



AGENDA

Regular City Council Meeting

and Successor Agency to the Former
Redevelopment Agency

Tuesday, September 15, 2020, 6:00 p.m.

Via Zoom Webinar

www.cityofwasco.org

IMPORTANT NOTICE REGARDING SEPTEMBER 15, 2020 COUNCIL MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Executive Order N-29-20, Issued by Governor Gavin Newsom on March 17, 2020, and, to the extent applicable, Government Code Section 54953(b) in-person participation by the public will not be permitted. No physical location from which the public may observe the meeting will be available. Remote public participation is allowed in the following ways via Zoom Webinar; please see the instruction below:

Listen to the meeting live via zoom

Member of the public may participate in the meeting by joining the Zoom Webinar via PC, Mac, iPad, iPhone, or Android device using the URL:

<https://us02web.zoom.us/j/89802102970>

Listen to the meeting live via telephone

The public may participate via phone only (without a computer/ smart device) by dialing the below numbers:

Dial Number: 1-669-900-9128

Meeting ID: 898 0210 2970

ALL PARTICIPANTS WILL BE MUTED AUTOMATICALLY UPON ENTERING THE MEETING THE CITY CLERK WILL UNMUTE THOSE WHO WISH TO SPEAK AT APPROPRIATE TIME PLEASE KEEP YOURSELF ON MUTE WHEN NOT SPEAKING. SPEAKERS ARE LIMITED TO TWO (2) MINUTES.

Verbal Participation using Zoom

Please use the "Raise Hand" button to request to speak. Raised hands will only be acknowledged during the Public Hearing and Public Comment sections of the agenda and when the Meeting's presiding officer requests comments from the public.

Verbal Participation over the phone

Please dial *9 to "raise your hand" to request to speak. Raised hands will only be acknowledged during the Public Hearing and Public Comment sections of the agenda and when the Meeting's presiding officer requests comments from the public. Please be advised you will be called on by the phone number you are calling from

Submitting written comments:

You can also submit your comments via email to cityclerk@cityofwasco.org such email comments must be identified by adding the Agenda Item Number in the subject line of the email. Every effort will be made to read your comment into the record; however, they are limited to two (2) minutes. If a comment is received after the agenda item is heard but before the meeting is adjourned, the comment will still be included as a part of the record of the meeting but will not be read into the record.

American Disability Act Accommodations:

Meetings are accessible to people with disabilities. Requests in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it. Individuals who need special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the meeting materials, should contact the City Clerk at cityclerk@cityofwasco.org or call 661-758-7203. Every attempt will be made to swiftly address each request. (28 CFR 35.102–35.104 ADA Title II)

REGULAR MEETING – 6:00 p.m.

- 1) **CALL TO ORDER:** Mayor Cortez
- 2) **FLAG SALUTE:** Mayor Cortez
- 3) **INVOCATION:**
- 4) **ROLL CALL:** Mayor Cortez, Pro Tem Espitia, Council Members: Garcia, Pallares, Reyna
- 5) **PRESENTATIONS:** Sally Livingston - Retirement Recognition for 20 Years of Service.
- 6) **PUBLIC COMMENTS: (PLEASE REFER TO THE INSTRUCTION PAGE FOR MORE INFORMATION)**
This portion of the meeting is reserved for persons desiring to address the Council and including the Council acting as the Governing Board for the Successor Agency on any matter not on this agenda and over which the Council and Successor Agency has jurisdiction. Speakers are limited to two (2) minutes. Please state your name for the record before making your presentation.

The City Council is very interested in your comments; however, due to Brown Act requirements, no action may be taken at this meeting. Should your comments require further consideration by the City Council or the Successor Agency, the item will be agendaized for a report and discussed at a future City Council meeting.

- 7) **SUCCESSOR AGENCY BUSINESS:** None
- 8) **WASCO PUBLIC FINANCE AUTHORITY BUSINESS:** None

CITY COUNCIL BUSINESS:

9) CONSENT CALENDAR:

The Consent Calendar consists of items that, in staff's opinion, are routine and non-controversial. These items are approved in one motion unless a Council Member or member of the public requests removal of a particular item.

- a. Approval of Meeting Minutes for:
 1. August 4, 2020, Regular Meeting
 2. August 19, 202, Special Meeting
 3. September 1, 2020, Regular Meeting
- b. Receive and file department payments totaling \$271,136.73
- c. Approval of Resolution Authorizing the Mayor to sign the Certificate of Acceptance for Irrevocable Offer to Dedicate Real Property for Public Purposes, to Wit, for Public Highway, from Wasco Union Elementary School District.
- d. Adopt a Resolution approving the Side Letter to Memorandum of Understanding Dated July 1, 2017, Between SEIU Local 521 and the City of Wasco Effective September 4, 2020.
- e. Receive and File the Investment Report for the month ended July 31, 2020.

10) PUBLIC HEARINGS: NONE

11) DEFERRED BUSINESS:

- a. Designation of Voting Delegate and Alternate for the League of California Cities Annual Conference scheduled for October 7-9,2020. (Ortiz Hernandez)

12) NEW BUSINESS:

- a. Discussion and Possible Minute Action regarding a Resolution of the General Assembly of the League of California Cities Calling for an Amendment of Section 230 of the Communications Decency Act of 1996 To Require Social Media Companies to Remove Materials Which Promote Criminal Activities. (Ortiz Hernandez)
- b. Review of Formal Exit Conference and Draft Audit Report Produced by the California Department of Transportation's Independent Office of Audits and Investigations. (Bishop)
- c. Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with R3 Consulting Group, Inc. in an Amount Not to Exceed \$71,890 to Assist the City with Developing a Regulatory Compliance Plan with Cal Recycle and Develop a High-Level 10-Year Financial Model for the City's Sanitation Enterprise Fund. (Bishop)
- d. Adopt a Resolution Approving the Amended Salary Schedule for the Fiscal Year 2020-2021 in Compliance with the California Public Employees' Retirement

System (CalPERS) Requirement for Publicly Available Pay Schedules. (Ortiz Hernandez)

- e. Update and Possible Minute Action regarding the Small Business Grant Program. (Ortiz Hernandez)

13) REPORTS FROM SHERIFF

14) REPORTS FROM CITY MANAGER

15) REPORTS FROM CITY COUNCIL

16) CLOSED SESSION:

- a. Approval of Closed Session Minute for August 18, 2020.
- b. CONFERENCE WITH LEGAL COUNCIL – ANTICIPATED LITIGATION.
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (1 potential case)

17) CLOSED SESSION ACTION

18) ADJOURNMENT

This is to certify that this agenda was posted at Wasco City Hall on September 10, 2020. The agenda is also available on the City website at www.cityofwasco.org

 2020-09-10

Maria O. Martinez, City Clerk

*All agenda item supporting documentation is available for public review in the city website www.cityofwasco.org and the office of the City Clerk of the City of Wasco, 746 8th Street, Wasco, CA 93280 during regular business hours, 7:30 a.m. – 5:00 p.m. Monday through Thursday and 8–5 p.m. Friday (closed alternate Friday's), following the posting of the agenda. Any supporting documentation that relates to an agenda item for an open session of any regular meeting that is distributed after the agenda is posted and prior to the meeting will also be available for review at the same location and available at the meeting. **Please remember to turn off all cell phones, pagers, or electronic devices during Council meetings.***

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MINUTES
WASCO CITY COUNCIL
and Successor Agency to the
Former Redevelopment Agency
Meeting of August 4, 2020
Via Zoom Webinar
Regular Meeting – 6:00 p.m

REGULAR MEETING – 6:00 p.m.

1) CALL TO ORDER:

This meeting was called to order by Mayor Cortez at 6:00 pm and announced the meeting is being held Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and all members are joining this meeting remotely via Zoom Webinar.

2) FLAG SALUTE: Mayor Cortez

3) INVOCATION:

A moment of silence instead of the invocation.

4) ROLL CALL:

Present: Mayor Cortez, Mayor Pro Tem Espitia, Council Members: Garcia, Pallares, Reyna

5) PRESENTATIONS: NONE

6) PUBLIC COMMENTS:

- Christopher Bout submitted public comment via email.

7) SUCCESSOR AGENCY BUSINESS: NONE

8) WASCO PUBLIC FINANCE AUTHORITY BUSINESS: NONE

CITY COUNCIL BUSINESS:

9) CONSENT CALENDAR:

The Consent Calendar consists of items that, in staff's opinion, are routine and non-controversial. These items are approved in one motion unless a Council Member or member of the public requests removal of a particular item.

- a. Approval of Minutes for July 7, Special Meeting.
- b. Receive and file department payments totaling \$1,130,593.43

- c. Receive and File the Investment Report for the month ended June 30, 2020
- d. Adopt a Resolution approving the Title VI Compliance Plan for Wasco Dial-a-Ride.
Reso#2020-3502
- e. Approval of the Final Balancing Change Order in the amount of \$9521.00 an Acceptance of the Active Transportation Program Palm Avenue Project and Authorization for the City Clerk to file the Notice of Completion.
- f. Accept a bid and Adopt a Resolution for the Award of the Janitorial cleaning services Approving an Agreement with Gridiron Services Inc. in the amount of \$46,280.00 yearly.
Reso#2020-3503
Aqmnt#2020-031
- g. Award and adopt a Resolution authorizing the City Manager to enter into an agreement with Nagle Earthworks in the amount of \$432,423.00 and allowing the City Manager to execute Contract Change Orders in an amount not to exceed an aggregate of \$25,000 for the Reconstruction of 7th Street (Magnolia to WWTP) project.
- h. Adopt a Resolution Authorizing the City Manager to Approve Task Order #8 for Dee Jaspar & Associates to complete the design and engineering for the test well, municipal well, and site development of Well #15, replacement Well for Well #10, in an amount not to exceed \$277,500.
- i. Approval of Training Expenses exceeding \$500.00 per registration for the Facilities Maintenance Supervisor/Inspector Wayne Jackson to attend the American Public Works Association Public Works Expo in St. Louis, Missouri from August 29-September 1, 2021 if he is selected to participate in the Emerging Leaders Academy via the American Public Works Association from November 2020 to October 2021
- j. Adopt a Resolution Authorizing the City Manager to Approve Task Order #7 for Dee Jaspar & Associates to Produce the 2020 Urban Water Management Plan in an Amount not to Exceed \$22,916.00.
- k. Adopt a Resolution Authorizing the Federal Funding Under FTA Section 5311 (49 U.S.C. Section 5311) and the Execution of a Standard Agreement with the California Department of Transportation.
Reso#2020-3507

Mayor Pro Tem Espitia abstained from voting due to a conflict of interest on item 9e.

Council Member Reyna pulled items 9g, 9h, 9j for separate consideration.

Motion was made by Council Member Garcia, **seconded** by Council Member Pallares to approve the Consent Calendar with separate consideration on items 9e, 9g, 9h, 9j by the following roll call vote:

AYES: CORTEZ, ESPITIA, GARCIA, PALLARES, REYNA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Motion was made by Council Member Garcia, **seconded** by Council Member Pallares to approve item 9e by the following roll call vote:

AYES: CORTEZ, GARCIA, PALLARES, REYNA
NOES: NONE
ABSTAIN: ESPITIA
ABSENT: NONE

9.g Award and adopt a Resolution authorizing the City Manager to enter into an agreement with Nagle Earthworks in the amount of \$432,423.00 and allowing the City Manager to execute Contract Change Orders in an amount not to exceed an aggregate of \$25,000 for the Reconstruction of 7th Street (Magnolia to WWTP) project.

Reso2020-3504
Agmnt#2020-032

Motion was made by Council Member Garcia, **seconded** by Council Member Pallares to approve item 9g by the following roll call vote:

AYES: CORTEZ, ESPITIA, GARCIA, PALLARES, REYNA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

9.h Adopt a Resolution Authorizing the City Manager to Approve Task Order #8 for Dee Jaspar & Associates to complete the design and engineering for the test well, municipal well, and site development of Well #15, replacement Well for Well #10, in an amount not to exceed \$277,500.

Reso#2020-3505

Motion was made by Council Member Garcia, **seconded** by Council Member Pallares to approve item 9h by the following roll call vote:

AYES: CORTEZ, ESPITIA, GARCIA, PALLARES, REYNA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

9.j Adopt a Resolution Authorizing the City Manager to Approve Task Order #8 for Dee Jaspar & Associates to complete the design and engineering for the test well, municipal well, and site development of Well #15, replacement Well for Well #10, in an amount not to exceed \$277,500.

Reso#2020-3505

Motion was made by Council Member Garcia, **seconded** by Council Member Pallares to approve item 9j by the following roll call vote:

AYES:	CORTEZ, ESPITIA, GARCIA, PALLARES, REYNA
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

10) PUBLIC HEARINGS: NONE

11) DEFERRED BUSINESS: NONE

12) NEW BUSINESS:

- a. Report regarding Illegal Fireworks enforcement efforts made by the Kern County Fire Department and City of Wasco Code Compliance Division.

Staff comments made by Planning Director Cobb.

Public comments from resident Orquidea Ocampo.

Council Member Reyna stated that he would email City Manager Ortiz-Hernandez with questions for the Kern County Fire Department.

- b. Review and accept Water System Demand and Pressure Evaluation Memorandum by Dee Jaspar & Associates, Inc.

Staff comments made by Public Works Director Bishop.

No action was taken on this item

- c. Information regarding the Transition from at Large-Elections for City Council to District-Based.

Staff comments made by City Manager Ortiz Hernandez.

Mayor Cortez gave a 6-minute recess at 7:34 pm

Mayor Cortez reconvened at 7:40 pm.

- d. Approval of Employment Agreement with Isarel Perez Hernandez as the Finance Director for an annual salary amount of \$104, 573.69

Agmt#2020-033

Staff comments made by City Manager Ortiz Hernandez.

Motion was made by Council Member Garcia, **seconded** by Council Member Reyna to approve item 12d by the following roll call vote:

AYES:	CORTEZ, ESPTITIA, GARCIA, PALLARES, REYNA
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

e. Update on City Operation due to Covid-19.

City Manager Ortiz Hernandez informed the City Council he will agendize the possible reopening of Dial-A-Ride Services in a near future City Council meeting. He also informed the City Council there may be an opening for COVID-19 grant assistance for small business owners.

There was a brief discussion between the City Manager and the City Council regarding the door to door outreach that was conducted by the Council Member Garcia and the City Manager and impact the Downtown business owners have endured during the COVID-19 shutdown.

13) REPORTS FROM SHERIFF:

Seargent Martinez announced the Kern County Sherriff's Department is hiring for student academy.

14) REPORTS FROM CITY MANAGER

- Informed Council that only (2) two tenants are residing at the Farm Labor Housing. He also mentioned, the security service for the Farm Labor Housing will cease at the end of August 2020.
- Announced the upcoming High Speed Rail Authority Board meeting will be held on 8/13/2020. He also stated he and Mayor Cortez to address the Board with the City's issues and concerns regarding the impact and condition of the Farm Labor Housing.
- Announced the beginning 8/10/2020 Caltrans will be making improvements to Hwy 46.

15) REPORTS FROM CITY COUNCIL

Mayor Pro Tem Espitia:

- Asked a follow-up question regarding the Public Works breakroom.
- City Manager responded to his question.

Council Member Reyna:

- Commended City Manager Ortiz Hernandez for his efforts with researching and moving the City to the direction of resolving the water well issues.

Council Member Garcia:

- Thanked the Kern County Sherriff's Department for their patrolling efforts in the City.

- He also commented he is excited for the opportunity to make use of the Community Grant Funds for local businesses to reimburse the Covid-19 expenses.
- Thanked Finance Director Perez Hernandez for his commitment to the City and looks forward to working with him.

Council Member Pallares:

- Addressed the High Speed Rail Construction detour on Kimberlina Road and Highway 43 is in need of improvement.
- Commented on the use of the Crime Mapping link on the Kern County Sherriff's website for awareness of crime in our city.

Mayor Cortez:

- Thanked City Manager Ortiz Hernandez and City staff for working on moving forward in the right direction for City improvements.

Mayor Cortez adjourned into closed session 8:36 pm

Mayor Cortez adjourned out of closed session 8:57 pm

16) CLOSED SESSION:

- CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO 54956.8
Property: Assessors Parcel No. 490-010-04
Agency Negotiator: City Manager and Henry Mendez, Broker
Negotiating Parties: Ghassan Nagi Ahmed
Under Negotiation: Price and Terms of Payment
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: Robert Ruiz v. City of Wasco
- Approval of Closed Session Minute for July 21, 2020

17) CLOSED SESSION ACTION:

City Attorney Schroeter reported out.

- CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO 54956.8
Property: Assessors Parcel No. 490-010-04
Agency Negotiator: City Manager and Henry Mendez, Broker
Negotiating Parties: Ghassan Nagi Ahmed
Under Negotiation: Price and Terms of Payment

Motion was made by Council Member Reyna, **seconded** by Council Member Pallares to approve item 17a by the following roll call vote:

AYES:	CORTEZ, ESPITIA, GARCIA, PALLARES, REYNA
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

- b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: Robert Ruiz v. City of Wasco

No reportable action.

- c. Approval of the Closed Session Minute July 21, 2020

Motion was made by Council Member Garcia, **seconded** by Council Member Pallares to approve Closed Session Minute by the following roll call vote:

AYES:	ESPTITIA, GARCIA, PALLARES, REYNA
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	CORTEZ

18) ADJOURNMENT

Mayor Pro Tem Espitia adjourned the meeting at 8:59 p.m.

Maria O. Martinez, City Clerk

Teofilo Cortez Jr., Mayor

MINUTES
WASCO CITY COUNCIL
and Successor Agency to the
Former Redevelopment Agency
Special Meeting of August 19, 2020
Regular Meeting – 6:00 p.m
Via Zoom Webinar

SPECIAL MEETING – 6:00 p.m.

- 1) **CALL TO ORDER:** Mayor Pro Tem Espitia called the meeting to order at 6:00 p.m.
- 2) **FLAG SALUTE:** Led by Mayor Pro Tem Espitia
- 3) **INVOCATION:** A moment of silence.
- 4) **ROLL CALL:** Present: Mayor Pro Tem Espitia, Council Members: Garcia, Pallares, Reyna
Absent: Mayor Cortez
- 5) **PUBLIC COMMENTS:** None
- 6) **DISCUSSION:**
 - a. Consideration adopting a Resolution appointing the only candidate in City Council District 5, Alexandro Garcia, to the office of the Wasco City Council, District 5, for a term of four years or proceed with an election in Council District 5.

City Manager Ortiz Hernandez informed the City Council the City was unable to meet the requirements accordance with the government code, which requires the City Clerk to publish a certificate indicating there are no other candidates in office to be elected in District 5 in a general newspaper circulation. Therefore, District 5 will appear on the November 3rd 2020 election ballot.

The consensus of the City Council was to procede with the 2020 election for District 5.

7) **ADJOURNMENT:**

Mayor Pro Tem Espitia adjourned the meeting at 6:35 pm.

Daniel Espitia, Mayor Pro Tem

Maria O. Martinez, City Clerk

MINUTES
WASCO CITY COUNCIL
and Successor Agency to the
Former Redevelopment Agency
Meeting of September 1, 2020
Regular Meeting – 6:00 p.m.
Via Zoom Webinar

REGULAR MEETING – 6:00 p.m.

1) CALL TO ORDER:

This meeting was called to order by Mayor Pro Tem Espitia at 6:00 pm and announced the meeting was being held Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and all members are joining this meeting remotely via Zoom Webinar.

2) FLAG SALUTE: Mayor Pro Tem Espitia

3) INVOCATION: Moment of silence.

4) ROLL CALL:

Present: Mayor Pro Tem Espitia, Council Members Pallares, Reyna

Absent: Mayor Cortez, Council Member Garcia

5) PRESENTATIONS: NONE

6) PUBLIC COMMENTS: NONE

7) SUCCESSOR AGENCY BUSINESS: NONE

8) WASCO PUBLIC FINANCE AUTHORITY BUSINESS:

- a. Receive and file department payments totaling \$ 6,128.14

Motion was made by Director Reyna, **seconded** by Director Pallares to approve item 8a by the following roll call vote:

AYES:	ESPITIA, PALLARES, REYNA
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	CORTEZ, GARCIA

CITY COUNCIL BUSINESS:

9) CONSENT CALENDAR:

The Consent Calendar consists of items that, in staff's opinion, are routine and non-controversial. These items are approved in one motion unless a Council Member or member of the public request removal of a particular item.

- a. Approval of Meeting Minutes for:
 - 1. July 7, 2020, Regular Meeting
 - 2. July 21, 2020, Regular Meeting
- b. Receive and file department payments totaling \$1,232,888.25
- c. Adopt a Resolution Approving Task Order #9 and Authorizing the City Manager to Endorse Task Order #9 for Dee Jaspar & Associates to complete the design and engineering for the replacement irrigation well located on municipal land leased to Paul Farms in an amount not to exceed \$36,732.
Reso#2020-3518
- d. Adopt a Resolution Approving an Application for Funding and the Execution of a Grant Agreement and any Amendments thereto from the Active Transportation Program of the State Department of Transportation.
Reso#2020-3519
- e. Adopt a Resolution to Authorize the City Manager to execute the first amendment to the amended and restated agreement with Alta Planning and Design amending the scope of services to move \$1,500 from Expenses to Task 1 and extend the contract for one month.
Reso#2020-3520
Agmt#2020-039

Council Member Reyna requested for a minor error to be corrected on the minutes of 7/21/2020.

Motion was made by Council Member Reyna, **seconded** by Council Member Pallares to approve the consent calendar by the following roll call vote:

AYES:	ESPITIA, PALLARES, REYNA
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	CORTEZ, GARCIA

10) PUBLIC HEARINGS: NONE

11) DEFERRED BUSINESS: NONE

12) NEW BUSINESS:

- a. Designation of Voting Delegate and Alternate for the League of California Cities Annual Conference scheduled for October 7-9,2020.

City Manager Ortiz Hernandez deferred this item for the next City Council meeting.

- b. Adopt a Resolution to Authorize the City Manager to enter into an agreement with ClearSource Financial Consulting to conduct a User / Regulatory Fee Study with an Optional Full Cost Allocation Plan for an amount not to exceed \$22,200.

Reso#2020-3521

Agmt#2020-040

Staff comments made by Planning Director Cobb to recommend the approval of user/regalutaory fee schedule.

Motion was made by Council Member Reyna, **seconded** by Council Member Pallares to approve item 12b by the following roll call vote:

AYES:	ESPITIA, PALLARES, REYNA
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	CORTEZ, GARCIA

- c. Adopt a Resolution to Rescind its approval of the conceptual plan to permanently close 6th Street as Requested by California High-Speed Rail Authority and California Rail Builders.

Reso#2020-3522

City Manager Ortiz Hernandez recommends to rescind its approval of the conceptual plan.

Motion was made by Council Member Reyna, **seconded** by Mayor Pro Tem Espitia to approve item 12c by the following roll call vote:

AYES:	ESPITIA, PALLARES, REYNA
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	CORTEZ, GARCIA

- d. Adopt a Resolution authorizing the City Manager to purchase two (2) all-electric utility vehicles from Power Machinery Center and three (3) hybrid vehicles utilizing the State of California's statewide contract for fleet vehicles in an amount not to exceed \$146,000 and all vehicles compliant with the San Joaquin Valley Unified Air Pollution Control District Public Benefit Grant Program.

Reso#2020-3523

City Manager Ortiz Hernandez presented a power point presentation regarding costs for the vehicles.

Motion was made by Council Member Reyna, **seconded** by Council Member Pallares to approve item 12d by the following roll call vote:

AYES:	ESPITIA, PALLARES, REYNA
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	CORTEZ, GARCIA

13) REPORTS FROM SHERIFF: NO REPORTS

14) REPORTS FROM CITY MANAGER:

City Manager updated the City Council regarding the Security Guard services for the Farm Labor Housing has discontinued services on Aug 31, 2020. He also informed the City Council fencing is needed at the Farm Labor Housing Property for security.

15) REPORTS FROM CITY COUNCIL:

Council Member Reyna updated the City Council regarding the grant for COVID-19 relief, final language is still in the works. Requested staff to update City Council on next meeting to provide an update for Caltrans position to add crossings on Highway 46 and Poplar Avenue.

