

Tuesday, February 16, 2021, 7:00 P.M.

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.cityoftracy.org](http://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 FEBRUARY 16, 2021 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, February 16, 2021.*

*As always, the public may view the City Council meetings live on the City of Tracy's website at [www.CityofTracy.org](http://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, limited to 250 words or less, submitted via email **will 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](mailto:publiccomment@cityoftracy.org) and 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:** 182 908 6106 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](mailto: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](mailto: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-agenda 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 on the City’s website: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
INVOCATION  
ROLL CALL

1. CONSENT CALENDAR

- 1.A. APPROVAL OF FEBRUARY 2, 2021 CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES
- 1.B. AUTHORIZE STAFF TO SUBMIT TWO APPLICATIONS FOR THE PROP 68: STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM (SPP) GRANT FOR THE LINCOLN PARK REVITALIZATION PROJECT AND THE TRACY NATURE PARK PROJECT AND AUTHORIZE THE CITY MANAGER, OR DESIGNEE, TO ACCEPT THE SPP GRANT, IF AWARDED
- 1.C. WAIVE SECOND READING AND ADOPT ORDINANCE 1304 AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTIONS 9.06.040, 9.06.050, 9.06.060, AND 9.06.070 OF CHAPTER 9.06 “FIRE PROTECTION AND PREVENTION” OF THE TRACY MUNICIPAL CODE REGARDING ASSIGNING THE AUTHORITY HAVING JURISDICTION AND SETTING GEOGRAPHIC LIMITS FOR CERTAIN HAZARDOUS MATERIALS STORAGE WITHIN THE CALIFORNIA FIRE CODE

2. ITEMS FROM THE AUDIENCE
3. REGULAR AGENDA
  - 3.A. DISCUSS CITY'S RESPONSE TO COVID-19 (VERBAL REPORT)
  - 3.B. ACCEPT THE TRACY SUB-BASIN GROUNDWATER SUSTAINABILITY PLAN UPDATE
  - 3.C. CONSIDER FORMING A CITY COUNCIL STANDING HOMELESSNESS COMMITTEE AND PROVIDE DIRECTION TO STAFF
  - 3.D. DISCUSS ADOPTING A RESOLUTION CALLING FOR TEMPORARY \$5 AN HOUR HAZARD PAY FOR CERTAIN GROCERY WORKERS DURING COVID-19 WIDESPREAD (PURPLE) TIER STATUS AND PROVIDE DIRECTION TO STAFF
  - 3.E. CONSIDER AMENDING THE COUNCIL CODE OF CONDUCT TO ADDRESS COMPLIANCE WITH THE CODE OF FAIR CAMPAIGN ACTIVITIES AND CITY RESTRICTIONS ON TEMPORARY SIGNS RELATING TO THE ELECTION
4. ITEMS FROM THE AUDIENCE
5. STAFF ITEMS
6. COUNCIL ITEMS AND COMMENTS
7. ADJOURNMENT

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

**February 2, 2021, 4:00 p.m.**

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Young called the meeting to order at 4:02 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Bedolla, Davis, Mayor Pro Tem Vargas, and Mayor Young present.  
  
Council Member Arriola arrived at 4:03 p.m.
3. ITEMS FROM THE AUDIENCE – There was no public comment.
4. CLOSED SESSION
  1. CONFERENCE WITH LABOR NEGOTIATORS  
  
Pursuant to Government Code Section 54957.6
    - City Negotiators:  
Jenny Haruyama, City Manager  
Kimberly Murdaugh, Human Resources Director  
Karin Schnaider, Finance Director  
Leticia Ramirez , City Attorney  
Tim Davis, Special Counsel
    - Employee Organizations:  
General Teamsters Local No. 439, IBT  
South County Fire Chief Officer’s Association  
Tracy Fire Fighters Association  
Tracy Mid Managers Bargaining Unit  
Tracy Police Management Association  
Tracy Police Officers’ Association  
Tracy Technical and Support Services Employee Association
5. RECESS TO CLOSED SESSION - Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to recess the meeting to closed session at 4:09 p.m. Roll call vote found all in favor; passed and so ordered.
6. RECONVENE TO OPEN SESSION – The meeting reconvened to open session at 5:06 p.m.
7. REPORT OF FINAL ACTION – None
8. COUNCIL ITEMS AND COMMENTS - None

9. ADJOURNMENT – Time: 5:06 p.m.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adjourn. Roll call found Council Members Arriola, Davis, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Bedolla absent from roll call.

The agenda was posted at City Hall on January 28, 2021. The above are action minutes.

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk

**February 2, 2021, 5:00 p.m.**

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.ci.tracy.ca.us](http://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 Young called the meeting to order at 5:06 p.m.
2. Roll call found Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas, and Mayor Young present.
3. ITEMS FROM THE AUDIENCE – None
4. CONDUCT INFORMATIONAL WORKSHOP ON THE CITY'S RESIDENTIAL GROWTH MANAGEMENT SYSTEM

Bill Dean, Assistant Development Services Director provided the staff report.

City Council clarifying questions followed.

Chris Long, Ellis project thanked Council for hosting the workshop, thanked staff for information and appreciated being able to participate.

William Muetzenberg urged Council to consider proposals that will enhance the viability of our City's future, determining the future of the City's Growth Management Ordinance, and consider policies that prioritize our RGAs for developments that will reduce traffic, which reduces widening roads; leads to greater use of public transit and attract developments that enhance our economy.

City Council questions and comments followed.

Council received the information regarding the City's Residential Growth Management System.

5. Council Items and Comments – Mayor Pro Tem Vargas requested to bring back discussion about priority areas of development and see the opportunities of changing or amending those areas, add the TOD to the list of priority projects for RHNA and RGA allocation, see about starting allocation or creating a bank to develop the TOD area on leftover RGA's or do an amendment to our GMO. Council Member Arriola supported the request.

Council Member Arriola agreed to receiving a memo in response to his request for information regarding the following: Average house price in Tracy in 2020 and 2000, and percentage of homeowners under 35 in 2020 and 2000. Mayor Pro Tem Vargas supported the request.

Council Member Arriola asked that when staff brings back the items that Mayor Pro Tem Vargas requested, to also include exploring incentives for affordable housing. Mayor Pro Tem Vargas and Council Member Davis supported the request.

Council Member Bedolla asked whether the bowtie is primary or secondary on map, and stated he is concerned about equity in the RGA distribution process and his motivation is to have more intent over the City system. Council Member Bedolla added he was looking for support on this to address the cost of living for Tracy residents and to ensure that houses are built for Tracy residents. When staff brings up opportunities to change the City system or guidelines, include options to modify the proportion of reserved RGA's for allocation. Mayor Pro Tem Vargas supported the request.

Leticia Ramirez, City Attorney asked if Council Member Bedolla was requesting a separate item that was different from what was requested by Mayor Pro Tem Vargas and seconded by Council Member Arriola.

Council Member Bedolla stated if an amendment is allowed, then he would pursue that, but if it is more appropriate to be a separate item, he was also good with that. Council Member Bedolla clarified his intent is when the GMO Guidelines are brought before Council, he would like options to modify the proportions of RGA's that are reserved for allocation.

Ms. Ramirez clarified the request is to make sure that there is consideration of modifying the prioritization of RGA's to address equity in the distribution in order to ensure that RGA's are distributed in order to facilitate the production of housing for Tracy residents.

Council Member Bedolla responded he is piggy backing off the question earlier about the proportion of the 650 or 750 RGA's.

Mayor Young asked if a GMO discussion was already planned to come back.

Jenny Haruyama, City Manager responded there may be a discussion in the near future, and is one reason we are having this foundational conversation with Council. Everyone's request is clear and staff will schedule accordingly when these items come up.

Mayor Young clarified any legal ramifications will all be built into it so Council knows what they are working with.

Mayor Young asked about a previous request regarding a proclamation supporting the Indian farming community, adding it would be a kind gesture of support if we united as Council to create a resolution. Council Member Davis supported the request.

Mayor Pro Tem Vargas stated she had already requested that and it was supported by Council Member Arriola.

Ms. Haruyama clarified that she sent an e-memo to Council clarifying that that type of request is not consistent with two policies: ceremonial and legislative. If Council is looking to change those policies to include international type of issues, then that would require a policy change.



Mayor Young stated she will talk to the City Manager about what can and cannot be done, and on the surface level it is an international issue but it does affect our citizens here, so that is why it was brought it up.

Mayor Young reported on her attendance at the League of California Cities meetings on January 21, 22, 28 and 29, round tables, and other various meetings she has attended and participated in since last Council meeting.

Mayor Young recognized the passing of City of Tracy resident and former Council Member Ray Morelos, Don Parson, political consultant, Cicely Tyson and a personal friend of hers Pastor Ron Allen.

Mayor Young announced the following: Sunday, February 7 is her daughter's birthday, happy Valentines Day, and this month is Black History month.

Council Member Davis stated she wanted to be respectful of the former Council's conversation regarding TOD prioritization, but did not feel she had a lot of information as a new Council member and requested staff to meet with her to get educated on TOD, for clarity and to make informed decisions.

Ms. Haruyama responded that can be offered to the full Council.

6. Adjournment: Time: 6:55 p.m.

**ACTION:** Motion made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adjourn closed session. Roll call found all in favor; passed and so ordered

The above agenda was posted at the Tracy City Hall on January 28, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

February 2, 2021, 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 Young called the meeting to order at 7:02 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor Scott McFarland, Journey Christian Church offered the invocation.

Roll call found Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas, and Mayor Young present.

1. CONSENT CALENDAR – Following the removal of Consent items 1.C by Mayor Pro Tem Vargas and 1.A by Adrienne Richardson, City Clerk motion was made by Council Member Davis and seconded by Mayor Pro Tem Vargas to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.

1.B AUTHORIZE THE APPOINTMENT OF THIRTEEN YOUTH COMMISSIONERS AND TWO ADULT COMMISSIONERS TO THE YOUTH ADVISORY COMMISSION – **Resolution 2021-009** authorized the appointment of commissioners to the Youth Advisory Commission.

1.D APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH GRANICUS, LLC FOR THE CITY OF TRACY WEBSITE CMS (CONTENT MANAGEMENT SYSTEM) FOR A TOTAL AMOUNT NOT TO EXCEED \$92,000 OVER A FIVE YEAR TERM, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT – **Resolution 2021-010** approved the Professional Services Agreement with Granicus.

1.A APPROVAL OF JANUARY 19, 2021, CLOSED SESSION AND REGULAR MEETING MINUTES

Adrienne Richardson, City Clerk pulled the minutes to announce there are a couple of typographical errors that need to be corrected in Council Member Bedolla's comments under Council items in the January 19, 2021, regular meeting minutes.

There was no public comment.

There was no further comment from Council.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt the January 19, 2021, closed session and regular meeting minutes. Roll call found all in favor; passed and so ordered.

1.C APPROVE REAL PROPERTY PURCHASE AGREEMENT BETWEEN THE CITY OF TRACY AND JTTT ENTERPRISES, L.P. TO ACQUIRE A PORTION OF APN 248-020-17 AND APN 248-030-05, ON THE EAST SIDE OF TRACY BOULEVARD, TO CONNECT THE SIDEWALK BETWEEN LINNE AND VALPICO ROADS AS PART OF CIP 73175

Mayor Pro Tem Vargas pulled the item to thank the property owner (Jim Tracey) for the dedication of frontage for the sidewalk and staff for their efforts in making the connectivity between shopping center, Edgewood, and ACE station.

There was no public comment.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2021-011** approving Real Property Agreement between the City of Tracy and JTTT Enterprises, L.P. for a portion of APN 248-020-17 and APN 248-030-05 on the East Side of Tracy Boulevard, to connect the sidewalk between Linne and Valpico Roads as part of CIP 73175. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Robert Tanner stated Legacy Fields should be a priority, and Council should look at infrastructure and road conditions instead of worrying about a multi-generational facility that has no land.

Alice English thanked Council for recognizing Ray Morelos who passed away, and spoke about the following: Council meetings and workshops, that involve public input should always be televised, including Planning Commission, cautioned Council about TOD and Valley Link, need for low income has nothing to do with TOD, need larger hospitals that bring jobs, and revisit infrastructure.

Jonathon Haws commented via email about a \$10 million embezzlement from the El Monte Promise Foundation scholarship fund, and requested City Council to call out these crimes and protect the vulnerable residents.

Mayor Pro Tem Vargas stated she did not agree with the misinformation that was given by Ms. English.

3. REGULAR AGENDA

3.A DISCUSS CITY'S RESPONSE TO COVID-19 (VERBAL REPORT)

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

There was no public comment.

City Council comments and questions followed.

City Council accepted the report.

3.B RECEIVE A PRESENTATION AND ADOPT THE NATURE PARK CONCEPTUAL MASTER PLAN AND ADDENDUM TO THE 2010 HOLLY SUGAR SPORTS PROJECT ENVIRONMENTAL IMPACT REPORT

Brian MacDonald, Park and Recreation Director introduced the item.

Richard Joaquin, Parks Planning & Development Manager, provided the staff report.

John Gibbs and Peter Trio, WRT Consultants continued with the presentation on the Tracy Nature Park Draft Master Plan.

City Council clarifying questions for staff followed.

Pete Mitracos representing the Tracy Tree Foundation shared support for the Nature Park Master Plan and stated the foundation is here to volunteer to plant trees.

Robert Tanner stated he was in favor of the Nature Park and suggested completing Legacy Fields first, getting the homeless shelter up and running, and starting phase 1 of the Nature Park.

Alice English shared her support for the Nature Park and thanked past Council for continued support and hoped to get support from the new Council, thanked staff, and urged support for conceptual plan.

Todd Lieberg recommended that Council approve the Nature Park plan and provide the citizens of Tracy something to be proud of.

Lisa Roth stated by adopting the Nature Park Conceptual Master Plan, the City of Tracy is taking a key next step which makes the project more competitive for grant opportunities, donations and partnership opportunities and requested Council vote to adopt the project.

Adem Cooper expressed his support for having a nature park in Tracy.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas, to adopt **Resolution 2021-012** to adopt the Nature Park Conceptual Master Plan and Addendum to the 2010 Holly Sugar Sports Project Environmental Impact Report. Roll call vote found all in favor; passed and so ordered.

3.C APPROVE THE REVISED POLICY FOR THE NAMING OF PUBLIC BUILDINGS, PARKS AND FACILITIES

Brian MacDonald, Parks and Recreation Director introduced the item.

Jolene Jauregui, Recreation Program Manager, provided the staff report.

There was no public comment.

Council Member Davis motioned to approve the revised policy for naming of public buildings, parks and facilities. Council Member Arriola seconded the motion.

Mayor Pro Tem Vargas requested a friendly amendment to add language - 1.D to include a short list of three choices for final consideration to be forwarded to City Council for approval for naming of the park.

Council Member Bedolla supported the formal friendly amendment. Council Member Davis and Council Member Arriola accepted the friendly amendment.

City Council questions and comments followed.

Ms. Jauregui clarified to include the ranking of the three choices from the Parks Commission to the language.

**ACTION:** Motion was made by Council Member Davis and seconded by Council Member Arriola to adopt **Resolution 2021-013** approving amending of Council Policy D-2, Naming Public Buildings, Parks and Facilities with an amendment adding that the top three ranked choices will be brought to City Council for approval. Roll call vote found all in favor; passed and so ordered.

3.D INTRODUCE AN ORDINANCE AMENDING MULTIPLE SECTIONS OF CHAPTER 9.06 "FIRE PROTECTION AND PREVENTION" OF THE TRACY MUNICIPAL CODE REGARDING ASSIGNING THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY AS THE AUTHORITY HAVING JURISDICTION AND SETTING GEOGRAPHIC LIMITS FOR CERTAIN HAZARDOUS MATERIALS STORAGE WITHIN THE CALIFORNIA FIRE CODE.

Timothy Spears, Fire Marshal, provided the staff report.

Pete Mitracos shared concerns about fees from South San Joaquin Fire District.

City Council questions and comments followed.

Council Member Davis made a motion to approve the ordinance. Council Member Bedolla seconded the motion. Motion was not voted on as the City Clerk had not read the title into the record.

Adrienne Richardson, City Clerk read the title of proposed Ordinance.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to waive the reading of the full text and introduce **Ordinance 1304** an ordinance approving the amendment of multiple sections of Chapter 9.06 "Fire Protection and Prevention" of the Tracy Municipal Code regarding assigning the South San Joaquin County Fire Authority as the authority having jurisdiction and setting geographic limits for certain hazardous materials storage within the California Fire Code. Roll call vote found all in favor; passed and so ordered.

Mayor Young called for a recess at 9:14 p.m.

Mayor Young reconvened the meeting at 9:19 p.m.

3.E APPROVE NEW CLASSIFICATION SPECIFICATIONS AND SALARY RANGES FOR MULTIPLE POSITIONS AND AMEND MULTIPLE EXISTING SPECIFICATIONS AND AUTHORIZE AMENDMENTS TO VARIOUS DOCUMENTS TO IMPLEMENT THESE CHANGES

Kimberly Murdaugh, Human Resources Director introduced the item.

JoAnn Weberg, Human Resources Manager, provided the staff report.

Christine Mabry shared her concerns regarding her City of Tracy position being demoted from a Management Analyst I to a Recreation Program Coordinator and requested Council consider amending approval of the item. Ms. Mabry provided a memo to City Council.

Barb Harb, President of Tracy Mid Managers Bargaining Unit stated she was in support of Christine Mabry and was available to answer any questions.

Adrienne Richardson, City Clerk announced a memo with attachments was received by Christine Mabry and provided to Council by email an on the dais.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-014** approving new classification specifications and salary ranges for several classifications and authorize amendments to various documents to implement these changes with the review of recourse for the three demoted reclassified employees. Roll call vote found Council Members Arriola, Davis, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Bedolla abstained.

3.F PROVIDE UPDATE ON EAST BAY COMMUNITY ENERGY PUBLIC OUTREACH AND IMPLEMENTATION PLAN

Michael Nimon, Economic Development Manager, provided the staff report.

Alex DiGiorgio, East Bay Community Energy (EBCE) provided a presentation.

Robert Tanner stated he would like to see mailers be extended to June so people would see a full month of mid-April to mid-March (four weeks) to see the difference between PG&E versus EBCE. One percent is not a big savings.

Alice English asked when EBCE is sending out the letters, what is the identification regarding PG&E because people will think it is junk mail, can the City make an announcement that the letter is going to be coming to let residents know what EBCE is and the decision you are going to make on that so they have an opportunity to opt out.

City Council questions and comments followed.

Update on East Bay Community Energy public outreach and implementation plan was accepted.

4. ITEMS FROM THE AUDIENCE – Alice English shared concerns regarding Mayor Pro Tem Vargas initiating conversations with Council Members on the dais during the Council meeting. Ms. English stated it is a public forum, and the public has right to know what the discussion is, and there should be no over talking.

Mayor Pro Tem Vargas responded she disagreed with Ms. English, stating Council Members are allowed to have brief conversation and consult about things Council are doing together.

Council Member Bedolla responded to Ms. English's comments and identified his discussion with Mayor Pro Tem Vargas regarding the park naming policy.

5. STAFF ITEMS – Jenny Haruyama, City Manager provided an update on the following actions taken by the City Manager during the COVID emergency:
  - Amendment No. 1 to Legal Services Agreement Between City of Tracy and Renne Public Law Group LLC. in the amount of \$20,000.
  - Amendment No. 2 to Legal Services Agreement Between City of Tracy and the Law Office of Daniel P. Doporto in the amount of \$20,000.
  - Approve and Award Contract to Grover Landscape Services, Inc. of Modesto, California for base bid alternate in the amount of \$38,255 for Cherry Blossom Court Pedestrian and Landscape Improvements Project CIP 73172.
6. COUNCIL ITEMS – Council Member Arriola wished everyone a happy Valentine's Day and encouraged the community to visit City Hall and look at the Pan-African flag in celebration of Black History Month.

