Staff Report
 Lodi Social Host, Administrative Fine and Cost Recovery Ordinance
 Manteca with Cost Recovery
 Modesto Social Host

OSFM Draft Administrative Fine Model Ordinance
Patterson Administrative Citation
Redwood City Report and Social Host Ordinance
Ripon Social Host
Rohnert Park Report and Social Host Ordinance
San Jose Social Host Ordinance
Salinas Social Host with Cost Recovery
Santa Clara County w Response Recovery
Santa Maria Social Host w Disposal Recovery
Visalia April 2017 Fireworks Ordinance

4 Illegal Fireworks Response Costs Recovery

Rationale for Response Costs
Response Costs Model Ordinance Provision

5 Illegal Fireworks Operation Plan and After Action Report

Rationale for Operation Plan and After Action Report
Draft Model Operation Plan and After Action Report Ordinance Provision

6 Nail'em

Introduction to Nail'em
Nail'em User Guide
Nail'em Notifications Distribution Form
Nail'em Overview

If you have a drop box account the link will go directly to this folder. If you do not, you will be taken to a window that will ask you to create an account...you do not need to create one, simply select "No Thank You" at the bottom right and you will be redirected to the folder.

Select a folder to view contents. You may download and print by double clicking an item and then select the three dots ... on the right side of the Share and Open icons.

https://www.dropbox.com/sh/5wstsubik7d72t5/AABzlerDiq_QursvEx9jmWDLa?dl=0

WHY ARE THE ILLEGAL FIREWORKS SO BAD EACH YEAR

One Perspective

By: Dennis C. Revell
President/CEO
Revell Communications

Regrettably, we have seen each successive year go down as the worst year in California 4th of July history for the volume of and problems caused by illegal fireworks. The State of California has primary, and in some instances exclusive, jurisdiction for dealing with this problem. Instead of dealing with it as they should, and at a minimum containing the problem; they have abdicated their responsibility and made local government not only the **“first line of defense”** ... they have made them the **“only line of defense”** against illegal fireworks.

How has this happened? Here are just a few insights.

- Fireworks come into the United States through four Western ports, three of which are in California (Oakland, Long Beach and Los Angeles). They leave those ports in two ways, by rail or by truck. Both our client, TNT Fireworks, and the U.S. Department of Transportation have argued to the California State Fire Marshal for some time that there are operations that pick up product at those ports that is illegal in California, but is legal elsewhere, that supposedly is to be trucked to a legal location outside of California. Instead, these products are drop shipped to locations here in California. In recent years, there have been major seizures of illegal fireworks, particularly in Southern California warehouses, that ranged from 15 to 25 tons each which were drop shipments from the ports.
- There is no border integrity or inspections for illegal fireworks like there used to be. As a result, there are both hordes of individual criminal entrepreneurs as well as large commercial operations smuggling these dangerous illegal fireworks into this state without fear of being caught or suffering any criminal consequences. One of those operations openly brags that it makes somewhere in the neighborhood of \$5 million each year from illegal fireworks sales in Southern California alone.
- To my knowledge, over the last two decades there have been no state or federal prosecutions of any individual or entity for engaging in or facilitating the importation and/or sale of dangerous illegal fireworks in California.
- Despite its mandatory duty to pick up illegal fireworks within 90 days of when a local jurisdiction had seized them, the State Fire Marshal, until the last two years, was not picking up any of those warehoused illegal fireworks and were telling local jurisdictions it was their responsibility to dispose of them at a cost of as much as \$23.00 per pound. As a result, in part because of TNT Fireworks' advocacy on the issue on behalf of local governments across the state, we were able to convince the Brown Administration and the State Legislature to appropriate additional money in 2014 and 2015 to take care of the backlog of seized illegal fireworks across the state as well as those that were seized in 2015 and 2016. For the better part of the first seven years of the Brown Administration the Governor was unwilling to allocate any new General Fund monies to

deal with this admittedly General Fund responsibility and as a consequence there was no money in the State Fire Marshal Fund to cover the pickup, transportation and disposal of any illegal fireworks seized by your jurisdiction, except when it made emergency transfers from other sources.