Mayor Pro Tem Espitia informed the City Council that some of the Downtown business owners have concerns of cementing over planters on 7th Street. Requested to defer the matter on a near future City Council meeting. City Manager Ortiz responded and will defer meeting to a near future City Council meeting.

Closed Session was deferred to the next City Council Meeting.

16) CLOSED SESSION:

a. Approval of Closed Session Minute for August 18, 2020.

b. CONFERENCE WITH LEGAL COUNCIL – ANTICIPATED LITIGATION.

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (1 potential case)

17) CLOSED SESSION ACTION:

18) ADJOURNMENT:

Mayor Pro Tem Espitia adjourned the meeting at 6:42 pm

Maria O. Martinez, City Clerk

Daniel Espitia, Mayor Pro Tem



Bill Pay List Council Meeting: 9/15/2020

Warrant No	Amount
A080220	\$68,171.82
G061220	\$2,504.56
G070520	\$1,186.70
G070620	\$33,194.97
G080320	\$145,765.26
G090120	\$20,313.42
Total	\$271,136.73

Verified by Finance Director

Verified by City Manager

Vendor	Org	Object	Project	Invoice	PO	Date	Doc	Check	Description	Amount
ADMINISTRATIVE SOLUTIONS-FRESNO-2208 TOTAL				08/25/20	185	08/25/2020	67397	4956	CHECK RUN 08/25/20	9,758.64
BLUE SHIELD OF CALIFORNIA-3591 TOTAL				202270031027	238	08/14/2020	67496	4957	MEDICAL CHECK RUN 09/01/20-09/30/20	50,510.24
METROPOLITAN LIFE INSURANCE COMPANY-4932 TOTAL				TS05954057 SEPT	189	08/14/2020	67398	4958	INSURANCE PREMIUM FOR SEP 20	7,902.94
TOTAL FOR WARRANT A080220										68,171.82
BOOT BARN #26-1063 TOTAL				INV00063382	3123	06/30/2020	67376	19653	BOOT ALLOWANCE MULTIPLE EMPLOYEES 5 INVOICES	951.75
CORTECH ENGINEERING, A DXP COMPANY-4876 TOTAL				51597147	3004	06/29/2020	67379	19654	NEW SHAFT INSTALLATION TO CONNECT PUMP & MOTOR AND PUMP INSPECTION TRICKLING FILTER 2 INVOICES	1,552.81
TOTAL FOR WARRANT G061220										2,504.56
T-MOBILE-4899 TOTAL				964042069 JUL 20		07/20/2020	67355	19648	CELL PHONES 06/21/20-07/20/20	1,186.70
TOTAL FOR WARRANT G070520										1,186.70
ANG REGION 1, LLC-5116 TOTAL				4615	133	07/31/2020	67381	19656	CNG JULY 2020 FUELS	890.47
ATV INC-4796 TOTAL				153014593	99	07/30/2020	67476	19655	WATER #50-REPLACE 2 CALIPERS FRONT BRAKE & ROTORS	1,134.76
BHT ENGINEERING, INC-5134 TOTAL				20-0246	134	07/31/2020	67382	19657	WASCO-TM7311 PHASE 6 INV#20-0246 MS4 COMPLIANCE PEDESTRIAN SAFETY IMPROVEMENTS 3 INVOICES	14,795.00
COUNTY OF KERN-218 TOTAL				INV0443374	129	07/01/2020	67388	19658	ANNUAL FEES: WELL#2,5,7,8,10,11,12 INVOICES	1,008.00

DÉE JASPAR AND ASSOCIATES, INC-378 TOTAL	20-07043	138	07/31/2020	67385	19659 SRF GRANT APPLICATION TASK ORDER NO.5 AND PUMP & WATER SYSTEM EVALUATION TASK ORDER #6 2 INVOICES	6,613.57
DISPENSING TECHNOLOGY CORPORATION-519 TOTAL	13090	49	07/22/2020	67488	19660 TRAFFIC PAINT - CALTRANS	1,312.00
LIEBERT CASSIDY WHITMORE-2269 TOTAL	1504502	218	07/31/2020	67395	19661-2 HR LEGAL SERVICES FOR JUL 20	7,280.40
O'REILLY AUTO ENTERPRISES, LLC-4230 TOTAL	4936-361721	141	07/15/2020	67402	19663 STREETS #88: NEW BATTERY	160.77
TOTAL FOR WARRANT G070620						33,194.97
ACC BUSINESS-4766 TOTAL	202282225	188	08/27/2020	67403	19664 FIBER NETWORK SERVICES FOR AUG 20	812.44
ACTION SPORTS INC.-202 TOTAL	09/08/15-12/03/18	213	08/26/2020	67404	19665 BIKE EQUIPMENT FOR SHERIFF DEPARTMENT 2 INVOICES	534.10
ADMINISTRATIVE SOLUTIONS-FRESNO-2208 TOTAL	A1000712	186	08/11/2020	67410	19666 ADMIN FEES & HRA ADMIN FOR AUG 20	1,375.00
AIRCO BAKERSFIELD-3102 TOTAL	90137	231	08/14/2020	67484	19667 INSTALL NEW 4TON GOODMAN 3 PHASE PACKAGE UNIT @ WW	8,963.00
ALMA ALCARO & MARIA L. PEREZ-5186 TOTAL	67494	236	08/24/2020	67494	19697 REFUND CREDIT ACCT:0125012660	85.41
ALTA PLANNING & DESIGN-3693 TOTAL	00-2020-063-3	220	08/19/2020	67406	19668 DATA COLLECTION & ANALYSIS FOR JUL 20	4,132.00
AMAZON CAPITAL SERVICES, INC-4968 TOTAL	1QTV-PLW3-ICMN	132	08/14/2020	67407	19669 COBB WEB BRUSH FOR CLEANING OFFICE, DATA CABLE FOR TRAFFIC RADAR SIGN,LIXADA DUTY BELT:POLICE SECURITY LAW ENFORCEMENT 2 3 INVOICES	98.56
AP - PAYMENT CENTER-1488 TOTAL	000015221403	164	08/24/2020	67411	19671 PHONE SERVICES 07/24/20-08/23/20 MULTIPLE SERVICES 20 INVOICES	1,345.01
AR INC-4796 TOTAL	153015145	200	08/24/2020	67477	19670 DISPOSAL #18: 2 FRONT TIRE CHANGE	99.71
BANK UP CORPORATION-4259 TOTAL	4216	234	08/31/2020	67490	19672 LOCKBOX PROCESSING FOR AUG 20	811.51
BC LABORATORIES, INC.-63 TOTAL	B389998	206	08/26/2020	67444	19673 WTR & WWT SAMPLE TESTING MULTIPLE SERVICES 13 INVOICES	3,024.80
BENJAMIN COYLE-4354 TOTAL	67351		08/20/2020	67351	19674 REFUND CREDIT 0134023980 2398 BUENA VENT	132.87
BOOT BARN #26-1063 TOTAL	INV00061902	36	08/15/2020	67445	19675 BOOT ALLOWANCE - FRANK VILLANUEVA	200.00
BRIGHT HOUSE NETWORK, LLC-68 TOTAL	064477502081420	157	08/14/2020	67446	19676 INTERNET SRVCS 08/13/20-09/12/20	115.13
CAMPBELL PET COMPANY-1471 TOTAL	0375634-IN	124	08/18/2020	67447	19677 DOG ROUND LEASHES	234.33
CINTAS CORPORATION NO. 3-4480 TOTAL	4058996917	223	08/18/2020	67448	19678 UNIFORMS 08/18/20 & 08/28/20 2 INVOICES	731.22
CLARK PEST CONTROL-117 TOTAL	26596257	210	08/20/2020	67450	19679 PEST CONTROL FOR AUG 20 MULTIPLE LOCATIONS 3 INVOICES	298.00
CRE LLC-4299 TOTAL	ACCT: 0433006020		08/20/2020	67352	19680 REFUND CREDIT 0433006020 602 VIOLETTE ST	13.46
CUSTOM TRUCK ONE SOURCE, LP-4933 TOTAL	216852	131	08/27/2020	67478	19681 STREET #80: REPAIRS ON HYDRAULIC MOTOR	2,208.44
CUSTOMIZED CUSTODIAL SERVICES LLC-4288 TOTAL	COW0920	235	08/14/2020	67491	19682 JANITORIAL SERVICES & COVID-19 SERVICES FOR SEPT 20 LAST DAY OF SERVICE	1,252.22

DISPENSING TECHNOLOGY CORPORATION-519 TOTAL	13157	49	08/13/2020	67489	19683 TRAFFIC PAINT - CALTRANS	6,259.73
DP TRADING-4873 TOTAL	0820008	137	08/10/2020	67468	19710 LAPEL PINS-YRS SRVC PINS,ETCHED PLATE,SILK SCREEN	635.00
FED EX-123 TOTAL	7-101-40463	162	08/21/2020	67455	19684 FEDEX SERVICES FOR AUG 20	978.85
GOMEZ, PAULO-5182 TOTAL	3277 & 3278	190	08/25/2020	67456	19685 REFUND PARKING CITATION #3277 & 3278	350.00
HAAKER EQUIPMENT COMPANY-4114 TOTAL	C64413	140	08/12/2020	67457	19686 DISPOSAL #17: EMPELER BEARING AND SEALS	803.14
HACIENDA LEGACY, LLC-4062 TOTAL	ACCT: 0356004080		08/24/2020	67353	19687 REFUND CREDIT 0356004080 408 POMEGRANATE	13.46
HDL COREN & CONE-4058 TOTAL	SIN003188	233	08/31/2020	67492	19688 2019-20 CAFR STATISTICAL PACKAGE	645.00
INNOVATIVE ENGINEERING SYSTEMS, INC-4907 TOTAL	33327	203	08/21/2020	67481	19689 PROJECT:18-05229-003 COW VVV SCADA TROUBLESHOOT, GENERAL MAINTENANCE,WASCO FRESH WATER 3 INVOICES	681.50
INTERWEST CONSULTING GROUP, INC.-1571 TOTAL	62460	184	08/19/2020	67458	19690 PLAN CHECK SERVICES FOR JUL 20	1,678.88
IRENE SANCHEZ M.D.-3683 TOTAL	EM001005	219	08/25/2020	67459	19691 DOT PHYSICAL 05/14/20	60.00
JEFFRIES BROS., INC-140 TOTAL	73911	192	08/14/2020	67483	19692 WELL #14 PUMP FUEL INV#73911	1,193.84
JIMMIE COWEN-5176 TOTAL	ACCT: 0001019010		08/20/2020	67350	19693 REFUND 1901 1ST STREET 0001019010	164.05
KERN COUNTY SUP. OF SCHOOLS-25 TOTAL	JUL 20	145	08/24/2020	67460	19694 SCHOOL FEES FOR JULY 20	599.94
NESTOR D LANDEROS-5043 TOTAL	67372		08/31/2020	67372	19695 REFUND CREDIT 0200013361 1336 F ST	43.47
NEW YORK LIFE INSURANCE COMPANY-4733 TOTAL	S10763000 AUG 20	187	08/17/2020	67461	19696 PREMIUM FOR AUG 20	408.00
PG & E COMPANY-85 TOTAL	51997041895 08/18/20	161	08/18/2020	67467	19698 UTILITY BILLS STATEMENT FOR AUG 20 6 INVOICES	81,525.28
REDDYREFRESH BY NESTLE-4027 TOTAL	00H0033487406	221	08/28/2020	67469	19699 DRINKING WATER 5409 7TH ST 07/27/20-08/26/20	49.76
SALDANA, ARMANDO & GRACIE-5181 TOTAL	1383056	228	08/26/2020	67409	19700 REFUND FOR GRADING PERMIT FEE	99.60
SCHROETER, THOMAS F.-2732 TOTAL	AUG 20	237	08/31/2020	67495	19701 LEGAL SERVICES FOR AUG 20	12,086.25
SILVER & WRIGHT LLP-4804 TOTAL	26857	227	08/01/2020	67472	19703 NUISANCE ABATEMENT FOR JUL 20	376.00
SOLENIS LLC-4012 TOTAL	131677672	130	08/21/2020	67473	19704 POLYMER USED IN THE CENTRIFUGE TO DEWATER SLUDGE	4,485.82
SULLY & SONS HYDRAULICS INC-366 TOTAL	0141680-IN	193	08/17/2020	67482	19705 DISPOSAL #22: LIFT GATE RAM SERVICE	386.29
SUPERIOR CONST.-5180 TOTAL	67359		08/25/2020	67359	19706 REFUND FOR OVER PMT GB	3,844.94
THE BAKERSFIELD CALIFORNIAN-206 TOTAL	2732088	215	08/31/2020	67431	19707 ADS:RE:WASTE WATER COLLECTION SPECIALIST I,WATER OPERATOR I,WATER OPERATOR IN TRAINING	595.23
THE GAS COMPANY-246 TOTAL	08207136329 JUL	163	08/14/2020	67474	19708 MULTIPLE ADDRESSES FOR AUG 20	130.05
THE HOME DEPOT PRO-5006 TOTAL	567176789	113	08/14/2020	67485	19709 PULL PAPER TOWELS AND TRASH BAGS 2 INVOICES	442.20
THE SHAFTER PRESS/ WASCO TRIBUNE-4787 TOTAL	1820	225	08/27/2020	67470	19702 ADS:RE:ID FOR RE-ROOFING CITY ANNEX BUILDING AND WASTE WATER COLLECTION SPECIALIST I,WATER OPERATOR I,WATER OPERATOR IN TRAINING 2 INVOICES	315.00

VERIZON WIRELESS SERVICE LLC-4237 TOTAL	9861558243	222	08/25/2020	67475	19711	CELL PHONES & IPAD 07/26/20-08/25/20	446.77
TOTAL FOR WARRANT G080320							145,765.26
C. ACUNA CONSTRUCTION-5185 TOTAL	ACCT: 0387055950		09/01/2020	67373	19712	UB 0387055950 5595 ST. ANDREWS CRESCENT DEPOSIT - 1WA101 UB REFUND	107.00
CITY OF WASCO/PUBLIC TRANSIT-1683 TOTAL	9503	216	09/01/2020	67399	19713	CNG FUEL FOR AUG 20	3,615.78
CIVICPLUS, LLC-5167 TOTAL	202746	191	09/01/2020	67400	19714	9/4/20-9/3/21 COMMUNICATIONS PLATFORM ANNUAL FEES	3,650.00
KERN COUNTY WASTE MANAGEMENT DEPT.-19 TOTAL	LANDFILL SEP 20		09/01/2020	67401	19715	LADNFILL FOR SEPT 20	12,790.64
VILLA, LUIS-1635 TOTAL	CERT 111 20/21	232	09/02/2020	67493	19716	REIMB CERT GRADES III RENEWAL FOR 20/21	150.00
TOTAL FOR WARRANT G090120							20,313.42
GRAND TOTAL							271,136.73



STAFF REPORT

CITY OF WASCO

TO: Honorable Mayor and Council Members

FROM: Daniel Ortiz-Hernandez, City Manager
Biridiana Bishop, Public Works Director

DATE: September 15, 2020

SUBJECT: Approval of Resolution Authorizing the Mayor to sign the Certificate of Acceptance for Irrevocable Offer to Dedicate Real Property for Public Purposes, to Wit, for Public Highway, from Wasco Union Elementary School District.

Recommendation:

Staff recommends the City Council approve a Resolution authorizing the Mayor to sign the Certificate of Acceptance for Irrevocable Offer to dedicate real property for public purposes, to wit, for public highway, from Wasco Union Elementary School District

Discussion:

Additional street dedication, ranging in width from 20 feet to 35 feet, was required along the south side of Filburn Avenue west of Griffith Avenue, and the west side of Griffith Avenue, south of Filburn Avenue. The Irrevocable Offer to Dedicate Real Property, along with a legal description and illustrative map, was signed by Wasco Union Elementary School District in 2020. The public improvements have been completed in the right-of-way. It is recommended that the City Council authorize the Mayor to sign the Certificate of Acceptance for the Irrevocable Offer to Dedicate Real Property for Public Purposes, to wit, for Public Highway.

Fiscal Impact:

None.

Attachments:

1. Resolution
2. Irrevocable Offer to Dedicate from Wasco Union Elementary School District
3. Certificate of Acceptance

RESOLUTION NO. 2020 - _____

**A RESOLUTION OF THE CITY COUNCIL OF WASCO AUTHORIZING THE MAYOR TO SIGN
THE CERTIFICATE OF ACCEPTANCE FOR THE IRREVOCABLE OFFER TO DEDICATE REAL
PROPERTY FOR PUBLIC PURPOSES, TO WIT, FOR PUBLIC HIGHWAY, FROM WASCO
UNION ELEMENTARY SCHOOL DISTRICT**

WHEREAS, additional public street dedications are required along the south side of Filburn Avenue, west of Griffith Avenue, and along the west side of Griffith Avenue, south of Filburn Avenue; and

WHEREAS, an Irrevocable Offer to Dedicate real property was signed by the current owner, Wasco Union Elementary School District on September 1, 2020; and

WHEREAS, the public improvements have been completed; and

WHEREAS, the City of Wasco desires to accept the Irrevocable Offer to Dedicate Real Property for Public Purposes, to Wit, for Public Highway.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Wasco as follows:

SECTION 1: Authorize the Mayor to sign the Certificate of Acceptance for the Irrevocable Offer to Dedicate Real Property for Public Purposes, to Wit, for Public Highway.

-o0o-

I HEREBY CERTIFY that the foregoing Resolution No. 2020 - _____ was passed and adopted by the Council of the City of Wasco at a regular meeting thereof held on September 15, 2020 by the following vote:

COUNCIL MEMBERS: CORTEZ, ESPITIA, PALLARES, REYNA, GARCIA

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

TEOFILO CORTEZ, JR.,
MAYOR of the City of Wasco

Attest: _____

MARIA O. MARTINEZ
CITY CLERK and Ex Officio Clerk of
the Council of the City of Wasco

WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF WASCO
746 8TH Street
Wasco, CA 93280

Assessor Parcel Number(s): 489-020-07

IRREVOCABLE OFFER OF STREET DEDICATION

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, **Wasco Union School District, a political subdivision of the State of California**, hereby grants to the City of Wasco, an Irrevocable Offer of Dedication of an easement for ingress, egress, road, and utility purposes, over and across the hereinafter described real property in the City of Wasco, County of Kern, State of California:

SEE EXHIBITS "A" AND "B" ATTACHED AND MADE A PART HEREOF

This Offer of Dedication is made pursuant to § 7050 of the Government Code of The State of California, and may be accepted at any time by the City. This Offer of Dedication may be terminated and right to accept such offer abandoned in the same, manner as is prescribed for the vacation of streets or highways by Part 3 of Division 9, or Chapter 2 of Division 2 of the Streets and Highways Code of the State of California, whichever is applicable.

The above described dedication easement is to be kept open, clear and free from buildings and structures of any kind.

This Offer of Dedication shall be irrevocable and shall be binding on the Grantor's heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, said Grantor hereunto subscribed has executed this Irrevocable Offer this

15TH day of SEPT., 2020.

GRANTOR: WASCO UNION SCHOOL DISTRICT, a political subdivision of the State of California

x 
Signature

Kelly Richers, Superintendent
Print Name and Title

A notary public or other officer completing the certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF KERN)

On 09-01-2020 before me, JERRY W GARRISON, personally

appeared KELLY RICHERS, who proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENTALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and offical seal.

Signature  (Seal)



EXHIBIT "A"
STREET RIGHT-OF-WAY DEDICATION
WASCO UNION SCHOOL DISTRICT
LEGAL DESCRIPTION

BEING THAT PORTION OF LOT 110 OF THAT CERTAIN MAP ENTITLED "FOURTH HOME EXTENSION COLONY" FILED FOR RECORD IN BOOK 1 OF MAPS, AT PAGE 99, IN THE OFFICE OF THE KERN COUNTY RECORDER; ALSO BEING A PORTION OF SECTION 13, TOWNSHIP 27 SOUTH, RANGE 24 EAST, M.D.B. & M., IN THE CITY OF WASCO, COUNTY OF KERN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF FILBURN AVENUE AND GRIFFITH AVENUE, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LOT 110; THENCE ALONG THE FOLLOWING COURSES:

- 1) THENCE SOUTH 01°10'21" WEST, ALONG THE CENTERLINE OF GRIFFITH AVENUE AND THE EASTERLY LINE OF SAID LOT 110, A DISTANCE OF 1,320.31 FEET TO THE SOUTHEAST CORNER OF SAID LOT 110;
- 2) THENCE NORTH 89°09'14" WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 110, A DISTANCE OF 48.00 FEET TO A POINT 48.00 FEET WESTERLY, AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF GRIFFITH AVENUE;
- 3) THENCE DEPARTING SAID SOUTHERLY LINE, NORTH 01°10'21" EAST, PARALLEL WITH THE CENTERLINE OF GRIFFITH AVENUE, A DISTANCE OF 18.31 FEET;
- 4) THENCE NORTH 40°08'02" WEST, A DISTANCE OF 12.12 FEET TO A POINT 56.00 FEET WESTERLY, AS MEASURED AT RIGHT ANGLES, TO THE CENTERLINE OF GRIFFITH AVENUE;
- 5) THENCE NORTH 01°10'21" EAST, PARALLEL WITH THE CENTERLINE OF GRIFFITH AVENUE, A DISTANCE OF 61.14 FEET;
- 6) THENCE NORTH 46°48'16" EAST, A DISTANCE OF 11.19 FEET TO A POINT 48.00 FEET WESTERLY, AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF GRIFFITH AVENUE;
- 7) THENCE NORTH 01°10'21" EAST, PARALLEL WITH THE CENTERLINE OF GRIFFITH AVENUE, A DISTANCE OF 59.18 FEET;
- 8) THENCE NORTH 43°49'53" WEST, A DISTANCE OF 11.31 FEET TO A POINT 56.00 FEET WESTERLY, AS MEASURED AT RIGHT ANGLES, TO THE CENTERLINE OF GRIFFITH AVENUE;
- 9) THENCE NORTH 01°10'21" EAST, PARALLEL WITH THE CENTERLINE OF GRIFFITH AVENUE, A DISTANCE OF 51.33 FEET;

EXHIBIT "A"
STREET RIGHT-OF-WAY DEDICATION
WASCO UNION SCHOOL DISTRICT
LEGAL DESCRIPTION

(CONTINUED)

- 10) THENCE NORTH 46°10'07" EAST, A DISTANCE OF 11.31 FEET TO A POINT 48.00 FEET WESTERLY, AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF GRIFFITH AVENUE;
- 11) THENCE NORTH 01°10'21" EAST, PARALLEL WITH THE CENTERLINE OF GRIFFITH AVENUE, A DISTANCE OF 1,022.33 FEET;
- 12) THENCE NORTH 43°58'52" WEST, A DISTANCE OF 28.36 FEET TO A POINT 55.00 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF FILBURN AVENUE;
- 13) THENCE NORTH 89°08'06" WEST, PARALLEL WITH THE CENTERLINE OF FILBURN AVENUE, A DISTANCE OF 591.96 FEET TO THE WESTERLY LINE OF SAID LOT 110;
- 14) THENCE NORTH 01°10'07" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 55.00 FEET TO THE CENTERLINE OF FILBURN AVENUE, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 110;
- 15) THENCE SOUTH 89°08'06" EAST, ALONG THE CENTERLINE OF FILBURN AVENUE AND THE NORTHERLY LINE OF SAID LOT 110, A DISTANCE OF 660.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 98,273 SQUARE FEET OR 2.26 ACRES, MORE OR LESS.

Swanson Engineering, Inc.