Mayor Pro Tem Vargas asked for timing regarding looking into the arts fee or policy.

Jenny Haruyama, City Manager responded she could shoot for spring, but an opportunity could be when staff brings forward a fee study.

Mayor Pro Tem Vargas asked when will Council be hearing about the opportunity to create an affordable housing policy.

Ms. Haruyama responded she will work with staff to get an idea when it will come back, and will get background information to Council Members that have requested it. Ms. Haruyama added she has a goal item to bring to Council to clarify short and long-term goals and one includes affordable housing. Ms. Haruyama stated she would like to present Council with a timeline, which shows deliverables that staff is confident we can provide within the next 12-18 months, and remind Council about long-term goals and that short-term goals support your long-term planning. That will be coming in the next meeting or so.

Mayor Pro Tem Vargas asked if the fee schedule will have housing fees for apartments and RGA's for apartments that are in a cluster in a single building, and how that works.

Will the fee schedule be reflective of the opportunity for those fees to create more affordable housing.

Ms. Haruyama responded that may be impact fees, and not master fee schedule which is more program related fees. Staff is finalizing a fee study that is going to drive adjustments to fees so will be talking with Council about that shortly. Ms. Haruyama added with the timing in which staff brings that to Council, she did not know if that will affect the fiscal year 21-22 fee schedule. These are likely impact fees you are talking about, they are not on the horizon right now.

Mayor Pro Tem Vargas commented when we have apartment units and one building has 7 – 9 units that apartment equals one RGA for that building. Mayor Young stated this is an addition to the other discussion that is going to come back to Council, and she supported that.

Mayor Pro Tem Vargas stated she participated in the League of California Cities meetings, reported on the mid-year Latino Caucus retreat, and wished everyone a happy Valentine's Day.

ADJOURNMENT – Time: 11:01 p.m.

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

The above agenda was posted at the Tracy City Hall on January 28, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk



AGENDA ITEM 1.B

REQUEST

**AUTHORIZE STAFF TO SUBMIT TWO APPLICATIONS FOR THE PROP 68: STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM (SPP) GRANT FOR THE LINCOLN PARK REVITALIZATION PROJECT AND THE TRACY NATURE PARK PROJECT AND AUTHORIZE THE CITY MANAGER, OR DESIGNEE, TO ACCEPT THE SPP GRANT, IF AWARDED**

EXECUTIVE SUMMARY

The City of Tracy has the opportunity to apply for grant funding through the State of California Statewide Park Development and Community Revitalization Program (SPP), Round 4. The grant opportunity is competitive, meaning the grant is available across the state with no guarantee the City will be awarded any grant funding. No local match is required. Lincoln Park and the Tracy Nature Park were chosen as eligible and competitive sites for this grant opportunity. Staff is seeking Council's authorization to apply for the grant and for the City Manager, or designee, to have the ability to accept the grant, if awarded.

DISCUSSION

Staff is pursuing competitive grant funding through the Statewide Park Development and Community Revitalization Program (SPP) Round 4. SPP is the largest park related grant program in California's history. The program is funded with over \$1 billion in funding from the 2018 Proposition 68 and 2006 Proposition 84 Bond Acts. The program is administered by the Office of Grants and Local Services (OGALS) and the intent of the program is to "create new parks and new recreation opportunities in critically underserved communities across California."

On February 25, 2020 Round 3 awards totaling \$254.9 million were announced. An additional \$395.3 million is available under Round 4.

The timeline for the Round 4 SPP grant includes:

- July 1, 2020 – Start of Grant Performance Period (eligible costs can be reimbursed as of this date)
- July 1, 2020 – Application Guide finalized
- July-August 2020 – Application Webinar Workshops hosted by OGALS
- March 12, 2021 – Application submission deadline (extended from December 14, 2020)
- Late Summer 2021 – Grants awarded by OGALS
- March 2025 – Project completion (projects are open to public and final payment requests are due)
- June 30, 2025 – End of Grant Performance Period

After attending informational webinars, July 22-24, 2020, staff evaluated all parks in the City to determine eligibility according to the grant criteria, and identified Lincoln Park and Tracy Nature Park as highly qualified options. The proposed projects were independently reviewed by Townsend Public Relations consultants, who affirmed both

projects are a good fit for the SPP grant and recommended re-submittal of the Lincoln Park Revitalization Project application submitted in Round 3 in 2019, with updates  
*Lincoln Park Revitalization*

An application for Lincoln Park Revitalization was submitted in Round 3 in 2019, and staff confirmed with OGALS that the application was competitive and eligible for resubmittal in Round 4, with minor updates. The park is highly used by the community, as it hosts several special events such as the 4<sup>th</sup> of July, and is the location of Tracy's only library.

Community participation is a requirement within the grant guidelines and a key initiative of the grant program. Staff collected significant data from public outreach through a survey and outreach meetings. These means and methods provided opportunities for residents to give feedback regarding park amenities, accessibility, improvements, and potentially new park features. Community feedback resulted in the following key takeaways:

- New/expanded picnic/BBQ area(s)
- Extended sidewalk to connect backstop to gazebo area in a walking loop
- Upgrade or replace spray pad with recycled water play feature
- Upgrade and expand existing restroom facility
- Create additional parking for Library and park users
- Improve lighting in the park and Library parking lot
- Additional shaded seating at various locations within the park
- Revitalize the Rose Garden (e.g., add pollinator garden, nature education opportunities, etc.)

#### *Tracy Nature Park*

The park site is located on 86 acres of City-owned land immediately south of Legacy Fields Sports Complex between Corral Hollow Road and North Tracy Boulevard. The 2010 Holly Sugar Sports Complex EIR identified this piece of land as passive open space to help buffer the active sports uses of Legacy Fields from the unincorporated residential area known as Larch Clover.

In 2017, a dedicated group of volunteer residents began petitioning the City to plan and build a passive recreation area or "Nature Park" in Tracy. In October of 2018, the City Council authorized the creation of a new Nature Park CIP 78180 and allocated \$100,000 to begin the master planning of a new nature park in Tracy. Since that time, City staff has worked closely with the community to pursue a project at the site south of Legacy Fields. On March 5, 2019, City Council approved a Professional Services Agreement (PSA) with WRT, LLC of San Francisco, California for an update to the Citywide Parks, Recreation, and Trails Master Plan including the development of a Nature Park Master Plan and Environmental Review. As a part of the Nature Park scope of work, WRT was tasked with establishing a vision for a nature park in Tracy, including gathering community feedback.

WRT, along with City staff, have led a community engagement process consisting of a series of kick-off events, breakout groups, site visits, and periodic reviews. Meetings took place on August 28, 2019 at the proposed park site; October 2 at a Parks Master

Plan community workshop; December 20, 2019 at a Nature Park community workshop; and March 5 and May 28, 2020, at Parks and Community Services Commission meetings. At the May 28 meeting, City staff received acceptance and a recommendation from the Parks Commission to present the Tracy Nature Park Master Plan to the City Council for final adoption.

Staff also received feedback regarding design of the Nature Park from several local stakeholder groups, including: the Tracy Tree Foundation, Tracy Friends for Parks, Recreation, and Community Services, Tracy Nature Park Advocates, and Tracy United to Make a Difference. Community feedback resulted in the following key takeaways:

- Native plants
- Habitat buffers
- Habitat islands
- Multi-use trail on periphery open to bikes and dogs\*
- Interior trails to be for passive use/hiking only
- Disc golf\*
- Gathering and contemplative space
- Boardwalks over sensitive areas
- Berms with overlooks
- Protection from westerly winds
- Dedicated parking
- Interpretive Nature Center

\*As the community members expressed a desire for more active uses within the park, they should be enabled in a manner consistent with the ecological and nature-based vision.

It should be noted that the scope of work included in the SPP grant application for the Tracy Nature Park only builds out a portion of the 86-acre master planned park based on the grant funding cap and required project completion date. Staff will be returning to the City Council with a standalone presentation related to the Nature Park Master Plan and Environmental Review at a later date. It should also be noted that \$370,000 is available in the Nature Park CIP 78180 from Swainson's Hawk Mitigation funding and could potentially serve as matching funds on this grant application to develop habitat.

### NEXT STEPS

Conceptual plans with funding requests will be created to submit as part of the two grant applications, incorporating ideas from the community that are eligible within the SPP Grant's guidelines and can be feasibly completed by March 2025 as required by the SPP Round 4 Grant. A California Environmental Quality Act (CEQA) Compliance Form and a California Conservation Corps consultation will be completed, among other requirements, to ensure submission of a competitive application for this grant.

The grant offers reimbursements for pre-construction and construction costs. Per the SPP *Final Application Guide*: "Pre-construction is the phase that includes planning, design, construction documents, and permits necessary before construction can begin. No more than 25% of the grant amount may be spent on pre-construction costs.

Construction costs start when ground-breaking construction activities such as site preparation, grading, or gutting begins after the necessary pre-construction has concluded (includes purchase and installation of equipment, employee services).”

Staff is in the process of refining cost estimates and cannot confirm the grant amount that will be requested. However, it is anticipated that the City will submit an application for approximately \$7.8 million for Lincoln Park Revitalization and approximately \$7.2 million for the Tracy Nature Park. Should either grant be awarded, staff will proceed according to the standard City park design process with public input, and will return to Council for design and funding approval.

### STRATEGIC PLAN

This agenda item is consistent with the Council approved Quality of Life Strategy to address City amenities and facility usage policies.

### FISCAL IMPACT

Fiscal impact with this agenda item includes staff’s time researching and applying for the grant. These costs will be absorbed within the current Department and City operation budgets. If awarded the grant, staff’s time administering the grant is eligible for reimbursement.

### RECOMMENDATION

That the City Council, by resolution, authorize submission of applications for the Prop 68: Statewide Park Development and Community Revitalization Program (SPP) Grant for (1) *Lincoln Park Revitalization* and (2) *Tracy Nature Park* and authorize the City Manager, or designee, to accept an SPP Grant, if awarded.

Prepared by: Richard Joaquin, Parks Planning & Development Manager  
Christine Mabry, Management Analyst I

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

Approved by: Jennifer D. Haruyama, City Manager

RESOLUTION 2021-\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRACY AUTHORIZING STAFF TO SUBMIT AN APPLICATION FOR THE PROP 68: STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM (SPP) GRANT FOR LINCOLN PARK REVITALIZATION PROJECT AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO ACCEPT THE SPP GRANT, IF AWARDED

WHEREAS, The State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application' and

WHEREAS, Said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State, and

WHEREAS, Successful Applicants will enter into a contract with the State of California to complete the Grant Scope project;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the filing of an application for the Lincoln Park Revitalization Project, and:

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project if the grant is awarded, and
2. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project, and
3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide, and
4. Delegates the authority to the City Manager, or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.
6. Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

\* \* \* \* \*

The foregoing Resolution 2021-\_\_\_\_\_ was adopted by Tracy City Council on the 16th day of February 2021, by the following vote:

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

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

RESOLUTION 2021-\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRACY AUTHORIZING STAFF TO SUBMIT AN APPLICATION FOR THE PROP 68: STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM (SPP) GRANT FOR TRACY NATURE PARK AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO ACCEPT THE SPP GRANT, IF AWARDED

WHEREAS, The State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application, and

WHEREAS, Said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State, and

WHEREAS, Successful Applicants will enter into a contract with the State of California to complete the Grant Scope project;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the filing of an application for the Tracy Nature Park Project, and:

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project if the grant is awarded, and
2. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project, and
3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide, and
4. Delegates the authority to the City Manager, or designee, to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.
6. Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

\* \* \* \* \*

The foregoing Resolution 2021-\_\_\_\_\_ was adopted by Tracy City Council on the 16th day of February 2021, by the following vote:

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

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.C

REQUEST

**WAIVE SECOND READING AND ADOPT ORDINANCE 1304 AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTIONS 9.06.040, 9.06.050, 9.06.060, AND 9.06.070 OF CHAPTER 9.06 “FIRE PROTECTION AND PREVENTION” OF THE TRACY MUNICIPAL CODE REGARDING ASSIGNING THE AUTHORITY HAVING JURISDICTION AND SETTING GEOGRAPHIC LIMITS FOR CERTAIN HAZARDOUS MATERIALS STORAGE WITHIN THE CALIFORNIA FIRE CODE**

EXECUTIVE SUMMARY

Ordinance 1304 was introduced at a regular Council meeting held on February 2, 2021. Ordinance 1304 is before Council for adoption.

DISCUSSION

The California Building Standards Commission (CBSC) adopted the California Fire Code in July 2019. The CBSC does not mandate the adoption of certain sections or parts of the model codes. Local jurisdictions may adopt those sections not automatically adopted and/or may adopt amendments that are more restrictive to address geographical, topographical, and climactic issues. On November 19, 2019, the City Council approved Ordinance No. 1274, which adopted several parts of the California Building Standards Code, Title 24 to include the adoption of the 2019 California Fire Code.

After the adoption of the ordinance, a few items have been identified that need additional clarity. These include the following:

1. Assignment of the Fire Authority as the Authority Having Jurisdiction and responsible for the implementation, administration, and enforcement of the City Fire Code
2. Establishing geographic limits for certain hazardous materials storage in the 2019 California Fire Code.

The Joint Powers Agreement of the South San Joaquin County Fire Authority requires each Member Agency to assign the Fire Authority as the “Authority Having Jurisdiction” (AHJ) for all fire protection matters within the Member Agency’s jurisdiction. This would include the enforcement of building standards adopted by the State Fire Marshal as stated in the California Fire Code, Division I, California Administration, Section 1.11 and the implementation, administration, and enforcement of the provisions of the City Fire Code.

The California Fire Code states the “JURISDICTION TO SPECIFY.” The types of storage relating to this revision include locations where aboveground tanks containing flammable and combustible liquids are prohibited, location storage of flammable

cryogenic fluids in stationary containers outside buildings are prohibited, and locations restricting the storage of liquefied petroleum gas. For the storage relating to flammable and combustible liquids and flammable cryogenic fluids, the proposed geographic limits would prohibit these locations in residential zoning designations as identified by Title 10 of the Tracy Municipal Code. The geographical areas restricting the storage of liquefied petroleum gas would include the incorporated boundary within the City of Tracy. This ordinance intends to clarify the hazardous storage issue while re-numbering several subsections in Section 9.06

Proposed Ordinance 1304 was introduced at the regular Council meeting held on February 2, 2021. Proposed Ordinance 1304 is before Council for adoption.

#### 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 to the city related to the adoption of this ordinance.

#### RECOMMENDATION

That the City Council waive the second reading of the full text and adopt Ordinance 1304 an ordinance of the City of Tracy amending sections 9.06.040, 9.06.050, 9.06.060, and 9.06.070 of Chapter 9.06 "Fire Protection and Prevention" of the Tracy Municipal Code. In regards to assigning the authority having jurisdiction and setting geographic limits for certain hazardous materials storage within the California Fire 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 1304



ORDINANCE 1304

AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTIONS 9.06.040, 9.06.050, 9.06.060, AND 9.06.070 OF CHAPTER 9.06 "FIRE PROTECTION AND PREVENTION" OF THE TRACY MUNICIPAL CODE REGARDING ASSIGNING THE AUTHORITY HAVING JURISDICTION AND SETTING GEOGRAPHIC LIMITS FOR CERTAIN HAZARDOUS MATERIALS STORAGE WITHIN THE CALIFORNIA FIRE CODE

WHEREAS, The 2019 California Fire Code became effective on January 1, 2020, and

WHEREAS, Agencies are permitted to amend certain portions of the state codes related to fire due to local climatic, geologic, or topographic conditions, and

WHEREAS, On November 19, 2019, the City Council approved Ordinance No. 1274, adopting several parts of the California Building Standards Code, Title 24 to include the adoption of the 2019 California Fire Code, and

WHEREAS, The Joint Powers Agreement of the South San Joaquin County Fire Authority requires each Member Agency to assign the Fire Authority as the "Authority Having Jurisdiction" (AHJ) for all fire protection matters within the Member Agency's jurisdiction as part of the adoption process, and

WHEREAS, After the adoption of Ordinance No. 1274, items regarding the assignment of the Authority Having Jurisdiction and the storage of certain hazardous materials have been identified needing additional clarity, and

NOW, THEREFORE, the City Council of the City of Tracy does ordain as follows:

SECTION 1: Amended Sections. Sections 9.06.040, 9.06.050, 9.06.060, and 9.06.070 of Title 9 (Fire Protection and Prevention) of the Tracy Municipal Code are hereby amended to read as follows:

**9.06.040 – Authority Having Jurisdiction.**

The South San Joaquin County Fire Authority shall be the Authority Having Jurisdiction for all fire protection matters within the City of Tracy. This shall include the enforcement of building standards adopted by the State Fire Marshal as stated in the California Fire Code, Division I, California Administration, Section 1.11 and the implementation, administration and enforcement of the provisions of the City Fire Code.

**9.06.050 - Penalty provisions.**

The California Fire Code subsection 110.4 is amended to read as follows:  
110.4 Violations Penalties. Violations of this Chapter shall be enforced by the City of Tracy and the South San Joaquin County Fire Authority in accordance with the provisions of City of Tracy Municipal Code Section 9.02.050.

**9.06.060 - Appeals.**

Any person aggrieved by any decision of the fire code official, may appeal to the Board of Appeals, by filing a written notice of appeal with the City Clerk within thirty (30) days from the date the decision or action was taken.

**9.06.070 - Amendments to the California Fire Code.**

The City of Tracy hereby makes the following local amendments to the California Fire Code:

CHAPTER 1

Section 103.2 Appointment, is hereby repealed in its entirety as it purports to give vested employment rights different than currently exists for the fire code official.

Section 105.2.3 is amended to read as follows:

Section 105.2.3 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the fire code official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the fire code official, an application shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application.

A new application shall be submitted and corresponding fees shall be paid when an application for a permit has expired.

Section 105.3.2 is amended to read as follows:

Section 105.3.2 Extensions. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the building official, a permit shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired."

Section 105 is amended by adding subsection 105.6.50.1 to read as follows:

Section 105.6.50.1 Christmas tree lots, haunted house or corn maze. An operational permit is required to operate a temporary or permanent operation.

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.

## CHAPTER 2

Section 202 subsection FALSE ALARM is amended to read as follows:

FALSE ALARM shall mean the giving, signaling or transmission to any public fire station or company or to any officer or employee thereof, whether by telephone, spoken word or otherwise, information to the effect that there is a fire, medical emergency, rescue request, or other need for emergency service at or near the place indicated by the person giving, signaling, or transmitting such information, and there is found to be no need for emergency services.

## CHAPTER 3

Section 315 is amended by adding section 315.7.8 to read as follows:

Section 315.7.8 Outside storage of pallets, palletized packing boxes, bin boxes and other combustibles.

Section 315.7.8.1 Operational permit required. An operational permit shall be obtained to store pallets, palletized packing boxes, bin boxes and other combustible materials in excess of 2500 cubic feet.

Section 315.7.8.2 Height

Pallets, palletized packing boxes, bin boxes and other combustible materials shall be stored or piled with due regard to stability but in no case greater than 15 feet in height.

Exception: Bin boxes may be stacked to a maximum height of 20 feet.

Section 315.7.8.3 Proximity to other combustible yard storage

Pallets, palletized packing boxes and bin boxes shall be stored within the limitations to other combustible yard storage as per Table 315.7.8.3 (a). The distance of stacked pallets, palletized packing boxes or bin boxes adjacent to buildings on the same lot shall comply with Table 315.7.8.3 (b).

Table 315.7.8.3 (a)

Minimum distance of piled storage to other combustible yard storage

# of Pallets Bins or boxes	Min. Ft.
<50	20 Feet
50-200	30 Feet
>200	50 Feet

Table 315.7.8.3 (b)

Minimum distance of piled or combustible storage to buildings

Building Wall Construction	# of Pallets, Bins or Boxes		
	<50	50-200	>200
Masonry without openings	0 ft.	0 ft.	15 ft.
Wood or metal With outside sprinklers	10 ft.	20 ft.	30 ft.
Wood, Metal or Masonry W/O outside sprinklers	20 ft.	30 ft.	50 ft.