In October 2018, Governor Brown did a Budget Change Proposal (BCP) and moved \$3.6 million into the State Fire Marshal Fireworks Enforcement and Disposal Fund to fund illegal fireworks enforcement, disposal and public education for the balance of Fiscal Year 2018/19.

Governor Gavin Newsom introduced his proposed state budget for Fiscal Year 2019/20. As a part of the overall budget that the State Legislature adopted, he included an on-going \$3.6 million for fireworks enforcement, education and disposal. As you may know, the funding for fireworks enforcement and disposal has varied over the decades with no long-term solution. This general fund proposal helped resolve the long-standing issue of disposal of illegal and dangerous fireworks that are seized and stockpiled throughout the state. It will hopefully provide a stable, long-term funding source to support the increasing demands for fireworks education, enforcement, and disposal. The proposal funded four positions within CAL FIRE-Office of the State Fire Marshal to assist in the enforcement and disposal efforts. The State Fire Marshal's goal is to not only collect local confiscated fireworks in a timely manner, but to provide enforcement support and assistance to regional fireworks task forces and interdiction operations. The State Fire Marshal also plans to expand its public outreach campaign and provide local agencies with additional tools and resources to educate the public on the hazards of illegal fireworks. Governor Newsom kept faith with his promise and his proposed budget for Fiscal Year 2020/2021 continues this \$3.6 million of funding.

This proposal will require legislative approval and that process will occur over the next several months. Your local legislator will likely welcome your input and expertise regarding the severity of the fireworks problems in your community and the need for this permanent funding.

Public Comment – Agenda Item 3.B

From: Jim Wright [REDACTED]
Sent: Tuesday, January 19, 2021 2:19 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Item 3.B.

My name is Jim Wright, Tracy CA. The issue with Tracy out of control fireworks is not the safe and sane but the illegal ones. Simple as that. Eliminating the legal safe and sane fireworks will have no impact/effect on the illegal ones. They will still be there. I would also encourage you to not look at 2020 as an example of this out of control. There is no question with legitimate firework municipalities canceling shows due to the Covid lockdowns, the illegal situation was only exacerbated on July 4th 2020 celebrations. And don't forget the contributions the non-profits who are awarded these booths every year contribute back to the Tracy community. Please consider the benefits fully outweigh the illegal fireworks situation. You absolutely should not rule to eliminate legal safe and sane fireworks for they have nothing to do with the illegal situation.

Jim Wright

[REDACTED]

[REDACTED]

Public Comment – Agenda Item 3.B

From: Nancy Wright [REDACTED]
Sent: Tuesday, January 19, 2021 2:30 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Item 3.B.

I am Nancy Wright, the Treasurer of West High Science Boosters. West High Science Boosters is an all-volunteer 501(c)(3) tax-exempt nonprofit organization.

Our mission is to enhance classroom science education, and augment it with extracurricular activities such as Science Olympiad, Robotics and Science Fairs. We also help students deepen their familiarity and prepare them for college and careers in science and engineering. We are able to assist classroom education with materials and supplies, as well as organize science college tours and admission sessions.

Naturally in order to implement most of these valuable benefits for our high school students, we need money. We raise our funds through fundraisers. The Safe and Sane Fireworks program has by far been the most lucrative for our nonprofit. No other fundraiser raises this much money in this short amount of time. We were fortunate to have had a fireworks booth in 2017. With the funds raised that summer, we were proudly able to purchase the following supplies for students and teachers:

- Ice maker and water distiller
- Hot Plates
- 3D printers
- Computer Adapters
- Laser Printers
- Robotics Field Tile and Perimeter Kits
- Document Camera
- 3D Printer repairs
- Microscope repairs
- Combo DVR/DVD players
- Blood Pressure and Stethoscope Kits
- Various Lab materials
- Science Olympiad supplies
- and most recently, WebCams for distance learning

We also were able to pay for 15 students registration for Hackathon Tournaments in 2018, '19 and '20.