5500 Ming Ave., Suite 250
Bakersfield, CA 93309
Phone: (661)831-4919



3.26.18

FOUND MONUMENT AT CENTERLINE
INTERSECTION OF FILBURN AVENUE
AND PALM AVENUE

POINT OF BEGINNING-FOUND
MONUMENT AT THE CENTERLINE
INTERSECTION OF GRIFFITH AVE
AND FILBURN AVE

Q FILBURN AVENUE

S89° 08' 06"E

660.07'

N89° 08' 06"W

591.96'

N01° 10' 07"E
55.00'

20.00'
ST R/W

20.00'
ST R/W

35.00'
ST R/W

55.00'

N43° 58' 52"W
28.36'

STREET RIGHT-OF-WAY DEDICATION
2.26 ACRES
98,273 SQUARE FEET

LOT 110
FOURTH HOME EXTENSION COLONY
FILED FOR RECORD IN
BOOK 1 OF MAPS, PAGE 99, IN THE
OFFICE OF THE KERN COUNTY
RECORDER



EASEMENT NOTES:

- ① A 20' WIDE PUBLIC ACCESS EASEMENT FOR ROAD PURPOSES PER THE FOURTH HOME EXTENSION COLONY IN BOOK 1 OF MAPS, AT PAGE 99, IN THE OFFICE OF THE KERN COUNTY RECORDER.
- ② A 35' WIDE PUBLIC ACCESS EASEMENT FOR ROAD PURPOSES FILED PER TRACT NO. 6308 IN BOOK 51 OF MAPS, AT PAGE 196, IN THE OFFICE OF THE KERN COUNTY RECORDER.

N



SCALE: 1" = 100'



SCALE: 1" = 100'

MATCH LINE

EXHIBIT "B"



SWANSON
ENGINEERING, INC.

5500 Ming Ave., Suite 250 ~ Bakersfield, CA 93309
P-(661) 831-4919; F-(661) 831-4929 ©2018

WASCO UNION SCHOOL DISTRICT
A PORTION OF SECTION 13, T.27S, R.24E, M.D.M.
STREET RIGHT-OF-WAY DEDICATION

JOB NO.: 17027
DATE: 03/26/18
BY: JLM
DWG NAME:
17027EM1 ST RW.dwg

SHEET #

1

OF 2 SHEETS

EASEMENT NOTES:

- ① A 20' WIDE PUBLIC ACCESS EASEMENT FOR ROAD PURPOSES PER THE FOURTH HOME EXTENSION COLONY IN BOOK 1 OF MAPS, AT PAGE 99, IN THE OFFICE OF THE KERN COUNTY RECORDER.
- ② A 35' WIDE PUBLIC ACCESS EASEMENT FOR ROAD PURPOSES PER TRACT NO. 6308 IN BOOK 51 OF MAPS, AT PAGE 196, IN THE OFFICE OF THE KERN COUNTY RECORDER.

LOT 110
FOURTH HOME EXTENSION COLONY
FILED FOR RECORD IN
BOOK 1 OF MAPS, PAGE 99, IN THE
OFFICE OF THE KERN COUNTY
RECORDER

N



SCALE: 1" = 100'



SCALE: 1" = 100'

PROPERTY LINE

STREET RIGHT-OF-WAY DEDICATION

2.26 ACRES
98,273 SQUARE FEET

N01° 10' 21"E 61.14'
N40° 08' 02"W 12.12'
N01° 10' 21"E 18.31'
N89° 09' 14"W 48.00'

FOUND MONUMENT AT CENTERLINE
INTERSECTION OF GRIFFITH AVENUE
AND JACKSON AVENUE

MATCH LINE

20.00'
ST R/W
①
20.00'
ST R/W
①
N01° 10' 21"E 1022.33'
N46° 10' 07"E 11.31'
N43° 49' 53"W 11.31'
N01° 10' 21"E 51.33'
N46° 48' 16"E 11.19'
56.00'
48.00'
59.18'
N01° 10' 21"E 56.00'

GRIFFITH AVE.

EXHIBIT "B"



**SWANSON
ENGINEERING, INC.**

5500 Ming Ave., Suite 250 ~ Bakersfield, CA 93309
P-(661) 831-4919; F-(661) 831-4929 © 2018

WASCO UNION SCHOOL DISTRICT
A PORTION OF SECTION 13, T.27S, R.24E, MDJM
STREET RIGHT-OF-WAY DEDICATION

JOB NO.: 17027
DATE: 03/26/18
BY: JLM
DWG NAME:
17027EM1 ST RW.dwg

SHEET #

2

OF 2 SHEETS

CERTIFICATE OF ACCEPTANCE

(Government Code Section 27281)

This is to certify that the interest in real property conveyed by the **IRREVOCABLE OFFER TO DEDICATE REAL PROPERTY FOR PUBLIC PURPOSES, TO WIT, FOR PUBLIC HIGHWAY**, dated September 1, 2020 from **Wasco Union Elementary School District, a Political Subdivision of the State of California**, to the **CITY OF WASCO**, is hereby accepted for public purposes by order of the City Council of the City of Wasco Resolution No. 2020-_____ on September 15, 2020, and the grantee consents to recordation thereof by its duly authorized officer.

CITY OF WASCO

ATTEST:

By: _____
Teofilo Cortez, Jr., Mayor

By: _____
Maria O. Martinez, City Clerk

Dated: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) SS.
County of _____)

On _____ before me, _____
a notary public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the persons whose names are
subscribed to the within instrument and acknowledged to me that they executed the same in
their authorized capacities, and that by their signatures on the instrument the persons, or the
entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Seal)

Signature _____



STAFF REPORT

CITY OF WASCO

TO: Honorable Mayor and Council Members

FROM: Daniel Ortiz-Hernandez, City Manager

DATE: September 15, 2020

SUBJECT: Adopt a Resolution Approving the Side Letter to Memorandum of Understanding Dated July 1, 2017, Between SEIU Local 521 and the City of Wasco Effective September 4, 2020

Recommendation:

Staff recommends the City Council adopt the Side Letter to Memorandum of Understanding Dated July 1, 2017, Between SEIU Local 521 and the City of Wasco Effective September 4, 2020

Discussion:

Due to the current COVID-19 pandemic, SEIU and City of Wasco agreed to extend the term and conditions outlined in the Memorandum of Understanding (MOU) for contract year July 1, 2017 – June 30, 2020, for one additional year with no alternations thereto. Based in conjunction with the extended MOU agreement, Section 13 Hours and Overtime, the City and SEIU Local 521 created a Side Letter to allow the City to adjust work schedules during times of extreme weather and climate.

Workdays when the outside temperature or heat index in areas to which City employees would otherwise be assigned to work is predicted otherwise reasonably expected by the to reach or exceed 100 degrees Fahrenheit / 37.78 degrees Celsius, the City Manager may designate such employees' work period to begin earlier in the day, order work to be suspended during a period specified, and to resume following said period and continuing until such point as the standard "work period" is complete or other conditions preclude the completion of such work period. This will allow the City Manager to make the necessary schedule adjustment to continue to provide staff members with a safe workplace.

This summer the City twice implemented a modified operations schedule, including the week that temperatures reached over 110 degrees Fahrenheit. Employees appreciated the flexibility and consideration for their safety. Under the current MOU, changes to work schedule require notifying the SEIU. The side letter memorializes the ability for the City to modify work schedules during extreme heat events without the administrative process of notifying and conferring SEIU each time. SEIU supports the City utilizing this scheduling model for the purposes of protecting employees and avoiding the excessive heat we experience here in the Central Valley.

Impact to residents is expected to be minimal. The greatest change residents and businesses will experience will be with regard to garbage collection. Garbage and grass bins will need to be placed on the curb or alley an hour or two earlier in the morning. The City issued alerts informing residents of this and has kept this in place for consistency. We did not want to create confusion given the uncertainty of when or how frequent the extreme heat operating schedule

Fiscal Impact:

N/A

Attachments:

1. Resolution
2. Side Letter Between SEIU Local 521 and the City of Wasco

RESOLUTION NO. 2020 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WASCO APPROVING THE SIDE LETTER AGREEMENT BETWEEN SEIU LOCAL 521 AND CITY OF WASCO.

WHEREAS, the City of Wasco entered into a Memorandum of Understanding dated July 1, 2017, with SEIU, Local 521; and

WHEREAS, Covering a period of July 1, 2017, through June 30, 2020; and

WHEREAS said agreement of the proposed Memorandum of Understanding had been agreed upon an extension of one year from July 1, 2020, through June 30, 2021; and

WHEREAS, the Side Letter would allow the City to adjust work schedules during times of extreme weather and climate.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Wasco as follows:

SECTION 1: The City Council hereby approves the proposed Side Letter Agreement between SEIU Local 521 and the City of Wasco.

SECTION 2: Authorizes the City Manager to endorse a side letter agreement.

-o0o-

I HEREBY CERTIFY that the foregoing Resolution No. 2020-_____ was passed and adopted by the Council of the City of Wasco at a regular meeting thereof held on September 15, 2020, by the following vote:

COUNCIL MEMBERS: CORTEZ, ESPITIA, GARCIA, PALLARES, REYNA
AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

TEOFILO CORTEZ
MAYOR of the City of Wasco

Attest: _____

MARIA O. MARTINEZ
CITY CLERK and Ex Officio Clerk of
the Council of the City of Wasco

**SIDE LETTER TO MEMORANDUM OF UNDERSTANDING DATED JULY 1, 2017
BETWEEN SEIU LOCAL 521 AND THE CITY OF WASCO
EFFECTIVE SEPTEMBER 4, 2020**

The City of Wasco (“the City”) and Service Employees International Union Local 521 (“SEIU,” collectively “the Parties”) who are already signatories to a Memorandum of Understanding (“MOU”) between them, each have a legal obligation to preserve, and a mutual interest in, a safe and healthful work environment. The Parties each respect these obligations and interests and wish to preserve the benefits that a safe and healthy work environment contributes to the operation of the City and the quality of life of its employees.

Given the current weather and climate trends experienced by the City in 2020, and given current predictions of continued similar conditions, SEIU, on behalf of its members and in the interest of employee safety, requested that the City adjust the work schedules of its members in the employ of the City to mitigate the effects of such trends. Pursuant to SEIU’s request, the Parties met and conferred in good faith with regard to the same.

NOW, THEREFORE, THE CITY AND SEIU AGREE AS FOLLOWS:

Section 13(B) of the MOU, entitled “Hours and Overtime – Exceptions to Standard Work Period,” shall be understood and interpreted by the Parties to mean as follows:

With regard to workdays when the outside temperature or heat index in areas to which City employees would otherwise be assigned to work is predicted by local weather reports or otherwise reasonably expected by the City Manager to reach or exceed 100 degrees Fahrenheit/37.78 degrees Celsius during the regular work period, the City Manager may, in his/her discretion, designate such employees’ work period to begin earlier in the day, order work to be suspended during a period specified by City Manager, and to resume following said period and continuing until such point as the standard “work period” is complete or other conditions (including, by way of example but not limitation, darkness) preclude the completion of such work period.

To the extent feasible, employees shall use such meal periods as are available to them to offset some or all of this time.

The Parties further agree that the foregoing interpretation and the implementation of same is the result of a bilateral agreement between the parties and that any such adjustment of the work period does not constitute the creation of “a work schedule

which is interrupted by non-paid non-working periods **established by the employer,**” as set forth in 8 Cal. Code. Regs. § 11020 *et seq.* (emphasis added).

Except as set forth herein, nothing in this Side Letter shall be construed to relieve either Party of any prior or concurrent obligation to its employees or members with regard to the provision of a safe and healthful workplace in accordance with State and Federal law and/or regulation. The City and SEIU further agree to cooperate in a continuing effort to avoid and reduce the possibility of and/or eliminate accidents, injuries, and health hazards.

This Side Letter shall be incorporated into and shall reflect the ongoing agreement of the Parties with regard to Section 13(b) of the MOU under the circumstances set forth herein.

To the extent that the foregoing does not fully address SEIU’s safety concerns, the Parties agree to further meet and confer in good faith in an effort to address the same.



STAFF REPORT

CITY OF WASCO

TO: Honorable Mayor and Council Members

FROM: Daniel Ortiz-Hernandez, City Manager
Isarel Perez-Hernandez, Finance Director

DATE: September 15, 2020

SUBJECT: Receive and File the Investment Report for the month ended July 31, 2020

Recommendation:

Staff recommends the City Council receive and file the Investment Report for the month ended July 31, 2020

Background:

This report is prepared and presented to the City Manager and City Council pursuant to the requirements of the City's Investment Policy and the California Government Code. The City's investment policy requires the Treasurer or Chief Fiscal Officer to render monthly investment reports to the City Manager and the City Council. It requires certain information about the City's investments to be presented in the report and that the report contains statements that:

1. The City is in compliance with its investment policy; and
2. The City is able to meet its expenditure requirements for the following six (6) months or provide an explanation of why sufficient funds will or may not be available.

The City's investment strategy continues to prioritize its investment opportunities on the following; in order of importance:

1. Safety;
2. Liquidity; and
3. Yield

This strategy is consistent with the Government Code and stresses keeping the citizens' funds safe and available for operations, rather than attempting to maximize returns by making riskier investments.

The Finance Department has prepared the Investment Report for the month ended July 31, 2020. This report meets the latest requirements of the City's Investment Policy as presented to the City Council on June 16, 2020, as well as Government Code Section 53646.

Discussion:

The market value of the City's cash and Investments on July 31, 2020, is \$42,267,779 compared to \$42,274,919 on June 30, 2020. This is a \$7,140 decrease from the previous month (\$6,600 decrease on the cost basis).

As of July 31, 2020, the City has \$17.5 million (41.30 %) of its Cash and Investment Portfolio held in the State of California Local Agency Investment Fund ("LAIF"), which earned

0.95 % during the previous quarter (ended June 30, 2020). This earnings rate exceeded the short-term benchmark. Other cash pools held a combined \$6.2 million (14.59 %) of the City's Cash and Investment Portfolio. The City also had \$5.2 million (12.37 % of its Portfolio) held by UnionBanc Investment Services ("UBIS") and invested, pursuant to City instructions, in Certificates of Deposit and Governmental Securities with a Money Market account being used to maximize returns on otherwise idle cash.

The metrics used in the attached report are based on Securities issued by the United States Government. The short-term benchmark of 0.13 % is the average earned by a 3-month Treasury Bill during the month ended Jun 30, 2020, and the longer-term benchmark of 0.13 % is the average earnings of 2-year and 3-year treasury notes during that time frame.

All the information presented in this report is consistent with the disclosures included in the City's Audited Financial Statements previously presented to the City Council.

Fiscal Impact:

There is no fiscal impact to this action

Attachments:

1. July 31, 2020, Investment Report



Investment Report
Friday, July 31, 2020

	Average Earnings Rate		Cost	Market Value(1)	Days	% of Portfolio	WAM (2)
	this Month	Metrics (3)					
Investments							
Local Agency Investment Fund (LAIF)	Available Quarterly	0.13%	17,370,473	17,455,810	7	41.30 %	0.01
<u>Other Cash Pools:</u>							
CSJVRMA Investment Pool	1.91%	0.13%	1,240,030	1,288,472	7	3.05 %	0.00
Cal Trust Short Term Money Market Fund	0.90%	0.13%	1,583,499	1,598,247	1	3.78 %	0.13
Cal Trust Medium Term Money Market Fund	1.20%	0.16%	3,203,031	3,279,523	3	7.76 %	0.00
<u>Investments held in trust by UnionBanc Investment Services, Inc (see Details on next page)</u>							
Certificates of Deposit	2.39%	0.16%	4,750,000	4,879,755	369	11.55 %	0.13
Money Market Funds	0.01%	0.13%	350,424	350,424	1	0.83 %	0.00
Total Investments			28,497,456	28,852,232			0.13
Demand Deposits and Cash on Hand			13,415,548	13,415,548	1	31.74 %	0.00
Total Cash and Investments			41,913,004	42,267,779			0.03
Total Cash and Investments previous month (June 30, 2020)			41,919,604	42,274,919			

- (i) The City's Portfolio of Investments comply with the City's Investment Policy.
- (ii) According to Government Code Section 53646(b)(3) this report shall include a statement denoting the City's ability to meet its expenditure requirement for the next six months. The City has sufficient available funds on hand to meet its estimated expenditures for the next six months but is also relying on cash inflows to supplement its available funds.

(1) Sources: State of CA PMIA, National Financial Services, LLC and published Sources
(2) Weighted Average Maturity
(3) Metrics from public sources

- Long and Medium Term Portfolio: Average US Treasury Note 2 and 3 year rate
- Short Term Portfolio: 13 Week Treasury Bill Rate

(*) May include true-up adjustments from previous periods.

Certificates of Deposit and Government Securities Held in trust by Unionbanc Investment Services
July 31, 2020

Investment	CUSIP	Rate	Maturity	Cost	Market Value ⁽¹⁾	Days	% of Portfolio	WAM ⁽²⁾
<i>CERTIFICATES OF DEPOSIT</i>								
CAPITAL ONE NATL ASSN VA	14042E5U0	2.400 %	8/19/2020	250,000	250,293	19	0.60 %	0.00
DISCOVER BK	254672TZ1	2.350 %	8/19/2020	250,000	250,300	19	0.60 %	0.00
GOLDMAN SACHS BK USA NY	38148JE31	2.350 %	8/19/2020	250,000	250,295	19	0.60 %	0.00
BMW BK NORTH AMER SALT LAKE	05580ACS1	2.250 %	8/21/2020	250,000	250,325	21	0.60 %	0.00
CAPITAL ONE BK USA NATL ASSN	140420UQ1	2.350 %	8/26/2020	250,000	250,410	26	0.60 %	0.00
SYNCHRONY BANK CD	87164XJX5	2.350 %	8/28/2020	250,000	250,420	28	0.60 %	0.00
MERRICK BK SOUTH JORDAN UTAH	59013JB57	1.850 %	9/22/2020	250,000	250,638	53	0.60 %	0.00
PRIVATEBANK &TC CHICAGO ILL	74267GVM6	1.500 %	8/30/2021	250,000	253,608	395	0.60 %	0.01
WELLS FARGO BANK NATL ASSN	949763AM8	1.600 %	8/31/2021	250,000	253,980	396	0.60 %	0.01
ALLY BANK MIDVALE UTAH	02007GEY5	3.000 %	9/13/2021	250,000	258,030	409	0.60 %	0.01
SALLIE MAE BK SLT LAKE CITY UT	795450W35	3.000 %	9/13/2021	250,000	258,030	409	0.60 %	0.01
CROSSFIRST BK LEAWOOD KS	2276ABQ7	1.850 %	9/22/2021	250,000	254,903	418	0.60 %	0.01
STEARNS BK NA ST CLOUD MN	857894UM9	1.950 %	9/29/2021	250,000	255,273	425	0.60 %	0.01
FIRST PREMIER BK SIOUX FALLS	33610RRG0	1.950 %	10/5/2021	250,000	255,358	431	0.60 %	0.01
INSBANK NASHVILLE TENN	45776NCU8	3.050 %	9/21/2022	250,000	265,330	782	0.60 %	0.01
AMERICAN EXPRESS CENTRN	02587D2Q0	2.500 %	10/5/2022	250,000	262,035	796	0.60 %	0.01
AMERICAN EXP FED SVGS BK	02587CHK9	2.500 %	12/12/2022	250,000	262,738	864	0.60 %	0.01
COMENTITY CAP BK UTAH	20033AF43	3.300 %	9/14/2023	250,000	273,828	1,140	0.60 %	0.02
CITIBANK NATIONAL ASSOCIATION	17312QT33	3.300 %	9/21/2023	250,000	273,965	1,147	0.60 %	0.02
TOTAL CERTIFICATES OF DEPOSIT				4,750,000	4,879,755	369.44	11.55 %	0.13
<i>MONEY MARKET FUNDS</i>								
FIDELITY TREASURY MMKT CAPITAL RESERVES	FSRXX	0.010 %	8/1/2020	350,424	350,424	1	0.83 %	0.00
Total Held by Unionbanc Investment Services				5,100,424	5,230,179	370	12.37 %	0.13

(1) Sources: National Bank Financial Services, LLC
(2) Weighted Average Maturity



STAFF REPORT

CITY OF WASCO

TO: Honorable Mayor and Council Members

FROM: Daniel Ortiz-Hernandez, City Manager
Maria O. Martinez, City Clerk

DATE: September 15, 2020

SUBJECT: Designation of Voting Delegate and Alternate for the League of California Cities Annual Conference scheduled for October 7-9, 2020.

Recommendation:

Staff recommends the City Council to appoint a Voting Delegate and two Alternates.

Discussion:

Consistent with the League of California Cities by-laws, a City's voting delegate and up to two alternates must be designated by the City Council. Designating the voting delegate and alternates must be done by the City Council action and cannot be accomplished by the individual action of the Mayor or City Manager alone.

The voting delegate and alternates must be registered to attend the conference. To cast the City's vote, a City official must have in his or her possession the City's voting card and be registered with Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate nor alternate.

These procedures are assuming that the conference will be held in-person at the Long Beach Convention Center as planned. Should COVID – 19 conditions and restrictions prohibit the League from holding an in-person conference, new procedures will be provided.

Fiscal Impact:

The travel expenses for the Voting Delegate and Alternates to attend the League of California Cities Annual Conference.

Attachments:

1. Voting procedures and Voting Delegate/ Alternate form

Council Action Advised by August 31, 2020

June 30, 2020

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference & Expo – October 7 – 9, 2020**

The League's 2020 Annual Conference & Expo is scheduled for October 7 – 9. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, October 9. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Wednesday, September 30. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting. These procedures assume that the conference will be held in-person at the Long Beach Convention Center as planned. Should COVID-19 conditions and restrictions prohibit the League from holding an in-person conference, new procedures will be provided.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by the end of July at www.cacities.org. In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the



CITY: _____

**2020 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Wednesday, September 30, 2020. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email: _____

Mayor or City Clerk _____
(circle one) (signature)

Date: _____ Phone: _____

Please complete and return by Wednesday, September 30, 2020

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet virtually at the Annual Conference to consider and take action on the resolution referred to them. The committees are: Governance, Transparency & Labor Relations and Public Safety. These committees will meet virtually on Tuesday, September 29, with the Governance, Transparency and Labor Relations Policy Committee meeting from 9:30 – 11:30 a.m. and the Public Safety Policy Committee meeting from 1:00 – 3:00 p.m. The sponsor of the resolution has been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet virtually at 1:00 p.m. on Thursday, October 8, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president.

GENERAL ASSEMBLY: This meeting will be held virtually at 11:00 a.m. on Friday, October 9.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 8.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee		
		2 - General Resolutions Committee		
		3 - General Assembly		

GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- | | |
|---|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |

ACTION FOOTNOTES

* Subject matter covered in another resolution

** Existing League policy

*** Local authority presently exists

- | | |
|-----|---|
| a | Amend+ |
| Aa | Approve as amended+ |
| Aaa | Approve with additional amendment(s)+ |
| Ra | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+ |
| Da | Amend (for clarity or brevity) and Disapprove+ |
| Na | Amend (for clarity or brevity) and take No Action+ |
| W | Withdrawn by Sponsor |

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENTY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES

Source: City of Cerritos

Concurrence of five or more cities/city officials

Cities: City of Hawaiian Gardens, City of Lakewood, City of Ontario, City of Rancho Cucamonga, City of Roseville

Referred to: Governance, Transparency and Labor Relations and Public Safety Policy Committees

WHEREAS, local law enforcement agencies seek to protect their communities' residents, businesses, and property owners from crime; and

WHEREAS, increasingly, criminals use social media platforms to post notices of places, dates and times for their followers to meet to commit crimes; and

WHEREAS, Section 230 of the Communications Decency Act of 1996 currently provides online platforms (including social media platforms) immunity from civil liability based on third-party content and for the removal of content; and

WHEREAS, in the 25 years since Section 230's enactment, online platforms no longer function simply as forums for the posting of third-party content but rather use sophisticated algorithms to promote content and to connect users; and

WHEREAS, the United States Department of Justice, in its June 2020 report, "Section 230 — Nurturing Innovation or Fostering Unaccountability?," concluded the expansive interpretation courts have given Section 230 has left online platforms immune from a wide array of illicit activity on their services, with little transparency or accountability, noting it "makes little sense" to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that violates federal criminal law; and

WHEREAS, current court precedent interpreting Section 230 also precludes state and local jurisdictions from enforcing criminal laws against such online platforms that, while not actually performing unlawful activities, facilitate them; and

WHEREAS, amendment of Section 230 is necessary to clarify that online platforms are not immune from civil liability for promoting criminal activities; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 9, 2020 in Long Beach, California, that the League calls upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and
2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.

Background Information to Resolution

Source: City of Cerritos

Background:

Social media platforms are now used as a primary means of communication, including by criminals who use them to advertise locations, dates, and times where the criminal acts will take place. Such communications, because they occur online, render the online platform immune from any civil liability for the costs incurred by law enforcement agencies that respond under Section 230 of the Communications Decency Act of 1996. Immunity from civil liability extends even to injunctive relief, thus preventing local governments from merely seeking an injunction against the online platform to have such a post removed.