Section 315.7.8.4 Proximity to property line

Where pallets, palletized packing boxes, bin boxes or other combustibles are piled or stored adjacent to a property line, the distance from such storage or pile shall not be less than 20 feet to the property line.

Section 315.7.8.5 Fire access

Fire access driveways between and around pallets, palletized packing boxes, bin boxes or other combustibles shall be a minimum of 20 feet in width and maintained free from accumulation of rubbish, weeds, machinery, equipment or other obstructions that may block access or add to the fire hazard. Driveways shall be spaced so as to establish a

maximum grid of storage not to exceed 50 feet by 50 feet and no pile shall exceed 2500 square feet in dimension or more than 50 feet in any one dimension. An approved turning radius around such piles shall be maintained at all times.

#### Section 315.7.8.6 Fencing

Outside storage of pallets, palletized packing boxes, bin boxes or other combustibles operating under a permit shall be enclosed by a suitable fence not less than 6 feet in height.

#### Section 315.7.8.7 Water Supply

An approved water supply and hydrants capable of supplying the required fire flow shall be provided within 400 feet or all portions of the storage area in accordance with section 507 of the 2019 California Fire Code or NFPA 1142 (where municipal water supplies are not available).

### CHAPTER 4

Section 401.5 is amended by adding subsection 401.5.1 Cost to read as follows:

Section 401.5.1 Cost recovery. All costs incurred by the City to any response to a false alarm will be charged to that person, property owner, firm or corporation causing the transmission of the false alarm.

### CHAPTER 5

Section 503.6 is amended to read as follows:

Section 503.6 Security gates. The installation of security gates across a fire apparatus access road shall require, prior to installation, approval by the fire code official. Where security gates are installed they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. All electrically operated automatic gates across fire apparatus access roads shall be equipped with traffic preempting optical signal receivers compatible with the emitters utilized by the Fire Department, which will activate the gate and override all command functions of the gate controller. Knox Switches shall be provided at automatic gates. The traffic preemptive optical signal receiver and key switch shall be provided on both sides of an automatic access gate where an exit loop is not provided. The automatic gate shall have a battery backup or manual mechanical disconnect readily accessible to emergency personnel in case of power failure. All gates must meet Fire Department standards deemed necessary by the fire code official for rapid, reliable access. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. All manual gates shall be equipped with a Knox-Box containing a key to the gate, or an approved Knox-Padlock.

Section 505.1 is amended to read as follows:

Section 505.1 Address Identification. New and existing buildings shall be provided and maintained with approved address identification. The identification shall comply with all of the following:

1. Not less than 4" high with a 1/2" stroke width
2. Located minimum of 6' above grade
3. Illuminated at night. Illumination shall be either internally or externally at an intensity of 5.0 foot-candles
4. Numbers shall contrast with the background.
5. Numbers shall be placed on a portion of the building that is both legible and visible from the street that fronts the property
6. Numbers shall not be placed on a moveable door and shall not be obstructed from view from the street.
7. Addresses shall be Arabic numbers or alphabetical letters and conventional in form

Additionally, where access is by means of a private road and/or the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Where required by the fire code official, address numbers/figures shall be provided in additional approved locations to facilitate emergency response.

Multiple tenant spaces serviced by vehicular access to the rear of the building through any driveway, alleyway, or parking lot shall have numbers or addresses placed prior to occupancy on all new and existing buildings as to be plainly visible and legible from the rear access way.

Multiple tenant spaces serviced by rear access through a corridor, exit court, or exit yard shall have approved numbers or addresses displayed on the rear of the tenant space.

Multiple tenant spaces that front on interior walkways or pedestrian malls shall have approved numbers or addresses placed over the entrance door in all new and existing buildings. An illuminated annunciator or directory board shall be required at every entrance where deemed necessary by the fire code official.

Section 506.1 is amended to read as follows:

Section 506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life safety or firefighting purposes, the fire code official is authorized to require a key box in which all keys necessary for entering any portion of the property, building or area shall be contained. The key box shall be manufactured by Knox (listed in accordance with UL 1037) and as a minimum size, shall be a Knox-Box 3200 series box with exterior dimensions of 5"x4"x3 3/4". Larger boxes will be required dependent upon the number of

keys to be set within the box. The Knox-Box shall be installed at a height of 72" above finished grade in an accessible location approved by the fire code official. Keys within the box shall be permanently and readily identified.

Section 506 is amended by adding subsection 506.3 to read as follows:

Section 506.3 Hazardous materials management plan box. When a facility stores or uses hazardous materials, the fire code official may require the installation of a secured box manufactured by KNOX and located at the facilities primary entrance or fire control room. The plan box shall contain up-to-date hazardous materials inventory sheets (HMIS) of all of the hazardous materials stored or used within the facility, hazardous materials management plan (HMMP) and contact information of the company liaison to the fire department. The plan box shall be water proof and of sufficient size to contain HMMP and HMIS information without the need to fold the documentation.

Section 509 is amended by adding subsection 509.3 to read as follows:

509.3 Fire Control Room. All new buildings protected with an automatic fire extinguishing system shall be provided with a Fire Control Room in which shall contain system control valves and where practical, fire alarm panel, smoke exhaust controls and all other equipment (excluding fire pump) as designated by the fire code official. If the electrical power equipment is not located within the Fire Control Room, then, it shall be located in a room immediately adjacent thereto or as approved by the fire code official. The fire control room shall be located so as to be directly accessible from the exterior of the building and provided with a durable and permanent sign on the exterior of the access door to identify the space as the fire control room.

## CHAPTER 9

Section 903 is amended by adding subsection 903.2.20 to read as follows:

Section 903.2.20 Automatic fire sprinklers. In addition to the requirements specified in Section 903 of this code, an automatic fire sprinkler system shall be installed throughout and maintained in operable condition in the following buildings:

1. Every building hereafter constructed in which the total area of the building is greater than 6,000 square feet including overhangs.
2. Every building hereafter constructed of three or more stories in height as defined in the building code.
3. Every building hereafter remodeled or improved within a three-year period of time when the cost of improvements (alterations and/or structural repairs to the building) requiring permits exceeds a valuation threshold as specified below and the total area of the building exceeds 6,000 square feet.

The calculation is determined using a valuation threshold of \$100,000 based on the 1985 "ENR US20 Cities" Average Construction Cost Index of 4195 adjusted

- by area cost factors. The City will annually update the valuation threshold to a current amount based on the increase in the index since the last figure used.
4. Every building hereafter changed in occupancy classification and the total area is greater than 6,000 square feet, and the proposed use is deemed to be more hazardous based on risk analysis by the fire code official.
  5. Every building hereafter in which square footage is increased by 50% or more within a three-year period and the total square footage of the building exceeds 6000 square feet. If the additional square footage added to a building creates a total that exceeds the minimum code requirement for sprinklers for that occupancy type, then automatic sprinklers shall be required.
  6. (Exception) Minor additions; not greater than 500 square feet in area to existing non-sprinklered buildings and the purpose of the addition is for accessory storage or disabled access upgrades.

Section 912.5 is amended to read as follows:

Section 912.5 Signs. A metal sign with raised letters at least 1 inch (25 mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the fire department connection serves a portion of a building or a specific building among multiple buildings a sign shall be provided to reflect the appropriate building or portion of a building served.

Section 913 is amended by adding the following text to the end of the section:  
Section 913.7 Meters and testing devices. Where fire pumps are provided, they shall have a test loop installed in accordance with the applicable portions of NFPA 20 Section 4.21.2.

## CHAPTER 11

Section 1103.2 amended to read as follows:

Section 1103.2 Emergency responder radio coverage in existing buildings. Existing buildings that do not have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction shall be equipped with such coverage when any of the following conditions apply:

1. Where the use or occupancy group of the building has been changed and the use or occupancy is more hazardous.
2. Where the addition of metal racking systems, equipment, or interior walls utilizing metal, masonry or concrete materials that interfere with emergency responder radio coverage within the building as noted below:
  - a. Where multiple tenant spaces exist within a single structure, only the tenant



- space where improvements are made that trigger radio coverage shall have radio coverage. The improvements made to provide adequate radio coverage shall be designed, however, to have the capability to expand indoor radio coverage to all other areas of the building by adding cable and antennas if needed for subsequent improvements in these other areas of the building. Survivability of the cable pathway and "junction" locations between tenant spaces shall be addressed.
- b. New metal racks (including required aisle and flue space) or equipment installed that increase existing metal racks (including required aisle and flue space) or equipment by 40% or greater of tenant spaces up to 100,000 square feet, 35% or greater of tenant spaces up to 400,000 square feet and 25% or greater of tenant spaces greater than 400,000 square feet shall require radio coverage.
  - c. New metal racks (including required aisles and flue spaces) or equipment that cover 30% or greater area of the tenant space where no such improvements previously existed shall require radio coverage in tenant spaces up to 100,000 square feet; 25% or greater of tenant spaces up to 400,000 square feet and 20% or greater of tenant spaces greater than 400,000 square feet.
  - d. New masonry or concrete walls and elevated floor/ceilings and metal-framed walls or floor/ceilings installed that increase existing masonry or concrete walls and elevated floor/ceilings and metal-framed walls and floor/ceilings (area calculation) by 40% or greater of tenant spaces up to 100,000 square feet, 35% or greater of tenant spaces up to 400,000 square feet and 25% or greater of tenant spaces more than 400,000 square feet shall require radio coverage.
  - e. New masonry or concrete walls and elevated floor/ceilings and metal-framed walls or floor/ceilings installed that cover 30% or greater area of the tenant space (area calculation) where no such improvements previously existed shall require radio coverage in tenant spaces up to 100,000 square feet, 25% or greater of tenant spaces up to 400,000 square feet and 20% or greater of tenant spaces more than 400,000 square feet.
3. Every building hereafter in which square footage of the building is increased by 50% or more within a three-year period and the total square footage of the building exceeds 10,000 square feet.

Exception: 1). Group R Division 3 Occupancies and buildings constructed entirely of structural members made of wood.

#### Chapter 57

Section 5704.2.9.6.1 is amended to include the geographical areas such storage is prohibited:

All LDR, MDR, HDR, MDC, RMH, LDR-TH, MDR-TH, HDR-TH, and residential portions of both ESP and PUD zoning designations as identified by Title 10 of the City of Tracy Municipal Code;

- Exception: Above ground tanks located at public safety facilities.

Section 5706.2.4.4 is amended to include the geographical areas such storage is prohibited:

All LDR, MDR, HDR, MDC, RMH, LDR-TH, MDR-TH, HDR-TH, and residential portions of both ESP and PUD zoning designations as identified by Title 10 of the City of Tracy Municipal Code

#### Chapter 58

Section 5806.2 is amended to include the geographical areas such storage is prohibited:

All LDR, MDR, HDR, MDC, RMH, LDR-TH, MDR-TH, HDR-TH, and residential portions of both ESP and PUD zoning designations as identified by Title 10 of the City of Tracy Municipal Code

#### Chapter 61

Section 6104.2 is amended to include the geographical areas restricting the storage of liquefied petroleum gas:

The incorporated boundary within the City of Tracy.

#### APPENDIX B

Section B105.2 is amended by adding the following text to the end of the section:  
Exception:

5. A maximum reduction in required fire-flow of up to 50 percent, as approved by the fire code official, is allowed when the building is provided with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 as opposed to the 75% reduction values given for minimum fire flows in Table B1105.2. A reduction in required fire-flow of up to 75 percent, as approved by the fire code official, is allowed for warehouse buildings of Type I, Type II, and Type III construction provided with ESFR automatic fire sprinkler systems. The resulting fire-flow for any of these reductions shall not be less than 1500 gallons per minute for the prescribed duration according to Table B105.1(2). Reduction of fire-flow applies to the fire hydrants requirements as specified in Appendix C.

#### APPENDIX BB

Section BB105.1 and Exception is amended to read as follows:

Section BB105.1 The minimum fire-flow and flow duration for school buildings shall be as specified in Table BB105.1.

Exception: A reduction in required fire flow of up to 50 percent is allowed when the building is provided with an approved automatic sprinkler system. When a reduction in fire flow is used, fire flow shall not be less than 1500 gallons per minute for the prescribed duration as specified in Table BB105.1. Reduction of fire-flow applies to the fire hydrants requirements as specified in Appendix CC.

#### APPENDIX C

Appendix C is amended by adding section C106 to read as follows:

Section C106 Hydrant type. The fire code official shall approve the type of fire hydrants to be installed in the public right of way or on private property prior to any such installation.

Table C102.1 Number and Distribution of Fire Hydrants, footnote "b" is repealed and amended to read as follows:

Table C102.1 footnote "b"

b. Where streets are provided with median dividers that make access to hydrants difficult, cause time delay, or create undue hazard or both, or where arterial streets are provided with four or more traffic lanes, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis.

#### APPENDIX CC

Appendix CC is amended by adding section CC106 to read as follows:

Section CC106 Hydrant type. The fire code official shall approve the type of fire hydrants to be installed in the public right of way or on private property prior to any such installation.

Table CC105.1 Number and Distribution of Fire Hydrants, footnote "b" is repealed and amended to read as follows:

Table CC105.1 footnote "b"

b. Where streets are provided with median dividers that make access to hydrants difficult, cause time delay, or create undue hazard or both, or where arterial streets are provided with four or more traffic lanes, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis.

SECTION 2: 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 3: If any provision or the application of this Ordinance is for any reason held to be unconstitutional, invalid, or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each subsection or provision of this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

SECTION 4: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 5: 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 1304 was introduced at a regular meeting of the Tracy City Council on the 2nd day of February 2021, and finally adopted on the 16th day of February, 2021, 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

**ACCEPT THE TRACY SUB-BASIN GROUNDWATER SUSTAINABILITY PLAN UPDATE**

EXECUTIVE SUMMARY

The City of Tracy Groundwater Sustainability Agency, along with other Groundwater Sustainability Agencies sharing the Tracy Sub-basin Groundwater, have been working together for the last two years to complete the Groundwater Sustainability Plan (GSP). This agenda item provides the status of the State's Sustainability Groundwater Management Act (SGMA) and GSP. This is an information item and no Council action is requested at this time.

DISCUSSION

Senate Bills 1168, 1319, and Assembly Bill 1739, collectively known as the Sustainable Groundwater Management Act of 2014 (SGMA), requires that the groundwater must be managed by a Groundwater Sustainability Agency (GSA) and the following deadlines were established:

- Formation of a Groundwater Sustainability Agency - by June 20, 2017
- Completion and submittal of a Groundwater Sustainability Plan (GSP) to the State Department of Water Resources by January 31, 2022
- Update GSP every 5 years
- Achieve Sub-basin sustainability by 2042.

Management of the groundwater entails activities related to and the measurement of the depth of groundwater, constituents contained in the groundwater, protection of the groundwater from contamination, identification of how recharge of the aquifer occurs, measurement of the amount of groundwater pumped from the aquifer and recharging of the aquifer.

The City of Tracy has managed its sub-basin groundwater effectively for more than three decades and has good understanding of local geology and groundwater conditions. However, future impacts on groundwater from new agricultural uses such as new almond orchards surrounding Tracy are not known. The City of Tracy's water supply is reliant upon a number of emergency wells which go in to production during peak hour demand and when no or limited water supplies are received from the Delta Mendota Canal due to its closure, maintenance or drought conditions.

In order to properly manage sub-basin groundwater effectively within the City boundaries, City Council, at its February 2, 2016 meeting, established the City of Tracy as a Groundwater Sustainability Agency.

The existing water aquifer within the City stretches from San Joaquin River to the western limit of the County and includes part of the Delta and a small portion of Alameda and Contra Costa County. As a result, this is also shared by other agencies in San Joaquin County including the City of Lathrop, Byron Bethany Irrigation District, Banta-Carbona Irrigation District and Steward Tract. Each of these agencies have designated themselves as a Groundwater Sustainability Agency to protect their rights.

Due to sharing of the same aquifer and overlapping interests, these agencies within San Joaquin County have grouped together to complete the GSP. Each agency is participating in the process and working together to achieve similar goals.

Funding to develop a GSP and providing public outreach has jointly been achieved with funding from a Proposition 1 grant from the Department of Water Resources in an amount of \$450,000. Additional funding in the amount of \$150,000 is fronted by San Joaquin County every year until completion of the GSP. Each participating GSA provides staff time and technical support. A Memorandum of Agreements (MOA) has been executed between all agencies. San Joaquin County is taking the lead in administering the process until completion of the GSP. The services of GEI Consultants, Inc., were acquired to develop and complete the GSP.

City of Tracy's long-term objectives will be addressed appropriately in the GSP namely as follows:

- Utilize sub-basin groundwater as a dry year water supply
- Utilize sub-basin groundwater as an emergency supply
- Use up to 2,500 acre feet annually for water supply
- Utilize the sub-basin groundwater for aquifer storage and recovery
- Manage sub-basin groundwater near full (as in the current condition)

The City is presently in the process of updating its Water Master Plan and Urban Water Management Plan. The above objectives will be updated if needed once these plans are finalized. A public outreach meeting for the GSP led by San Joaquin County was held on January 21, 2021, through website by Tracy Sub-basin Groundwater Sustainability Agencies. The general public was also notified of that meeting by posting the meeting notice on the City's website.

Once the GSP has been developed and agreed upon by the technical committee of the participant agencies, each agency will be recommending its governing body to approve the GSP.

The completed GSP will be brought to Council for approval during the latter part of 2021.

### 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 to the Water Enterprise Fund at this time for developing the GSP. Staff time and technical support is part of the administration and management of the Utilities Department.

RECOMMENDATION

That the City Council receive the Tracy Sub-basin Groundwater Sustainability Plan Update.