With so many budget cuts, Boosters like ours are so important to provide learning materials that students may otherwise not receive

From: Rachel Renee Peckham [REDACTED]
Sent: Tuesday, January 19, 2021 6:47 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Tracy Fireworks

As a resident and community member of Tracy, I feel banning fireworks in Tracy would not only harm local non-profit organizations benefiting a vast number of sub-communities, but also undermine the spirit of community during a time where each of us is disenfranchised and distanced due to circumstances outside our control (i.e., COVID-19, mandated social distancing, closures of schools, loss of employment, etc.) Fireworks are one of the few highlights people have been able to look forward to in this new world we are living in.

Rachel Peckham

[REDACTED]
[REDACTED]

Public Comment - Agenda Item 3.B

From: New Heart Church [REDACTED]
Sent: Monday, January 18, 2021 4:16 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Item 3.B Safe and Sane Fireworks

Hello. I strongly disagree with making safe and sane fireworks illegal in Tracy. I am a 20 year resident of the city and have enjoyed celebrating our National Independence Day with my family by using fireworks in a safe and sane way. Furthermore, I am pastor of New Heart Community church in Tracy, and we were selected to operate a Fireworks booth in summer of 2019. The funds we were able to raise were extremely helpful in funding our weekly free dinners that we have served to the needy of Tracy over the past 10 years. Don't make Safe and Sane fireworks illegal. There never was any evidence tying the Clover fire last year to fireworks.

Sincerely
Rev Ron Creasman Ph.D
Pastor New Heart Church

Public Comment - Agenda Item 3.B

From: Rhonda Rallios [REDACTED]

Sent: Monday, January 18, 2021 8:45 PM

To: Public Comment <publiccomment@cityoftracy.org>

Subject: TEM 3.B. DISCUSS AND PROVIDE DIRECTION REGARDING BANNING THE SALE AND DISCHARGE OF SAFE AND SANE FIREWORKS IN THE CITY OF TRACY

To Whom it May concern,

I would like to comment on this agenda item on behalf of Joaquin Chapter, Order of the Eastern Star. While I understand the very real hazards associated with illegal fireworks, the sellers of Safe and Sane fireworks should not be punished for the illegal activity of others. Thousands of families across the city enjoy these fireworks in a safe manner and to eliminate them, punishes them for others wrong doing.

Many non-profits in Tracy, including our organization, are largely supported by the opportunity of lottery selection. Our organization is very thrifty with the money we make and even though it was five years between our selection, the money we made helped support our rent, our expenses and our charitable causes. It prevented us from having to raise our dues- which is important because a large part of our membership are senior citizens. If we lose this opportunity at fundraising, we could face some hard choices.

We are in agreement that people who do not follow the laws regarding fireworks should face consequences. But the majority of folks who both sell them and use them are careful. We ask that you consider the effect you would have on non-profits such as ourselves if you ban these fireworks.

Sincerely,

Rhonda Rallios
Worthy Matron
Joaquin Chapter
Order of the Eastern Star



Tracy Youth Soccer League



Dear Tracy City Council Members;

The Tracy Youth Soccer League is a Non-Profit 501(3)(c) Organization which was founded over 37 years ago. The registration fees we charge are applied to expenses throughout the year including; field rentals, Insurance costs, Referee's, Storage Rentals, Pictures, Equipment, Postage, Printing and Reproduction to name a few. Each year TYSL sponsors financially challenged or low-income families in the Tracy community. TYSL also awards several college-bound High-School students scholarships. It's a great program that encourages academic success as well as community support by Tracy's young citizens.

We also have a **free** Top-Soccer program. This program provides physically or mentally challenged individuals a chance to play soccer in a safe supervised environment. Our leagues longevity and service to the Tracy community cannot be achieved without your generous support—for that we sincerely thank you.

Tracy Youth Soccer League is now, hosting our games at the New Legacy Fields Complex located at: 4901 N. Tracy Blvd. Legacy Fields has 8 fields right now--with 12 more full size fields coming in the near future!

Tracy Youth Soccer League CANNOT SURVIVE without Fundraisers like TNT Fireworks!