The City of Cerritos supports the rights of free speech and assembly guaranteed under the First Amendment, but believes cities should have the ability to hold social media companies liable for their role in promoting criminal acts. Recently, the City suffered thousands of dollars in damages to respond to online threats that the Cerritos Mall would be looted. Anonymous posts on Instagram.com invited followers to “work together to loot Cerritos [M]all” only several days after the Lakewood Mall had been looted, causing thousands of dollars in damages. The posts were made under the names “cerritosmalllooting” and “cantstopusall,” among others. The City of Cerritos had no choice but to initiate response to protect the Mall and the public from this credible threat.

At the same time local governments face historic shortfalls owing to the economic effects of COVID-19, the nation’s social media platforms are seeing a record rise in profits. The broad immunity provided by Section 230 is completely untenable. Online platforms should be held responsible—and liable—for the direct harm they facilitate. Local governments are in no position to bear the costs of the crimes facilitated by these companies alone.

Congress is currently reviewing antitrust legislation and by extension, Section 230’s immunity provisions. The League urges Congress to amend Section 230 to limit the immunity provided to online platforms when they promote criminal activity to provide local governments some measurable form of relief.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Charles Harvey, Legislative Representative
Bijan Mehryar, Legislative Representative
Caroline Cirrincione, Policy Analyst
Johnnie Piña, Policy Analyst

Committees: Governance, Transparency and Labor Relations
Public Safety

Summary:

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

Background:

The City of Cerritos is sponsoring this resolution in reaction to events whereby persons, using social media platforms to coordinate locations, dates, and times for their planned criminal activity, have committed acts of looting and vandalism resulting in both actual economic harm for targeted businesses, and pecuniary loss to cities who used resources to prevent such acts from occurring when such plans are discovered.

For example, just days after the Lakewood Mall had been looted, the City of Cerritos uncovered online communications via social media that persons were planning to target the nearby Cerritos Mall. Consequently, the city felt compelled to undertake measures to protect the Cerritos Mall, costing the city thousands of dollars to guard against what officials believed to be a credible threat.

Staff Comments:

Overview:

While there is certainly an argument to substantiate concerns around censorship, the use of social media as a tool for organizing violence is equally disturbing.

Throughout much of the 2020 Summer, there have been many reports of looting happening across the country during what were otherwise mostly peaceful demonstrations. Combined with the speculation of who is really behind the looting and why, the mayhem has usurped the message of peaceful protestors, causing a great deal of property damage in the process. Likewise, these criminal actions have upended the livelihood of some small business owners, many of whom were already reeling in the wake of the COVID-19 pandemic.

While social media allows people to connect in real time with others all over the world, organized illegal activity using social media is made easier by the anonymous nature of virtual interactions.

Nation's Reaction to the Murder of George Floyd:

Shortly after the senseless killing of George Floyd by law enforcement on May 26, 2020, civil unrest began as local protests in the Minneapolis–Saint Paul metropolitan area of Minnesota before quickly spreading nationwide to more than 2,000 cities and towns across the United States, and in approximately 60 countries in support of the Black Lives Matter movement. Protests unfolded across the country throughout the entire month of June and into July, and persisted in a handful of cities such as Portland and Seattle into the month of August.

Although the majority of protests were peaceful, some demonstrations in cities escalated into riots, looting, and street skirmishes with police. While much of the nation's focus has been on addressing police misconduct, police brutality, and systemic racism, some have used demonstrators' peaceful protests on these topics as opportunities to loot and/or vandalize businesses, almost exclusively under the guise of the "Black Lives Matter" movement. It has been uncovered that these "flash mobs"¹ were coordinated through the use of social media. The spontaneity and speed of the attacks enabled by social media make it challenging for the police to stop these criminal events as they are occurring, let alone prevent them from commencing altogether.

As these events started occurring across the country, investigators quickly began combing through Facebook, Twitter, and Instagram seeking to identify potentially violent extremists, looters, and vandals and finding ways to charge them after — and in some cases before — they sow chaos. While this technique has alarmed civil liberties advocates, who argue the strategy could negatively impact online speech, law enforcement officials claim it aligns with investigation strategies employed in the past.

Section 230 and other Constitutional Concerns

At its core, Section 230(c)(1) of the CDA provides immunity from liability for providers and users of an "interactive computer service" who publish information provided by third-party users. Essentially, this protects websites from lawsuits if a user posts something illegal, although there are exceptions for copyright violations, sex work-related material, and violations of federal criminal law.

Protections from Section 230 have come under more recent scrutiny on issues related to hate speech and ideological biases in relation to the influence technology companies can hold on political discussions.

Setting aside Section 230, there are some potential constitutional issues one could raise, should there be an attempt to implement such a resolution into statute.

¹ The "flash mobs" phenomenon—where social media is used to organize groups of teens and young adults to quickly ransack and loot various retail stores—began to occur sporadically throughout the United States over the past ten years.

In the United States, the First Amendment prohibits the government from restricting most forms of speech, which would include many proposals to force tech companies to moderate content. While “illegal” types of speech enjoy limited or no First Amendment protection, the line for delineating between “legal” and “illegal” speech is very difficult to determine. Consequently, one would expect online platforms to push back on whether there is a constitutionally feasible way for them to “identify” protected speech versus unprotected speech, or whether there is a feasible way to define “content which solicits criminal activity.” A law requiring companies to moderate content based on the political viewpoint it expresses, for example, would likely be struck down as unconstitutional.

Nonetheless, private companies can create rules to restrict speech if they so choose. Online platforms sometimes argue they have constitutionally-protected First Amendment rights in their “editorial activity,” and therefore, it violates their constitutional rights to require them to monitor (i.e., “identify and take down”) content that may be protected under the First Amendment. They may also argue, along the same lines, that the government may not condition the granting of a privilege (i.e., immunity) on doing things that amount to a violation of their first amendment rights. This is why Facebook and Twitter ban hate speech and other verifiably false information, for example, even though such speech is permitted under the First Amendment.

With respect to privacy and the Fourth Amendment, online platforms may argue that requiring them to “provide to law enforcement information that will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity,” turns them into government actors that search users’ accounts without a warrant based on probable cause, in violation of the Fourth Amendment.

Industry Perspective

Unsurprisingly, industry stakeholders have strong opinions for what such changes could mean for their respective business models.

For instance, a Facebook spokesperson recently noted in a Fortune article that, “By exposing companies to potential liability for everything that billions of people around the world say, this would penalize companies that choose to allow controversial speech and encourage platforms to censor anything that might offend anyone.”

The article acknowledges that in recent years, both political parties have put social media companies under increased scrutiny, but they are not unified in their stated concerns. While Republicans accuse the companies of unfairly censoring their post, Democrats complain that these companies fail to do enough to block misinformation, violent content, and hate speech.

The article concludes that there is no way companies like Facebook and Twitter could operate without Section 230, and that the removal of this section would thereby “eliminate social media as we know it.”

Recent Federal Action on Social Media

The President recently issued an *Executive Order on Preventing Online Censorship*. In it, he notes the following:

“The growth of online platforms in recent years raises important questions about applying the ideals of the First Amendment to modern communications technology. Today, many Americans follow the news, stay in touch with friends and family, and share their views on current events through social media and other online platforms. As a result, these platforms function in many ways as a 21st century equivalent of the public square.

Twitter, Facebook, Instagram, and YouTube wield immense, if not unprecedented, power to shape the interpretation of public events; to censor, delete, or disappear information; and to control what people see or do not see.”

Ultimately the President implores the U.S. Attorney General to develop a proposal for federal legislation that “would be useful to promote the policy objectives of this order.” The President is not subtle in communicating his desire to ultimately see legislation heavily slanted toward the preservation of free speech on social media, which some interpret as a maneuver to preempt Twitter and Facebook from regulating speech they otherwise deem as hateful or demonstrably false.

Considerations for Congress

Courts have generally construed Section 230 to grant internet service providers broad immunity for hosting others’ content. Many have claimed that Section 230’s immunity provisions were critical to the development of the modern internet, and some continue to defend Section 230’s broad scope. But simultaneously, a variety of commentators and legislators have questioned whether those immunity provisions should now be narrowed, given that the internet looks much different today than it did in 1996 when Section 230 was first enacted.

One way for Congress to narrow Section 230’s liability shield would be to create additional exceptions, as it did with FOSTA and SESTA². If a lawsuit does not fall into one of the express exceptions contained in Section 230(e)³, courts may have to engage in a highly fact-specific inquiry to determine whether Section 230 immunity applies: Section 230(c)(1) immunity will be inapplicable if the provider itself has developed or helped to develop the disputed content, while Section 230(c)(2) immunity may not apply if a service provider’s decision to restrict access to content was not made in good faith.

Date Storage and Usage Considerations for Cities

Section 2 of the conditions the resolution applies to civil immunity requires that online platforms provide relevant information to law enforcement to assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity. This section would most likely require the development of new procedures and protocols that govern law enforcements usage and retention of such information. Those new policies and procedures would undoubtedly raise privacy concerns depending on how wide the latitude is for law

² The Fight Online Sex Trafficking Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) create an exception to Section 230 that means website publishers *would* be responsible if third parties are found to be posting ads for prostitution — including consensual sex work — on their platforms.

³ Section 230(e) says that Section 230 will not apply to: (1) federal criminal laws; (2) intellectual property laws; (3) any state law that is “consistent with” Section 230; (4) the Electronic Communications Privacy Act of 1986; and (5) civil actions or state prosecutions where the underlying conduct violates federal law prohibiting sex trafficking.

enforcement to request such information. In those circumstances cities could end up themselves incurring new liability for the governance of data that could either violate certain privacy rules or increase their data governance costs.

Fiscal Impact:

Unlike the costly resources needed to support or oppose a ballot measure, a federal resolution from the League of California Cities that simply urges Congress to undertake certain action should have a negligible fiscal impact, if any monetary impact at all.

Regarding cities, if social media had no immunity for its failure to police content that solicits criminal activity, then an individual city could theoretically save thousands if not millions of dollars, depending on its size and other subjective circumstances. Collectively, cities across the country could potentially save at least hundreds of millions between redress for actual economic harm suffered and/or the cost of preventative measures taken to stop criminal activity from occurring in the first place.

Conversely, if social media platforms were to shut down, due to an inability to comply with a policy requirement to regulate speech on the internet, it is unclear on how cities might be impacted from a fiscal standpoint.

Existing League Policy:

Public Safety:

Law Enforcement

The League supports the promotion of public safety through:

- Stiffer penalties for violent offenders, and
- Protecting state Citizens' Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

Violence

The League supports the reduction of violence through strategies that address gang violence, domestic violence, and youth access to tools of violence, including but not limited to firearms, knives, etc.

The League supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

Governance, Transparency & Labor Relations:

Private Sector Liability

The League will work closely with private sector representatives to evaluate the potential for League support of civil justice reform measures designed to improve the business climate in California. These measures should be evaluated on a case-by-case basis through the League police process.

Questions to Consider:

Many cities obviously believe that creating civil liability for social media platforms—due to their role in providing the communication mediums for those who organize looting attacks— is key to deterring this organized criminal activity.

If such a change was actually passed by Congress, it would force social media to essentially police every conversation on stakeholders' respective platforms, putting immense pressure on the industry to make subjective determinations about what conversations are appropriate and what are unacceptable.

At the end of the day, there are a few questions to consider in assessing this proposed resolution:

- 1) *What would this resolution's impact be on free speech and government censorship?*
- 2) *What are the expectations for cities when they receive information from a social media platform about a potentially credible threat in their respective communities? Does a city become liable for having information from a social media platform and the threat occurs?*
- 3) *What would the costs be to develop and maintain new data governance policies, including data infrastructure, to store this information?*
- 4) *What is the role of the League in engaging in issues relating to someone's privacy?*

Support:

The following letters of concurrence were received:

City of Hawaiian Gardens
City of Lakewood
City of Ontario
City of Rancho Cucamonga
City of Roseville

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Section 230 of the Communications
Decency Act of 1996



CITY OF HAWAIIAN GARDENS

"Our Youth - Our Future"

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

The public safety efforts in the City of Hawaiian Gardens would certainly benefit from such legislation. This letter serves to support the City of Cerritos in their efforts to submit of the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Ernie Hernandez
City Manager

cc Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Jeff Wood
Vice Mayor

Ariel Pe
Council Member

Steven Craft
Council Member

Diane DuBois
Council Member



Todd Rogers
Mayor

August 5, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Todd Rogers
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Lakewood

CITY OF

303 EAST "B" STREET, CIVIC CENTER

ONTARIO



ONTARIO

CALIFORNIA 91764-4105

(909) 395-2000

FAX (909) 395-2070

PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

SCOTT OCHOA
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

August 6, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

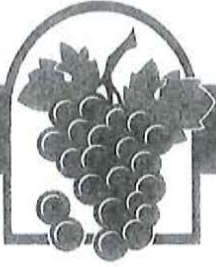
This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social media platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

This letter serves to support the City of Cerritos in their efforts to submit the above-mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Alan D. Wapner
Council Member
League of California Cities Board Member

c: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us



CITY OF RANCHO CUCAMONGA

10500 Civic Center Drive | Rancho Cucamonga, CA 91730 | 909.477.2700 | www.CityofRC.us

August 6, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Rancho Cucamonga, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

L. Dennis Michael
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us



City Council
311 Vernon Street
Roseville, California 95678

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social media platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

On behalf of the City of Roseville, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

A handwritten signature in black ink, appearing to read "John B. Allard II", written over a horizontal line.

John B. Allard II,
Mayor

Cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us
Jason Gonsalves, Joe A. Gonsalves and Son



STAFF REPORT

CITY OF WASCO

TO: Honorable Mayor and Council Members

FROM: Daniel Ortiz-Hernandez, City Manager
Biridiana Bishop, Public Works Director

DATE: September 15, 2020

SUBJECT: Review of Formal Exit Conference and Draft Audit Report Produced by the California Department of Transportation's Independent Office of Audits and Investigations

Recommendation:

This is an information item only to make the City Council aware of findings associated with the Caltrans Audit of five Active Transportation Program projects.

Discussion:

On October 15, 2019, the Public Works Director provided City Council with an update on the on-going audit performed by the California Department of Transportation's (Caltrans) Independent Office of Audits and Investigations of five Active Transportation Program (ATP) projects that had been awarded and executed between 06/01/2015 and 02/28/2018. The intention of the audit was to determine whether costs claimed by and reimbursed to the City under selected projects were adequately supported and in accordance with respective agreement provisions and state and federal regulations. The auditors also assessed the City's financial management system to determine if it is adequate to accumulate, segregate, and allocate reasonable and allowable project costs. The assessment included a review of the City's internal controls, project costing system, procurement procedures, contract management, project deliverables, and outcomes. The five projects selected as part of the audit are highlighted below:

- ATPL-5287 (040) – Palm Ave Elem Sch
- ATPL-5287 (041) – Teresa Burke Elem Sch
- ATPL-5287 (042) – Hyw 43
- ATPL-5287 (043) – JL Prueitt Elem Sch
- ATPL-5287 (044) – Clemens & Jefferson Sch

On September 2, 2020, Caltrans auditors performed the formal exit conference with staff. At this time, the auditors provided the draft audit report. The draft audit report is attached to this report for reference and review. Initially, Caltrans auditors informed the City that they anticipated disallowing \$219,488.03. The draft audit report reflects a total disallowance of \$224,699 based on three major deficiencies:

1. Conflict of Interest - \$168,584
2. Deficiencies in Labor Charging Practices - \$45,492
3. A&E Procurement Deficiencies - \$10,623

Total: \$224,699

City staff has until October 15, 2020, to formally respond to the draft audit report. Caltrans auditors will analyze the City's response and attach it to the final report. Upon completion of the final report, the Headquarters Division of Local Assistance will work with City staff to prepare a Corrective Action Plan to address the issues found in the final audit report.

Fiscal Impact:

Total disallowance costs of \$224,699.

Attachments:

1. Formal Exit Conference Agenda
2. Draft Audit Report

PREPARED BY:

Independent Office of Audits and Investigations

Post Office Box 942874

Sacramento, California 94274-0001

< <https://ig.dot.ca.gov> >

AUDIT TEAM:

MarSue Morrill, CPA, Audit Chief, Planning and Modal Office

Cliff Vose, Audit Manager

Janice Ang, Auditor-in-Charge

Refugio Navarro, Auditor

Vincent Miranda, Auditor

P1575-0059

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SUMMARY, OBJECTIVES, SCOPE, AND METHODOLOGY

SUMMARY

The Independent Office of Audits and Investigations (IOAI) performed an incurred cost audit of the City of Wasco's (City) five Active Transportation Program (ATP) projects with costs totaling \$2,781,433 reimbursed by the California Department of Transportation (Caltrans).

We determined that reimbursed costs totaling \$224,699 were not supported or were not in compliance with respective Caltrans agreement provisions, and state and federal regulations. See Attachment A for a summary of disallowed costs. The City also did not report project status timely and did not use a consistent methodology for calculating project outcomes.

In addition, we determined a conflict of interest existed when a former employee of the City participated in the contract award and management of an architecture and engineering firm where the former City employee's daughter-in-law worked. We also identified deficiencies with labor charging practices, procurement, and contract management.

OBJECTIVES

We performed the audit to determine whether project costs claimed by and reimbursed to the City were allowable, reasonable, and adequately supported in accordance with Caltrans agreement provisions and state and federal regulations. In addition, our audit included determining whether project deliverables/outputs and benefits/outcomes were consistent with the project scope.

SCOPE

We conducted the audit of the City's claimed costs from June 1, 2015, through February 28, 2018, on the projects listed below. We also tested procurements prior to June 1, 2015 that related to costs billed during our audit period.

Project Number	Project Name	Audited Project Cost
ATPL-5287 (040)	Palm Avenue Elementary School Pedestrian Infrastructure Improvements	\$168,980
ATPL-5287 (041)	Teresa Burke Elementary School Bike and Pedestrian Infrastructure Improvements	\$1,610,195
ATPL-5287 (042)	Highway 43 Pedestrian Lighting	\$495,597
ATPL-5287 (043)	JL Prueitt Elementary School Bike and Pedestrian Infrastructure Improvements	\$369,722
ATPL-5287 (044)	Clemens & Jefferson Schools Bike and Pedestrian Infrastructure Improvements	\$136,939
Total Audited Project Costs:		\$2,781,433

The audit was limited to financial and compliance activities. The audit was less in scope than an audit performed for the purpose of expressing an opinion on the financial statements of the City. Therefore, we did not audit, and are not expressing an opinion on the City's financial statements.

The City is responsible for the claimed costs and compliance with applicable Caltrans agreement provisions and state and federal regulations. In addition, the City is responsible for the adequacy of their financial management system. Considering the inherent limitations in any financial management system, misstatements due to error or fraud may occur and not be detected.

METHODOLOGY

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The audit included interviews of City staff to obtain an understanding of the City's financial management system, which includes the accounting and project costing systems and grant, labor, procurement, contract and construction management. In addition, the audit included, review of prior audit reports, an assessment of the City's internal controls as they related to our audit objectives, and examining, on a test basis, evidence supporting the project costs claimed.

Key internal controls evaluated focused on procurement processes, invoices reimbursed from Caltrans, review and approval processes of expenditures, and achievement of and reporting project deliverables and outcomes. Our assessment included conducting interviews with key personnel, observing processes, analyzing relevant documentation, and testing transactions related to costs billed and reimbursed, and documentation to support project deliverables and outcomes. Field work was completed on July 12, 2019. Transactions occurring after this date were not tested and, accordingly, our conclusions do not include costs or credits arising after this date.

FINDINGS AND RECOMMENDATIONS

CONCLUSION

The Independent Office of Audits and Investigations (IOAI) performed an incurred cost audit of the City of Wasco's (City) five Active Transportation Program (ATP) projects with costs totaling \$2,781,433 reimbursed by the California Department of Transportation (Caltrans).

We determined that reimbursed costs totaling \$224,699 were not supported or were not in compliance with respective Caltrans agreement provisions, and state and federal regulations. See Attachment A for a summary of disallowed costs. The City also did not report project status timely and did not use a consistent methodology for calculating project outcomes.

In addition, we identified a conflict of interest existed when the City's Public Works Director during the audit period (no longer employed at the City) participated in the contract award and management of an architecture and engineering (A&E) firm where the Public Works Director's daughter-in-law worked. We also identified deficiencies with labor charging practices, procurement, and contract management.

We recommend DLA deem the City a higher risk agency and provide enhanced oversight of City projects. Title 2, Code of Federal Regulations (CFR) 200.207 (b) outlines specific conditions that may be imposed.

FINDING 1 – Conflict of Interest

We determined a conflict of interest existed when the City's Public Works Director (Director) during the audit period participated in the award and management of an A&E firm, Palmetto Engineering and Land Surveying, Inc. (Palmetto Engineering) in 2014, 2017, and 2018. The Director is no longer employed by the City. Specifically, the Director participated in making procurement and contract management decisions related to Palmetto Engineering where the Director's daughter-in-law was employed, which is contrary to federal and state conflict of interest regulations. Consequently, costs totaling \$168,584 billed to Caltrans associated with Palmetto Engineering on the five projects audited are disallowed. Specifically:

Participation in Procurement Selection Committee and Recommendation to Award Contracts

- 2014 Procurement: The City was unable to provide procurement records that showed who the selection committee members were, the evaluation results,

and ranking of consultants. The City's staff report dated January 6, 2015, however, stated that the City Manager and Director determined Palmetto Engineering provided the best overall procurement package, and thus, the City awarded the contract to Palmetto Engineering. The Director's daughter-in-law was the project manager for Palmetto Engineering.

- 2017 Procurement: The Director participated in the selection process for a city engineering services procurement. The selection committee scored and ranked Palmetto Engineering the highest and recommended the firm for the city engineering services contract. The Director's daughter-in-law was still the project manager for Palmetto Engineering.
- 2018 Procurement: The Director again participated in the selection process for the on-call engineering – design and construction management services procurement. The selection committee recommended the City enter into agreements with four qualified firms, including Palmetto Engineering. The Director's daughter-in-law was still the project manager for Palmetto Engineering.

Lack of Exhibit 10-T, Panel Member Conflict of Interest and Confidentiality Statement

- For the 2014 procurement of Palmetto Engineering, the City could not provide evidence that the selection committee members completed the Panel Member Conflict of Interest and Confidentiality statement (10-T statement) required by the Caltrans Local Assistance Procedures Manual (LAPM) Exhibit 10-T.
- For the December 2017 / January 2018 procurement of Palmetto Engineering, the City could not provide evidence of the completed 10-T statements by the selection committee that included the Director.
- For the March – May 2018 procurement that included Palmetto Engineering, the selection committee, including the Director, completed the 10-T statements. On the 10-T statement, the Director:
 - × Certified that he had no personal relationship which would be incompatible with his participation in the solicitation process and that he was fully able to give full, fair and impartial consideration to all proposals/bids as an appointee to the evaluation.
 - × Agreed not to participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved.

- × Agreed to immediately disqualify himself as soon as he was aware of a conflict of interest that may compromise his fair and impartial consideration of the proposals or bids.
- × Did not check the box that required him to reveal he had a personal relationship regarding any firms that are the subject of his evaluation and provide a brief description of that relationship.

The City was aware of the 10-T requirements as the selection committee, which included the Director, for the April 2017 procurement for on-call materials testing and geotechnical services did complete the 10-T statement. Palmetto Engineering was not one of the competing firms in this procurement.

Contract Administration

- The Director signed as approving authority all of Palmetto Engineering's invoices prior to the City billing the California Department of Transportation (Caltrans) for the five projects audited.
- Other consultant and contractor invoices were reviewed and approved by the Deputy Public Works Director (Deputy Director).

49 CFR 18.36 (b)(3) states, in part, "...No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when: (i) The employee, officer or agent, (ii) Any member of his immediate family...has a financial or other interest in the firm selected for award...." 23 CFR 172.7 (b)(4) states similar requirements.

23 CFR 1.33 states, in part, "No official or employee of a State or any other governmental instrumentality who is authorized in his official capacity to negotiate, make, accept or approve, or to take part in negotiating, making, accepting or approving any contract or subcontract in connection with a project shall have, directly or indirectly, any financial or other personal interest in any such contract or subcontract...."