Prepared by: Kul Sharma, Utilities Director

Reviewed by: Karin Schnaider, Finance Director  
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Exhibit A – PowerPoint presentation

# Sustainable Groundwater Management Act Overview

January 2021







# Discussion Topics

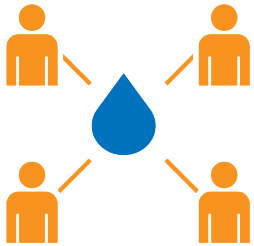
1. Sustainable Groundwater Management Act Overview
2. Tracy Subbasin Overview
3. Next Steps

# Sustainable Groundwater Management Act Overview

# Sustainable Groundwater Management Act Terms



Sustainable Groundwater Management Act = SGMA



Groundwater Sustainability Agency = GSA



Groundwater Sustainability Plan = GSP

# Sustainable Groundwater Management Act Requirements

Important:  
If not done locally,  
State can intervene

- Form **Groundwater Sustainability Agencies**
- Develop, adopt, and submit **Groundwater Sustainability Plans** to state by January 31, 2022
- Update Groundwater Sustainability Plan every five years
- Achieve sustainability by 2042

# Sustainable Groundwater Management Act Timeline



**Jun. 30, 2017**

Form  
Groundwater  
Sustainability  
Agencies



**Jan. 31, 2022**

Medium and High  
Priority Basins  
Submit  
Groundwater  
Sustainability  
Plan to State



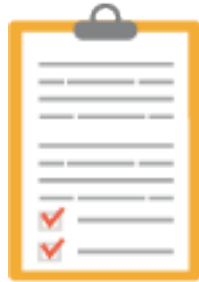
**Every Five Years**

Update  
Groundwater  
Sustainability  
Plan



**2042**

Tracy Subbasin  
achieves  
sustainability



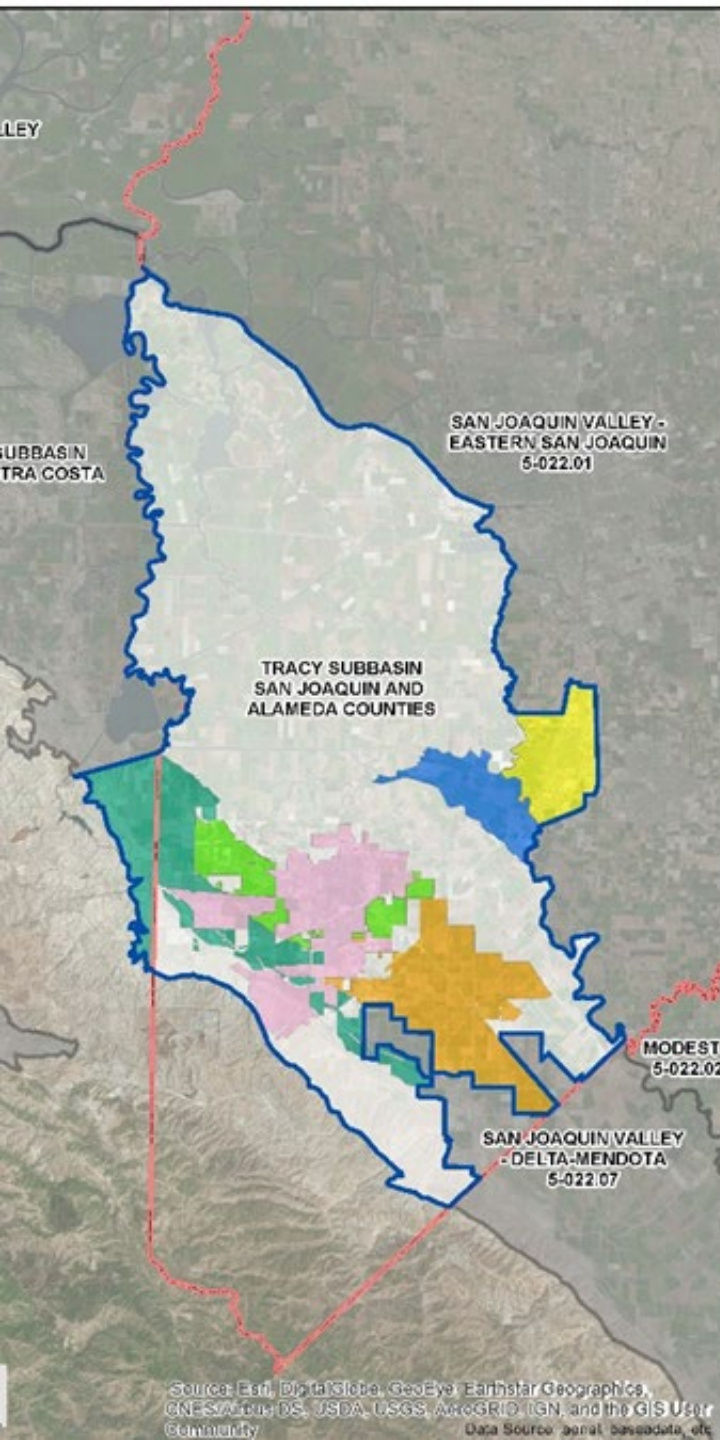
# Groundwater Sustainability Plan Content

- Agency Information
- Plan Area
- Hydrogeologic conditions
- Water budget
- Sustainability goals
- Thresholds and measurable objectives
- Projects and management actions
- Monitoring network

Tracy Subbasin

# Tracy Subbasin

---



- Boundary of the subbasin was modified in 2019
- Includes San Joaquin County and small portion Alameda County
- Generally bounded by San Joaquin River and San Joaquin County line
- Includes part of Delta



7

Groundwater  
Sustainability  
Agencies  
Developing

1

Groundwater  
Sustainability  
Plan

- Banta-Carbona Irrigation District
- Byron-Bethany Irrigation District
- City of Lathrop
- City of Tracy
- San Joaquin County
- Stewart Tract
- The West Side Irrigation District

# How is this effort being funded?

*Funding to develop GSP and public outreach currently 100% funded through several sources:*

- San Joaquin County: \$150,000/year
- Staff time and resources from each GSA
- Grant Funding and Support:
  - DWR Proposition 1 Grant: \$450,000
- Other funding sources:
  - Facilitation Support Services
  - Technical Support Services

# Status of Groundwater Sustainability Plan Development



Monthly GSP Technical Working Committee



Completed MOA (Tracy Subbasin GSAs)



Completed MOU (Tracy Subbasin and City of Brentwood)



Issued a Notice of Intent to Prepare a GSP



Obtained grant funding to prepare GSP

# Status of Groundwater Sustainability Plan Development



Developed a website: [tracysubbasin.org/](http://tracysubbasin.org/)



Developed a Communications and Engagement Plan



Contracted with GEI Consultants to prepare the GSP and Stantec to assist with public communications and engagement



Initial Stages of GSP Development

Next Steps

# Next Steps

- Complete applications for additional funding
- Conduct public outreach
  - Post flyers on City website, social media accounts, etc.
  - Contact local stakeholders
  - Public Workshops: Workshop #2  
– Draft Sustainable Management Criteria on January 21st, 2021
- Continue GSP Development

# Future Council Actions

- Provide direction to staff during GSP development
- Develop a resolution to adopt the GSP in November 2021
- Provide approval of new MOA for GSP implementation (2022 through 2042)

# Tracy Objectives

- Utilize groundwater as a dry year water supply
- Utilize groundwater as an emergency water supply
- In the future, use up to 2,500 acre-feet annually for water supply
- Utilize the groundwater basin for Aquifer Storage and Recovery
- Manage groundwater basin near full (as is the current condition)





# Questions

Photo Credit: Byron-Bethany Irrigation District

February 16, 2021

## AGENDA ITEM 3.C

### REQUEST

#### **CONSIDER FORMING A CITY COUNCIL STANDING HOMELESSNESS COMMITTEE AND PROVIDE DIRECTION TO STAFF**

### EXECUTIVE SUMMARY

At the January 19, 2021 City Council Meeting, Mayor Pro Tem Veronica Vargas, seconded by Council Member Dan Arriola requested an item be placed on the agenda to discuss forming a standing Council Homelessness Committee that would provide guidance on the implementation of the Tracy Homelessness Strategic Plan.

This report discusses the formation of a Council homelessness committee, including policy issues including the purpose and scope of the proposed committee, type of committee (ad hoc or standing), and council committee representation

### DISCUSSION

On April 16, 2019, Council established a Council ad hoc homelessness committee to guide the development of a strategic plan to address homelessness in Tracy. Through a technical assistance grant received from the State, staff and representatives from the Technical Assistance Collaborative (TAC) with guidance from the Council ad hoc committee developed a Homelessness Strategic Plan. The process involved inventorying existing local homelessness resources, conducting public outreach meetings and receiving input from residents, the business community, homeless service providers, and those currently experiencing homelessness. The Homelessness Strategic Plan was adopted by City Council on May 5, 2020. (Attachment A)

At the September 9, 2019 City Council meeting, the scope of the strategic plan committee was expanded to include feasibility of establishing a temporary homeless shelter in Tracy. Council adopted Resolution No. 2019-187 (Attachment B) that clearly defines the duration and scope of the committee. The ad hoc Homelessness Strategic Plan committee expired on June 30, 2020.

At the January 19, 2021 City Council Meeting, Mayor Pro Tem Vargas, seconded by Council Member Arriola requested an item be placed on the agenda to discuss the formation of a standing Council Homelessness Committee to guide the implementation of the Tracy Homelessness Strategic Plan. Council will need to determine if it wishes to form a standing Homelessness Committee, identify the purpose and the scope of the committee, select a meeting time and duration, and appoint two Council representatives to serve on the committee.

### **Standing Committees Versus Ad-Hoc Committees**

City Councils may form a Council “standing” committee or “temporary” committee (often referred to as “ad hoc committee”) on any matter within their jurisdiction. For purposes of the Brown Act, a Council standing committee is typically a permanent committee that is charged with continuing jurisdiction over a topic and therefore subject to the notice and agenda requirements of the Brown Act.

Council advisory committees that are of limited duration (typically no more than a year) and for a specific purpose, and are comprised of less than a quorum of the Council’s members are known as “ad-hoc” committees. These committees typically dissolve once a specific task is completed or issue has been addressed. They are not subject to the Brown Act’s requirements.

### **Committee Scope and Purpose**

Based on the request, the proposed committee scope and purpose is to provide policy guidance regarding the implementation of the Tracy Homelessness Strategic Plan. Council may wish to further discuss this scope and purpose and also determine the title of the proposed committee.

### **Meeting Frequency & Council Representation**

If the Council forms a standing Council Homelessness Committee, it will need to select a reoccurring date and time for the meetings. It is recommended that the Council consider meeting quarterly, with the option to schedule special meetings as necessary.

### **Logistics & Cost**

It should be noted that standing or ad hoc committees require varying degrees of impact on Council and staff time. In particular, standing committees often require more staff time and resources because they are public meetings. Standing meetings must comply with the Brown Act and require the timely posting of agendas 72 hours prior to the meeting, recording of action minutes, and additional staffing for COVID related logistics like phones, Webex, and visual displays.

The cost of resources to prepare and staff the meetings would vary depending on the reoccurring date and time of the standing committee. If Council forms a standing committee and the meeting time is after regular work hours, staffing costs would increase due to the need to compensate staff at an overtime rate. Estimated staff time and cost to prepare for an estimated two hour meeting, held quarterly during regular business hours is estimated at \$7,000 annually, increasing to approximately \$8,000 if the meetings are after regular business hours.

Based on Council’s direction, staff will return at a subsequent meeting with a resolution codifying the nature of the committee, scope, duration, and Council representation.

STRATEGIC PLAN

This is a routine operational item and is not related to any of the Council Strategic Plans.

FISCAL IMPACT

Staff support for the proposed standing homelessness committee will be coordinated by City Manager's Office and funded by the General Fund.

RECOMMENDATION

It is recommended that Council:

1. Discuss and provide direction regarding the formation of a standing Homelessness Committee.
2. Define the proposed committee scope and purpose, including the title of the committee.
3. Select a committee meeting time and duration.

Prepared by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

- A: Homelessness Strategic Plan
- B: Resolution No. 2019-187



CITY OF TRACY

HOMELESSNESS STRATEGIC PLAN

As approved and amended May 5, 2020

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*Last Revised: 05-05-2020*

## EXECUTIVE SUMMARY

This Homelessness Strategic Plan outlines an ongoing comprehensive strategy to make homelessness rare, brief, and non-recurring in the City of Tracy. The direction and goals included in this plan build upon the recent progress the City has made towards ending homelessness while also recognizing new practices, emerging challenges, and opportunities to develop a system that uses all available resources to house people experiencing homelessness.

In response to the growing number of people experiencing homelessness within the City of Tracy, a collaboration of stakeholders, local service providers, community members and elected officials have mobilized to address the challenges related to homelessness. These stakeholders include a collective of various organizations including those with educational, legal, business, and faith-based interests; local homeless service providers; city, county, and state agencies; private businesses and non-profit organizations; as well as private individuals and consumer advocates. This strong collaboration represents one of the greatest tools within the City of Tracy to combat homelessness.

Trends in homelessness in the City of Tracy speak to the need for a comprehensive, coordinated community effort to address the issue. The 2019 biannual point in time count reports that there are 155 unsheltered persons living on the streets, cars, or places not meant for human habitation and 21 sheltered persons within city limits. The number of people experiencing unsheltered homelessness has increased dramatically (520%) since 2011. This large increase is attributable to under counting in previous years. Service providers working in Tracy reported that a change in the count methodology—including the establishment of a homeless outreach project on the day of the count and an increase in the number of volunteers—has helped to produce a more accurate count of people experiencing homelessness in the City.

While conversation and ideas are being discussed within the City of Tracy, the experience of homelessness continues to affect many individuals and families, while others live one pay-check or unforeseeable circumstance away from falling into homelessness, *i.e.* at-risk of homelessness. These realities propel city and county officials, nonprofit service providers, local businesses, faith-based organizations, and other stakeholders to continually strive to address the issue of homelessness.

This plan proposes a series of steps to strategically utilize existing resources and place the City in a position to access new resources. It intentionally builds upon the strengths of the community, namely the City and the San Joaquin County Continuum of Care, and the capacity of its individual stakeholders; to leverage existing resources to address challenges—such as the shortages of affordable housing and permanent supportive housing. However, the first priority of the City must be to create emergency shelter.

Specific strategies are organized under four primary goals:

## STRATEGIC PLAN GOALS

**GOAL 1: Increase Housing Options in Tracy**

**GOAL 2: Increase Access to Coordinated Support Services for People Experiencing Homelessness**

**GOAL 3: Develop Action Plans for Engaging with People Experiencing Homelessness**

**GOAL 4: Enact Specific Strategies for Vulnerable Subpopulations Experiencing Homelessness**

As the City of Tracy embarks on the implementation of this plan, the City must communicate and promote this vision and strategy for implementation; update the plan as needed; continuously identify and seek out resources; and provide the leadership to make mid-course adjustments. The plan identifies outcomes that should be measured to ensure constant and consistent attention to the action steps and to measure success. Success will depend on the willingness and commitment of key stakeholders to embrace innovation and adopt a culture open to change.

## BACKGROUND

In January of 2019, California’s Department of Housing and Community Development (HCD) presented the opportunity for Continuums of Care (CoC) and counties across the State of California to request technical assistance in three different areas of focus: capacity building, housing first, and housing stability. Eligible recipients of the technical assistance included those CoCs and counties that were direct recipients or administrators of California’s Emergency Solutions Grant Program (ESG) or No Place Like Home funding. In July of 2019, the City of Tracy, as a member of the San Joaquin Continuum of Care, submitted a request for support in developing a strategic plan to end homelessness. HCD approved the City of Tracy’s request as an exception—as the only city provided direct assistance—and it did so with the understanding that the City would coordinate with the CoC to compliment efforts.

The Technical Assistance Collaborative (TAC) was retained by HCD to engage with CoCs and Counties that submitted requests for “capacity building” technical assistance. TAC worked with HCD and the City of Tracy to develop a work plan, and engagement began in August of 2019. The goal of the public process was to enhance transparency and help the City of Tracy establish intentional and meaningful strategies to end homelessness, which culminated in a written plan.

Prior to this engagement, much of the planning around homelessness occurred at the CoC and county level. While the City of Tracy is unique in their capacity and needs, the city has expressed a commitment to collaborate efforts with the county to address homelessness within the framework of the San Joaquin CoC. Therefore, the planning process which produced this document focused on a more systemic-level approach to prevent and end homelessness within the city. As such, TAC conducted a thorough document and resource review. In addition to remote planning sessions and communication with the City, TAC facilitated an on-site strategic planning meeting in November 2019. Subsequently, three community forums were held in

December and January to obtain public input and promote transparency. Throughout the process, it was important to include the voice of those with lived experiences by inviting persons currently living on the streets or in places not meant for human habitation in Tracy to the community meetings.

In developing the plan, TAC drafted initial goals and objectives, based on the community planning session and additional feedback from the community workshops. The public comments were incorporated into the plan and, subsequently, the City's Ad Hoc Committee on Homelessness revised the draft goals and objectives. This collaborative effort produced the goals, objectives, and action steps outlined in this plan to end homelessness in the City of Tracy.

## OVERVIEW OF HOMELESSNESS IN TRACY

The State of California is in the midst of an unprecedented homelessness and housing crisis. The number of individuals and families experiencing homelessness far exceeds any other state in the country. As of the January 2019 point in time count, the number of persons experiencing homelessness in California was 151,278. Nearly half of all people experiencing homelessness in the country were in three states: California (27% or 151,278 people); New York (16% or 92,091 people); and Florida (5% or 28,328 people). While the highest counts of homelessness exist in some of California's larger metropolitan areas, Tracy is not untouched by the crisis.

## COST OF HOMELESSNESS IN TRACY

Nationally, a chronically homeless person costs the tax payer an average of \$35,578 per year. Costs on average are reduced by 49.5% when they are placed in supportive housing. Supportive housing costs on average \$12,800, making the net savings roughly \$4,800 per year.

Key findings from a study in Santa Clara, California found "overall, clients connected to permanent housing showed greater reduction in both emergency department use and charges compared to those who remained homeless or in less stable housing arrangements (a 34% reduction compared to a 12% reduction in emergency department visits, a 31% reduction compared to a 2% reduction in emergency department charges)." "The group connected to housing showed significantly greater reductions in the inpatient charges (a 27% decrease for those connected vs. a 49% increase for those not connected)."

Regarding the specific needs of the City of Tracy, there is a cost to the city as people continue to experience homelessness. The City is working to document the costs of the following services:

- Hospital Emergency Room Services
- Emergency Medical Resources
- Law Enforcement and Prosecution Resources
- County Jail, Court, and Criminal Justice System Resources

Often, these costs are actually higher than the cost of dedicating resources to provide people with permanent housing.



## EXISTING RESOURCES IN TRACY

The strategic planning process requires the identification of existing resources to households experiencing or at-risk of homelessness, as well as any gaps in resources and those that may require strengthening or refining. The effort to prevent and end homelessness in Tracy must also take into consideration the state and federal funding climates and evolving policy priorities. No community can address homelessness by relying solely on dedicated homeless resources, but must access and leverage other more mainstream housing and service resources.

- **HUD RESOURCES**

The San Joaquin CoC has successfully obtained competitive federal homeless assistance funds through the Continuum of Care Program. In Fiscal Year 2018 the CoC received \$4,490,004 and, of that amount, 67% is for permanent supportive housing, 28% is for rapid rehousing, 2% is for the Homeless Management Information System, and 3% is for planning CoC activities. At the time of publication of this report the FY19 CoC Program awards were not fully announced.

- **CALIFORNIA RESOURCES**

The State of California, through inter-state agency partnerships and collaboration, has created and funded programs to complement federal and local/philanthropic funding for county and CoC crisis response systems. **TABLE A** outlines some of the funding opportunities available to support CoCs in California. The San Joaquin CoC currently receives funding through several of these opportunities.

- **TRACY RESOURCES**

There are 28 local service providers that make up the Tracy Community Homeless Task Force. The services offered include shelters; subsidized housing; community meals; food delivery to encampments; food pantries, markets, and produce; and hygiene programs.

## IDENTIFIED GAPS & CHALLENGES

The City of Tracy faces significant challenges in its work to prevent and end homelessness. These difficulties and resource gaps have been identified in an effort to inform the goals and objectives included in this plan. They have been outlined below in four categories.

- **CRISIS RESPONSE**

This resource gap relates to the city's crisis response system and capacity for assisting households at-risk of and currently experiencing homelessness. It is imperative that people understand the risk of homelessness, and the relative fragility of many households' housing situations. Households at risk of homelessness are often one paycheck, utility bill, or medical bill away from an episode of homelessness. Those with

untreated behavioral health needs may be forced to leave housing due to related behaviors and risks. For those households that do enter the homeless crisis response system, the availability and access to safe shelter and outreach services are essential.

➔ **CURRENT RESOURCE GAPS AND CHALLENGES RELATED TO CRISIS RESPONSE**

- Not enough family shelters
- Lack of low barrier shelters
  - Need to allow families to stay together (without restrictions on the age of children)
  - Need to allow people to shelter with their pets
  - Need to have a place for people to store their possessions
- Need more behavioral health services and quick access to the services while people are in crisis
- Need for access to services after normal business hours/evening and weekends

• **HOUSING**

This resource gap relates to the availability of both public and private housing resources. The City is experiencing a severe lack of affordable housing for households at-risk of and experiencing homelessness, particularly those extremely and very low income households. The long term success in addressing homelessness in the City will involve both increasing the affordable housing stock and obtaining rental subsidies.