Please let me,

Sherrri Mackay: [REDACTED]

TYSL Fundraising and Events. [Phone: 209 914-1163](tel:2099141163)

Tracy Youth Soccer League is a Non-Profit 501(3)(c) - #94-2705422

[Tracy Youth Soccer League - P.O. Box 187, Tracy, CA. 95378](mailto:TracyYouthSoccerLeague@tracyyouthsoccer.com)
www.tracyyouthsoccer.com

From: Bernice K Tingle [REDACTED]
Date: January 9, 2021 at 3:36:06 PM PST
To: Tracy City Council <tracycitycouncil@cityoftracy.org>
Subject: Request for Re-Appointment of Major Pro Temp Vargas to Valley Link
Reply-To: Bernice K Tingle [REDACTED]

January 8, 2021

Honorable Mayor Nancy Young and Council Members:

Happy New Year and I am hopeful that everyone remains well and safe during this year of 2021.

The purpose of this memorandum is to respectfully request that Mayor Pro Tem Veronica Vargas remain appointed to the Valley Link Rail Joint Powers Authority (Tri-Valley-San Joaquin Valley Regional Rail Authority) Project.

I currently serve on the Valley Link board along with Ms. Vargas and I can personally attest to the value of her research and the information that she has consistently brought to each meeting, while serving as Co-Chair from the beginning of the project. As you all know, Ms. Vargas is one of the founding members of this group.

Ms. Vargas currently serves as the newly appointed Chairperson and she is an asset to the success of the project. Her energy, dedication, commitment, level of knowledge, understanding of the path forward and what is required to keep this project on track, is essential for continued success.

Thank you in advance for the reappointment of Chairwoman Vargas to Valley Link.

Most Sincerely,

Bernice King Tingle
Bernice King Tingle
MHCSA Director

[REDACTED]

Public Comment – Agenda Item 3.C

From: Dino Margaros [REDACTED]
Sent: Monday, January 18, 2021 1:41 PM
To: Public Comment <publiccomment@cityoftracy.org>
Cc: Tracy City Council <tracycitycouncil@cityoftracy.org>
Subject: Council Agenda Item 3.C - January 19, 2021

Dear Councilmembers,

On behalf of our Tracy City Center Association Board of Directors, I would like to express our unanimous support and recommendation to renew council's appointment of Veronica Vargas for an additional term as City of Tracy representative to the Tri-Valley/San Joaquin Valley Regional Rail Authority (Valley Link Light Rail).

As the current board chair, a former vice-chair, and board member since the inception of the rail authority in 2018, Councilmember Vargas has clearly demonstrated her passion and drive as an advocate for this critically important local, regional, and mega-regional project.

This modern, sustainable, and environmentally conscious transportation project is at a critical crossroad with respect to its integration with our General Plan, Downtown Specific Plan, and Transit Oriented Development Plan for decades to come. Potential funding for the project via local, state, and federal sources is a complex issue requiring insight and institutional knowledge that only comes with years of experience and focus. Navigating the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), and an Environmental Impact Report (EIR) currently in draft form are also critical components requiring an in-depth knowledge and understanding for a successful project outcome essential to our post-pandemic recovery.

Veronica Vargas is the only experienced councilmember that can hit the ground running and maintain the existing momentum of this game changing project.

Thank you for your consideration.

Sincerely,

Dino Margaros
Executive Director

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Public Comment – Agenda Item 3.C

From: Juan C Soto [REDACTED]
Sent: Tuesday, January 19, 2021 6:18 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Council mtg comments item 3 C

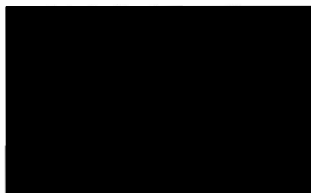
Please submit my email for Item 3. C committee selection. I would like to comment on the selection of the committee's.