23 CFR 172.7 (b)(4)(i), and the LAPM chapter 10.1 requires that compensating controls in the form of policies, procedures, practices, and other safeguards must be established to ensure a conflict of interest does not occur in the procurement, management, and administration of federal-funded contracts or subcontracts. Also, the City is responsible to ensure that public interest is maintained throughout the life of a project and that a conflict of interest, direct or indirect, does not occur or is sufficiently mitigated by appropriate public agency controls.

California Government Code (GC) 4526 states in part, "Notwithstanding any other provision of law..., shall specifically prohibit government agency employees from participating in the selection process when those employees have a relationship with a person or business entity seeking a contract under this section which would subject those employees to the prohibition of Section 87100."

GC 4529.12 states, "All architectural and engineering services shall be procured pursuant to a fair, competitive selection process which prohibits governmental agency employees from participating in the selection process when they have a financial or business relationship with any private entity seeking the contract, and the procedure shall require compliance with all laws regarding political contributions, conflicts of interest or unlawful activities."

The City did not have policies and procedures addressing conflict of interest. In addition, the City stated they did not think there was a conflict of interest because the daughter-in-law was not a blood relative of the Director.

RECOMMENDATIONS

- A. Reimburse Caltrans \$168,584 for the disallowed costs associated with the conflict of interest.
- B. Implement policies and procedures addressing conflict of interest including but not limited to, requirements of California GC 4526 and 4529.12, 23 CFR 172, and the LAPM chapter 10; and train staff accordingly.
- C. Attend the Caltrans Division of Local Assistance (DLA) training on procuring A&E contracts when offered.
- D. Establish compensating controls to avoid conflicts of interest by developing guidance, policies, procedures, and practices to meet the requirements of state and federal regulations and the LAPM.

FINDING 2 – Deficiencies in Labor Charging Practices

We noted the following deficiencies with the City's labor charging practices.

Double- and Over-Billed Labor Costs

The City double-billed a total of 83 hours on two projects and over-billed two hours on another project, resulting in \$7,851 of disallowed labor costs as identified in Table 1 below.

Table 1
Double- and Over-Billed Costs

Project Name	Double-Billed Cost	Over-Billed Cost	Disallowed Cost
Palm Avenue	\$6,927	\$0	\$6,927
Highway 43	\$0	\$185	\$185
JL Pruiett	\$739	\$0	\$739
Total:	\$7,666	\$185	\$7,851

The City's Public Works Department uses two time sheets that track different information. One time sheet tracks hours worked on each project, which is used to bill Caltrans; and the other time sheet is used for payroll purposes. The timesheets were not reconciled for accuracy. The City did not have labor charging policies and procedures.

2 CFR 200.430 (i) states that salaries and wages must be based on records that accurately reflect the work performed and records must be supported by a system of internal controls that provides a reasonable assurance that the charges are accurate, allowable, and properly allocated and comply with established accounting policies and practices.

Unsupported Fringe Benefits Costs

The City billed Caltrans for unsupported fringe benefits costs. The City:

- Used the Director's fringe benefits costs (health, vision, life, and dental) to compute the Deputy Director's fringe benefits rate.
- Used incorrect retirement contributions to compute the fringe benefits rates.
- Could not provide the support documentation for some of the fringe benefits costs billed.
- Did not have policy and procedures addressing the allocation of reasonable and allowable costs of fringe benefits.

Unsupported fringe benefit costs totaling \$37,641 are disallowed as identified in Table 2 below.

Table 2
Unsupported Fringe Benefits Costs

Project Name	Disallowed Cost
Palm Avenue	\$4,654
Teresa Burke	\$17,629
Highway 43	\$5,028
JL Prueitt	\$6,200
Clemens & Jefferson	\$4,130
Total:	\$37,641

2 CFR 200.403 lists the factors affecting allowability of costs, including (g) that states costs must be adequately documented, and 2 CFR 200.404 states, in part, "A cost is reasonable if...it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost."

2 CFR 200.431 (a) states, in part, "...the costs of fringe benefits are allowable provided that the benefits are reasonable and are required by law,...employee agreement or established policy...."

RECOMMENDATIONS

- A. Reimburse Caltrans \$45,492 for total disallowed labor costs.
- B. Develop policies and procedures to address labor charging practices according to state and federal laws and regulations, and train staff accordingly.
- C. Either use only one timesheet for all activities or develop policy and procedures to reconcile timesheets if they choose to continue to use two timesheets to ensure accuracy and compliance with federal regulations.
- D. Require project managers review and track all labor costs prior to billing Caltrans to avoid future problems with double- and over-billed labor costs.
- E. Only bill fully supported and allowable employees' fringe benefits costs.

FINDING 3 – Architectural and Engineering Procurement Deficiencies

We found either no procurement process or found deficiencies in the City's A&E procurement practices as identified below.

No Procurement Process

The City was unable to provide any procurement documentation for the A&E consultant contract with BSK Associates. In 2016, the City contracted with BSK Associates to provide construction material testing for the five projects audited.

For four of the projects, the City initially informed the auditors that they followed the City's Municipal Code, chapter 2.60 – Purchasing Policy and Procedures – for small purchases under \$10,000. This policy, however, only applied to the purchase of materials and supplies and not to consulting contracts. The contract with BSK was for consulting services. When we informed the City that the City Municipal Code did not apply the City then stated that they picked BSK Associates based on past work history. The City eventually signed four contracts with BSK Associates. The costs for the four projects totaled \$10,623 and are disallowed.

For the Teresa Burke project, the City circumvented the competitive procurement process. Instead of going through a competitive procurement process for a material testing firm, the City used BSK Associates to perform material testing services and instructed BSK Associates to invoice their costs to Palmetto Engineers who in turn would invoice the City. BSK Associates was not a part to the Palmetto Engineering contract and the scope of work for the Palmetto Engineering contract did not include construction material testing. During our fieldwork the City indicated they did not have the resources at that time to procure a new consultant to perform the required work. The procurement costs related to the BSK Associates contract totaled \$18,474 and are disallowed. Note: these costs are also included in the \$168,584 of disallowed conflict of interest costs identified in Finding 1.

23 CFR 172.7 (a)(1) states that contracting agencies must use the competitive negotiation method for the procurement of engineering and design related services when federal highway program funds are involved in the contract. Further, the solicitation, evaluation, ranking, selection, and negotiation must comply with the qualifications-based selection procurement procedures as codified under the Brooks Act.

Other Deficiencies in Procurement Practices

Our review of procurement files found additional deficiencies in the City's procurement practices. See Attachment B for a detail of deficiencies identified.

The City's Municipal Code, chapter 2.60 – Purchasing Policy and Procedures, and internal control policy on purchasing do not adhere to all state and federal procurement requirements.

Without proper procurement practices, the City is not be able to ensure the award of contracts are the result of fair and open competition and that a reasonable cost is obtained.

RECOMMENDATIONS

- A. Reimburse Caltrans \$10,623 for disallowed procurement costs.
- B. Require that all procurements using state and federal funds are procured in accordance with applicable state and federal laws and regulations.
- C. Update current purchasing policy and procedures to conform with state and federal procurement requirements and train staff accordingly.
- D. Maintain procurement documentation as required by state and federal regulations and Caltrans agreements.

FINDING 4 – Consultant Contract Management Needs Improvement

The City did not manage their consultant contracts and contract provisions in accordance with state and federal regulations as identified below.

Costs Incurred Prior to Approved Agreements

In 2016, the City contracted with BSK Associates to perform materials testing and inspections services for four of the five ATP projects. The City billed Caltrans for costs incurred by the consultant before the agreements were approved. In addition, all task orders were issued before the agreements were executed, and one agreement did not include an execution date. Costs for these services totaling \$5,411 are disallowed and outlined in Table 3 below. Note: these costs are also included in the \$10,623 of disallowed procurement costs identified in Finding 3.

Table 3
BSK Associates' Task Orders

Project Name	Agreement Date	Task Order Number	Task Order Date	Period Costs Were Incurred	Disallowed Cost
Palm Avenue	Not Identified	CB16-13929	8/3/2016	7/1 – 8/2/2016	\$1,760
Highway 43	5/19/2016	CB16-13699	5/16/2016	5/12 – 5/13/2016	\$850
JL Prueitt	9/19/2016	CB16-14196	9/13/2016	8/30 – 9/6/2016	\$1,569
Clemens & Jefferson	5/5/2016	CB16-13621	4/29/2016	4/25 – 4/27/2016	\$1,232
Total:					\$5,411

LAPM Chapter 10.8, Completing the Project, states that fund may not be used to reimburse the agency for any work or costs incurred for consultant costs incurred prior to the execution of the consultant contract.

The City stated they were negotiating with the consultant for the required testing. In order not to delay construction, the City had the consultant perform testing with the understanding that payment would be paid to the consultant after the task orders were approved.

Other Consultant Contract Management Deficiencies

In addition to the deficiencies noted above, we also identified additional contract management deficiencies as follows:

- The City allowed Palmetto Engineering to mark-up their subcontracting costs and postage and delivery charges by five or ten percent.
- The City allowed Palmetto Engineering to charge 65 cents per mile for 3,109 miles instead of at the rate approved by the Department of Personnel Administration as required by the Master Agreements between the City and Caltrans.
- The City allowed Palmetto Engineering to charge higher rates for a Designer than the approved rates in the contract.

The costs identified above totaled \$1,822 are disallowed. Note: these costs are also included in the \$168,584 of disallowed procurement costs identified in Finding 1.

LAPM Exhibit 10-H states "Mark-ups are Not Allowed".

Article IV, paragraph 17, of the federal Master Agreements No. 06-5287R and No. 06-5287F15 states that payments to administering agency for project-related travel must not exceed rates authorized under current state DPA rules.

The City's agreement No. 2015-01 with Palmetto Engineering states, in part, "Engineer shall be compensated on an hourly basis for services rendered based on the compensation and reimbursement scheduled...."

Lack of Proper Consultant Contract Provisions

The City's contracts did not include certain provisions required by applicable Master agreement provisions, state and federal laws and regulations, and the LAPM. Without adequate contract provisions, the City risks not being able to enforce contract requirements and risk billing Caltrans for unallowable costs. See Attachment C for a summary of the missing required contract provisions.

Lack of Key Personnel Information

Palmetto Engineering's 2015 Rate Schedule did not identify key team members working on the five ATP projects. The 2014 RFP for city engineering services requested all firms identify key individuals in the engineering team and/or its consultants and their roles. Also, the LAPM Chapter 10.5 identifies key personnel names and classifications as one of the required items in a technical proposal. Failure to identify all key personnel puts Caltrans and the City at risk of paying for unqualified consultants.

The City did not have policy and procedures for contract management.

RECOMMENDATIONS

- A. Develop contract management policies and procedures that comply with state and federal regulations and their agreements with Caltrans and train staff accordingly.
- B. Approve agreements prior to start of work and incurring costs.
- C. Include all required provisions for state and federally funded projects.
- D. Identify and document all key personnel names and classifications on all consultant contracts.

FINDING 5 – Construction Procurement and Contract Management Deficiencies

The City did not procure and manage construction contracts in accordance with state and federal regulations.

Deficiencies in Construction Procurement Policies

We tested one construction procurement and identified the deficiencies outlined in the Table 4 below.

Table 4
Deficiencies in Construction Procurement

DEFICIENCIES	Criteria
No protest or dispute procedures	2 CFR 200.318 (k)
No record that contractor's license was verified	LAPM (2016) Chapter 15.5
No record that debarment and suspension verifications were performed	Master Agreement No. 06-5287F15 Article VII, Paragraph 5 and 23 CFR 635.110 (e)

As reported in Finding 3, the City's Municipal Code, chapter 2.60 – Purchasing Policy and Procedures do not adhere to all state and federal procurement requirements. Without verifying the contractor's license or whether the contractor is suspended or debarred the City could hire a contractor that is prohibited from working on federally or state funded projects.

Deficiencies in Construction Contract Management

In reviewing the construction management files of the five ATP projects we found that the City did not submit a contract change order (CCO) for the elimination of two contract line items of the JL Prueitt project, which represented 24 percent of the total contract amount. In addition, we identified the deficiencies outlined in Table 5 below.

Table 5
Contract Change Order Deficiencies

Project Name	CCO No.	Untimely Approval of CCOs		Independent Cost Estimates Prepared	Engineer's Daily Reports Prepared / Maintained
		CCO Approved Date	Contract End Date		
Palm Avenue	3	10/17/2016	8/15/2016	No	No
Teresa Burke	4	3/13/2017	4/24/2017	No	Yes
Teresa Burke	6	6/2/2017	4/24/2017	N/A	Yes
Highway 43	6	11/17/2016	8/29/2016	N/A	Yes
JL Prueitt	3	5/24/2017	10/13/2016	N/A	Yes

LAPM chapter 16.13 requires any change of the approved plans or specifications or work required which was not included in the contract must be covered by a CCO and those CCOs are to be approved in advance of any work being done on the change. In addition, the Caltrans Construction Manual chapter 5-312C states that an independent cost analysis for comparison with the contractor's estimated cost should be prepared when preparing a CCO to substantiate and justify the amount paid.

LAPM chapter 16.7 states that the administering agency's resident engineer, assistant resident engineers, and construction inspectors must keep daily reports to record work in progress when there is an anticipated change in character of work.

The City stated they reviewed the contractor's estimated costs and determined the costs to be in line with what was expected despite the lack of an independent cost estimate. Without an independent cost estimate, however, the City may not be able to verify that the agreed price is reasonable.

Untimely approval of CCOs could result in work being performed outside of the contract terms. Without evidence of proper records, the City may not be able to justify costs billed to Caltrans and makes it difficult for Caltrans to ensure adequate work is completed timely and according to contract terms.

The City stated they have taken a proactive approach in getting CCOs processed timely.

RECOMMENDATIONS

- A. Require all procurements using state and federal funds be procured in accordance with applicable state and federal laws and regulations.
- B. Execute all CCOs to meet the requirements of state and federal regulations and the LAPM.
- C. Maintain daily reports in the project files to allow for accountability and an audit trail.

FINDING 6 – Deficiencies in Project Reporting and Outcomes

The City missed several reporting requirements and were not consistent with their beginning and ending user counts to establish project outcomes. Reporting and outcomes deficiencies are outlined in Table 6 below.

Table 6
Project Reporting and Outcomes Requirements Deficiencies

Reporting Requirements	Palm Avenue	Teresa Burke	Highway 43	JL Prueitt	Clemens & Jefferson
Final invoices for reimbursement submitted timely	Yes	No	Yes	Yes	No
Final report of expenditures submitted timely	Yes	No	Yes	Yes	Yes
Final delivery report submitted timely	No	Yes	No	Yes	No
Before and after photos documenting the project	a	a	Yes	a	a
Final costs compared to approved project budget	No	Yes	Yes	Yes	Yes
Project milestones are met	No	No	No	No	No

Yes = in compliance

No = not in compliance

a = Missing before and after photos for some project site locations.

The 2017 Local Assistance Program Guidelines (LAPG) chapter 22.15 states that the implementing agency has six months after contract acceptance to prepare the final report of expenditures and submit the final invoice for reimbursement. Further, the

implementing agency must submit a final delivery report to ensure that the project is executed in a timely fashion and is within the scope and budget identified when the decision was made to fund the project.

The City stated they were notified by the Department of Industrial Relations (DIR) not to submit any outstanding payments to the contractor, Cen-Cal Construction, for the Teresa Burke project because the DIR was investigating a subcontractor for prevailing wage compliance. Further review of the City's correspondence with Cen-Cal Construction disclosed that the DIR had no issues with the City releasing the retention payment.

Inconsistent User Count Calculations

The City used different methodologies to determine the beginning and ending user counts of pedestrian and bicyclists for four of the five ATP projects audited. The beginning user counts included student usage based on surveys of parent and students; the ending user counts were accumulated using stationary cameras installed at various site locations that counted everyone that passed by, students and non-students.

We also noted that the beginning and ending counts for four out of five projects occurred during different seasons of the year. The beginning user counts occurred at a period of low usage, fall months; the ending user counts occurred in a period of high usage, spring months which could result in a misleading sense of success.

Failure to meet the project milestones, billings, and reporting requirements may not allow Caltrans to ensure projects are executed in a timely manner and within scope and budget. Further, when different methodologies are used for the beginning and ending user counts of pedestrian and bicyclists, the City and Caltrans will not be able to accurately compare the benefits or evaluate the effectiveness of the projects.

RECOMMENDATIONS

- A. Review and follow the reporting requirements outlined in the Local Assistance Program Guidelines.
- B. Use a consistent methodology to accurately reflect project outcomes.

FINDING 7 – Required Utility Relocations Procedures Not Completed

The City did not complete required utility relocation procedures for two projects tested. The City failed to complete a Report of Investigations to determine the City's liability, if any, for relocation costs, and did not complete a Notice to Owner to notify

utility companies on potential impacted facilities, estimated completion date, and liabilities.

The City stated that the utility companies performed their own investigations and determined that the City was not liable for any costs. Therefore, the City did not think they needed to complete a Report of Investigations. In addition, the City stated that they notified the utility companies via emails instead of completing the Notice to Owner. The emails referenced, however, were requests to have utilities relocated, not to determine liability, and included an application for service for existing service-relocate or change service.

We also found that the City submitted a CCO to raise three buried manhole covers that were not shown on the project plan and specifications. The manhole covers were considered utility covers, and therefore, would require completion of utility relocation procedures. According to the City they did not complete the required utility relocation procedures because they were not aware the requirements applied to utility covers. Further Caltrans Division of Right of Way disclosed that the City was required to:

- Update the status of utility relocation on the Right-of-Way certification to include the item, "Utility involvement is limited to adjusting utility covers."
- Complete the Utility Cover Adjustment Summary form.
- Obtain the proper Federal Highway Administration specific authorization.
- Prepare a Notice to Owner to the City itself.

LAPM Chapter 14.2 requires the local agency to complete a Report of Investigation to determine the agency's liability for relocation costs. This chapter further requires notifying the owner(s) to clearly define the impacted facility, estimated completion date, and liabilities.

LAPM Exhibit 13-A, *Short Form Right of Way Certification Local Assistance Project*, is limited to utility cover adjustments (manhole covers, water valve cover, and box lids). When utility involvement is limited to adjusting utility covers, local agencies are required to complete the "Utility Cover Adjustment Summary" form and provide a copy of the Specific Authorization if federally participating.

By not following utility procedures the City may miss the opportunity to evaluate the project plan and make any adjustments to avoid or lessen the impact on existing utility facility and therefore, reduces utility costs, save time, and prevent conflicts during construction.

RECOMMENDATION

- A. Implement utility relocation procedures outlined in the LAPM, including completing applicable documentation for any utility work performed.

FINDING 8 – Invoices for Reimbursements Not Submitted Timely

The City did not submit five invoices for reimbursement to Caltrans at a minimum of every six months as required for five projects audited as summarized in Table 7 below.

Table 7
Untimely Submission of Invoices for Reimbursement

Project Name	Billing Number	Months Late
Palm Avenue	2	9 months
Teresa Burke	2	8 months
Highway 43	2	8 months
JL Pruiett	2	11 months
Clemens & Jefferson	2	9 months

Article IV, paragraph 4, of the federal Master Agreement No. 06-5287F15 and chapter 5 of the LAPM require the administering agency to submit invoices for reimbursement at least once every six months to avoid the project from being classified as inactive.

The City's current internal control policy is silent on the submission of invoices at a minimum of every six months. By not billing every six months projects could be placed on the "inactive list" and be suspended. Late invoices for reimbursement could also impact the timeliness of Caltrans' oversight and increase the risk of billing for unallowable or unreasonable costs.

RECOMMENDATIONS

- A. Require billings to Caltrans be submitted at least once every six months per project.
- B. Update internal control policies to address the requirement that at a minimum the invoices for reimbursement be submitted to Caltrans every six months and train staff accordingly.

ATTACHMENT A – Summary of Disallowed Costs

Findings	Palm Avenue	Teresa Burke	Highway 43	JL Prueitt	Clemens & Jefferson	Total
Finding 1 Conflict of Interest	\$16,018	\$79,317	\$22,955	\$27,666	\$22,628	\$168,584
Finding 2 Deficiencies in Labor Charging Practices	\$11,581	\$17,629	\$5,213	\$6,939	\$4,130	\$45,492
Finding 3 A&E Procurement Deficiencies	\$1,999	\$0	\$1,516	\$4,726	\$2,382	\$10,623
Total Disallowed Cost:	\$29,598	\$96,946	\$29,684	\$39,331	\$27,140	\$224,699

ATTACHMENT B – Deficiencies in Procurement Practices

Deficiencies	2014 City Engineering	2017 City Engineering	2017 On-call Materials Testing	2018 On-call Engineering	Criteria
Proof of advertisement	No	Yes	Yes	Yes	23 CFR 172.7 (a)(1)(i)
Date-stamped envelopes of proposals and bid log	No	No	Yes	No	LAPM (2013) Ch. 10.5 & 10.6
Independent cost estimates	No	No	No	No	23 CFR 172.7 (a)(1)(v)(B)
Proof of price and profit negotiations	No	No	No	No	23 CFR 172.7 (a)(1)(v)(A)
Proof of cost analysis	No	No	No	No	23 CFR 172.7 (a)(1)(v)(E)
Exhibit 10-T, Panel Member Conflict of Interest & Confidentiality Statement	No	No	Yes	Yes	23 CFR 172.7 (b)(4)(ii)
Scoring sheets	No	Yes	Yes	Yes	23 CFR 172.7 (a)(1)(iv)
Proof of debarment and suspension verification	No	No	No	No	23 CFR 172.7 (b)(3)
Consistent SOW between the RFP/RFQ and contract	No	No	No	No	23 CFR 172.7 (a)(1)(ii)(A)
Record of price negotiations and therefore, unable to determine if profit is an allowable amount	No	No	Yes	No	23 CFR 172.11 (b)(2)(iii)(3)
Consultants proposed overhead rates verified	No	No	No	No	23 CFR 172.11 (b)(1)(ii) & (iii)
Consistent evaluation criteria btw the RFP/RFQ and scoring sheet	a	Yes	Yes	No	23 CFR 172.7 (a)(1)(iv)(A)
Consistent method of payment between the RFP/RFQ and contract	No	No	No	No	23 CFR 172.9 (b)(1)

^a Scoring sheets were not provided. Therefore, we were unable to verify if the scoring sheet criteria matched the evaluation criteria in the RFP.

ATTACHMENT B – Deficiencies in Procurement Practices (cont'd.)

Deficiencies	2014 City Engineering	2017 City Engineering	2017 On-call Materials Testing	2018 On-call Engineering	Criteria
Accurate information reported on Exhibit 10-C, Consultant Contract Review Checklist Statements	N/A	N/A	No	No	LAPM (2017) Chapter 10.8
Similar scope of work	N/A	b	N/A	b	23 CFR 172.7 (a)(1)(ii)(A) and (a)(2)(i) or PCC 10329
Followed RFP/RFQ requirements, e.g., cost proposal format, number of consultants selected	N/A	N/A	N/A	No	23CFR 172.7 (a)(1)(ii)
Task order SOW well-defined	N/A	N/A	No	No	23 CFR 172.7 (a)(1)(ii)(A)
Task orders' supporting documentation were provided for completed projects	N/A	N/A	No	Yes	Master Agreement No. 06-5287F15 (V)(3)
Task orders contained calculation errors	N/A	N/A	No	Yes	23 CFR 172.9 (d)(1)(d)
Proof of competitive procurement	N/A	N/A	N/A	Yes	23 CFR 172.7 (a)(1)(iv)(D)

^b The scope of work for the 2017 City engineering services and the 2018 on-call engineering – design and construction management services are similar.