➔ **CURRENT RESOURCE GAPS AND CHALLENGES RELATED TO HOUSING**

- Lack of affordable housing
- No local provider funded to provide permanent supportive housing
- Huge deficit of landlords
- Existing housing stock is limited and unaffordable

• **SUPPORTIVE SERVICES**

This resource gap relates to the availability and access to services and other supports that aid households in their ability to successfully maintain housing. Supportive services are often the key to ensuring that households at-risk of homelessness are able to maintain their housing and avoid the need for crisis services. Similarly, supportive services also serve as the primary mechanism for ensuring that formerly homeless households are able to successfully maintain housing.

➔ **CURRENT RESOURCE GAPS AND CHALLENGES RELATED TO SUPPORTIVE SERVICES**

- Need for employment services
- Lack of transitional age youth resources
- No South County service center

- **SYSTEM LEVEL**

This resource gap relates to challenges experienced at the systems or community level that likely expand beyond the homeless services system. These challenges may involve systems of care other than the homeless crisis response system, and are likely bigger than any one project or resource.

➔ **CURRENT RESOURCE GAPS AND CHALLENGES RELATED TO SYSTEM LEVEL**

- Need for increased participation in Homeless Management Information System (HMIS) to help inform data-driven systemic level decisions
- Feeding schedules need to be coordinated to reduce waste of resources
- Lack of transportation throughout the City and connections with other cities within San Joaquin County

## THEMES IDENTIFIED VIA COMMUNITY INPUT

TAC identified the following themes based on discussions regarding goals from the community planning session and additional feedback from the community workshops. The four identified themes include:

1. Move people who are experiencing homelessness into permanent housing as quickly as possible
2. Increase understanding regarding issues people experiencing homelessness face and/or increase the general understanding of homelessness
3. Strengthen capacity to increase resources for the homeless crisis response system
4. Prevent and divert new households from becoming homeless

## GOALS & OBJECTIVES

Homelessness ends with a crisis response system that is able to provide housing and ensure that the root causes of homelessness are rare, brief, and non-reoccurring. These goals and objectives should maximize “housing first” principles. “Housing First” is a best practice and a requirement of many funding sources at both the state and federal levels. This approach should be implemented both at the systemic-level as well as at the local project level.

### **GOAL 1: INCREASE HOUSING OPTIONS IN TRACY**

#### **Objectives for GOAL 1:**

- (1) **SHORT-TERM:** Identify immediate temporary “Emergency Housing” options and integrate crisis support services.
- (2) **MID-TERM:** Identify “Transitional Housing” options and integrate wrap-around support services with Navigation Center.
- (3) **LONG-TERM:** Increase affordable housing stock and assist in securing “Permanent Housing” with continued support services from Case Managers.
- (4) **CONTINUOUS:** Proactively pursue local, state, and federal funding to support housing options and support services.
- (5) Create property-owner economic initiative to increase the number of private housing options to support housing for people transitioning out of homelessness.

### **GOAL 2: INCREASE ACCESS TO COORDINATED SUPPORT SERVICES FOR PEOPLE EXPERIENCING HOMELESSNESS**

#### **Objectives for GOAL 2:**

- (1) Create a centralized location to serve as a “Navigation Center” where people experiencing homelessness can gain access to appropriate services and resources based on their immediate needs.
- (2) Secure access to addiction, mental health, family reunification, job training, and other appropriate support services at the Navigation Center.
- (3) Enhance coordination between local service providers and county agencies.
- (4) Evaluate effectiveness of current spending and consider reallocating resources, while continuing to pursue other funding options.

**GOAL 3: DEVELOP ACTION PLANS FOR ENGAGING WITH PEOPLE EXPERIENCING HOMELESSNESS**

**Objectives for GOAL 3:**

- (1) Establish “Law Enforcement Protocol” for initiating contact with people experiencing homelessness that complies with the recent *Martin v. Boise* decision.
- (2) Establish “Crisis Response Protocol” for local service providers to render rapid crisis support — including after-hour services for people experiencing or at-risk of homelessness.
- (3) Partner with county agencies (including the District Attorney’s Office and the San Joaquin County Jail) to evaluate opportunities for diversion programs or other alternatives to incarceration for people experiencing homelessness—including a warm “hand off” to service providers to render immediate crisis support services or emergency housing.

**GOAL 4: ENACT SPECIFIC STRATEGIES FOR VULNERABLE SUBPOPULATIONS EXPERIENCING HOMELESSNESS**

**Objectives for GOAL 4:**

- (1) Identify people experiencing or at-risk of homelessness in vulnerable subpopulations within the City of Tracy—including, but not limited to, veterans, youth, the LGBTQ community, victims of crime, and people with behavioral health needs.
- (2) Ensure access to “Case Managers” for vulnerable subpopulations who will educate and provide connections to appropriate support services and housing options.
- (3) Identify and apply for funding opportunities to secure resources that are specifically available to support people from vulnerable subpopulations.
- (4) Develop a targeted initiative program to prevent “new” individuals in vulnerable subpopulations from becoming homeless.

**CONCLUSION**

For a community the size of the City of Tracy, the City must prioritize the need to prevent and end homelessness. While there are significant challenges ahead—due both to local circumstances and national trends—the City is working to meet these challenges, and is fortunate to have a team of committed organizations and agencies.

This Strategic Plan provides a framework to target resources to manage and decrease homelessness. The City of Tracy, with the cooperation of local elected officials and stakeholders, will oversee implementation of this plan.

The following key metrics should be used to evaluate the effectiveness of this Plan:

- Increase in the number of affordable housing units dedicated to people who are experiencing homelessness
- Decrease in homelessness in the community—including in key subpopulations such as families, veterans, and people who are chronically homeless
- Decrease in the number of persons who become homeless for the first time
- Decrease in the average and median length of time persons remain homeless
- Decrease in the percentage of persons who return to homelessness
- Increase in the percentage of adults who gain or increase employment or non-employment cash income over time
- Increase in the percentage of persons who exit to or retain permanent housing

To be successful, this Strategic Plan will require broad community support for expanding data collection, sharing data, and using accurate data as a planning tool. The City of Tracy and its elected officials should continue to sponsor community meetings to build public support, consensus, and commitment to the plan and to create a sense of urgency about these time-sensitive strategies. Since it is a perennial plan, quarterly meetings to report on progress and challenges will keep momentum going and allow for mid-course adjustments as needed. The community's support will be vital in affirming the Strategic Plan so that all stakeholders understand and fulfill their specific roles.

## IMPLEMENTATION PLAN

### GOAL 1: INCREASE HOUSING OPTIONS IN TRACY

**OBJECTIVE 1: [SHORT-TERM] Identify immediate temporary “Emergency Housing” options and integrate crisis support services.**

#### TASKS:

##### **EMERGENCY SHELTER**

- Identify local facility to use as Emergency Shelter for short-term *temporary* housing option
  - Prioritize low-barrier entry qualifications to Emergency Shelter
  - Access should be 24 hours a day, 7 days per week
  - Facility should include: beds/lofts, bathrooms, showers, heat/air-conditioning
  - Designate goal for number of beds at facility
  - Consider time-restraint to encourage transitioning to more permanent housing options
- **Consider re-purposing newly approved “Warming Center” as “Emergency Shelter”**
- Identify partners to manage daily operations at Emergency Shelter
- Draft RFP/MOU for organization to manage operations at Emergency Shelter
- Ensure access to local support services at Emergency Shelter
- Evaluate funding options [See GOAL 1:4]

##### **SAFE PARKING AREA**

- Identify local private/public parking lot to use as Safe Parking Area for individuals not amenable to entering Emergency Shelter
  - Prioritize low-barrier entry qualifications to Safe Parking Area
  - Designate time limitations on access to Safe Parking Area (*e.g.*, between 7:00pm and 7:00am)
  - Facility should include: bathroom access, security
- **Consider continuing newly approved “Safe Parking Area” through December 2020.**
- Draft RFP/MOU for organization to manage operations at Safe Parking Area
- Ensure access to local support services at Safe Parking Area
- Evaluate funding options [See GOAL 1:4]

##### **CRISIS SUPPORT SERVICES**

- Provide access to “Crisis Support” services to individuals experiencing crisis at Emergency Shelter
- Outreach and partner with local hospitals and institutions to collaborate on housing-focused discharge plans from hospitals and medical facilities
- Utilize “Crisis Support Protocol” [GOAL 3:2]
- Evaluate funding options [See GOAL 1:4]

**OBJECTIVE 2: [MID-TERM] Identify “Transitional Housing” options and integrate wrap-around support services with the Navigation Center.**

#### TASKS:

##### **TRANSITIONAL HOUSING OPTIONS**

- Identify local facilities to use as “Transitional Housing” for mid-term *transitional* housing option
  - Facilities should include: individual rooms, bathrooms, showers, heat/air-conditioning
    - Designate goal for number of beds at facility

- Designate goal for percentage of people transitioned into permanent housing each year
    - Consider time-restraint to encourage transition to permanent housing options
  - Consider use of “tiny homes” development and zoning
- Draft RFP/MOU for organization to manage operations at Emergency Shelter
- Ensure access to any previous local “case management” resources
- Ensure access to local support services at Navigation Center
- Evaluate funding options [*See GOAL 1:4*]
  - Consider requiring residents to pay percentage of income towards rent

**ACCESS TO SUPPORT SERVICES**

- Provide access to local support services to residents at Transitional Housing facilities
  - Consider requiring regular check-ins and evaluations with a case manager
  - Provide aftercare services to people experiencing homelessness who have secured housing to ensure they remain housed
  - Ensure that case management from partner organizations includes support for households attempting to leave shelters and enter permanent housing
- Evaluate funding options [*See GOAL 1:4*]

**OBJECTIVE 3: [LONG-TERM] Increase affordable housing stock and assist in securing “Permanent Housing” with continued support services from Case Managers.**

**TASKS:**

**INCREASE AFFORDABLE HOUSING STOCK**

- Increase available “Affordable Housing” stock in the City of Tracy
- **Consider adopting the “Affordable Housing” strategies reviewed at previous City Council Affordable Housing workshop**
- Outreach and partner with a local housing provider) to consider the following opportunities:
  - Identify projects and opportunities that will result in more “Affordable Housing” units
  - Provide treatment-based housing for people with physical and behavioral health needs
  - Creating affordable housing policies that may encourage developers to build units that would support people experiencing or at-risk of homelessness

**PERMANENT HOUSING**

- Identify “Affordable Housing” facilities to use as long-term *permanent* housing option
  - Designate goal for percentage of people transitioned into permanent housing each year
  - Increase the number of “Affordable Housing” units dedicated to people experiencing homeless
- Ensure access to any previous local “case management” resources
- Ensure access to local support services at Navigation Center

**ACCESS TO SUPPORT SERVICES**

- Provide access to local support services to residents at Transitional Housing facilities
  - Consider requiring regular check-ins and evaluations with a case manager
  - Provide aftercare services to people experiencing homelessness who have secured housing to ensure they remain housed
  - Ensure that case management from partner organizations includes support for households attempting to leave shelters and enter permanent housing
- Evaluate funding options [*See GOAL 1:4*]



**OBJECTIVE 4: [CONTINUOUS] Proactively pursue local, state, and federal funding to support housing options and support services.**

**TASKS:**

**FUNDING OPPORTUNITIES**

- Compile information related to funding opportunities for addressing homelessness
  - Identify local, state, and federal agencies that distribute funding to address homelessness
  - Identify grants that distribute funding to address homelessness
- Create list of funding sources that the City of Tracy may be qualify for to address homelessness
  - Create calendar of dates for applying to funding sources
  - Consider assigning dedicated individual or organization to complete funding applications

**REDISTRIBUTION OF RESOURCES**

- Evaluate current resources spent on homelessness and consider reallocation [*See GOAL 2:4*]

**OBJECTIVE 5: Create property-owner economic initiative to increase number of private housing options to support housing for transitioning homeless people.**

**TASKS:**

**LANDLORD INCENTIVE PROGRAM**

- Create outreach efforts to link landlords with low-income tenants and tenants with rapid re-housing or housing vouchers
- Consider a local funding source to create gap financing to:
  - Make a rapid re-housing and housing voucher support match market rental rates
  - Provide finance support for permanent affordable housing developments
  - Provide eviction prevention services, including rental assistance and landlord mediation

**GOAL 2: INCREASE ACCESS TO COORDINATED SUPPORT SERVICES FOR PEOPLE EXPERIENCING HOMELESSNESS**

**OBJECTIVE 1: Create a centralized location to serve as a “Navigation Center” where people experiencing homelessness can gain access to appropriate services and resources based on their immediate needs.**

**TASKS:**

**NAVIGATION CENTER**

- Identify location and secure facility to serve as a Navigation Center
- Partner with local service providers, non-profit organizations, and faith-based groups to coordinate procurement of services and resources at the Navigation Center
- Retain “Case Managers” to ensure that people experiencing homelessness are supported in accessing addiction, mental health, family reunification, job training, and other appropriate support services
- Ensure that resources and services are available to people who have formerly experienced homelessness to maintain their stable housing

**OBJECTIVE 2: Secure access to addiction, mental health, family reunification, job training, and other appropriate support services at the Navigation Center.**

**TASKS:**

**ACCESS TO SUPPORT SERVICES**

- Identify service providers and county agencies that provide necessary support services for some people experiencing homelessness
  - Identify service providers/agencies for alcohol and narcotics addiction services
  - Identify service providers/agencies for mental and behavioral health services
  - Identify service providers/agencies for family reunification services
  - Identify service providers/agencies for job training services
  - Identify other appropriate service providers/agencies as needed
- Work with providers/agencies to bring access to such services directly at the Navigation Center

**OBJECTIVE 3: Enhance coordination between local service providers and county agencies.**

**TASKS:**

**COORDINATION EFFORTS**

- Invite local service providers, county agencies, non-profit organizations, and faith-based groups to coordinate providing services to people experiencing homelessness at the Navigation Center
- Ensure access to services for people at-risk of homelessness and people exiting homelessness
- Strengthen partnerships between the City, county agencies, and local service providers by coordinating access, collection, analysis of data; using HMIS & CoC data programs; and enhancing data cross-checking
- Partner with other agencies to evaluate how to leverage resources and pursue funding opportunities.
- Commit to actively participating with the Continuum of Care

**OBJECTIVE 4: Evaluate effectiveness of current spending and consider reallocating resources, while continuing to pursue other funding options.**

**TASKS:**

**RESOURCE ASSESSMENT**

- Conduct an audit and create a report that identifies all city resource allocations currently used to address homelessness within the City of Tracy
- Identify opportunities and adopt a plan to effectively reallocate funds that are used on repetitive temporary tasks—such as posting notices for cleaning of encampment debris

**GOAL 3: DEVELOP ACTION PLANS FOR ENGAGING WITH PEOPLE EXPERIENCING HOMELESSNESS**

**OBJECTIVE 1: Establish “Law Enforcement Protocol” for initiating contact with people experiencing homelessness that complies with the recent *Martin v. Boise* decision.**

**TASKS:**

**LAW ENFORCEMENT PROTOCOL**

- Request memorandum defining the requirements of the recent *Martin v. Boise* decision from the Tracy City Attorney
- Direct City Attorney and City Manager to work collaboratively with law enforcement partners to develop protocol for law enforcement officers to utilize while engaging with people experiencing homelessness that considers the strategies and goals of the Tracy Homelessness Strategic Plan
- Develop report for transparency purposes that defines the protocol and the legal compliance required
- Educate law enforcement officers in utilization of the protocol

**OBJECTIVE 2: Establish “Crisis Response Protocol” for local service providers to render rapid crisis support — including after-hour services for people experiencing or at-risk of homelessness.**

**TASKS:**

**CRISIS RESPONSE PROTOCOL**

- Invite local service providers to convene and develop a “Crisis Response Protocol” based on best practices and in consideration of the strategies and goals of the Tracy Homelessness Strategic Plan
- Identify qualified partners to render the crisis support services as identified within the protocol
  - Consider the use of peer support specialist to provide after-hour support services
- Provide access to “Crisis Support” services to individuals experiencing crisis at Emergency Shelter

**OBJECTIVE 3: Partner with county agencies (including the District Attorney’s Office and the San Joaquin County Jail) to evaluate opportunities for diversion programs or other alternatives to incarceration for people experiencing homelessness — including a warm “hand off” to service providers to render immediate crisis support services or emergency housing.**

**TASKS:**

**OPPORTUNITIES WITH COUNTY AGENCIES**

- Invite San Joaquin County agencies (including the District Attorney’s Office, the County Jail, Superior Court, Continuum of Care, Human Services Agency, and Behavior Health) to convene and assess opportunities for serving people experiencing homelessness in the City of Tracy
- Consider opportunities for diversion programs or alternatives to incarceration for people experiencing homelessness that have pending criminal charges
  - Consider programmatic solutions including: LEAD (Law Enforcement Assisted Diversion); Community Prosecution; Collaborative Courts (including Drug Court, Mental Health Court, Homelessness Court, and Veterans Court)
- Consider partnership/MOU with County Agencies to facilities such alternatives

**GOAL 4: ENACT SPECIFIC STRATEGIES FOR VULNERABLE SUBPOPULATIONS EXPERIENCING HOMELESSNESS**

**OBJECTIVE 1: Identify people experiencing or at-risk of homelessness in vulnerable subpopulations within the City of Tracy — including, but not limited to, veterans, youth, the LGBTQ community, victims of crime, and people with behavioral health needs.**

**TASKS:**

**VULNERABLE SUBPOPULATIONS**

- Invite organizations that serve similar subpopulations to convene together and collaborate with the City of Tracy to support subpopulation-specific needs
- Coordinate with HMIS to track progress of individuals from vulnerable subpopulations

**OBJECTIVE 2: Ensure access to “Case Managers” for vulnerable subpopulations who will educate and provide connections to appropriate support services and housing options.**

**TASKS:**

**CASE MANAGEMENT**

- Ensure that partners’ “Case Management” program includes linkage to navigation, healthcare, and mainstream benefit programs—such as:
  - CalFresh, CalWORKs, General Assistance, Medi-Cal, Supplemental Security Income (SSI), Social Security Disability Income (SSDI), and Veteran’s Benefits
  - Assistance in obtaining important identification documents, including identification cards and birth certificates to ensure that people experiencing homelessness are able to apply for benefits, employment, and housing
  - Education regarding the use of public transportation systems to empower people experiencing homelessness to transport themselves independently
- Ensure that partners have resources to link homeless individuals to primary care, urgent and emergency care, detox, residential and outpatient substance use treatment, and mental health services

**OBJECTIVE 3: Identify and apply for funding opportunities to secure resources that are specifically available to support people from vulnerable subpopulations.**

**TASKS:**

**FUNDING FOR VULNERABLE SUBPOPULATIONS**

- Work with organizations that serve subpopulations to collaborate on funding opportunities with the City of Tracy to support subpopulation-specific needs
- Create a list of opportunities and qualification (such as HEAP, ESG, CDBG) that may be available to specific vulnerable subpopulations

**OBJECTIVE 4: Develop a targeted initiative program to prevent “new” individuals in vulnerable subpopulations from becoming homeless.**

**TASKS:**

**PUBLIC AWARENESS CAMPAIGN**

- Create a public awareness campaign around homelessness issues and available local resources.