1. We voted to these council to represent the public and educate themselves to service our community, with that been said our two new council members were elected to office, the community enlarge voted for them, because they have confidence and feel when they ran for office they will do their jobs, smart, and transparent. I feel they are capable and qualified for these committees and commissions. They are very educated and have common sense. They held positions in the community, also team players in all the areas they serve, regardless committees or their own personal business. With that been said, They residents spoke loud and clear in November, voted for them to serve and represent.

2. There's two position where I feel Council Vargas, should not be consider for two commission/committees positions. The Fire board committee, It is clearly a conflict of interest and falls in the council code of conduct. Tracy also needs a council member that will represent for the next four years and with the Mayor and for sure we know two council will be here for four years, Vargas will be termed out in less then two years.

3. Regional transportation planning issues, should be another council to represent Tracy look out for the best interest of our city. Vargas has proven time after time in different meetings, she has special interest for land use. Even though people will say she has experience on Valley Link, she has lost sight of the Valley Link, for her personal agenda

Leo M. Zuber



Mayor Nancy Young
City Council Members
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Dear Ms. Young,

I am writing this letter in support of Veronica Vargas' continued membership on the Board for the Tri Valley-San Joaquin Valley Regional Rail Authority, now known as Valley Link. Ms. Vargas has been a member of the board since the Authority was established in 2017. At the first meeting in 2018 she was selected to be the Vice Chairman of the board and served in that position for the next two years. Board Chair Scott Haggerty did not seek re-election to the Alameda County Board of Supervisors so he is no longer on the Board. Ms. Vargas has been elevated to the position of Board Chair and I strongly believe she will do an admirable job in that position.

In the time she has served on the Board, Ms. Vargas has been a passionate advocate for the Valley Link project. She actively represents the Tracy area as well as the San Joaquin Valley on the Board. She is always well prepared and has thorough knowledge of the various processes currently in place to make Valley Link become a reality. Her institutional knowledge gained over the last two years of the development of Valley Link are invaluable to the ongoing processes associated with the design and eventual construction of Valley Link. That institutional knowledge is needed to keep those processes moving forward. Because of her knowledge and dedication to Valley Link, I strongly encourage the Tracy City Council to maintain her membership on the Valley Link Board.

Sincerely,

A handwritten signature in blue ink that reads "Leo M. Zuber".

Leo M. Zuber
Ripon City Council
Valley Link Board

Public Comment – Agenda Item 3.C

From: Mary [REDACTED]
Sent: Tuesday, January 19, 2021 12:01 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Tonight's Council Meeting - Item 3.C.

Mayor Pro Tem Veronica Vargas was one of the founding nine members of the Tri-Valley San Joaquin Valley Regional Transportation Commission. The Tracy City Council appointed her to that board in 2015.

In 2018 Mayor Pro Tem Vargas worked with our State Assembly member Susan Eggman and Catharine Baker to pass AB 783. This measure provided the framework and the funds to begin the planning of the Valley Link.

In 2018 the Valley Link was formally formed and organized into a board of 15 members. Mayor Pro Tem Vargas was elected Vice-Chair of the Board and served in that position until December 2019, when she was elected Chair for the next two years.

Veronica Vargas has attended each monthly meeting for the last five years.

She has made countless trips to Sacramento to work with nearly every member of the State Legislature to get funding for the Valley Link project. She has made five trips to Washington, D.C. to lobby members of Congress to appropriate funds for the Valley Link project.

Last year Vargas was elected Vice-Chair of the League of California Cities' Transportation, Communication and Public Works Policy Committee.

In light of the years of experience, the current momentum, the regional and national contacts she has made, and the hard work that Vargas has put in, there is no one better to represent Tracy on the Valley Link board. I recommend that the City Council re-appoint her to the Valley Link board.

Thank you,

--

MARY MITRACOS

[REDACTED]



SAN JOAQUIN PARTNERSHIP

A Private Non-Profit Economic Development Corporation

January 13, 2021

City of Tracy
333 Civic Center Plaza
Tracy, California, 95376

Mayor Nancy Young & Tracy City Council Members:

On behalf of the San Joaquin Partnership, I would like to extend to all of you a very Happy New Year. I am hopeful that everyone remains healthy and safe in 2021.