ATTACHMENT C – Missing Required Consultant Contract Provisions

Missing Provisions	Contracts	Criteria
Start and end dates ¹	BSK Associates ²	23 CFR 172.9 (a)(3)(i) and LAPM Chapter 10, Table 10-2: Small Purchase Procedures
Basis of payment	Palmetto Engineering	23 CFR 172.9 (b)(1)
Total dollar amount	Palmetto Engineering	23 CFR 172.9 (a)(3)(ii)
Contract scope not well-defined	Palmetto Engineering, BSK Associates ³	23 CFR 172.9 (a)(3)(iii)
Allowable costs	Palmetto Engineering	23 CFR 172.9 (c)(1)(ix)
Cost principles	Palmetto Engineering	23 CFR 172.9 (c)(1)(ix)
Retention of records/audits	Palmetto Engineering	23 CFR 172.9 (c)(1)(v)
Audit review procedures	Palmetto Engineering	23 CFR 172.9 (c)(1)(iv) LAPM Chapter 10, Exhibit 10R
Subcontracting	Palmetto Engineering	Master Agreement No. 06-5287R, Article V, Paragraph 7
Equipment purchases	Palmetto Engineering, BSK Associates ³	LAPM Chapter 10, Exhibit 10R
State prevailing wage rates	Palmetto Engineering	2 CFR 200 Appendix II(D)
Conflict of Interest	Palmetto Engineering	23 CFR 172.9 (c)(xi)
Rebates, kickbacks, and other unlawful consideration	Palmetto Engineering	LAPM Chapter 10, Exhibit 10R
Prohibition of expending local agency, state or federal funds for lobbying	Palmetto Engineering, BSK Associates ³	23 CFR 172.9 (c)(2)
Debarment and suspension certification	Palmetto Engineering	2 CFR 200 Appendix II (H), 23 CFR 172.5 (c)(4), 49 CFR 18.35
Travel rates in accordance to DPA regulations	Palmetto Engineering, BSK Associates ³	Master Agreements No. 06-5287R and No. 06-5287F15, Article IV, Paragraph 17

¹ The Palm Avenue project was missing the start and end dates. The JL Prueitt, Highway 43, and Clemens & Jefferson projects were missing the end dates.

² 2016 Construction Materials Engineering and Testing Services

³ 2017 On-call Materials Testing and Geotechnical Services

ATTACHMENT C – Missing Required Consultant Contract Provisions (cont'd.)

Missing Provisions	Contracts	Criteria
Maintain an accounting system that accumulates and segregates project costs	Palmetto Engineering, BSK Associates ³	Master Agreements No. 06-5287R and No. 06-5287F15, Article V, Paragraph 2
Accounting system that conforms to GAAP	Palmetto Engineering, BSK Associates ³	Master Agreements No. 06-5287R and No. 06-5287F15, Article V, Paragraph 2
Non-discrimination clause and statement of compliance (Article XVI)	BSK Associates ²	49 CFR 26.13 and LAPM Chapter 10, Exhibit 10-R
Disadvantaged business enterprises (DBE) participation (Article XX)	BSK Associates ²	23 CFR 172.9 (c)(1)(vii) and LAPM Chapter 10, Exhibit 10-R
Prevailing wage language	BSK Associates ²	LAPM Chapter 10, Exhibit 10-R
Termination clause is incomplete, missing language for convenience	BSK Associates ³	23 CFR 172.9 (c)(1)(xii)



FORMAL EXIT CONFERENCE AGENDA

Date: September 2, 2020

Time: 1:30 PM

Location: WebEx / Teleconference

I. Audit Objectives and Scope

- The objectives of the audit were to determine whether:
 - Project costs claimed by and reimbursed to the City were allowable, reasonable, and adequately supported in accordance with Caltrans agreement provisions, and state and federal regulations.
 - Project deliverables/outputs and benefits/outcomes were consistent with the project scope.
- The scope of the audit included the City's claimed costs from June 1, 2015, through February 28, 2018. We also tested procurements prior to June 1, 2015 that related to costs billed during our audit period.

II. Audit Criteria

- Master Agreement No. 00230S (State Master Agreement) is a state-funded agreement; Master Agreements No. 06-5287R and No. 06-5287F15 (Master Agreements) are federal-funded agreements.
- Title 2 Code of Federal Regulations (CFR) 200; 48 CFR Chapter 1 Part 31; 23 CFR.
- California Government Code and California Public Contract Code.
- Caltrans Local Assistance Procedures Manual, Caltrans Local Assistance Programs Guidelines, and CTC ATP Guidelines.
- Other applicable federal, state, or local laws and regulations or agreement provisions.

III. Type of Audit to be Performed

Performance audit, base on the audit standard issued by United States Comptroller (aka "Yellow Book" standards).

IV. Findings & Recommendations

See draft audit report.



V. Reporting Process

- The City's response is due by COB **Thursday, October 15, 2020** (30 working days from the date of the formal exit conference).
- City's response will be analyzed and attached to final report.
- HQ Division of Local Assistance will work closely with the City to prepare a Corrective Action Plan to address all issues in final audit report.
- Final audit report is a matter of public record and will be posted on the Independence Office of Audits and Investigations' website at <https://ig.dot.ca.gov>.

VI. Questions



STAFF REPORT

CITY OF WASCO

TO: Honorable Mayor and Council Members

FROM: Daniel Ortiz-Hernandez, City Manager
Biridiana Bishop, Public Works Director

DATE: September 15, 2020

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with R3 Consulting Group, Inc. in an Amount Not to Exceed \$71,890 to Assist the City with Developing a Regulatory Compliance Plan with Cal Recycle and Develop a High-Level 10-Year Financial Model for the City's Sanitation Enterprise Fund.

Recommendation:

Staff recommends the City Council adopt a resolution authorizing the City Manager to negotiate and execute an agreement with R3 Consulting Group, Inc. in an amount not to exceed \$71,890.

Discussion:

On November 5, 2019, the Public Works Director provided a summary of the City's current compliance order with Cal Recycle. Since then, the staff has worked diligently to ensure commercial businesses and multi-family units subject to the requirements of AB 341 – Mandatory Commercial Recycling are recycling. The staff has also been working diligently on identify the best option to enter into an agreement with a qualified, responsible hauler to collect recyclables and identifying the best approach to meet SB 1383 requirements.

On August 6, 2020, the Public Works Director, Deputy Public Works Director, and Sanitation Superintendent met with Cal Recycle local assistance representatives to discuss upcoming modifications to AB 1826 and upcoming requirements of SB 1383. Per AB 1826, as of January 1, 2017, any business generating 4 cubic yards of waste (including recyclables) or more a week must arrange for organics recycling. During this call, Cal Recycle and staff identified that the City had not collected data on the existing commercial entities currently required to recycle organics. Because of this, Cal Recycle indicated they would be issuing a letter of concern. After this letter is issued, the City will need to provide a plan of action to proceed with meeting the requirements.

The staff has identified how many of the required commercial entities in town are subscribed to organics and how many will need to subscribe by the end of 2020. Cal Recycle will soon be modifying AB 1826 regulations. Commercial users producing 2 cubic yards of waste (including recyclables) will need to recycle organic waste. Cal Recycle anticipates making the 2 cubic yard threshold formal at the September 18, 2020 board meeting. Local agencies will have until December 31, 2020, to implement the changes. Our local assistance representative recommended we wait to begin notifying businesses of the requirements of the organic after the formal adoption of the new threshold takes place.

	AB 1826 – 4 CY	AB 1826 – 2 CY
Commercial Business	70	225

Because of the complexity of the upcoming legislation, City staff is requesting that the City Council authorize the City Manager to enter into and negotiate an agreement with R3 Consulting to better assist City staff in placing the City in the best position to implement legislative requirements surrounding organics recycling mandates.

R3 Consulting will be assisting the City by providing training and education to the City Council and staff members. They will also be assisting staff with public outreach and education of City residents to make sure that they are aware of upcoming changes that must take effect on January 1, 2022. R3 Consulting will also assist the City in developing a 10-year financial model and will provide a 5-year sanitation rate adjustment model to ensure cost recovery.

In 2014, the City procured R3 Consulting to perform an efficiency analysis of the Sanitation Department. This study was never finalized as City staff became unresponsive. As part of this analysis, the staff would like the opportunity to finalize this report. A draft is attached for reference.

Staff requested proposals from two organizations and verified references.

HF&H Consultants, LLC	\$74,946	
R3 Consulting, Inc.	\$71,890	Includes 10-year financial model and rate study

R3 Consulting offered the most cost-effective, balanced proposal that met the City's needs. R3 Consulting has provided services to the City of Shafter and County of Kern. They have also previously worked with the City of Wasco. R3 Consulting has also worked with Cal Recycle and has established a good relationship with Cal Recycle.

They have a good grasp of the solid waste, recycling, and organics mandates. Staff is confident R3 Consulting will guide staff and develop action plans needed to meet Cal Recycle requirements.

The Public Works Director will be providing more information during a presentation on the City's current position in meeting Cal Recycle regulations and upcoming legislative changes.

Fiscal Impact:

\$71,890 will be paid out of the professional services line item in the Sanitation Enterprise Fund. The City originally budgeted \$100,000 to procure a consultant. This amount falls within the original budget.

Attachments:

1. R3 Proposal
2. Residential Solid Waste and Yard Waste Efficiency/Productivity Study Draft Report
3. Resolution

August 31, 2020

Ms. Biridiana Bishop
Public Works Director
City of Wasco
801 8th Street
Wasco, CA 93280

Subject: Proposal to Provide SB 1383 Compliance and Support Services and Develop Solid Waste Enterprise Fund Rate Model

Dear Ms. Bishop:

R3 Consulting Group, Inc. (R3) is pleased to submit the attached work scope and budget to assist the City of Wasco (City) with developing an SB 1383 regulatory compliance plan, providing related public education and outreach support, and developing a high level ten year financial model for the City's municipal collection operations and accompanying rate adjustment scenarios for the next five years.

We appreciate the opportunity to submit our proposal to the City. Should you have any questions or need any additional information please do not hesitate to call me at (916) 947-4880 or by email at rterwin@r3cgi.com, or William Schoen at (916) 947-4880 or by email at wschoen@r3cgi.com.

Sincerely,

R3 CONSULTING GROUP



Richard Tagore-Erwin | Principal

Project Background

The next few years present a large paradigm shift in the handling of solid waste, and organic waste in particular. AB 341 and AB 1826 require businesses and multi-family dwellings, with five or more units that generate four (4) cubic yards of solid waste per week or more, to receive recycling and organic waste collection service. AB 1594 goes into effect in 2020 and will prohibit green material used as alternative daily cover (ADC) from qualifying for diversion credit. SB 1383 goes into effect in 2022, with a target of 50% reduction of organic waste sent to landfills from the 2014 level by 2020 and 75% reduction by 2025, along with a target to recover, for human consumption, 20% or more of currently disposed edible food. These bills are described in more detail below.

AB 341 – Mandatory Commercial Recycling

AB 341 went into effect in 2012 and requires all multi-family residential properties (regardless of solid waste generation) and businesses, that generate four (4) cubic yards of solid waste per week, to sign up for recycling collection service.

AB 1826 – Mandatory Commercial Organics Recycling

Signed by Governor Brown in 2014, AB 1826 requires commercial businesses and multi-family properties¹ to implement organics recycling programs for the diversion of organic waste² from landfills.

Under AB 1826, local jurisdictions are required to implement an organics recycling program appropriate for that jurisdiction, designed specifically to divert commercial organic waste. AB 1826 implementation includes the following four local jurisdiction requirements:

- Identify Covered Generators Component: Identify commercial businesses and multi-family properties (collectively, “covered generators”) that must comply;
- Organics Recycling Service Component: Ensure that organics recycling services are available to all covered generators;
- Education and Outreach Component: Conduct education and outreach to covered generators about the law and how to comply; and
- Compliance Monitoring Component: Identify covered generators that are not in compliance and inform them of their requirements and how to comply.

SB 1383 – Short-Lived Climate Pollutants

Passed in 2016, Senate Bill (SB) 1383 sets a goal to reduce organic waste by 50% from the 2014 level by 2020 and 75% from the 2014 level by 2025. Additionally, the Bill establishes a target of recovering 20% of currently disposed edible food for human consumption by 2025. The law’s requirements are still under development and, though specific regulatory language was released by CalRecycle in January 2019, minor adjustments may be made until requirements become effective on January 1, 2022. Although the exact language and details of the regulations are not yet finalized, current draft regulations present the following potential impacts to local jurisdictions:

¹ For the purposes of AB 1826 compliance, a “multi-family property” is defined as a multi-family dwelling that consists of five or more units. Multi-family dwellings that consist of four units or fewer are exempt from all provisions of the law.

² Organic waste, which is regulated under AB 1826, includes food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

- Local jurisdictions may be required to impose subscription, source separation, and education requirements and associated penalties on generators, including businesses and multi-family customers;
- Local jurisdictions may be required to meet certain targets for procurement of end-use organic waste products internally and/or as a requirement on contractors and/or haulers;
- Local jurisdictions may be required to engage in annual outreach efforts to generators, outreach to edible food generators, and quarterly contamination route monitoring with distribution of contamination tags to customers;
- Some edible food generators may be required to donate edible food, with the local jurisdiction collecting records and enforcing requirements;
- Self-haulers of organic waste may be required to source-separate, deliver for diversion, keep records of amounts delivered, and report annually to jurisdictions (residential self-haulers are exempt); and
- Containers may be required to be replaced by containers with lids of standardized colors statewide.

Scope of Services

Task 1 Information Request and Kick-Off Meeting

Following authorization to proceed, R3 will facilitate an online Kick-Off Meeting, with the City, to confirm project goals and objectives, the status of current programs and CalRecycle compliance, public education and outreach, billing functions, and the City's future objectives for its solid waste management system. In advance of the Kick-Off Meeting R3 requests that the City provide the following information, as available:

Task 2 - SB 1383 Legislative Compliance Plan

- Current solid waste Ordinances and Resolutions;
- Current franchise agreements and all amendments;
- CalRecycle Compliance Order sent to the City;
- The current approved rate schedule;
- CalRecycle Annual Report 2016-2019, when available;
- Any relevant correspondence with CalRecycle related to organics diversion and legislative requirements.
- Copies of historical Annual Reports for 2017-2019;
- Excel file with current customer subscription levels detailing customer service level, billing rate, service address, day of service, and special categories such as on-premise service and key service, (Single-Family Dwelling, Multi-Family Dwelling, Commercial, and City);
- A complete list of billing codes;
- Historical diversion and disposal tonnages by material stream, line of business (residential, commercial, roll-off) and program (e.g., residential curbside, residential organics, commercial recycling, C&D recovery); and supporting documentation for 2017-2019 reported diversion rates;

- List of AB 341 and AB 1826 covered generators, showing data on subscription to commercial recycling and commercial organics programs, along with an explanation of how these lists were compiled;
- Facilities used for processing and disposal of collected materials;
- Current disposition of collected green and food waste (total tons processed and total tons of residue disposed);
- Gate rate at organics processing facility(ies);
- Gate rate at disposal facility(ies);
- 2019 Outreach Plan;
- A description of outreach activities previously conducted;
- Public education and outreach materials provided to the public, including those regarding Household Hazardous Waste (HHW) services between 2017-2019; and
- Report of on-site visit activities undertaken between 2017-2019.

Task 3 - Public Education and Outreach

- No information requested at this time

Task 4 - Solid Waste Enterprise Fund Financial Model

- The fiscal year 20-21 budget for the City's solid waste enterprise fund;
- A list of any/all reserve accounts and reserve fund balances;
- An accounting of all Division liabilities (e.g., pension liability);
- Current list of vehicles and equipment, including age and mileage (for vehicles);
- Current cart inventory and ages;
- Equipment replacement schedule;
- Capital improvement projects list;
- Cost Allocation Plan (CAP);
- Number of residential and commercial accounts by subscription level; and
- Any other relevant data.

Task 5 - Update Prior Residential Collection System Study

- Organizational chart;
- List of all residential routes by day and commodity, along with number of accounts per route (drive-bys);
- List of collection vehicles by vehicle number and legal vehicle payloads;
- List of vehicle load weights for 2019 and 2020 year to date;
- Typical number of loads per day per route for each commodity;
- Sample copies of all information that is currently tracked;

- Fully loaded annual cost for typical residential route driver;
- Total number of weekly residential solid waste (recycling and organic) accounts; and
- List of all non-collection activities drivers are required to perform on Wednesdays and estimated amount of full time equivalent (FTE) staff time required to perform each weekly Wednesday activity.

Task 6 - Public Workshops

- No information requested at this time

Task 2 SB 1383 Legislative Compliance Plan

Task 2.1 Identification of Legislative Requirements

R3 will prepare a list of legislative requirements pertaining to the regulations described in the Project Background section of this Scope of Work. As indicated, most of the upcoming requirements relate to SB 1383. R3 will identify those requirements that could be most cost-effectively performed by the hauler, and those that would be better suited for the City to perform. An assessment of the City's current implementation status will be provided, and a pathway to attain compliance, as triggered by the various legislative requirements, will be described for each of the requirements.

Task 2.3 Legislative Compliance Plan

An electronic memorandum summarizing the information gathered in Tasks 2.2 and 2.3 will be provided for City consideration, along with a table detailing the action items, description, responsible party, frequency, and progress. The list of items, as adjusted during the contract negotiation process, will be used to develop estimated costs to implement the initial program design (Task 2.5).

R3 will present the draft Legislative Compliance Plan to the City. The City will have the opportunity to comment on and/or suggest potential approaches to addressing the legislative requirements. Following the City's review and comments, R3 will revise the draft Legislative Compliance Plan to incorporate the City's comments, and send the final Legislative Compliance Plan to the City.

Task 2.1 - 2.3 Deliverables

- Review of available information;
- One (1) draft electronic memorandum for discussion, which includes a list of legislative requirements and action items for the City;
- Participation in virtual meeting with City to discuss legislative requirements; and
- One (1) Legislative Compliance Plan listing legislative requirements and incorporating results from discussion(s) with City.

Task 2.4 Municipal Code Update

R3 will review the sections of the City's Municipal Code regarding solid waste collection and management to provide recommendations for modernizing and streamlining Code language, in accordance with best practices, state legislation, and the City's needs. Prior to beginning work on this task, R3 will meet with the City to discuss specific revisions the City staff may require, (i.e., enforcement mechanisms).

Recommended updates to the Municipal Code will be provided to the City in tracked changes, after which R3 will be available to discuss the updates, via teleconference, with the City. R3 will then revise the Municipal Code to reflect the City's comments.

Task 2.4 Deliverable

- Modernizing, streamlining, and aligning the Municipal Code to the City's Agreement and state regulations and requirements. All changes to the Municipal Code will be tracked and provided to the City, in electronic format, for review.

Task 2.5 Estimates for Cost of Implementation and Initial Program Design

Concurrently with Task 3 and the potential negotiations in Task 5, R3 will work with the legislative requirements identified in Tasks 2.2 and 2.3 as best suited for the City to complete. R3 will develop a cost estimate for those programs, using the cost estimates included in the Standardized Regulatory Impact Assessment prepared by CalRecycle for each program category as a basis, and further refining the cost estimates using fully loaded costs for labor, equipment, and other materials. R3 will identify the information that will be needed for the City to provide and submit a separate data request to the City to gather this information during the course of this project.

We will develop the cost estimate for those programs according to the methodology outlined above. We will deliver to the City in an electronic draft memorandum the following: the final cost estimate; a detailed description of the methodology used to develop the cost estimates; and all base documents related to the cost estimates. We will accept one (1) round of consolidated, written revisions from the City. R3 will then revise the memorandum and deliver the final cost estimates in an electronic final memorandum.

Task 2.5 Deliverable

- One (1) electronic draft and one (1) electronic final memorandum, including City costs and supporting documentation.

Task 3 Public Education and Outreach

Task 3.1 Community Engagement Prior to January 1, 2022

R3 understands that any adjustments to services and the City's municipal code are aided by a robust process of community engagement. The objective of this community engagement is to provide the business community an opportunity to learn about and provide feedback on the new and upcoming legislative changes.

We propose to assist the City in engaging its community by:

- Assisting in compiling outreach materials to be posted by the City on its website and in public notices such as in community newsletters, local newspapers, and solid waste bill inserts;
- Facilitating two (2) staff trainings with applicable City staff and American Refuse staff as desired by the City;
- Developing one (1) community survey;
- Facilitating three (3) community meetings; and
- One (1) study session with a public decision-making body, such as the City Council.

Outreach Materials

It is essential to educate the public when there are major changes to residents' and business' solid waste services due to state and City laws and requirements. R3 recommends the City partner with its hauler, American Refuse, to develop outreach materials to be sent and used in the City for increasing awareness to service changes. These newsletters and inserts could describe state law requirements, updates to services, "what goes in which bin" collateral, and more. Additionally, the City should update its website and FAQs page in accordance with state law requirements and contact information for residents and businesses to change service as needed.

Staff Training

As SB 1383 quickly approaches, City staff working with members of the community affected by the changes required by SB 1383 must be educated on the topic themselves. R3 proposes to provide two trainings with City staff to educate them on the requirements of SB 1383, AB 341, AB 1826, and other applicable state laws. Potential staff members to be included in the training could be Building Counter staff, Public Works staff, and/or the City Manager's Office. At the discretion of the City, the City may elect to use the second staff training for American Refuse staff or provide another meeting time for internal staff training.

R3 will provide two comprehensive presentations and trainings followed by question and answer. Staff will receive copies of presentation materials to have access to materials for future use and guidance.

Community Meetings

Based on our experience, we suggest three community meetings that are scheduled on distinctly different days and times, to allow for diverse participation. We also suggest that announcements be provided to all solid waste customers via a newspaper article, bill insert, or other mechanism at least four weeks in advance of the meetings. We will provide written language for the City or franchised hauler to use for this endeavor; however, it will be the City's responsibility to distribute the announcements.

The basic concept of these community meetings is to introduce the new and upcoming legislative changes driving the need to revise the City municipal code. Through these community meetings we will encourage changes in consumer and generator behavior and provide details on how to comply with the new laws. R3 generally recommends at least one meeting should be centered around the business community (potentially co-hosted with the Chamber of Commerce), one with the HOAs and multi-family property owners and managers, and one for the general public and residents.

Community Survey

In addition to the community meetings, we suggest obtaining feedback from the business community. The following is a sample of questions that may be included in an online survey:

- Are you a business owner in the City of Wasco?
- Do you own or manage a multi-family property in the City of Wasco?
- Have you recently made changes to your garbage, recycling, or organics service with Recology due to COVID-19?
- Are you aware of State Law's AB 341 and AB 1826, which require most businesses and multi-family properties to recycle and compost?
- Do you recycle?

It will be the responsibility of the City to distribute this survey link to the community and encourage participation. We will include draft language in the form of an email that can be used by the City for promotion of the availability of this online survey. We suggest that the survey link be included on the City's website, be distributed to other contact lists such as the Chamber of Commerce, and be included on any bill inserts or other material that will be immediately distributed to the business community.

We will leave the survey open for approximately three (3) weeks or longer to maximize the potential for receiving a high number of responses, and then produce a memorandum that visually presents the responses for each question as well as an analysis on the findings. This memorandum will be provided to the City and discussed in a phone call meeting with City staff.

Study Session

R3 staff will draft a staff report and presentation for the City Council meeting. R3 staff will be available to conduct the presentation to City Council. The presentation will summarize our work, include a brief overview of the new and upcoming legislative changes, and describe the proposed municipal code changes.

Deliverables

- Assistance and review of outreach materials to be posted to the City's website and distributed to the business community. One (1) draft and final of each the following:
 - Newspaper article/press release;
 - Business survey questionnaire; and
 - Bill insert to customers.
- PowerPoint presentations [with one (1) round of revisions from the City] for the community meetings and the City Council meeting;
- Staff report for the City Council [with one (1) round of revisions from the City]; and
- Facilitation of two (2) staff training meetings, three (3) community meetings, and one (1) City Council meeting - **Note:** *These meetings may be combined with the Task 3.2, and Task 6 meetings as appropriate and feasible.*

Task 3.2 Community Engagement January 1, 2022

Education and Outreach

SB 1383 requires education and outreach activities generally in alignment with AB 1826 education and outreach, which includes:

- Monitoring of businesses that generate 2 or more cubic yards of solid waste per week;
- Conducting site visits to encourage correct participation and sign-up for non-compliant accounts;
- Waste assessments, especially in the case of exemption requests or reported self-haul or back-haul activities;
- Annual mailers, which will need to include the new requirements of SB 1383 such as multi-family recycling instructional materials provided to new tenants on move-in, front-of-house sorting containers including recycling and organics containers with labels and correct color coding; and
- Education and outreach targeted at Tier I and Tier II covered generators under the edible food recovery requirements, which differ from the organics recycling requirements of AB 1826 and will

likely require staff to facilitate relationship-building between covered generators and recovery organizations.