- Develop awareness and understanding of the issues that people experiencing homelessness face
- Sponsor a community campaign on literal homelessness, risk of homelessness, and prevention of homelessness
- Distribute information on the risk of homelessness, key indicators of possible risk, and available resources to schools, faith-based organizations, and county agencies frequented by the public

**AMENDMENT 1  
To Tracy Homelessness Strategic Plan  
Approved May 5, 2020**

*The Tracy Homelessness Strategic Plan was developed and drafted in late 2019 to early 2020, just prior to the emergence of the global COVID-19 pandemic health crisis in the U.S. This section was added to recognize the unique circumstances and potential opportunities presented by the COVID-19 pandemic.*

IMPLEMENTATION PLAN

**GOAL 1: INCREASE HOUSING OPTIONS IN TRACY**

**OBJECTIVE 1: [SHORT-TERM] Identify immediate temporary “Emergency Housing” options and integrate crisis support services.**

**TASKS:**

**“PANDEMIC” EMERGENCY SHELTER**

- Consider re-purposing previously approved “Warming Center” as temporary “Pandemic Emergency Shelter” during COVID-19 pandemic
- Communicate information to the public and local organizations to support/access this temporary shelter

**“PROJECT ROOMKEY” HOUSING OPPORTUNITY**

- Investigate whether City of Tracy may access “Project Roomkey” temporary housing resources from State of California for people experiencing homelessness
- If opportunity is unavailable, then evaluate the viability of partnering with local hotels to provide temporary shelter during COVID-19 pandemic

**UNAUTHORIZED SETTLEMENT IN PUBLIC SPACES**

- Identify locations where significant unauthorized settlement is occurring in public spaces
- Provide access to temporary restroom facilities near these unauthorized settlements to reduce spread of COVID-19 during the pandemic
- Provide access to temporary hygiene stations near these unauthorized settlements to reduce spread of COVID-19 during the pandemic
- Provide information for individuals to transition to “Pandemic Emergency Shelter” once established

**DONATION CENTER**

- Identify location/organization for donations of essential items for people experiencing homelessness
  - Including: Sanitizer, Face masks, Soap, Shampoo/Conditioner, Feminine hygiene items
- Communicate information to the public and local organizations to support/access these donations

**OBJECTIVE 4: [CONTINUOUS] Proactively pursue local, state, and federal funding to support housing options and support services.**

**TASKS:**

**CENTRALIZE COMMUNICATIONS RELATED TO HOMELESSNESS**

- Create specific contact resources for communications related to homelessness in the City of Tracy
  - Including: Email, Phone number, Informational webpage, Social media platforms

**“PANDEMIC” FUNDING OPPORTUNITIES**

- Identify local, state, and federal funding opportunities to address homelessness support services during COVID-19 pandemic
- Assign department to evaluate and complete applications for any available funding opportunities specific to COVID-19 pandemic

**REDISTRIBUTION OF RESOURCES**

- Monitor amount of resources spent on COVID-19 pandemic (including staff hours) for potential reimbursement by future funding opportunities
- Evaluate current resources spent on homelessness and consider reallocation to homelessness support services during COVID-19 pandemic

**GOAL 2: INCREASE ACCESS TO COORDINATED SUPPORT SERVICES FOR PEOPLE EXPERIENCING HOMELESSNESS**

**OBJECTIVE 3: Enhance coordination between local service providers and county agencies.**

**TASKS:**

**PRIORITIZE COORDINATION EFFORTS RELATED TO COVID-19 PANDEMIC**

- Partner with other agencies to evaluate how to leverage resources and pursue funding opportunities.
- Commit to actively coordinating support services and funding opportunities with local service providers, and local, state, and federal government agencies.

**GOAL 4: ENACT SPECIFIC STRATEGIES FOR VULNERABLE SUBPOPULATIONS EXPERIENCING HOMELESSNESS**

**OBJECTIVE 1: Identify people experiencing or at-risk of homelessness in vulnerable subpopulations within the City of Tracy — including, but not limited to, veterans, youth, the LGBTQ community, victims of crime, and people with behavioral health needs.**

**TASKS:**

**IDENTIFY VULNERABLE SUBPOPULATIONS DURING COVID-19 PANDEMIC**

- Identify vulnerable subpopulations during COVID-19 pandemic

- Suggested subpopulations include:
  - Veterans of Armed Forces
  - Youth (Aged 17 and below)
  - LGBTQ Community
  - Victims of Crime
  - People with Mental/Behavioral Health Needs
  - People with Disabilities
  - Non-Native English Speakers
  - Undocumented Immigrants

**OBJECTIVE 3: Identify and apply for funding opportunities to secure resources that are specifically available to support people from vulnerable subpopulations.**

**TASKS:**

**IDENTIFY SUPPORT SERVICES DURING COVID-19 PANDEMIC**

- Identify organizations & government agencies that generally provide support to these identified groups

**CONTACT ORGANIZATIONS/AGENCIES FOR SUPPORT DURING COVID-19 PANDEMIC**

- Contact government agencies & organizations that support these identified groups for possible collaboration of services, and information about potential funding opportunities related to the COVID-19 pandemic
- Create a list of funding opportunities that may be available to offer support services for these identified groups during the COVID-19 pandemic
- Apply for available funding opportunities to support identified groups during the COVID-19 pandemic



TABLE A: California State-Funded Resources

<b>Program</b>	<b>Eligible uses</b>	<b>Eligible Applicants</b>
<b>Multifamily Housing Program- Supportive Housing (SHMHP)</b>	Provides construction, rehabilitation, or acquisition of permanent supportive housing.	Nonprofits and/or for-profit developers and organizations.
<b>California Emergency Solutions and Housing Program (CESH)</b>	Provides housing relocation and stabilization services (including rental assistance), operating subsidies for permanent housing, flexible housing subsidy funds, operating support for emergency housing interventions, systems support for homelessness services and housing delivery systems, and can support homelessness planning.	Administrative Entities -- local governments, nonprofit organizations, or unified funding agencies -- designated by the Continuum of Care to administer CESH funds in their service area.
<b>Housing for a Healthy California</b>	Provides construction, rehabilitation, or acquisition of affordable housing; operating assistance (including long-term rental assistance and operating costs); administrative costs.	Counties and/or developers.
<b>Emergency Solutions Grant Program (ESG)</b>	Provides street outreach; emergency shelter; homelessness prevention; rapid re-housing; data collection; administrative costs.	Local government and private non-profit organizations.
<b>No Place Like Home (NPLH)</b>	Provides acquisition, design, construction, rehabilitation, or preservation of supportive housing.	Counties and counties in partnership with the development sponsor.
<b>Permanent Local Housing Allocation (PLHA) (SB 2)</b>	70 percent of the proceeds will be allocated to local governments (through both over-the-counter and competitive processes) for specified local projects or programs. Ten percent to assist the development of farmworker housing and five percent HCD to administer a program to incentivize the permitting of affordable housing. Fifteen percent will be allocated to CalHFA to assist mixed-income multifamily developments.	Local governments, eligibility of other entities TBD

<b>Program</b>	<b>Eligible uses</b>	<b>Eligible Applicants</b>
<b>Veterans Housing and Homelessness Prevention Program (VHHP)*</b>  <b>*Also a project with CalVet and CalHFA</b>	Provides acquisition and/or construction or rehabilitation of an Affordable Rental Housing Development or Transitional Housing, or the conversion of an existing structure into one of these housing types.	Counties and nonprofits.
<b>Affordable Housing and Sustainable Communities (AHSC)</b>	Transportation stop required. Offers 3 types of grants, one specifically for rural projects.	Govt. agencies, localities, project sponsors.
<b>Transformative Climate Communities (TCC)</b>	Limited to projects, or planning for projects, that reduces GHG or VMT. Requires reporting of GHG/VMT progress. Offers two types of grants, including a planning option that could lead to future TCC grant approvals.	Businesses, organizations, stakeholders.
<b>Homeless Emergency Aid Program (HEAP)</b>	Provides one-time funding to enable local governments to respond to homelessness through the following eligible activities; emergency housing vouchers, rapid rehousing, emergency shelter construction and use of armories to provide temporary shelters.	City, county or joint power must declare an emergency shelter crisis (waiver processes for smaller cities/counties that do not declare a shelter emergency). CoC must demonstrate collaboration with other city, county or nonprofit partners.
<b>Homeless Housing and Assistance Prevention (HHAP)</b>	Provides one-time block grant funding to local jurisdictions with funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges.	Continuums of Care; Largest Cities, with populations of 300,000 or more (as of January 2019); and Counties

RESOLUTION 2019-187

ESTABLISHING THE TRACY HOMELESSNESS STRATEGIC PLAN DEVELOPMENT AD HOC COMMITTEE

WHEREAS, The City Council may establish advisory committees to address an explicit purpose or need, and

WHEREAS, Advisory committees that are of limited duration (typically no more than a year), and are comprised of less than three members are known as "ad hoc" committees and are not subject to the Ralph G. Brown Act's requirements, and

WHEREAS, Council desires to establish the Tracy Homelessness Strategic Plan Development Ad Hoc Committee effective April 16, 2019 through December 31, 2019, and

WHEREAS, The ad hoc committee will be comprised of two members of the City Council, and

WHEREAS, The purpose of the Tracy Homelessness Strategic Plan Development Ad Hoc Committee is to develop a strategic plan to address homelessness in Tracy;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby establishes the Tracy Homelessness Strategic Plan Development Ad Hoc Committee for the purpose of developing a strategic plan to address homelessness in Tracy for City Council consideration by December 31, 2019.

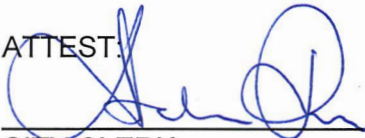
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The Tracy City Council adopted the foregoing Resolution 2019-187 on the 3rd day of September, 2019, by the following votes:

- AYES: COUNCIL MEMBERS: ARRIOLA, RANSOM, YOUNG,
- NOES: COUNCIL MEMBERS: VARGAS, RICKMAN
- ABSENT: COUNCIL MEMBERS: NONE
- ABSTAIN: COUNCIL MEMBERS: NONE

ATTEST:

CITY CLERK



  
MAYOR

AGENDA ITEM 3.D

REQUEST

**DISCUSS ADOPTING A RESOLUTION CALLING FOR TEMPORARY \$5 AN HOUR HAZARD PAY FOR CERTAIN GROCERY WORKERS DURING COVID-19 WIDESPREAD (PURPLE) TIER STATUS AND PROVIDE DIRECTION TO STAFF**

EXECUTIVE SUMMARY

During the City Council meeting on January 19, 2021, Council Member Dan Arriola, with a second by Mayor Pro Tem Veronica Vargas, requested a discussion to adopt a resolution calling for temporary hazard pay for grocery workers in the amount of \$5 an hour for employees of grocery stores that are publically traded companies or have at least 300 employees nationwide while the City of Tracy remains in the Purple (Widespread) Tier under the State's COVID-19 restrictions.

This item requests that the City Council discuss this proposed action and provide direction to staff.

DISCUSSION

*Background*

On March 4, 2020, Governor Newsom declared a state of emergency for California associated with the outbreak of COVID-19. Public health experts have explained that COVID-19 is easily transmissible from person to person. To slow the spread of the disease, on March 19, 2020, the Governor of California issued Executive Order N-33-20 ordering all individuals within the State of California to comply with public health directives and to stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors, critical government services, schools, childcare, and construction ("State Stay at Home Order").

On August 28, 2020, the State Public Health Officer introduced "California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe." The plan is referred to as the "Blueprint for a Safer Economy" or "Blueprint" and establishes four tiers based on case rates, testing positivity and a health equity metric in each county. On August 31, 2020, the County issued a local health order adopting and incorporating the Blueprint and associated documents.

As of the publishing of this staff report, San Joaquin County is in the Widespread or Purple tier because the seven-day average of COVID-19 cases per 100,000 residents exceeds 7.0 ("Adjusted Case Rate") and the seven-day average of all COVID-19 tests performed that are positive exceeds 8.0% ("Positivity Rate"). For San Joaquin County, the Adjusted Case Rate is 40.0 and the Positivity Rate is 10.9%.

### *Hazard Pay During COVID-19 Pandemic*

Hazard pay or premium pay is typically a form of compensation in addition to regular wages for employees performing hazardous duties or work (i.e. working in positions or areas in which the physical safety of the employee is challenged/at-risk, duties require specialized training for handling hazardous materials, etc.).

Some grocery stores chose to provide their employees with hazard pay in the beginning of the COVID-19 pandemic and subsequent shutdowns. In recognition of the high rate of transmission and presence of COVID-19, Congress first proposed hazard pay for essential frontline workers in industries that were deemed essential and continued to operate during the COVID-19 shutdowns. Federal legislation proposing hazard pay was not adopted.

At the local level, some cities and counties have adopted or are considering adopting ordinances requiring hazard pay or “hero pay” to certain frontline grocery workers. The following jurisdictions have adopted hazard pay ordinances: cities of Long Beach, Los Angeles, Montebello, Oakland, and San Jose. Others are considering adopting hazard pay ordinances such as the cities of Coachella, San Mateo, Santa Monica, West Hollywood. Many of these jurisdictions cite the unprecedented profits grocery stores have experienced during the COVID-19 pandemic and while the pay of their employees has remained the same. This serves as a rationale for requiring these businesses to provide hazard pay.

In general these ordinances require large grocery stores (e.g. those employing 300 or more grocery workers nationally, have more than 40 locations nationwide, or more than 15 grocery workers per store) to pay their workers an additional \$4 to \$5 for every hour worked because of the significant risk of exposure to COVID-19 these employees face due to various factors including interacting with the public and the performance of duties indoors. In addition, these ordinances may grant a “private right of action” meaning that affected employees may pursue civil lawsuits against employers who fail to provide the required hazard pay.

The California Grocers Association has now filed lawsuits against the cities of Long Beach, Montebello, and Oakland, arguing that their ordinances violate on constitutional grounds (equal protection) and preemption. The California Chamber of Commerce has also expressed concern about ordinances mandating hazard pay. On January 27, 2021, the California Chamber submitted a letter to the Tracy City Council outlining their position on this issue (Attachment A).

### *Request from Council*

The request from Council Member Arriola and Mayor Pro Tem Vargas is for Council to discuss adopting a resolution calling for or urging temporary hazard pay for grocery workers in the amount of \$5 an hour for employees of grocery stores that are publicly traded companies or have at least 300 employees nationwide while the City of Tracy remains in the Purple (Widespread) Tier under the State’s COVID-19 restrictions.

A resolution, unlike an ordinance, does not have the force of law and documents Council's expression of opinion or decisions made often relating to administrative City business (e.g. approving contract or budget allocation). Therefore, grocery stores in Tracy would not be required to comply with the resolution, just urged or encouraged to do so. Staff has identified at least six grocery stores in Tracy that meet the criteria Council is proposing to urge to provide their employees with hazard pay.

If directed by Council to draft a resolution calling for or urging temporary hazard pay for grocery workers in the amount of \$5 an hour for employees of grocery stores that are publicly traded companies or have at least 300 employees nationwide, a resolution would be scheduled for a subsequent Council meeting for consideration.

#### FISCAL IMPACT

The fiscal impact of this decision is unknown.

#### STRATEGIC PLAN

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

#### RECOMMENDATION

That City Council discuss adopting a resolution for temporary hazard pay for grocery workers in the amount of \$5 an hour for employees of grocery stores that are publically traded companies or have at least 300 employees nationwide while the City of Tracy remains in the Purple (Widespread) Tier under the State's COVID-19 restrictions and provide direction to staff.

Prepared by: Leticia Ramirez, City Attorney

Reviewed by: Michael Nimon, Economic Development Manager  
Andrew Malik, Assistant City Manager  
Karin Schnaider, Finance Director

Approved by: Jenny Haruyama, City Manager

#### ATTACHMENT

A – Correspondence from the California Chamber of Commerce, dated January 27, 2021



January 27, 2021

Tracy City Councilmembers  
2333 Civic Center Plaza  
Tracy, CA 95376

***Sent via email***

**SUBJECT: PROPOSAL TO MANDATE INCREASED GROCERY WORKER PAY**

Dear Councilmembers:

The California Chamber of Commerce appreciates the opportunity to provide comments on the proposal to mandate an across-the-board increase of grocery worker hourly pay.

As stated in our letter to Governor Newsom and the California Legislature that was signed by 186 business groups and local chambers of commerce, California needs to look for ways to reduce costs on businesses right now, not increase costs.<sup>1</sup> Employers are struggling as a result of the COVID-19 pandemic. Even those stores that have not been forced to close their doors have incurred significant costs to keep their employees and customers safe and to comply with constantly changing guidance from local public health departments and the California Occupational Safety and Health Administration (CalOSHA). Those costs include ensuring proper sanitation of their stores, outfitting employees with protective equipment, and expanded employee leave obligations. With the passage of the new emergency regulations from CalOSHA, those costs now also include paying for weekly or biweekly COVID-19 testing and paying full wages and benefits to employees who have COVID-19 or may have been exposed to COVID-19 at the workplace.

Families are also struggling. The unemployment rate continues to be high with little likelihood of decreasing until California can safely reopen and the costs associated with COVID-19 protections are reduced. While mandating such significant pay increases to all grocery workers may directly benefit those workers, it could have negative impacts to the industry as a whole and reduce the ability for the stores to hire back more employees, or maintain existing levels of other wages or benefits for employees in the industry. It could even result in higher food costs, which many Californians can simply not afford.

We implore you to reconsider this proposal and at the very least conduct an economic assessment of the impacts that this proposal would have on businesses, the overall workforce, and the cost of goods.

We appreciate your consideration of our concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ashley Hoffman", is written over a horizontal line.

Ashley Hoffman  
Policy Advocate

AH:ll

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<sup>1</sup> The letter can be viewed at <https://advocacy.calchamber.com/wp-content/uploads/2021/01/Economic-Recovery-Letter11321.pdf>.

AGENDA ITEM 3.E

REQUEST

**CONSIDER AMENDING THE COUNCIL CODE OF CONDUCT TO ADDRESS COMPLIANCE WITH THE CODE OF FAIR CAMPAIGN ACTIVITIES AND CITY RESTRICTIONS ON TEMPORARY SIGNS RELATING TO THE ELECTION**

EXECUTIVE SUMMARY

On December 1, 2020, City Council directed staff to prepare an amendment to the Council's Code of Conduct to require the campaigns (including campaign representatives) of sitting Councilmembers and Board and Commission members to comply with the Code of Fair Campaign and to develop a remedy for violating City regulations on the placement of election-related signs on City property and during non-election periods.

The City Attorney's Office has analyzed Council's requests and presents for the Council's consideration and action, modifications to the Council's requests to address legal concerns regarding enforceability this item.

DISCUSSION

Commencing in 2018, the City Council discussed the topic of Council norms and values with the goal of developing an ethics/conduct policy. In June 2019, the San Joaquin County Civil Grand Jury issued a report (Case No. 0418) on its investigation of the Tracy City Council. The report recommended the Council adopt an ethics policy to guide its conduct and also found that "unethical conduct" during Council campaigns "further damaged Council members' ability to work together." On July 16, 2019, Council unanimously agreed to develop and adopt an ethics/code of conduct policy.

On October 15, 2019, the Tracy City Council adopted a Code of Conduct ("Code") to outline the roles and responsibilities of Council and staff, and establish norms and values relating to ethics and conduct by Council, City Commissioners, and staff. The Code was amended on July 21, 2020 to add language regarding Council's participation in community messaging/public relations activities (Section 2.1.6) and City-issued mass communications 60 days prior to an election (Section 3.4.6.1). (Attachment A)

On December 1, 2020, City Council discussed amending the Code to address campaign activities, including acts of those affiliated with a Council member's campaign due to a request from then-Council Member Ransom and then-Mayor Pro Tem Young. Council consensus was to amend the Code to require individuals subject to the Code (sitting Councilmembers and members of Council advisory bodies) and their official campaigns, including their official campaign representatives (e.g. paid staff and campaign managers), and coordinated campaigns to abide by the "Code of Fair Campaign Practices" in accordance with Elections Code section 20400 et seq. (Attachment B).