The purpose of this letter is to respectfully request the extension of Mayor Pro Tem, Veronica Vargas' appointment to the Valley Link (Tri-Valley-San Joaquin Valley Regional Rail Authority) Project.

Over the past 2 years I have been working alongside the organization to continue the promotion of the project as well as work with the board and executive director to ensure the project's success. As Co-Chair of the project, Ms. Vargas has provided research and information that is consistently brought to each meeting and has been a reliable source to work with.

Ms. Vargas currently serves as the newly appointed Chairperson and is an asset to the success of the project. Her energy, dedication, commitment, level of knowledge, understanding of the path forward and what is required to keep this project on track, is essential to achieving success.

Thank you in advance for the reappointment of Chairwomen Vargas to Valley Link.

Sincerely,

Bob Gutierrez
Interim President and CEO
San Joaquin Partnership



January 15, 2021

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

Subject: City Council Board Appointment to Tri Valley/San Joaquin Valley Regional Rail Authority

Dear Councilmembers,

On behalf of our Tracy City Center Association Board of Directors, I would like to express our unanimous support and recommendation to renew council's appointment of Veronica Vargas for an additional term as City of Tracy representative to the Tri-Valley/San Joaquin Valley Regional Rail Authority (Valley Link Light Rail).

As the current board chair, a former vice-chair, and board member since the inception of the rail authority in 2018, Councilmember Vargas has clearly demonstrated her passion and drive as an advocate for this critically important local, regional, and mega-regional project.

This modern, sustainable, and environmentally conscious transportation project is at a critical crossroad with respect to its integration with our General Plan, Downtown Specific Plan, and Transit Oriented Development Plan for decades to come. Potential funding for the project via local, state, and federal sources is a complex issue requiring insight and institutional knowledge that only comes with years of experience and focus. Navigating the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), and an Environmental Impact Report (EIR) currently in draft form are also critical components requiring an in-depth knowledge and understanding for a successful project outcome essential to our post-pandemic recovery.

Veronica Vargas is the only experienced councilmember that can hit the ground running and maintain the existing momentum of this game changing project. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dino Margaros".

Dino Margaros
Executive Director

From: Tracy Firefighters [REDACTED]
Sent: Tuesday, January 19, 2021 6:44 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Agenda item 3.C (appointment to South San Joaquin County Fire Authority Board)

Honorable Mayor and Council,

There are four council members that Tracy Firefighters support serving on the JPA. However, we have reservations over Councilmember Vargas serving. As the spouse of a Division Chief, there is a perceived, if not actual, conflict of interest.

Councilmember Vargas sitting on the JPA will violate the Council Code of Ethics. Specifically, it will violate Section 3.4.10.5 *Appearance of Impropriety*. This Council Code of Conduct section directly addresses this concern.

Recently, the Firefighters Association did not endorse Councilmember Vargas for County Board of Supervisors. Since then, she has expressed she was “mad” at our Association and accused us of disloyalty. We need a leader that fosters harmonious relationships and positivity.

Councilmember Vargas’s conduct does not support this.

She seemingly has a desire to influence, and undermine our Fire Department. It is our understanding Councilmember Vargas has attended meetings involving the “business” of the Fire Department outside her authority. This violates yet another Code of Conduct; Section 3.3.6.

“Council members shall not attend internal staff meetings or meetings between City staff and third parties unless authorized by the City manager”

Councilmember Vargas’s attempts to influence the South County Fire Authority without approval show a lack of concern for the Code of Conduct.

Councilmember Vargas is even attempting to discredit Chief Bradley, through untimely training records requests and the seemingly unending questioning of the proposed Stand Alone JPA, which she was formerly an advocate of. The Tracy Firefighters request two other council members serve on the JPA.

Thank you

Public Comment – Agenda Item 3.D

-----Original Message-----

From: Dan Evans [REDACTED]
Sent: Tuesday, January 19, 2021 3:30 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: 1/19/21 Council Meeting Comment - Item 3D

Good evening council members and Mayor Young, thank you for hearing my comments this evening. Today I reviewed the flag policy adopted by the City Council on June 18, 2019. As the adopted resolution states that it is intended to "express the City's official sentiments through the display of commemorative or ceremonial flags with the requirements under the First Amendment", the City Council should have no issues passing my proposal.