While the activities are familiar to Wasco, ramping up to AB 1826 covered generator thresholds will likely facilitate most education and outreach activities required under the new regulations, R3 anticipates additional level of effort on the staff responsible for education and outreach. This may require additional staffing for the party(ies) identified as responsible for these requirements.

Inspection and Enforcement

Inspection and enforcement requirements included in SB 1383 represent a departure from the AB 1826 requirements in that penalties are required to be assessed on businesses that are not complying with the recycling requirements, which include signing up, participating, placing containers for recycling and organics in the front- and back-of-house, and self/back-hauling in compliance with the state's requirements. In summary, SB 1383 introduces:

- Penalties for non-compliant businesses (under the organics recycling requirements, the requirement to right-size containers, and the requirements to provide educational material as well as the edible food recovery requirements, described in more detail under Task 4.3) in alignment with the SB 1383 penalty structure introduced in the regulations;
- Penalties for haulers, including franchised haulers and the self-haul sector for not diverting organic material according to the requirements;
- Penalties for regulated entities for not providing adequate reporting (this includes edible food recovery organizations);
- Investigation of complaints of non-compliance by members of the public or other entities;
- Contamination monitoring via periodic (current regulations require annual) route audits for every route and a representative portion of customers; or via monitoring at post-collection facilities;
- A defined "waiver" system similar to the exemption system for AB 1826, except that organics generation thresholds are lower (10 gallons or less for customers below 2 cubic yards of solid waste service, and 20 gallons or less for customers at or above 2 cubic yards), inspection of businesses subject to waiver and adequate documentation is required, and re-inspection on a prescribed basis (now every 5 years). Note that physical space limitations are included as a possible waiver rationale. R3 generally recommends that exemption/waiver authority resides in jurisdiction or authority staff and not the hauler; and
- Reporting to CalRecycle on all site visits, penalties, waivers is required.

While some of the penalties required by the regulations can be reasonably accommodated by the hauler's fee structure, such as contamination charges, others (such as the edible food recovery enforcement and the front-of-house container placement) are not appropriate to include in hauler responsibilities. There is precedent that would allow the City to assess penalties on businesses for those types of violations, although the mechanism for adopting such authority is important to establish. R3 has not proposed to assist in implementation of any requirements under this scope of work.

Deliverables

- One (1) SB 1383 Education and Outreach Compliance Plan; and
- One (1) Staff report for the City Council (with one round of revisions from the City); and
- One (1) City Council meeting presentation.

Task 4 Solid Waste Enterprise Fund Financial Model

Working with City staff, R3 will prepare a high-level Excel based 10-Year Financial Model for the City. The Model will provide for projecting Solid Waste Enterprise Fund revenues and expenses over a 10-year period, and include the development of up to five (5) rate adjustment scenarios covering the first 5 years of the Financial Model. It is expected that the Financial Model will be based on the Solid Waste Division's FY 20-21 budget, and that the City will provide a complete accounting of any and all reserve funds (e.g., operating reserves, equipment replacement reserves) as of July 1, 2020, along with a complete list of all vehicles and equipment including type and age, along with any available replacement schedules.

Deliverables

- Excel based Financial (Rate) Model; and
- Up to five (5) rate adjustment scenarios covering the first 5 years of the Financial Model.

Task 5 Update Prior Residential Collection System Study

R3 conducted a "Residential Solid Waste and Yard Waste Efficiency / Productivity Study" in 2014 in support of identifying opportunities for improving the Division's residential collection operations. One of the major findings of that report was that residential drivers operate on a five (5) day per week 8-hour per day schedule but only provide collection services four days per week with solid waste drivers performing non-collection activities on Wednesdays. As noted in our report, were not aware of any other collection system that has solid waste drivers not performing solid waste collection activities on all scheduled workdays. We understand that this schedule is related to the four day per week collection schedule, however there may be a significant opportunity to increase the Division's residential collection productivity by dedicating solid waste drivers solely to solid waste collection activities and completing those tasks that solid waste drivers currently complete on Wednesdays through some other means. This task will evaluate the potential benefits to the solid waste collection system of dedicating residential route drivers to solid waste management activities full time.

As part of the Task 5 budget, R3 will also:

- Review and assess the Division's data tracking and reporting systems; and
- Conduct a high level review of the City's draft franchise agreement with American Refuse, as requested by the City.

Deliverables

- Electronic letter report documenting our analysis and results.

Task 6 Public Workshops

Our project budget provides for up to three (3) virtual meetings with the City Council as part of this engagement.

Deliverables

- Facilitation of up to three (3) virtual meetings/public workshops.

Project Budget

Our proposed budget for each of the above tasks is provided below in **Table 1**, followed by our billing schedule in **Table 2**. We would be happy to discuss changes to our scope or budget as may be needed to align with the City's needs.

Please note that R3 reserves the right to shift hours among project staff and to use qualified R3 staff other than those shown in **Table 1**, if and as R3 deems necessary.

Table 1
Project Budget

	Richard Tagore-Erwin	William Schoen	Carrie Baxter	Jordan Muratsuchi	Claire Wison	Budget	Hours
	Principal	Project Director	Project Manager	Sr. Project Analyst	Project Analyst		
	\$ 225.00	\$ 215.00	\$ 185.00	\$ 165.00	\$ 155.00		
1 Information Request and Kick-Off Meeting	2	2	2	2	0	\$ 1,580	8
2 SB 1383 Legislative Compliance Plan	4	4	50	50	0	\$ 19,260	108
3 Public Education and Outreach Assistance	14	6	20	0	70	\$ 18,990	110
4 Solid Waste Enterprise Fund Financial Model	0	24	0	60	0	\$ 15,060	84
5 Updated Assessment of Residential System	0	60	0	0	0	\$ 12,900	60
6 Public Workshops	10	0	10	0	0	\$ 4,100	20
Total Hours	30	96	82	112	70		390
Total Cost	\$ 6,750	\$ 20,640	\$ 15,170	\$ 18,480	\$ 10,850	\$ 71,890	

\$ 71,890

Table 2
Billing Schedule

2020 BILLING RATES AND CHARGES	
Classification	Hourly Rate
Principal	\$225 per hour
Project Director	\$215 per hour
Senior Project Manager	\$190 per hour
Project Manager	\$185 per hour
Senior Project Analyst	\$165 per hour
Senior Administrative Support	\$160 per hour
Project Analyst	\$155 per hour
Associate Analyst	\$145 per hour
Administrative Support	\$125 per hour
REIMBURSABLE COSTS (Included in Hourly Rates)	
Description	Cost
Consultants/Subcontractors	Cost plus 10%
Lodging and meals	Direct cost
Travel — Private or company car	At Current Federal Rate
Travel — Other	Direct cost
Delivery and other expenses	Direct cost

Payments

Unless otherwise agreed in writing, fees for work completed will be billed monthly at the first of each month for the preceding month and will be payable within 30 days of the invoice date.

RESOLUTION NO. 2020 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WASCO AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH R3 CONSULTING, INC.

WHEREAS, the City is in need of professional services to assist with public outreach and education and implementation of Cal Recycle mandates; and

WHEREAS, the City wishes to procure R3 Consulting Inc. to perform the tasks described in the proposal attached as Exhibit "A"; and

WHEREAS, said the proposal has been made in the form and manner prescribed by the City of Wasco Municipal Code and the California Public Contract Code; and,

WHEREAS, R3 Consulting, Inc. and the City each acknowledge that each party will review the agreement before execution; and,

WHEREAS, the agreement shall be governed by and construed in accordance with the laws of the State of California; and,

WHEREAS, R3 Consulting, Inc. shall maintain all worker's compensation insurance were and, in the amounts required by law and comprehensive general public liability insurance as outlined in the agreement.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Wasco as follows:

SECTION 1: Authorizes the City Manager to Negotiate an Agreement with R3 Consulting, Inc. in an amount not to exceed \$71,890.

SECTION 2: Authorizes the City Manager to Endorse the Agreement.

-o0o-

I HEREBY CERTIFY that the foregoing Resolution No. 2020 - _____ was passed and adopted by the Council of the City of Wasco at a regular meeting thereof held on September 15, 2020, by the following vote:

COUNCIL MEMBERS: CORTEZ, ESPITIA, GARCIA, PALLARES, REYNA

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

TEOFILO CORTEZ JR.,
MAYOR of the City of Wasco

Attest: _____

MARIA O. MARTINEZ
CITY CLERK and Ex Officio Clerk of
the Council of the City of Wasco

Exhibit A

	Richard Tagore-Erwin	William Schoen	Carrie Baxter	Jordan Muratsuchi	Claire Wilson	Budget	Hours
	Principal	Project Director	Project Manager	Sr. Project Analyst	Project Analyst		
	\$ 225.00	\$ 215.00	\$ 185.00	\$ 165.00	\$ 155.00		
1 Information Request and Kick-Off Meeting	2	2	2	2	0	\$ 1,580	8
2 SB 1383 Legislative Compliance Plan	4	4	50	50	0	\$ 19,260	108
3 Public Education and Outreach Assistance	14	6	20	0	70	\$ 18,990	110
4 Solid Waste Enterprise Fund Financial Model	0	24	0	60	0	\$ 15,060	84
5 Updated Assessment of Residential System	0	60	0	0	0	\$ 12,900	60
6 Public Workshops	10	0	10	0	0	\$ 4,100	20
Total Hours		30	96	82	112	70	390
Total Cost		\$ 6,750	\$ 20,640	\$ 15,170	\$ 18,480	\$ 10,850	\$ 71,890

\$ 71,890

June 12, 2014

Mr. J. Paul Paris,
Director of Public Works
City of Wasco
801 8th Street
Wasco, CA 93280

Subject: **Residential Solid Waste and Yard waste Efficiency/Productivity Study
Letter Report**

Dear Mr. Paris:

R3 was engaged by the City of Wasco ("City") to review the efficiency and productivity of the City's residential solid waste and yard waste collection system in support of identifying opportunities for improvement. This letter report presents the results of that review.

Project Objective

The original project objective was to determine if the City is providing effective residential solid waste collection services with appropriate vehicles and crew sizes and achieving reasonable productivity levels. The objective was expanded to incorporate consideration of the commercial collection system and assessment of the capacity of the existing residential and commercial collection systems.

Background

Collection Services

The City provides weekly residential solid waste and yard waste collection services and weekly commercial solid waste collection services. Residents are provided with 90-gallon solid waste and yard waste containers. Commercial and multi-family accounts can choose from 90- and 300-gallon carts and 1.5 and 3.0 cubic yard metal bins.

Commercial recycling services are provided by two franchised haulers (American Refuse and Sunset Waste Systems). The City is also in the process of implementing weekly residential single stream recycling services through a franchise with Sunset Waste. Roll-off services are provided by private companies through non-exclusive franchises with the City.

Collection Schedule

The City operates four (4) fully automated residential routes and two (2) commercial container routes. The four residential routes collect residential solid waste on Monday and Tuesday, and also service the commercial carts scheduled for collection in those areas on those two days. Yard waste collection services are provided on Thursday and Friday with three (3) residential routes, with the fourth route collecting 90- and 300-gallon commercial solid waste carts scheduled for collection on those days. No residential solid waste collection is scheduled on Wednesday although one (1) residential side loader route does collect commercial solid waste carts on Wednesday. Residential route drivers wash and maintain their vehicles on Wednesdays and also perform alley maintenance.

Commercial solid waste container collection service is provided six days per week (Monday through Saturday) using commercial side loading vehicles. Those vehicles can also be modified with an available attachment to collect 90 gallon and 300 gallon carts.

Population

Population projections for the City taken from The City's 2010 Urban Water Management Plan are provided in Table 1 below.

Table 1
Population Projections

Year	2010	2015	2020	2025	2030	2035
Population ⁽¹⁾	19,511	25,196	30,881	35,566	42,251	47,936
Total Population Change vs. 2015			5,685	10,370	17,055	22,740
Percent Change vs. 2015			23%	41%	68%	90%
Average Annual Population Change ⁽²⁾			1,137	1,037	1,137	1,137
Average Annual Percent Change			4.5%	4.1%	4.5%	4.5%

⁽¹⁾ Source: City of Wasco 2010 Urban Water Management Plan, June 2011, Revised January 2013 (Table 2-1)

⁽²⁾ Based on 300 single family dwelling units and 3.79 people per dwelling unit

As reported, the City is projected to grow at an average rate equivalent to 300 single family dwelling units per year.

Findings

Residential Collection System

- The City's solid waste operations appear to be operating effectively, in that the vehicles are of appropriate type (i.e., fully automated) and crew size (i.e., one driver). Vehicles appear to be well maintained and consistently available. The drivers we observed were operating safely and achieving a reasonable productivity (i.e., the average time required to service an account was reasonable).
- The current residential work schedule provides for residential collection services four days per week with drivers performing non-collection activities on Wednesday. This type of schedule in which drivers work five days per week (8 hours per day), but do not perform collection services on one of those days is not common. In fact, we are not aware of any other system that has this type of schedule.
- The current residential collection schedule, which provides solid waste and yard waste collection services on separate days, is not common. It is the industry standard to provide all residential collection services (i.e., solid waste, recycling and yard waste) on the same day of the week. However, collecting both solid waste and yard waste on the same day will effectively double the number of carts placed out for collection each day. One potential concern with this system is the increase in the number of carts in the

alleys and the ability to effectively service those carts due to the “crowding” of containers.¹

- There is significant available capacity within the existing system (i.e., the existing routes are capable of handling a significant number of additional carts).
- While there is significant available capacity within the existing system, fully realizing that capacity will require shifting to a five day per week collection schedule and restructuring and rerouting the collection system.
- Based on our analysis, the City could operate its residential solid waste and yard waste collection system with 3 routes (versus the current 4 routes) if it shifted to a 5 day per week collection schedule (see Residential Time and Motion Analysis section below for more information).
- Shifting to a 5 day per week collection schedule will require changes to staff schedules and/or resources to provide necessary alley maintenance and the weekly cleaning and maintenance of vehicles, both of which currently occur on Wednesday.
- The implementation of the planned residential curbside recycling program will likely shift a significant amount of tonnage from the residential solid waste routes to the recycling routes, potentially further increasing the capacity of the residential collection system (to the extent that it can eliminate a required second load for certain routes, which may or may not be feasible).

Residential Time and Motion Analysis

Attachment 1 provides an analysis of the amount of time each residential route typically has available each day for productive collection activities, assuming among other things that each route collects two loads of material each day. The City should review and either confirm or revise the time estimates for each task shown. Based on this analysis a typical residential route has 290 minutes per day of “Total Time Available for Collection” (4.8 hours out of a total of 8.0 hours per day, or approximately 60% of a typical work day).

The analysis also assumes an average service time per cart of 30 seconds (drive time between carts and cart collection time). This is equivalent to collecting 2.0 carts per on-route minute. Our time and motion analysis calculated a total service time of 26.6 seconds per cart (2.25 carts per on-route minute), however for purposes of our analysis we have used the more conservative figure of 30 seconds per cart. At 290 minutes per day available for on-route collection and 2.0 carts collected per on-route minute the target productivity for each residential route is 580 carts per day.

Table 2 below provides the current distribution of weekly carts among the four existing residential routes.

¹ Alley service is not that uncommon in California, and other jurisdictions effectively provide alley collection of up to three carts on the same day (solid waste, recyclables and yard waste). We expect that the City could effectively transition to such a system if it desires, however additional review of this issue should be conducted.

Table 2
Current Residential Route Cart Distribution

Truck	Mon/Thur	Tue/Fri	Total
13	406	555	961
15	464	520	984
23	473	549	1,022
22	489	613	1,102
Total	1,832	2,237	4,069
Daily Route Average			
Average	458	559	509

Notes:

280 300-gallon containers

10 solid waste and 2 yard waste multi-cart accts.

As shown, the four existing residential routes are collecting, on average, 509 carts per route per day. It should be noted that the figures in Table 2 do not include residential and commercial carts that are collected by the residential system on Wednesday, Thursday and Friday. That information is provided in Table 3 below and when combined with the data in Table 2 provides the total solid waste system work load of 4,321 weekly residential and commercial solid waste carts ($509 + 252 = 4,321$). The weekly total yard waste system work load is 4,069 weekly yard waste carts.²

Table 3
Wednesday – Friday Cart Distribution

Cart Size	Wed	Thurs	Fri	Total
90	2	25	33	60
300	5	150	37	192
Total	7	175	70	252

Table 4 below, provides an analysis of the residential system capacity for various assumed number of routes based on a 5 day per week collection schedule and a target residential productivity of 580 carts per route per day.

² The commercial carts serviced on Wednesday, Thursday and Friday are solid waste carts only.

Table 4
Residential Route Capacity Analysis

Target Productivity	Number of Routes	Days per Week	Total Carts Serviced	Total Number of Carts	Over (Under) Capacity	
					%	Carts
Solid Waste Carts						
580	1	5	2,900	4,321	-49%	(1,421)
580	1.5	5	4,350	4,321	1%	29
580	2	5	5,800	4,321	26%	1,479
Yard Waste Carts						
580	1	5	2,900	4,069	-40%	(1,169)
580	1.5	5	4,350	4,069	6%	281

As shown, based on a target productivity of 580 carts per route per day, two (2) residential routes could provide weekly service to the 4,321 current weekly residential and commercial solid waste carts and still have capacity to collect an additional 1,479 carts. It is not possible, however, for one residential route to service all yard waste carts if the weekly setout rate for yard waste carts is greater than approximately 71 percent.³ Based on our discussions with staff, setout rates for yard waste are significantly lower in the winter and fall months after leaf drop, and it may be possible for one route to effectively provide residential yard waste services during those times. It is anticipated, however, that additional support may be required during those times of the year when more residents setout yard waste carts.

One way of providing such additional capacity is to add an additional route, or partial route, during periods when yard waste participation rates are high. As an example, if the City operated 1.5 solid waste routes and 1.5 yard waste routes on a regular basis,⁴ or during periods of high yard waste participation, those routes could effectively service the residential solid waste and yard waste workloads, although the system would essentially approaching 100 percent capacity.⁵ As such, depending on the additional growth that the City experiences, it may be required to provide additional residential route support sooner rather than later. If available capacity in the commercial system can be effectively realized, that capacity may be able to provide any such necessary residential collection system support for some period of time (see Commercial Collection System discussion below).

Note: The scheduling of yard waste on the same day or an alternative day does not impact the above analysis.

³ One route can service 2,900 carts per week based on a target productivity of 590 carts per route per day (590 carts per day x 5 days per week = 2,900 carts per week = 71% of the total 4,069 weekly residential yard waste carts).

⁴ If the City designed its residential solid waste collection system for 1.5 routes this would potentially provide one half of one route (0.5 routes) during periods of low yard waste participation for other non-collection activities each day (e.g., alley maintenance).

⁵ 1.5 routes refers to one route collecting solid waste for one load and then shifting to yard waste collection for the second load.

Table 5 below shows the total number of carts that each route would be required to pick up for various assumed number of routes, based on the current number of residential and commercial solid waste carts (4,321) and yard waste carts (4,069), and assuming a 5 day per week collection schedule.

Table 5
Residential Route Carts/Route/Day Analysis

Target Productivity (carts/rt/day)	Number of Routes	Days per Week	Total Carts	Carts/ Route/Day	Over (Under) Capacity	
					%	Carts
Solid Waste Carts						
580	1	5	4,321	864	-49%	(1,421)
580	1.5	5	4,321	576	1%	29
580	2	5	4,321	432	26%	1,479
Yard Waste Carts						
580	1	5	4,069	814	-40%	(1,169)
580	1.5	5	4,069	543	6%	281

As shown, assuming 1.5 solid waste routes, the average daily number carts per route per day (576), is more than the daily number of carts currently collected by the residential routes for all days and routes with the exception of route 22 on Tuesday and Friday, which collects 613 carts (see Table 2). Assuming 1.5 yard waste routes, the average daily number of carts per route per day (543) is less than the average number of carts currently collected per route per day (559) for the Tuesday and Friday routes.

Commercial Collection System

- The City's commercial side loaders (Impac model manufactured by Labrie) can collect up to 4 cubic yard metal bins and carts up to 400 gallons. Kann Manufacturing also makes a commercial side loader vehicle. Heil discontinued its commercial side loader due to the lack of demand.
- Commercial side loaders are relatively uncommon with commercial collection services more commonly provided with front loader or rear loading vehicles. However, the City's commercial side loaders appear to provide effective and efficient collection of commercial bins within the City.
- Like the residential collection system, there is significant capacity within the commercial collection system. Our limited time and motion analysis found an average service time per container (travel time and pickup time) of 2.18 minutes. Assuming 290 minutes per day of "Total Time Available for Collection" (Attachment 1), the Target Productivity for commercial routes is 133 containers per route per day. It should be noted that the route for which the time and motion analysis was conducted serviced a significant number of multi-family containers, which tend to take less time to collect per container than typical commercial accounts. With that said, commercial collection system productivity typically ranges between 80 and 125 containers per route per 8-hour day. Based on our limited review, we would expect a reasonable Target Productivity for the commercial system to be on the order of 100+ containers per route per day for accounts in the City. This does not apply to the prison route, which we did not review as part of our analysis.

Table 6 below provides the current distribution of commercial containers (lifts) by route by day:

Table 6
Commercial Container Distribution

Truck	Mon	Tue	Wed	Thur	Fri	Sat	Total	Average/ Route/Day
14	69	89	43	69	81		351	70
18 (prison rt.)	51	63	42	51	45	60	312	52
Total	120	152	85	120	126	60	663	60

Route 18 figures include 42 containers at the prison, not all of which are collected each day

As shown, the two commercial routes average 60 containers per day per route, with 89 containers being the highest number collected by either route on any day. In all cases, these figures are well below the Target Productivity discussed above.

Table 7 below provides the current workloads for Route 14 and Route 18, with the Route 18 (prison route) containers broken out by prison and non-prison containers. It also shows what the Route 14 workload would be assuming that route collected all containers other than those at the prison (and Route 18 only collected the containers located at the prison).

Table 7
Prison vs. Non-Prison Account and Routing Analysis

	Mon	Tue	Wed	Thur	Fri	Sat	Average/ Route/Day
Route 14							
Total Containers	69	89	43	69	81		70
Route 18 - Prison Route							
Total Containers	51	63	42	51	45	60	50
Prison Containers	42	42	42	42	42	42	42
Non-Prison Containers	9	21	0	9	3	18	8
Route 14 (with Route 18 Non-Prison Containers)							
Total Containers	78	110	43	78	84		79

As shown, for this scenario, Route 14 would collect an average of 79 containers per day with a high of 110 and a low of 43. Based on the time and motion data discussed above, it is certainly conceivable that Route 14 could handle all of the non-prison containers each day within its assigned 8 hour work day. This would enable Route 18 resources to be available for other activities (e.g., alley maintenance, supporting residential routes) after it completes the collection of the prison containers, which management reported is usually around 9:00 am.

Vehicle Fleet

- The refuse fleet appears to be well maintained and there is adequate backup capacity. That backup capacity includes the ability to convert the commercial side loaders to handle residential and commercial carts. Assuring that refuse vehicles are well maintained and available for collection activities is critical to an effective and productivity collection operation.
- The fleet is relatively old, averaging 8.5 years. Refuse vehicles typically have a 7 to 10 year effective operating life.

An age profile of the City's refuse vehicles is provided in the Table 8 below.

Table 8
Refuse Fleet Age Profile

Vehicle #	Type	Operating Days	Year	Age (years)
#19	Res	Backup	2002	12
#15	Res	MTTF	2005	9
#13	Res	MTTF	2006	8
#22	Res	MTTF	2010	4
#23	Res	MTTF	2013	1
#16	Com	Backup	2000	14
#14	Com	MTWTFS	2001	13
#18	Com	MTWTFS	2007	7
Age of Total Fleet				8.5
Age of Primary Vehicles				7.0
Age of Primary Residential Vehicles				5.5
Age of Primary Commercial Vehicles				10.0

Vehicle Weights

- The City reported maximum legal vehicle load weights ranging from 11.62 tons to 16.64 tons. Legal payloads for solid waste vehicles are typically 10 tons or less, depending on the wheel base and certain other factors. We question the accuracy of the legal load weights provided by the City.
- Residential refuse vehicles have a significant impact on residential street maintenance costs and that impact increases exponentially as the vehicle weight increases. A refuse

vehicle with a 12 ton load has approximately twice the impact on a residential street as a vehicle with a 10 ton load.