Further analysis and review of Council's proposal revealed legal and practical implications that lead the City Attorney's Office to advise against mandating compliance with the Code of Fair Campaign Practices in the City's Code. For example, Section 20444 of the Elections Code specifically states that: "In no event shall a candidate for public office be required to subscribe to or endorse the [Code of Fair Campaign Practices]." The City generally cannot adopt local laws that are in conflict with state law, thus mandating or requiring compliance with the Code of Fair Campaign Practices may be invalid. In addition, because the provisions of the Code of Fair Campaign Practices relate to political activities and speech which are protected under the First Amendment, the broad and imprecise language of the Code of Fair Campaign Practices raises concerns about interpretation and even-handed enforceability. In an attempt to be responsive to Council's direction and mitigate these legal concerns, the City Attorney's Office proposes that Council consider amending the Code of Conduct to include the following language:

"3.3.8. Campaign Activities. The Tracy City Council strongly encourages its members and City Board and Commission members to abide by the highest ethical standards and best practices relating to campaign activities to ensure that City elections promote decency, honesty and fair play. To that end, all candidates seeking elected office within the City of Tracy, including their official campaign representatives, are urged and encouraged to sign and comply with the Code of Fair Campaign Practices. (Attachment 3) A candidate's signed Code of Fair Campaign Practices shall be posted on the City's Elections Document webpage within three (3) business days of execution."

The following language is proposed to be inserted in the Norms and Values Statements for City Council and Council Advisory Bodies:

"20. Campaign Activities. [Council Members/ Council advisory body members] who seek elected office within the City shall endeavor to conduct their campaign activities in a manner that promotes decency, honesty and fair play and in accordance with the Code of Fair Campaign Elections Code (Section 20400 et seq.)."

Council also directed staff to amend the Code to include an enforcement mechanism for the display of election-related signs outside of the permissible time period and on the City's property. Section 10.08.4460 of the Tracy Municipal Code (TMC) establishes time limits for the display of signs. Election signs shall only be displayed 45 days prior to an election and must be removed five days after the election. Section 10.08.4510(m) of the TMC prohibits signs from being displayed on or over City-owned property, subject to a few exceptions. Election-related signs are not included in those exceptions. It should be noted that the City's sign ordinance is currently undergoing review and will be presented to Council in Spring 2021. Enforcement of these provisions as it relates to election signs entails City Code Enforcement staff notifying the involved campaigns to remove those signs and/or City Public Works staff removing the signs and the campaigns being notified about where they can retrieve said signs.

Amending the Code to create a "remedy" or penalty for violating the TMC provisions relating to elections signs also raises legal concerns about subjecting certain individuals to different penalties than others. The City Attorney's Office advises that Council consider alternative means other than penalties to encourage candidates who are subject to the Code to comply with the TMC election-related sign restrictions. The

following provision is presented to Council for consideration and may be added to the Code under a new Section 3.3.8.1:

“The City staff shall send a copy of all notices (e.g. emails) sent to candidates relating to non-compliance with the TMC election sign restrictions to the entire City Council.”

This approach may deter candidates from violating the TMC because of the increased visibility of their non-compliance. In addition, the City Clerk will be updating the documents provided to candidates regarding election-related signs to include an acknowledgment form that memorializes a candidate’s receipt of the applicable TMC regulations, designates the individual responsible for their campaign signs, and assumes responsibility for adhering to the regulations. This form aims to document that candidates have received the sign regulations and understand that they are required to abide by them, as well as assist staff in identifying who to contact within a campaign about a sign issue.

#### FISCAL IMPACT

There is no fiscal impact related to this item.

#### STRATEGIC PLAN

This agenda item supports the City of Tracy’s Governance Strategic Priority, Goal #2 to encourage the development of good governance policies.

#### RECOMMENDATION

It is recommended that the City Council consider amending the Code of Conduct, by resolution, to encourage compliance with the Code of Fair Campaign Activities and City restrictions on temporary signs relating to the election.

Prepared by: Leticia Ramirez, City Attorney

Reviewed by: Adrienne Richardson, City Clerk

Approved by: Jennifer D. Haruyama, City Manager

#### ATTACHMENTS

A - City Council Code of Conduct – last amended on July 21, 2020

B – Code of Fair Campaign Practices



**CITY COUNCIL  
CODE OF CONDUCT**

Adopted on October 15, 2019 by Resolution No. 2019-203

Amended by Resolution No. 2020-133

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- F. Ordinance 1094
- G. Resolution No. 2007-075 – Council Travel Procedures

ATTACHMENT 1 – City Council Code of Conduct Norms and Values Statement

ATTACHMENT 2 – Council Advisory Body Norms and Values Statement

## CHAPTER 1 FORM OF GOVERNMENT

### 1.1 Preamble

The legal responsibilities of the Tracy City Council are set forth by applicable state and federal laws. In addition, the City Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials.

### 1.2 Form of Government

The City of Tracy operates under a Council-Manager form of government as prescribed by the Tracy Municipal Code ("TMC"). Accordingly, the Mayor and members of the Council are elected at-large, provide legislative direction, set City policy, and ultimately answer to the public.

### 1.3 City Manager Appointment, Power and Duties

The City Manager is appointed by a majority vote of the Council and serves as the City's chief administrative officer and is responsible for directing the day-to-day operations of the City and implementing policy direction per Section 2.08.060 of the TMC (attached). Specifically, Section 2.08.070 of the TMC prohibits interference by either the City Council or any of its members with the City Manager's execution of their powers or duties:

- The Council nor a member shall interfere with the appointment by the City Manager of any of the department heads or any person to any office or employment.
- Additionally, the Council nor any of its members shall interfere with the City Manager's power to remove any of those persons.
- Neither the Council nor any of its members shall give orders to any subordinate of the City Manager, either publicly or privately.
- The City Council nor any of its members shall interfere with the administration of the City Attorney or give orders to the subordinates of the City Attorney.
- The City Manager and his/her senior staff shall conduct themselves in accordance with the International City Management Association (ICMA) Code of Ethics.

The Council and its members shall deal only with the City Manager with respect to the administrative services or operational matters of the City.

#### 1.4 City Attorney Appointment and Responsibilities

The City Attorney is appointed by a majority vote of the Council. Per Section 12.08.40, the City Attorney is responsible for approving as to form all subdivision improvement agreements and security, deferred improvement agreements, liability agreements and insurance, and all governing documents for a community apartment project, condominium, stock cooperative, or conversion.

- The City Attorney and his/her senior staff shall at all times conduct themselves in accordance with the California Rules of Professional Conduct, established by the California State Bar, and the Ethical Principles for City Attorneys, adopted by the League of California Cities' City Attorneys Department.

## CHAPTER 2 COUNCIL POWERS AND RESPONSIBILITIES

### 2.1 City Council Generally

- 2.1.1 The City Council has the power, in the name of the City, to do and perform all acts and things appropriate to a municipal entity and the general welfare of its inhabitants, which are not specifically prohibited by the constitution, and/or State or Federal laws.
- 2.1.2 The Council acts as a body. Council policy and directives are established by majority vote, unless otherwise required by state law. A decision of the majority binds the Council to a course of action.
- 2.1.3 No Council Member has extraordinary powers beyond those of other members (except as may otherwise be provided in State law). All members, including the Mayor, have equal powers.
- 2.1.4 No member of the Council is permitted to hold any other City office or City employment.
- 2.1.5 Council Members are appointed by the Council body to serve on various committees, including Council standing and ad hoc committees, and third agency member committees.
- 2.1.6 Based on available resources as determined by the City Manager, unless directed by the City Council, the Council as a body may participate in public relations activities regarding issues or topics pertaining to City business or that affect the community at-large. This may include, but is not limited to the dissemination of information via press release, video, social media, and/or other means of communication.

### 2.2 Mayor and Mayor Pro Tem - Appointment, Power, and Duties

- 2.2.1 The Mayor is directly elected by the voters to serve a two-year term. The selection of the Mayor Pro Tem occurs every two years in December



after the City receives the certified results from the County Registrar of Voters electing a Mayor.

2.2.2 A Mayor Pro Tem is appointed by the Council and can be replaced at any time by a majority vote of the Council.

2.2.3 The Mayor is the presiding officer of the City Council. In the Mayor's absence, the Mayor Pro Tem shall perform the duties of the Mayor.

2.2.4 The Mayor is the official head of the City for all ceremonial purposes.

2.2.5 Per Government Code, the Mayor, with the approval of the City Council, shall (a) execute official documents (Section 40602b) and (b) make appointments to city boards, commissions, and committees unless otherwise specifically provided by statute (Section 40605).

2.2.6 The Mayor is authorized to send letters stating the City's official position to appropriate legislators as long as it is consistent with the Council's Legislative Policy.

2.2.7 The Mayor may perform other duties consistent with the mayoral office as prescribed by the Tracy Municipal Code, California Government Code, or as determined by the Council.

2.2.8 The Mayor does not possess any power of veto.

2.2.9 The Mayor coordinates with the City Manager in the development of agendas for meetings of the City Council. Once the agenda is published, the City Manager may withdraw an item. Additionally, the Mayor may rearrange the order of business on the agenda.

## 2.3 Council Actions

2.3.1 Legislative actions by the City Council can be taken by means of ordinance, resolution, or minute action (motion) duly made and passed by the majority (unless otherwise required).

- 2.3.2 Under Council protocols and procedures, an item may be placed on the agenda if requested by two Council Members. The request can be made during open session or outside of a Council meeting.
- 2.3.3 Public actions of the Council are recorded in the minutes of the City Council meeting. The City Clerk is required to make a record only of business actually passed upon by a vote of the Council and is not required to record any remarks of Council Members, except at the special request of a Council Member and with the consent of the Council.
- 2.3.4 Actions of the Council concerning confidential property, personnel, and/or legal matters of the City are to be reported consistent with State law.

#### 2.4 Council Member Committees

- 2.4.1 The City Council may organize itself into standing and/or special/ ad hoc subcommittees to facilitate Council review of policy matters and action.
- 2.4.2 The Council may create or dissolve standing and/or special/ad hoc sub committees at any time by an affirmative vote of a majority of the Council. The Council will endeavor to rotate appointments to standing and ad hoc standing committees to ensure equitable participation.
- 2.4.3 The Council appoints and removes members to standing and ad hoc committees.
- 2.4.4 The Council also appoints and removes Council Members to third member agencies.
- 2.4.5 It is a best practice for non-appointed Council Members not to attend Council standing Committees to avoid the appearance of impropriety.

## CHAPTER 3

### LEGAL AND ETHICAL STANDARDS

#### 3.1 Preamble

The residents and businesses of Tracy are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government;
- Be independent, impartial, and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Tracy City Council has adopted this Code of Conduct and the Norms and Values Statement (Attachment) to encourage public confidence in the integrity of local government and its fair and effective operation.

#### 3.2 Public Interest

3.2.1 Recognizing that stewardship of the public interest must be their primary concern, Council Members shall work for the common good of the people of Tracy and not for any private or personal interest. Council Members must endeavor to treat all members of the public and issues before them in a fair and equitable manner.

3.2.2 Council Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Tracy Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

### 3.3 Conduct

- 3.3.1 Council Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff, or the public.
- 3.3.2 Council Member duties shall be performed in accordance with the processes and rules of order established by the City Council.
- 3.3.3 Council Members shall inform themselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand.
- 3.3.4 Council decisions shall be based upon the merits and substance of the matter at hand.
- 3.3.5 It is the responsibility of Council Members to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council Members and the public prior to taking action on the matter.
- 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.
- 3.3.7 Policy Role
  - 3.3.7.1 Council Members shall respect and adhere to the Council-Manager structure of the Tracy City government as provided in State law and Tracy Municipal Code.

3.3.7.2 Council Members shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

### 3.3.8 Implementation

3.3.8.1 This Code of Conduct shall be included in the regular orientations for City Council candidates. Current Council Members, including those entering office upon election shall sign a City Council Norms and Values Statement (**Attachment 1**) affirming they have read and understand this Tracy City Council Code of Conduct.

## 3.4 Conflict of Interest

3.4.1 In order to assure their independence and impartiality on behalf of the public good, Council Members are prohibited from using their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

3.4.2 In accordance with State law, Council Members must file an annual written disclosure (Form 700) of their economic interests.

3.4.3 Council Members shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general.

3.4.4 Council Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They must neither disclose confidential information without proper legal authorization nor use such information to advance the personal, financial, or private interests of themselves or others.

3.4.5 City Council Members should avoid any action that could be construed as, or create the appearance of, using public office for personal gain, including use of City stationery or other City resources to obtain or promote personal business or political campaigns.

3.4.6 Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Council Members for private gain and, personal and political purposes.

3.4.6.1 A mass communication using City resources shall not be sent within the 60 days preceding an election that feature a currently elected or appointed official of the City of Tracy whose name will appear on the ballot at that election. When no currently elected or appointed official is otherwise designated during the 60 days preceding an election, communication of official matters shall be made by the City Manager or designee.

3.4.7 In keeping with their role as stewards of the public interest, Council Members shall not appear on behalf of the private interests of a third party before the City Council or any board, commission, or committee or proceeding of the City, except as permitted by law.

3.4.8 To the best of their ability, Council Members shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions publicly, members shall explicitly state they do not represent the Council or the City.

3.4.9 Tracy City Municipal Code Provisions

3.4.9.1 Financial Interests in City Contracts Prohibited.

Section 2.04.050 of the Municipal Code prohibits members of the Council, appointed employees, the City Treasurer and members of City boards and commissions during their term of office, to contract or subcontract with the City.

Section 2.04.050 also requires a City Council Member to recuse (as defined by the Fair Political Practices Commission) themselves

from any vote regarding any Memorandum of Understanding between the City and any lawfully recognized bargaining unit in which a City Council member has an immediate family member. "Immediate family member" is defined as "any and/or all spouses, partners or adult children, whether they live in a single household or not" under this section of the TMC.

#### 3.4.9.2 Nepotism.

The City of Tracy's Nepotism Policy prohibits the initial appointment of an individual to a position within the City of Tracy who has a marital or familial relationship, as defined in Section 4 of the Policy, with any member the City Council, City Manager, or City Attorney.

#### 3.4.9.3 Use of City Property for Private Purposes by City Official/ Employee.

The use for private gain or advantage of City time, facilities, equipment and supplies, prestige, influence, or information obtained through one's City office or employment. No City-owned facilities, equipment or supplies, including autos, trucks, instruments, tools, supplies, machines, badges, identification cards, or other items which are the property of the City shall be used by an employee for personal or non-City business reasons except upon prior written approval of the City Manager. (City Personnel Rule 9.2 (d))

#### 3.4.9.4 Political Activities Prohibited; Discrimination.

For informational purposes, the following provisions apply to City and contract employees and consultants:

1. No employee shall, while in uniform or during the employee's working hours, take an active part in any municipal or other political campaign.

2. No employee shall, while in uniform or during the employee's work hours, seek or accept contributions for or against a candidate or issue.
3. An employee may not seek or accept signatures to any petition for or against any such candidate or issue during their work hours.
4. No person in the classified service shall be employed, promoted, demoted, or discharged or in any way favored or discriminated against because of political opinions or affiliations or on any other basis protected by state and/or federal law.

#### 3.4.10 California State Law Regarding Conflicts

While not enforceable by the City, there are four key areas of California State law that regulate the ethics of public officials.

##### 3.4.10.1 Constitutional prohibitions

State law strictly forbids elected and appointed public officials from accepting free or discounted travel from transportation companies. The penalty for a violation includes the forfeiture of office.

##### 3.4.10.2 Contractual conflicts of interest

This prohibition, found in Government Code Section 1090, applies to elected and appointed officials as well as other City staff members. It prohibits the City from entering into a contract if one of its members (i.e., a Council Member) is financially interested in the contract. If the bar (or prohibition) applies, the agency is prohibited from entering



into the contract whether or not the official with the conflict participates or not. In some limited circumstances, officials are allowed to disqualify themselves from participation and the agency may enter into the contract.

Financial interest has been defined to include employment, stock/ ownership interests, and certain membership on the board of directors of a for-profit or nonprofit corporation, among others. Violations can be charged as a felony. A person convicted of violating Section 1090 is prohibited from ever holding public office in the State.

### 3.4.10.3 Political Reform Act - Conflicts of Interest

The Political Reform Act (PRA) was adopted by the voters in 1974 and is the primary expression of the law relative to conflicts of interest (and campaign finance) in California. The Act created the Fair Political Practices Commission (FPPC), a five-member State board which administers the Act.

The Act and the regulations are complex and are continuously subjected to official interpretation. The following synopsis of key parts of the Act will be helpful in spotting issues; however, the FPPC and/or City Attorney should be consulted for further advice and clarification.

With respect to conflicts of interest, the FPPC has promulgated a regulation which establishes an analysis which assists in determining whether a public official is participating in a government decision in which they have a qualifying financial interest and whether it is reasonably foreseeable that the decision will have a material financial effect on the public official's financial interest, which is distinguishable from the effect the decision will have on the public generally.

#### 3.4.10.3.1 Political Reform Act-Enforcement

The FPPC can assess administrative fines and penalties for violation of the Act. The District Attorney and the State Attorney General may prosecute violators as civil or criminal matters. Violators may also be removed from office pursuant to Government Code Section 3060.

#### 3.4.10.4 Common Law Conflicts of Interest

This is the judicial expression of the public policy against public officials using their official position for private benefit. An elected official bears a fiduciary duty to exercise the powers of office for the benefit of the public and is not permitted to use those powers or their office for the benefit of any private interest. This common law doctrine continues to survive the adoption of various statutory expressions of conflict law.

#### 3.4.10.5 Appearance of Impropriety

When participation in action or decision-making as a public official does not implicate the specific statutory criteria for conflicts of interest; however, participation still does not “look” or “feel” right, that public official has probably encountered the appearance of impropriety.

For the public to have faith and confidence that government authority will be implemented in an even-handed and ethical manner, public officials may need to step aside even though no technical conflict exists. An example is where a long-term nonfinancial affiliation exists between the public official and an applicant or the applicant is related by blood or marriage to the official. For the good of the community, members who encounter the appearance of impropriety should step aside.

### 3.5 AB 1234-Required Ethics Training

AB 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws every two years. Those who enter office after January 1, 2006 must receive the training within a year of starting their service. They must then receive the training every two years after that.

The training must cover general ethics principles relating to public service and ethics laws including:

- Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);
- Laws relating to office-holder perks, including gifts and travel restrictions, personal and political use of public resources, and prohibitions against gifts of public funds;
- Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act); Laws relating to fair processes, including fair contracting requirements, common law bias requirements, and due process

NOTE: State laws governing conflicts of interest are written to ensure that actions are taken in the public interest. These laws are very complex. Council Members should consult with the City Attorney, their own attorney, or the Fair Political Practices Commission for guidance in advance.

### 3.6 Code of Conduct Compliance and Enforcement

Consistent with this oath is the requirement of this Council policy to comply with the laws as well as report violations of the laws and policy of which they become aware.

3.6.1 A request for censure of a member of the Council may be submitted to the City Manager by any member of the Council ("Initiating Member"), with the support of another Council member ("Seconding Member"). Censure is a formal statement or resolution by the Council officially reprimanding a Council Member for conduct that may include sanctions. It is the intent of the Council

that a request for censure be used only for significant and/or repeated violations of this Code of Conduct and not a means to address politically or personally motivated disagreements amongst Council.

The request shall contain the specific charges on which the proposed censure is based. The City Manager shall deliver a copy of the request for censure and the charges to each member of the Council at least 72 hours after receipt of the request. The request for censure shall first be considered by a neutral mediator selected by the Presiding Judge of the Superior Court of California of the County of San Joaquin. The neutral mediator shall conduct an investigation and prepare a written analysis of the allegation and their preliminary findings and recommendation. Said investigation shall, at a minimum, include interviews with the Initiating Member and the member who is the subject of the request. The neutral mediator's recommendation shall be to: (a) set the matter for a censure hearing and whether censure is warranted or (b) no further action should be taken with respect to the request. The neutral mediator shall present its recommendation to the Council for its consideration and action within thirty (30) days of completing their investigation.