I am proposing that the City Council consider and pass the flying of a Blue Line Flag over City Hall. I would like to see the Blue Line Flag flown every January 9th, which is National Law Enforcement Appreciation Day, in support of our men and women in uniform. As this day has already passed for 2021, for this year I am proposing to fly the flag on September 18th, 2021 in recognition of National Thank a Police Officer Day.

We all know how much great work our men and women in uniform do for us every day, at great risk to themselves. Let's use our new flag policy to demonstrate our commitment to supporting the great work the Tracy Police Department and our other law enforcement agencies are doing for us.

Thank you,

Dan Evans

Public Comment – Agenda Item 3.E

From: James Nelson [REDACTED]
Sent: Tuesday, January 19, 2021 9:48 AM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Comment on Item 3E

I have been a Tracy resident for more than 30 years. I have seen in the local paper that there continues to be protests to object to our states Covid 19 policies & demands that the city council declare Tracy a “Sanctuary City”. I’m not exactly sure why someone would object to policies that have been enacted by the state to protect everyone from a virus that has infected 24 million & now killed nearly 400,000 Americans. Back in the 1968 the government passed laws requiring seat belts in cars & nobody protested or thought that their rights were being violated. Asking people to wear a mask & limiting social contact is in the interest of everyone’s health. The pandemic has been difficult on everyone & I’m sure that Tracy is experiencing the same budget issues as every other city in California . I’m requesting that before making a decision to implement this legislation that the overall financial impact be reviewed & published.

How much state & federal funding will the city loose ?
How much will this impact future State & Federal funding for projects like Valley Link ?
What is the plan to replace any lost funding ? or will the counsel just cut city services like Police, Fire, & education.

Tracy leaders should not be influenced by a small group who do not represent the vast majority of the citizens who you as elected officials have sworn an oath to serve.

Jim Nelson

Public Comment – Agenda Item 3.E

From: Mitra Behnam [REDACTED]
Sent: Tuesday, January 19, 2021 4:44 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Public Comment

To whom might be a concern:

I understand the hardship this pandemic brings upon our small businesses, and it is threatening what you worked hard for. I also wish, like everybody else, that we can soon safely return to our everyday lives. However, we are here listening to our small business community demand that we disregard all safety regulations. Simultaneously, someone dies in California of Covid every 10 minutes or so; we should also grant the same right to our healthcare community, especially those who work in the ICUs in our city and our region. If you listen to them, you hear them begging us to stay at home because they are overwhelmed. They already can't give people the best possible care, and they do not want to have to decide who can get the ventilator spot and who is left to die. Stop listening to the COVID-19 is not so bad, and listen to the frontline workers! City council, this is your responsibility. If you vote to make Tracy a sanctuary city, you are responsible for the people who will die from it, and your actions will judge you.

The city has 2 forgivable loan programs for small businesses that have together already given out more than \$330,000 to Tracy businesses and have about \$600,000 still available to distribute.

Public Comment – Agenda Item 3.E

-----Original Message-----

From: Nancy Rusch [REDACTED]
Sent: Tuesday, January 19, 2021 4:25 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: City council meeting

I am commenting on 3E.

I understand people are frustrated about closed business, but I don't want to see us adopt this name and policy that may be misconstrued. Let's instead do all we can now to work together. Especially now when hospitals are full and rates are high, but better days and more vaccines are coming soon.

Sent from my iPad

Public Comment – Agenda Item 3.E

From: phowell [REDACTED]
Sent: Tuesday, January 19, 2021 9:09 AM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: COVID19 rule

I want my city to obey the public health rules established by state health officials. I do not want to lose fed & state money needed for our people. I want city to continue to offer businesses whatever help it can. Hopefully Tracy CofC can help identify those in need. Stay strong in face of loud unruly opposition to safety.
Sent from. my Verizon, Samsung Galaxy smartphone