- Of the more than 2,300 City solid waste and yard waste loads for the period January 2013 through March 2014, 34 (1.4%) were 12 tons or more, and 208 (8.8%) were 10 tons or more. In addition to impacting street maintenance costs, overweight vehicles also impact vehicle maintenance costs and safety. It is absolutely in the City's best interest to assure that it does not overload vehicles.

Recommendations

Overall

- Develop and maintain an accurate accounting of the number of carts per residential route per day by size (90- vs. 300-gallon) and the number containers per commercial route per day by size (1.5 vs. 3.0 cubic yard).

Residential Collection System

- Plan to move to a 5 day per week residential collection schedule:
 - Determine resources required for alley maintenance (i.e., required number of staff and hours per week, biweekly, monthly etc.) and weekly cleaning and maintenance of collection vehicles and determine how that requirement will be provided for within the 5 day per week collection schedule; and
 - Consider the ability to, as well as the pros and cons associated with scheduling solid waste and yard waste collection on the same day.
- Assuming the City decides to move to a 5 day per week residential collection schedule, further consideration of the ability to reduce the number of daily residential routes from 4 to 3 should be conducted. While our analysis projects that the system would be at or near capacity with 3.0 daily residential routes, that analysis was conservative based on the assumptions used to project the residential route target productivity of 580 carts per route per day, but did not account for weekly vehicle cleaning and maintenance requirements or alley maintenance requirements.

Commercial Collection System

- Consider rerouting the commercial collection system to maximize the daily workload of Route 14 (i.e., provide for a complete 8-hour route each day), thereby limiting the Route 18 workload to the prison containers. This would allow for the associated Route 18 available capacity to be more effectively utilized (e.g., providing alley maintenance, supporting the residential collection system).
- In conjunction with the above suggestion, review the commercial collection system schedule and the potential for shifting the collection days of certain accounts to maximize collection productivity.

Vehicle Weights

- Establish, as a documented operating objective and driver requirement that vehicles are not to be loaded in excess of their legal weight.
- Review and revise legal payloads as appropriate and clearly document legal payloads for each vehicle in a visible location in each vehicle cab. Institute a policy that requires drivers to verify that each load is within the legal limit when they receive their weight ticket at the landfill scale house and if not to notify management of overloaded vehicles prior to leaving the landfill. The Sanitation Supervisor should also review all weight

tickets daily to identify any overweight vehicles and take appropriate corrective action. An Overweight Vehicle Report listing all overweight vehicles and corrective actions taken should be prepared regularly (e.g., monthly or quarterly) and provided to the Public Works Director.

Vehicle Maintenance

- Monitor the annual vehicle maintenance cost for each vehicle in the fleet and use this information as a basis for vehicle replacement decisions, if not done so already. Keeping older vehicles in the fleet may or may not be appropriate depending on the ongoing cost to maintain those vehicles versus the cost of replacing and maintaining a newer vehicle.

Methodology

Our review was originally intended to focus on the residential collection system only. However, we expanded our review to include an initial assessment of the City's commercial solid waste collection system. Our review included, but was not limited to the following tasks:

- Conducted time and motion analysis of one residential cart route and one commercial bin route.
- Conducted separate field analysis of the service area, including alleys and commercial bin enclosures and the condition and location of carts and bins.
- Reviewed the design and schedule of the current residential routing system.
- Reviewed and assessed the capacity of the existing residential collection system and alternatives to the City's current scheduling and routing of residential solid waste and yard waste routes.
- Evaluated the general condition of the vehicle fleet.
- Reviewed and analyzed available Work Reports completed by the route drivers for the weeks of February 24, 2014 through March 31, 2014.
- Reviewed Section 8.12 (Solid Waste) of the City's Municipal Code.
- Discussed operational issues with the Public Works Director and Sanitation Supervisor.
- Reviewed and analyzed refuse vehicle weight data for the period January 2013 through March 2014.
- Conducted research on commercial side loader manufacturers and the ability of commercial side loaders to service carts.

Limitations

Our review was based on limited time and motion analyses that may or may not be representative of the entire residential and commercial collection systems. Any such differences may materially impact our analysis and findings.

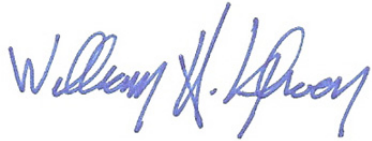
* * * * *

Mr. J. Paul Paris
June 12, 2014
Page 11 of 11

We appreciate the opportunity to be of service to the City. Please feel free to contact me by phone at (916) 782-7821 or by e-mail at wschoen@r3cgi.com if you have any questions or comments regarding this submittal.

Sincerely,

R3 CONSULTING GROUP



William Schoen
Principal

Attachments:

- 1 Residential Route Target Productivity Analysis

R:\Projects\Wasco - Operations Review -\Reports\Wasco - Operations Review Draft Report 061214.docx

Attachment 1

TARGET PRODUCTIVITY ANALYSIS

	RESIDENTIAL				COMMERCIAL	
	SOLID WASTE		YARD WASTE		SOLID WASTE	
Processing / Transfer / Landfill Site =	Shafter-Wasco Landfill		Shafter-Wasco Landfill		Shafter-Wasco Landfill	
	hours	minutes	hours	minutes	hours	minutes
TOTAL HOURS PER DAY	8.00	480	8.00	480	8.00	480
lunch not included in 8 hours						
Lunch	0.00	0	0.00	0	0.00	0
Breaks (@ 15 minutes each)	0.50	30	0.50	30	0.50	30
Pre/post trip requirements	0.50	30	0.50	30	0.50	30
Travel time to route	0.17	10	0.17	10	0.17	10
Round Trip (Load 1)	1.00	60	1.00	60	1.00	60
Round Trip (Load 2)	1.00	60	1.00	60	1.00	60
Round Trip (Load 3)	0.00	0	0.00	0	0.00	0
Return for Late Set-Out/Missed Carts	0.00	0	0.00	0	0.00	0
TOTAL TIME AVAILABLE FOR COLLECTION =	4.83	290		290		290
Average Service Time per Cart (seconds) =		30.0		30.0	per Container (minutes) =	2.2
Carts per Minute =		2.0		2.0	Containers per Hour =	27.5
TARGET ROUTE PRODUCTIVITY STANDARD (Carts/Route/Day) =		580		580	(Containers/Route/Day)	133

52.7 minutes from Route to Landfill and back to corporation yard per Time and Motion Analysis

26.6 seconds (2.25 Carts per Minute) based on Time and Motion Analysis



STAFF REPORT

CITY OF WASCO

TO: Honorable Mayor and Council Members

FROM: Daniel Ortiz-Hernandez, City Manager

DATE: September 15, 2020

SUBJECT: Adopt a Resolution Approving the Amended Salary Schedule for the Fiscal Year 2020-2021 in Compliance with the California Public Employees' Retirement System (CalPERS) Requirement for Publicly Available Pay Schedules.

Recommendation:

Staff recommends the City Council adopt a Resolution Approving the Amended Salary Schedule for the Fiscal Year 2020 – 2021 as required by CalPERS.

Discussion:

The City created the position of Building Inspection I position. The position was created to assist the Chief Building Inspector with inspections. The Building Inspector I will be placed at Range 40, similar to that of a Code Compliance Officer I. The Building Inspector I is similar to that of the Code Compliance Officer I by the level of independent judgment required, supervision exercised on assigned projects, difficulty, and complexity of work, the Building Inspector I classification is responsible for providing inspection and administrative assistance to the Chief Building Inspector and Community Development Director. This key position will perform specific inspection activities in the review of plans and inspections of new building projects, alterations, and repairs, to enforce a variety of codes, ordinances, and established standards to achieve compliance, and to perform other duties and responsibilities as required.

Title 2, § Section 570.5 of the California Code of Regulations specifies the requirements necessary to meet the definition of a publicly available pay schedule as follows:

For purposes of determining the amount of "compensation earnable" pursuant to GC sections 20630, 20636, and 20636.1, the pay rate shall be limited to the amount listed on a pay schedule that meets all of the following requirements:

1. Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;
2. Identifies the position title for every employee position;
3. Shows the pay rate for each identified position, which may be stated as a single amount or as multiple amounts within a range;
4. Indicates the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually;

5. Is posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;
6. Indicates an effective date and date of any revisions;
7. Is retained by the employer and available for public inspection for not less than five years; and
8. Does not reference another document in lieu of disclosing the pay rate.

Per CalPERS, all eight (8) requirements need to be reflected in the City's salary schedule for each member's pay in order for CalPERS to approve the payment amount as pay rate and reportable compensation earnable to establish an employee's pensionable income. A salary schedule is attached, which will meet the indicated requirements.

Fiscal Impact:

Salary schedule changes will be incorporated into the 2020-2021 Mid-Year budget.

Attachments:

1. Resolution
2. Salary Schedule

RESOLUTION NO. 2020 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WASCO APPROVING A SALARY SCHEDULE IN COMPLIANCE WITH THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) REQUIREMENTS FOR PUBLICLY AVAILABLE PAY SCHEDULES

WHEREAS, in order to meet CalPERS requirements for publicly available pay schedules, the City Council must approve a salary schedule for all City positions (including elected and appointed positions), independent from the salary schedules included in the memorandum of understanding with employee groups or employment agreements; and

WHEREAS, Title 2, §570.5 of the California Code of Regulations establishes certain requirements for a publicly available pay schedule; and

WHEREAS, the City of Wasco must comply with Government Code § 20636(B)(1) and Title 2, §570.5 of the California Code of Regulations.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Wasco as follows:

SECTION 1: Approves the Salary Schedule for Fiscal Year 2020-21 in order to meet the requirements of Title 2, §570.5 of the California Code of Regulations.

SECTION 2: The Salary Schedule for Fiscal Year 2020-21 is included as an attachment to this Resolution.

SECTION 3: Authorizes the Mayor and the City Clerk to execute the agreement.

-o0o-

I HEREBY CERTIFY that the foregoing Resolution No. 2020-_____ was passed and adopted by the Council of the City of Wasco at a regular meeting thereof held on September 15, 2020, by the following vote:

COUNCIL MEMBERS: GARCIA, CORTEZ, ESPITIA, PALLARES, REYNA

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

TEOFILO CORTEZ
MAYOR of the City of
Wasco

Attest:_____

MARIA O. MARTINEZ
CITY CLERK and Ex Officio Clerk of
the Council of the City of Wasco

CITY OF WASCO
POSITION & SALARY RANGE LIST
EFFECTIVE 07/01/2020 - 06/30/2021

DIRECTOR - ANNUAL											
		MINIMUM				MAXIMUM					
City Manager	Contract					\$180,250					
Deputy Public Works Director	Contract			\$94,053.44					\$120,038.66		
Finance Director	Contract			\$104,573.69					\$133,465.47		
Community Development Director	Contract			\$104,573.69					\$133,465.47		
Public Works Director	Contract			\$104,573.69					\$133,465.47		
ELECTED OFFICIALS - MONTHLY											
City Council Member	\$	300									
City Clerk/Treasurer	\$	60									
MID MANAGEMENT - EXEMPT PAY SCHEDULE - BIWEEKLY											
TITLE	RANGE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP A	STEP F	STEP A	STEP F
Executive Assistant II	6	\$2,587.58	\$2,716.95	\$2,852.81	\$2,995.44	\$3,145.21	\$3,302.46	\$67,277.08	\$85,863.96	32.3448	41.2808
Assistant to City Manager	6	\$2,587.58	\$2,716.95	\$2,852.81	\$2,995.44	\$3,145.21	\$3,302.46	\$67,277.08	\$85,863.96	32.3448	41.2808
Senior Planner	6	\$2,587.58	\$2,716.95	\$2,852.81	\$2,995.44	\$3,145.21	\$3,302.46	\$67,277.08	\$85,863.96	32.3448	41.2808
City Project Manager	9	\$2,786.53	\$2,925.86	\$3,072.16	\$3,225.76	\$3,387.05	\$3,556.41	\$72,449.78	\$92,466.66	34.8316	44.4551
Chief Building Inspector	9	\$2,786.53	\$2,925.86	\$3,072.16	\$3,225.76	\$3,387.05	\$3,556.41	\$72,449.78	\$92,466.66	34.8316	44.4551
Human Resources Manager	9	\$2,786.53	\$2,925.86	\$3,072.16	\$3,225.76	\$3,387.05	\$3,556.41	\$72,449.78	\$92,466.66	34.8316	44.4551
Sanitation Superintendent	9	\$2,786.53	\$2,925.86	\$3,072.16	\$3,225.76	\$3,387.05	\$3,556.41	\$72,449.78	\$92,466.66	34.8316	44.4551
Water Superintendent	9	\$2,786.53	\$2,925.86	\$3,072.16	\$3,225.76	\$3,387.05	\$3,556.41	\$72,449.78	\$92,466.66	34.8316	44.4551
Wastewater Superintendent	9	\$2,786.53	\$2,925.86	\$3,072.16	\$3,225.76	\$3,387.05	\$3,556.41	\$72,449.78	\$92,466.66	34.8316	44.4551
Accounting Manager	18	\$3,480.00	\$3,654.00	\$3,836.69	\$4,028.53	\$4,229.95	\$4,441.46	\$90,480.00	\$115,477.96	43.5000	55.5183
Non-Exempt Bi-Weekly Pay Schedule											
TITLE	RANGE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP A	STEP F	STEP A	STEP F
Accounting Assistant I	23	\$ 1,362.34	\$ 1,430.46	\$ 1,501.98	\$ 1,577.08	\$ 1,655.94	\$ 1,738.74	35,420.84	45,207.24	17.0293	21.7343
Clerk I	23	\$ 1,362.34	\$ 1,430.46	\$ 1,501.98	\$ 1,577.08	\$ 1,655.94	\$ 1,738.74	35,420.84	45,207.24	17.0293	21.7343
Utility Technician	23	\$ 1,362.34	\$ 1,430.46	\$ 1,501.98	\$ 1,577.08	\$ 1,655.94	\$ 1,738.74	35,420.84	45,207.24	17.0293	21.7343
Animal Shelter Service Worker	23	\$ 1,362.34	\$ 1,430.46	\$ 1,501.98	\$ 1,577.08	\$ 1,655.94	\$ 1,738.74	35,420.84	45,207.24	17.0293	21.7343
Animal Control Officer	25	\$ 1,431.30	\$ 1,502.87	\$ 1,578.02	\$ 1,656.92	\$ 1,739.77	\$ 1,826.75	37,213.80	47,495.50	17.8913	22.8344
Facilities Maintenance Technician I	25	\$ 1,431.30	\$ 1,502.87	\$ 1,578.02	\$ 1,656.92	\$ 1,739.77	\$ 1,826.75	37,213.80	47,495.50	17.8913	22.8344
Transit Bus Driver	25	\$ 1,431.30	\$ 1,502.87	\$ 1,578.02	\$ 1,656.92	\$ 1,739.77	\$ 1,826.75	37,213.80	47,495.50	17.8913	22.8344
Accounting Assistant II	26	\$ 1,467.09	\$ 1,540.44	\$ 1,617.46	\$ 1,698.34	\$ 1,783.25	\$ 1,872.42	38,144.34	48,682.92	18.3386	23.4053
Mechanic I	26	\$ 1,467.09	\$ 1,540.44	\$ 1,617.46	\$ 1,698.34	\$ 1,783.25	\$ 1,872.42	38,144.34	48,682.92	18.3386	23.4053
Street Maintenance Technician I	26	\$ 1,467.09	\$ 1,540.44	\$ 1,617.46	\$ 1,698.34	\$ 1,783.25	\$ 1,872.42	38,144.34	48,682.92	18.3386	23.4053
Water Operator-In-Training	26	\$ 1,467.09	\$ 1,540.44	\$ 1,617.46	\$ 1,698.34	\$ 1,783.25	\$ 1,872.42	38,144.34	48,682.92	18.3386	23.4053
WWTP Operator-In-Training	27	\$ 1,503.76	\$ 1,578.95	\$ 1,657.89	\$ 1,740.78	\$ 1,827.82	\$ 1,919.22	39,097.76	49,899.72	18.7970	23.9903
Street Sweeper Operator I	27	\$ 1,503.76	\$ 1,578.95	\$ 1,657.89	\$ 1,740.78	\$ 1,827.82	\$ 1,919.22	39,097.76	49,899.72	18.7970	23.9903
Payroll/AP Specialist	28	\$ 1,541.36	\$ 1,618.43	\$ 1,699.34	\$ 1,784.32	\$ 1,873.53	\$ 1,967.20	40,075.36	51,147.20	19.2670	24.5900
Street Maintenance Technician II	28	\$ 1,541.36	\$ 1,618.43	\$ 1,699.34	\$ 1,784.32	\$ 1,873.53	\$ 1,967.20	40,075.36	51,147.20	19.2670	24.5900
Mechanic II	29	\$ 1,579.89	\$ 1,658.89	\$ 1,741.83	\$ 1,828.93	\$ 1,920.37	\$ 2,016.39	41,077.14	52,426.14	19.7486	25.2049
Administrative Assistant I	29	\$ 1,579.89	\$ 1,658.89	\$ 1,741.83	\$ 1,828.93	\$ 1,920.37	\$ 2,016.39	41,077.14	52,426.14	19.7486	25.2049
Facilities Maintenance Technician II	29	\$ 1,579.89	\$ 1,658.89	\$ 1,741.83	\$ 1,828.93	\$ 1,920.37	\$ 2,016.39	41,077.14	52,426.14	19.7486	25.2049
Sanitation Worker I	29	\$ 1,579.89	\$ 1,658.89	\$ 1,741.83	\$ 1,828.93	\$ 1,920.37	\$ 2,016.39	41,077.14	52,426.14	19.7486	25.2049
Wastewater Collections Specialist I	30	\$ 1,619.39	\$ 1,700.36	\$ 1,785.38	\$ 1,874.67	\$ 1,968.38	\$ 2,066.80	42,104.14	53,736.80	20.2424	25.8350
Water Operator I	30	\$ 1,619.39	\$ 1,700.36	\$ 1,785.38	\$ 1,874.67	\$ 1,968.38	\$ 2,066.80	42,104.14	53,736.80	20.2424	25.8350
Administrative Assistant II	31	\$ 1,659.88	\$ 1,742.87	\$ 1,830.02	\$ 1,921.52	\$ 2,017.59	\$ 2,118.47	43,156.88	55,080.22	20.7485	26.4809
Wastewater Plant Operator I	31	\$ 1,659.88	\$ 1,742.87	\$ 1,830.02	\$ 1,921.52	\$ 2,017.59	\$ 2,118.47	43,156.88	55,080.22	20.7485	26.4809
Sanitation Worker II	31	\$ 1,659.88	\$ 1,742.87	\$ 1,830.02	\$ 1,921.52	\$ 2,017.59	\$ 2,118.47	43,156.88	55,080.22	20.7485	26.4809
Shop Supervisor	32	\$ 1,701.37	\$ 1,786.44	\$ 1,875.76	\$ 1,969.55	\$ 2,068.03	\$ 2,171.43	44,235.62	56,457.18	21.2671	27.1429
Senior Animal Control Officer	32	\$ 1,701.37	\$ 1,786.44	\$ 1,875.76	\$ 1,969.55	\$ 2,068.03	\$ 2,171.43	44,235.62	56,457.18	21.2671	27.1429
Staff Accountant	32	\$ 1,701.37	\$ 1,786.44	\$ 1,875.76	\$ 1,969.55	\$ 2,068.03	\$ 2,171.43	44,235.62	56,457.18	21.2671	27.1429
Facilities Maintenance Supervisor/Inspector	33	\$ 1,743.90	\$ 1,831.10	\$ 1,922.65	\$ 2,018.79	\$ 2,119.73	\$ 2,225.71	45,341.40	57,868.46	21.7988	27.8214
Executive Assistant I	33	\$ 1,743.90	\$ 1,831.10	\$ 1,922.65	\$ 2,018.79	\$ 2,119.73	\$ 2,225.71	45,341.40	57,868.46	21.7988	27.8214
Water Operator II	34	\$ 1,787.50	\$ 1,876.87	\$ 1,970.72	\$ 2,069.25	\$ 2,172.72	\$ 2,281.35	46,475.00	59,315.10	22.3438	28.5169
Communication & Marketing Specialist	36	\$ 1,877.99	\$ 1,971.88	\$ 2,070.48	\$ 2,174.00	\$ 2,282.70	\$ 2,396.83	48,827.74	62,317.58	23.4749	29.9604
Wastewater Plant Operator II	36	\$ 1,877.99	\$ 1,971.88	\$ 2,070.48	\$ 2,174.00	\$ 2,282.70	\$ 2,396.83	48,827.74	62,317.58	23.4749	29.9604
Sanitation Supervisor	37	\$ 1,924.93	\$ 2,021.18	\$ 2,122.25	\$ 2,228.36	\$ 2,339.78	\$ 2,456.76	50,048.18	63,875.76	24.0616	30.7095
AutoCAD Technician	38	\$ 1,973.06	\$ 2,071.71	\$ 2,175.30	\$ 2,284.06	\$ 2,398.27	\$ 2,518.18	51,299.56	65,472.68	24.6633	31.4773
Water Operator III	38	\$ 1,973.06	\$ 2,071.71	\$ 2,175.30	\$ 2,284.06	\$ 2,398.27	\$ 2,518.18	51,299.56	65,472.68	24.6633	31.4773
Building Inspector I	40	\$ 2,072.94	\$ 2,176.59	\$ 2,285.40	\$ 2,399.69	\$ 2,519.67	\$ 2,645.66	53,896.44	68,787.16	25.9118	33.0708
Code Compliance Officer I	40	\$ 2,072.94	\$ 2,176.59	\$ 2,285.40	\$ 2,399.69	\$ 2,519.67	\$ 2,645.66	53,896.44	68,787.16	25.9118	33.0708
Assistant Planner	41	\$ 2,124.76	\$ 2,231.00	\$ 2,342.55	\$ 2,459.68	\$ 2,582.66	\$ 2,711.80	55,243.76	70,506.80	26.5595	33.8975
Code Compliance Officer II	43	\$ 2,232.34	\$ 2,343.95	\$ 2,461.15	\$ 2,584.21	\$ 2,713.42	\$ 2,849.10	58,040.84	74,076.60	27.9043	35.6138
Wastewater Plant Operator III	43	\$ 2,232.34	\$ 2,343.95	\$ 2,461.15	\$ 2,584.21	\$ 2,713.42	\$ 2,849.10	58,040.84	74,076.60	27.9043	35.6138
Associate Planner	44	\$ 2,288.14	\$ 2,402.55	\$ 2,522.68	\$ 2,648.82	\$ 2,781.26	\$ 2,920.32	59,491.64	75,928.32	28.6018	36.5040
Management/Financial Analyst	44	\$ 2,288.14	\$ 2,402.55	\$ 2,522.68	\$ 2,648.82	\$ 2,781.26	\$ 2,920.32	59,491.64	75,928.32	28.6018	36.5040
Housing & Comm. Prog. Suprvsr	44	\$ 2,288.14	\$ 2,402.55	\$ 2,522.68	\$ 2,648.82	\$ 2,781.26	\$ 2,920.32	59,491.64	75,928.32	28.6018	36.5040
Grant Administrator	47	\$ 2,464.07	\$ 2,587.28	\$ 2,716.64	\$ 2,852.47	\$ 2,995.10	\$ 3,144.86	64,065.82	81,766.36	30.8009	39.3108
Wastewater Supervisor	47	\$ 2,464.07	\$ 2,587.28	\$ 2,716.64	\$ 2,852.47	\$ 2,995.10	\$ 3,144.86	64,065.82	81,766.36	30.8009	39.3108
Accounting Supervisor	50	\$ 2,653.54	\$ 2,786.21	\$ 2,925.53	\$ 3,071.80	\$ 3,225.39	\$ 3,386.66	68,992.04	88,053.16	33.1693	42.3333
Street Supervisor	50	\$ 2,653.54	\$ 2,786.21	\$ 2,925.53	\$ 3,071.80	\$ 3,225.39	\$ 3,386.66	68,992.04	88,053.16	33.1693	42.3333