- 3.6.1.1 The censure request shall be agendized at the next regular Council meeting following receipt of the neutral mediator's written findings and recommendation. Council shall determine whether or not to accept the neutral mediator's recommendation. If the Council decides to set the matter for a censure hearing, it shall schedule it no sooner than two weeks after its determination to hear the matter. It may not schedule the matter during any previously scheduled excused absence of the subject Council Member. Written notice of the hearing shall be delivered in person to the member of the Council subject to the censure hearing at least ten (10) days in advance of the scheduled hearing. If the Council decides that no further action is required, Council may also request the Initiating Member either reimburse the City the cost of the neutral mediator's services from personal funds (not campaign funds), not to exceed \$2,500, or forgo a month's salary as Council Member. A report regarding the Initiating Member's compliance with that request shall be presented to Council within sixty (60) days of that request.
- 3.6.1.2 At the censure hearing, the member of the Council who is the subject of the request for censure shall be given the opportunity to make an opening and a closing statement, to call witnesses on their behalf and to question their accusers. The member subject to the charges may be represented by a person or persons of their choice whether or not an attorney at law and may have that representative speak or question

witnesses on their behalf. The questioning or cross-questioning of witness may be reasonably limited by the person chairing the hearing.

3.6.1.3 Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration. However, the rules of evidence and judicial procedure applicable in courts of law shall not be applied to this hearing, and the procedures shall be generally informal.

3.6.2 At the discretion of the Council, sanctions may be imposed as a result of a censure. These sanctions may be applied individually or in combination. They include, but are not limited to:

3.6.2.1 Public Admonishment - —A reproof or verbal warning directed to a Council Member about a particular type of behavior that violates City policy.

3.6.2.2 Revocation of Special Privileges —A revocation of a Council Member's Council Committee assignments, such as standing and ad hoc committees, regional boards and commissions, and other board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.

3.6.3 Nothing in this Section shall limit Council's ability to informally address conduct considered to be not significant or a minor violation of this Code, which may include informal counseling from one Council member to another, and a Council member to a Council advisory body member.

## CHAPTER 4 COMMUNICATIONS

### 4.1 Relationship/Communications with Staff

Staff serves the City Council as a whole, therefore:

- 4.1.1 A Council Member shall not direct staff in person or in writing to initiate any action, change a course of action, or prepare any report. A Council Member shall not initiate any project or study without the approval of the majority of the Council.
- 4.1.2 Requests for information and corresponding responses made by Council Members will be shared with the full Council.
- 4.1.3 Council Members shall not attempt to pressure or influence discussions, recommendations, workloads, schedules, or department priorities without first consulting with the City Manager and obtaining the approval of a majority of the Council.
- 4.1.4 When preparing for Council meetings, Council Members should direct questions ahead of time to the City Manager so that staff can provide the desired information at the Council meeting.
- 4.1.5 Any concerns by a member of the City Council regarding the behavior or work of a City employee should be directed to the City Manager privately to ensure the concern is resolved. Council Members shall not reprimand employees directly nor should they communicate their concerns to anyone other than the City Manager.
- 4.1.6 Council Members may direct routine inquiries to either the City Manager or appropriate department head.
- 4.1.7 Council Members serving on Council committees or as the City's representative to an outside agency may interact directly with City staff assigned to that effort as the City Manager's designee. The City

staff member so designated and assigned will keep the City Manager appropriately informed.

#### 4.2 Council Relationship/Communication with Council Advisory Bodies

4.2.1 Council Members shall not attempt to pressure or influence board, commission, or committee decisions, recommendations, or priorities absent the approval of the majority of the Council.

4.2.2 It is a best practice that Council Members refrain from attending Board, Commission, and/or Committee meetings to avoid the appearance of impropriety.

#### 4.3 Handling of Litigation and Other Confidential Information

4.3.1 All written materials and verbal information provided to Council Members on matters that are confidential and/or privileged under State law shall be kept in complete confidence to ensure that the City's position is not compromised. No disclosure or mention of any information in these materials may be made to anyone other than Council Members, the City Attorney, or City Manager.

4.3.1.1 Confidential materials provided in preparation for and during Closed Sessions shall not be retained and documents must be returned to staff at the conclusion of the Closed Session.

4.3.1.2 Council Members may not request confidential written information from staff that has not been provided to all Council Members.

#### 4.4 Representing an Official City Position

4.4.1 City Council Members may use their title only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.

- 4.4.2 Once the City Council has taken a position on an issue, all official City correspondence regarding that issue will reflect the Council's adopted position.
- 4.4.3 The Mayor is authorized to send letters on City letterhead stating the City's official position to appropriate legislators as long as it is consistent with the Council's Legislative Policy.
- 4.4.4 City letterhead may be used by Council Members only for official City business and/or to represent a policy action taken by the Council body.
- 4.4.5 If a member of the City Council appears before another governmental agency organization to give a statement on an issue affecting the City, the Council Member should indicate the majority position and opinion of the Council.
- 4.4.6 Personal opinions and comments may be expressed only if the Council Member clarifies that these statements do not reflect the official position of the City Council.

#### 4.5 Quasi-Judicial Role/*Ex Parte* Contacts

The City Council has a number of roles. It legislates and makes administrative and executive decisions. The Council also acts in a quasi-judicial capacity or "like a judge" when it rules on various permits, licenses, and land use entitlements.

In this last capacity, quasi-judicial, the Council holds a hearing, takes evidence, determines what the evidence shows, and exercises its discretion in applying the facts to the law shown by the evidence. It is to these proceedings that the rule relative to *ex parte* contacts applies.

- 4.5.1 *Ex Parte* Contacts/Fair Hearings. The Council shall refrain from receiving information and evidence on any quasi-judicial matter while such matter is pending before the City Council or any agency, board, or commission thereof, except at the public hearing.



As an elected official, it is often impossible to avoid such contacts and exposure to information. Therefore, if any member is exposed to information or evidence about a pending matter outside of the public hearing, through contacts by constituents, the applicant or through site visits, the member shall disclose all such information and/or evidence acquired from such contacts, which is not otherwise included in the written or oral staff report, during the public hearing, and before the public comments period is opened.

Matters are "pending" when an application has been filed. Information and evidence gained by members via their attendance at noticed public hearings before subordinate boards and commissions are not subject to this rule.

#### 4.6 No Attorney-Client Relationship

Council Members who consult the City Attorney, their staff, and/or attorney(s) contracted to work on behalf of the City cannot enjoy or establish an attorney-client relationship with said attorney(s) by consulting with or speaking to same. Any attorney-client relationship established belongs to the City, acting through the City Council, and as may be allowed in State law for purposes of defending the City and/or the City Council in the course of litigation and/or administrative procedures, etc.

## CHAPTER 5 COUNCIL ADVISORY BODIES

### 5.1 Boards, Commissions, and Committees Generally

- 5.1.1 The Tracy Municipal Code establishes a Planning Commission to advise the Council on land use matters (Chapter 10.04) and a Parks and Community Services Commission (Chapter 7.16)
- 5.1.2 The rules of procedure and code of conduct that govern the City Council apply with equal force to all Council advisory boards and commissions.
- 5.1.3 The City Council may also establish by ordinance or resolution, boards, commissions, and committees to assist the Council in making its policy decisions. The City Council has the inherent power to create advisory bodies.
- 5.1.4 City boards, commissions, and committees (collectively "Council advisory bodies") provide policy recommendation to Council; they do not set or establish City policy or provide administrative direction to City staff.
- 5.1.5 City boards, commissions, and committees are advisory in nature and therefore do not represent City's official position on city matters.
- 5.1.6 Appointments to boards, commissions, and committees are made by a majority vote of the Council. Appointees to Council advisory bodies serve at the pleasure of the City Council.
- 5.1.7 The terms "board" and "commission" can be used interchangeably. Boards and commissions typically have broader policy and advisory responsibilities than committees which typically have much more focused advisory roles to the Council.

## 5.2 Board, Commission, and Committee Organization and Conduct

- 5.2.1 Annually, each board, commission, and committee elects one of their members to serve as the chair (presiding officer) and vice-chair.
- 5.2.2 Boards, commissions, and committees hold regular and special meetings as required. The conduct of board, commission, and committee meetings are governed by the same rules of policy and procedure as the City Council.
- 5.2.3 Boards, commissions, and committees should comply with all applicable open meeting and conflict-of-interest laws of the State.
- 5.2.4 Upon appointment or reappointment, Council advisory body members shall sign a Council Advisory Body Norms and Values statement (**Attachment 2**) affirming they have read and understand this City of Tracy City Council Code of Conduct.

## 5.3 Board, Commission, and Committee Appointments

- 5.3.1 Resolution No. 2004-152 establishes the board, commission, and committee appointment/selection process and requirements for residency.
- 5.3.2 The term of office for each board, commission, or committee member is 4 years, with the exception of the Measure V Residents' Oversight Committee which is 3 years.
- 5.3.3 The City Clerk provides application forms, maintains a listing of all applications received, and solicits applications when vacancies occur.

## 5.4 Boards, Commissions, and Committees- Vacancy and Selection/Appointment Processes

- 5.4.1 Resolution No. 2004-152 outlines procedures for filling a board, commission or committee vacancy and selection and appointment process. The Council appoints all City boards, commissions, and committee members.

5.4.2 Resignations may be submitted at any time to the City Council either directly or through the board, commission, or committee chair. Resignations are effective upon submittal.

#### 5.5 Boards, Commissions, and Committees - Removal

A board member, commissioner, or committee member serves at the pleasure of the Council and may be removed at any time. The removal of a planning commission member must comply with TMC Section in accordance with the applicable procedure.

## CHAPTER 6 COUNCIL FINANCIAL MATTERS

### 6.1 Compensation

6.1.1 Pursuant to Ordinance No. 1094, the Tracy Mayor and City Council receive a monthly salary. The amount is the salary limit established by the State Legislature for members of the City Council of general law cities having a population range within which the City of Tracy falls, as specified in California Government Code Section 36516(a).

6.1.2 The salary of the Mayor and City Council should be reviewed every two years.

### 6.2 Benefits

6.2.1 The California Government Code provides that Council Members may receive City-funded health, retirement, and other benefits. City-funded medical, dental, and life insurance plan benefits are provided. The Council Policy Providing City Paid Health Insurance for City Treasurer, City Clerk, and City Council, adopted by Resolution No. 2003-391, states that an elected official is not eligible for City-funded health benefits if the official or the official's spouse has employer-paid health insurance.

### 6.3 City Council Budget and Expenses

6.3.1 City Council Resolution No. 2007-075 provides policy guidance regarding Council expenditures for equipment, supplies and communications; travel; local expenses; and eligible reimbursements.

CITY OF TRACY CITY COUNCIL  
NORMS AND VALUES STATEMENT

PREAMBLE

The residents and businesses of Tracy are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
- Be independent, impartial and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Tracy City Council has adopted a Code of Conduct to encourage public confidence in the integrity of local government and its fair and effective operation.

City Council Members shall sign this Norms and Values statement upon assuming office and upon reelection to office as a symbol of each Council Member's continuing commitment to abide by the principles of this code.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Council Members shall work for the common good of the people of Tracy and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

2. Comply with the Law

Council Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions;

the Tracy City Municipal Code; laws pertaining to Council-Manager form of government, conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Members

Council Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff, or the public.

4 Respect for Process

Council Member duties shall be performed in accordance with the processes and rules of order established by the City Council.

5. Conduct of Public Meetings

Council Members shall inform themselves of public issues, listen attentively to public discussions before the body, and focus on the business at hand.

6. Decisions Based on Merit

Council decisions shall be based upon the merits and substance of the matter at hand.

7. Communication

It is the responsibility of Council Members to share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council Members.

8. Coordination with City Staff

Appropriate City staff should be involved when Council Members meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff informed.

9. Disclosure of Corruption

All City officials shall take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State, and the Federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery, or other violation of the law.

10. Conflict of Interest

In order to assure their independence and impartiality on behalf of the public good, Council Members shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

In accordance with the law, members shall file written disclosures of their economic interests and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

11. Gifts and Favors

Council Members shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

12. Confidential Information

Council Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial, or private interests.

13. Use of Public Resources

Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Council Members for private gain or personal and/or campaign purposes.

14. Representation of Private Interests

In keeping with their role as stewards of the public trust, Council Members shall not appear on behalf of the private interests of a third-party before the City Council or any board, commission, or committee or proceeding of the City.



15. Advocacy

To the best of their ability, Council Members shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City.

16. Improper Influence

Council Members shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commissions, or committees.

17. Policy Role of Members

Council Members shall respect and adhere to the Council-Manager structure of Tracy City government as provided in State law and the City Municipal Code.

18. Positive Work Environment

Council Members shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

19. Implementation

Ethics standards shall be included in the regular orientations for City Council candidates. Council Members entering office shall sign a statement affirming they read and understood the City of Tracy's City Council Code of Conduct.

20. Compliance and Enforcement

Council Members themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have **full** confidence in the integrity of City government.

This City Council Norms and Values statement shall be considered to be a summary of the longer City Council Code of Conduct document. The City Council Code of Conduct document shall be considered to be the definitive document relating to ethical conduct by Tracy City Council Members.

I affirm that I have read and understand the City of Tracy City Council Norms and Values statement.

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Signature

Date

CITY OF TRACY  
COUNCIL ADVISORY BODY  
NORMS AND VALUES STATEMENT

**PREAMBLE**

The residents and businesses of Tracy are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials, including Council advisory body members:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
- Be independent, impartial, and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, Council advisory body members are expected to adhere to the Code of Conduct adopted by the Tracy City Council to encourage public confidence in the integrity of local government and its fair and effective operation.

Council advisory body members shall sign this Norms and Values statement at the first meeting of the board, commission, or committee upon assuming office and, if applicable, upon reappointment to the board, commission, or committee as a symbol of each Council advisory body member's commitment to abide by the principles of this code during their term.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Council advisory body members shall work for the common good of the people of Tracy and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

2. Comply with the Law

Council advisory body members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California Constitutions; the Tracy City Municipal Code; laws pertaining to the Council-

Manager form of government, conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Council Advisory Body Members

Council advisory body members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of Council Members; other members of the Council advisory body; other boards, commissions, or committees; staff; or the public.

4. Respect for Process

Council advisory body member duties shall be performed in accordance with the processes and rules of order established by the City Council.

5. Conduct of Public Meetings

Council advisory body members shall inform themselves of public issues, listen attentively to public discussions before the body, and focus on the business at hand.

6. Decisions Based on Merit

Council advisory body members shall base their decisions upon the merits and substance of the matter at hand.

7. Communication

It is the responsibility of Council advisory body members to share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council advisory body members.

8. Coordination with City Staff

Appropriate City staff should be involved when Council advisory body members meet with officials from other agencies and jurisdictions to ensure proper staff support, as needed, and to keep staff informed.

9. Disclosure of Corruption

All City officials shall take an oath upon assuming office, pledging to uphold the Constitution and laws of the City, the State, and the Federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery, or other violation of the law.

10. Conflict of Interest

In order to assure their independence and impartiality on behalf of the public good, Council advisory body members shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

In accordance with the law, members shall file written disclosures of their economic interests and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

11. Gifts and Favors

Council advisory body members shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

12. Confidential Information

Council advisory body members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial, or private interests.

13. Use of Public Resources

Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Council advisory body members for private gain or personal and/or campaign purposes.

14. Representation of Private Interests

In keeping with their role as stewards of the public trust, Council advisory body members shall not appear on behalf of the private interests of a third party before the City Council or any board, commission, or committee, or proceeding of the City.

15. Advocacy

To the best of their ability, Council advisory body members shall represent the official policies and positions of the City of Tracy. When presenting their personal opinions or positions, members shall explicitly state that they represent neither the Council advisory body nor the City.

16. Improper Influence

Council advisory body members shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commissions, or committees.

17. Policy Role of Members

Council advisory body members shall respect and adhere to the Council-Manager structure of Tracy City government as provided in State law and the City Municipal Code.

18. Positive Work Environment

Council advisory body members shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.  
Attachment 2 to City Council Code of Conduct

19. Implementation

Ethics standards shall be included in the regular orientations for Council advisory body members. Upon entering office and upon reappointment, Council advisory body members shall sign a statement affirming they read and understood the City of Tracy's City Council Code of Conduct.

20. Compliance and Enforcement

Council advisory body members themselves have the responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of City government.

Attachment 2 to City Council  
Code of Conduct

The Council Advisory Body Norms and Values statement shall be considered to be a summary of the longer City Council Code of Conduct document. The City Council Code of Conduct document shall be considered to be the definitive document relating to ethical conduct by Tracy City Council advisory body members.

I affirm that I have read and understand the City of Tracy City Council Code of Conduct.

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Signature

Date



**San Joaquin County**  
**CODE OF FAIR CAMPAIGN PRACTICES**  
 (Elections Code § 20440)

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

- (1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties that merit this criticism.
- (2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.
- (3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on a candidate's actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, sexual orientation, sex, including gender identity, or any other characteristic set forth in Section 12940 of the Government Code, or association with another person who has any of the actual or perceived characteristics set forth in Section 12940 of the Government Code.
- (4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections, or that hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.
- (5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.
- (6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group that resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.
- (7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

\_\_\_\_\_  
 Print Name

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Office



# PROVISIONS OF THE CODE OF FAIR CAMPAIGN PRACTICES

Chapter 5 of Division 20 of the California Elections Code

## Chapter 5. Fair Campaign Practices

### Article 1. General Intent

**20400.** The Legislature declares that the purpose of this chapter is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

### Article 2. Definitions

**20420.** As used in this chapter, "Code" means the Code of Fair Campaign Practices.

### Article 3. Code of Fair Campaign Practices

**20440.** At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official shall give the individual a blank form of the code and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure, as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with Section 81000) of the Government Code, an initial campaign statement on behalf of the committee.

**20441.** The Secretary of State shall print, or cause to be printed, blank forms of the code. The Secretary of State shall supply the forms to the elections officials in quantities and at times requested by the elections officials.

**20442.** The elections official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election.

**20443.** Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

**20444.** In no event shall a candidate for public office be required to subscribe to or endorse the code.

RESOLUTION 2021-\_\_\_\_\_

AMENDING THE CITY COUNCIL CODE OF CONDUCT TO ADDRESS COMPLIANCE WITH THE CODE OF FAIR CAMPAIGN ACTIVITIES AND CITY RESTRICTIONS ON TEMPORARY SIGNS RELATING TO THE ELECTION

WHEREAS, It is a best practice for City Councils to develop governance policies around roles and responsibilities, and norms and behaviors to ensure a shared understanding of the City Manager 's role and Council's expectations to optimize working relationships, and

WHEREAS, On October 15, 2019, the Tracy City Council adopted a Code of Conduct that outlines the norms and values the City Council holds itself to as City elected officials, and

WHEREAS, On February 16, 2021 Council directed staff to amend the Code of Conduct to address compliance with the Code of Fair Campaign Practices and the City's regulations on temporary signs relating to the election.

WHEREAS, The following language is added as a new Section 3.3.8 and 3.3.8.1:

“3.3.8. Campaign Activities. The Tracy City Council strongly encourages its members and City Board and Commission members to abide by the highest ethical standards and best practices relating to campaign activities to ensure that City elections promote decency, honesty and fair play. To that end, all candidates seeking elected office within the City of Tracy, including their official campaign representatives, are urged and encouraged to sign and comply with the Code of Fair Campaign Practices. (Attachment 3) A candidate’s signed Code of Fair Campaign Practices shall be posted on the City’s Elections Document webpage within three (3) business days of execution.

3.3.8.1 The City staff shall send a copy of all notices (e.g. emails) sent to candidates relating to non-compliance with the TMC election sign restrictions to the entire City Council.”

WHEREAS, The following language is to be inserted in the Norms and Values Statements for City Council and Council Advisory Bodies:

“20. Campaign Activities. [Council Members/ Council advisory body members] who seek elected office within the City shall endeavor to conduct their campaign activities in a manner that promotes decency, honesty and fair play and in accordance with the Code of Fair Campaign Elections Code (Section 20400 et seq.).”

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby amends the Code of Conduct to address compliance with the Code of Fair Campaign Activities and City restrictions on temporary signs relating to the election as described herein.

\* \* \* \* \*

The foregoing Resolution 2021-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 16th day of February, 2021, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK