



AGENDA

SAN RAFAEL CITY COUNCIL – MONDAY, MAY 4, 2020

REGULAR MEETING AT 7:00 P.M.

Telephone: (669) 900-9128,

ID: 897-7202-3202

CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Executive Order N-29-20, the City of San Rafael will no longer offer an in-person meeting location for the public to attend. This meeting will be streamed through YouTube Live at www.youtube.com/cityofsanrafael. Comments submitted via YouTube Live must be submitted according to the directions located on the YouTube video description. The City is not responsible for any interrupted service. To ensure the City Council receives your comments, submit written comments to the City Clerk prior to the meeting. For more information regarding real-time public comments, please visit our Live Commenting Pilot page at <https://www.cityofsanrafael.org/live-commenting-pilot/>.

Want to listen to the meeting and comment in real-time over the phone? Contact the City Clerk's office at 415-485-3066 or by email to lindsay.lara@cityofsanrafael.org to learn more about participation by telephone.

Any member of the public who needs accommodations should contact the City Clerk (email lindsay.lara@cityofsanrafael.org or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

OPEN SESSION – (669) 900-9128, ID: 846-9457-0470# – 5:30 PM

1. Mayor Phillips to announced Closed Session items.

CLOSED SESSION – (669) 900-9128, ID: 846-9457-0470# – 5:30 PM

2. Closed Session:
 - a. Conference with Labor Negotiators – Government Code Section 54957.6
Lead Negotiator: Timothy L. Davis (Burke, Williams & Sorensen)
Agency Designated Representatives: Jim Schutz, Cristine Alilovich, Nadine Hade, Shibani Nag
Employee Organizations: SEIU - Childcare; San Rafael Police Mid-Management Association; Public Employee Union, Local 1; San Rafael Firefighters' Association; San Rafael Police Association; SEIU Local 1021; Western Council of Engineers; San Rafael Fire Chief Officers' Association

REGULAR MEETING - VIRTUAL MEETING

Telephone: (669) 900-9128,

ID: 897-7202-3202

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

The public is welcome to address the City Council at this time on matters not on the agenda that are within its jurisdiction. Please be advised that pursuant to Government Code Section 54954.2, the City Council is not permitted to discuss or take action on any matter not on the agenda unless it determines that an emergency exists, or that there is a need to take immediate action which arose following posting of the agenda. Comments may be no longer than two minutes and should be respectful to the community.

CITY MANAGER’S REPORT:

3. City Manager’s Report:

CONSENT CALENDAR:

The opportunity for public comment on consent calendar items will occur prior to the City Council’s vote on the Consent Calendar. The City Council may approve the entire consent calendar with one action. In the alternative, items on the Consent Calendar may be removed by any City Council or staff member, for separate discussion and vote.

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, April 20, 2020 (CC)

Recommended Action – Approve as submitted

b. **Amend City Council Appointments to Committees**

Approve the Appointment of Vice-Mayor Colin and Councilmember Gamblin to Serve on the Marin County Council of Mayors and Councilmembers Economic Recovery Committee for 2020; and Appoint Fire Chief Darin White to Marin Emergency Radio Authority (MERA) Executive Board (CC)

Recommended Action – Approve as submitted

c. **Termination of The Marin Telecommunications Agency**

Second Introduction and Final Adoption of Ordinance 1984: An Ordinance of the City of San Rafael Providing for the Termination of the Marin Telecommunications Agency and Repealing the Telecommunications Ordinance Codified in Chapter 10.74 of the San Rafael Municipal Code (CM)

Recommended Action – Final Adoption of Ordinance 1984

SPECIAL PRESENTATIONS:

5. Special Presentations:

a. Presentation of a Proclamation Recognizing National Police Week (PD)

OTHER AGENDA ITEMS:

6. Other Agenda Items:

- a. **CDBG-Cares Act Funding Recommendations for FY2019-20**
Resolution Recommending Community Development Block Grant Cares Act (CDBG-CV) Funding for the 2019-20 Fiscal Year to the Marin County Board of Supervisors for the San Rafael Planning Area (CD)
Recommended Action – Adopt Resolution

- b. **Preliminary Impact of COVID-19 Pandemic on City’s Finances & Initial Programs to Aid in Recovery**
 - i. Accept Informational Report on Cost Reduction Actions to Date Such as Reducing Staff Allocation Through Not Filling Vacant Positions (CM)
Recommended Action – Accept report

 - ii. Resolution Approving a Voluntary Retirement Separation Program
Recommended Action – Adopt Resolution

 - iii. Resolution Approving a Voluntary Work Hours Reduction Program
Recommended Action – Adopt Resolution

 - iv. Approve the Implementation of the Mandatory Furlough Program as Outlined in the City’s Labor Agreements and Direct Staff to Meet and Consult with All Bargaining Units
Recommended Action – Approve Implementation

- c. **Canal Neighborhood WiFi Network**
Informational Report About Increasing WiFi Internet Access in the Canal Neighborhood (DS)
Recommended Action – Accept report

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:
(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)

7. Councilmember Reports:

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection online. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing Lindsay.lara@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing “711”, at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.

Minutes subject to approval at the City Council meeting of Monday, May 4, 2020

In the Council Chambers of the City of San Rafael, Monday, April 20, 2020



REGULAR MEETING AT 7:00 P.M.

VIRTUAL MEETING

(669) 900-9128

ID: 994-4592-2706#

Regular Meeting

San Rafael City Council

Minutes

Present: Mayor Phillips
Vice Mayor Colin
Councilmember Bushey
Councilmember Gamblin
Councilmember McCullough

Absent: None

Also Present: City Manager Jim Schutz
City Attorney Robert Epstein
City Clerk Lindsay Lara

[How to Participate in your City Council Meeting](#)

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[Mayor Phillips called the meeting to order at 7:09 p.m. and invited the City Clerk to call the roll](#)

Mayor Phillips informed the community the meeting would be streamed live to YouTube and the City website, and members of the public would provide public comment either on the telephone or through the YouTube live chat

OPEN SESSION - CONFERENCE CALL (669) 900-9128 ID: 996-6882-2099# - 6:00 PM

1. Mayor Phillips to announced Closed Session items.

CLOSED SESSION – CONFERENCE CALL - 6:00 PM

2. Closed Session:
 - a. Conference with Labor Negotiators – Government Code Section 54957.6
Lead Negotiator: Timothy L. Davis (Burke, Williams & Sorensen)
Agency Designated Representatives: Jim Schutz, Cristine Alilovich, Nadine Hade, Shibani Nag
Employee Organizations: SEIU - Childcare; San Rafael Police Mid-Management Association; Public Employee Union, Local 1; San Rafael Firefighters' Association; San Rafael Police Association; SEIU Local 1021; Western Council of Engineers; San Rafael Fire Chief Officers' Association

City Attorney Robert Epstein announced that no reportable action was taken in Closed Session

City Clerk Lindsay Lara explained the process for community participation through the telephone and YouTube

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

Correspondence in real-time through YouTube or telephone:
Joan Wlodaver addressed the City Council regarding Census 2020

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz provided an update on how the City is responding to the Coronavirus

Mayor Phillips expressed thanks for the report from the City Manager regarding the City's response to COVID-19 and commented on testing, as well as, the Message from the Mayor videos

CONSENT CALENDAR:

4. Consent Calendar Items:

Mayor Phillips invited public comment on the Consent Calendar; however, there was none

Councilmember Colin moved and Councilmember McCullough seconded to approve the Consent Calendar Items:

- a. Approval of Minutes
Approve Minutes of City Council / Successor Agency Regular Meetings of

Monday, March 23, 2020 and April 6, 2020 and Special Meetings of March 17, 2020 and March 20, 2020 (CC)

[Approval of Minutes](#)

Approved as submitted

- b. 190 Mill Street - Homeward Bound of Marin Emergency Shelter & Supportive Housing**
Second Introduction and Final Adoption of Ordinance 1983: An Ordinance Approving a Zoning Map Amendment (ZC19-001) to Modify the Existing Canal Core Industrial/Office (CCI/O) Zoning Classification of the Site at 190 Mill Street to High-Density Residential Zoning Classification (CD)

[190 Mill Street - Homeward Bound of Marin Emergency Shelter & Supportive Housing](#)

Final Adoption of Ordinance No. 1983

- c. City Quarterly Investment Report**
Acceptance of City of San Rafael Quarterly Investment Report for the Quarter Ending March 31, 2020 (Fin)

[City Quarterly Investment Report](#)

Accepted report

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips

NOES: Councilmembers: None

ABSENT: Councilmembers: None

SPECIAL PRESENTATION:

5. Special Presentation:

a. Fire Chief Swear-in Ceremony (CC)

City Manager Jim Schutz introduced the City's new Fire Chief, Darin White, and City Clerk Lindsay swore him in

City Clerk Lindsay Lara administered the Oath of Office to Fire Chief Darin White

Fire Chief White thanked the City Council, administration, staff and the community for a warm welcoming to San Rafael and expressed his excitement to work for the City of San Rafael.

PUBLIC HEARINGS

6. Public Hearings:

a. Termination of The Marin Telecommunications Agency

- i. First Introduction: Consider Passing to Print An Ordinance of the City of San Rafael Providing for the Termination of the Marin Telecommunications Agency and Repealing the Telecommunications Ordinance Codified in Chapter 10.74 of the San Rafael Municipal Code (CM)**

- ii. **Resolution Authorizing the Marin General Services Authority to Collect Franchise and Public, Education, and Government Access Fees from Cable Television Providers and to Exercise All Powers and Functions Associated with the Digital Infrastructure and Video Competition Act (CM)**
[Termination of the Marin Telecommunications Agency](#)

Andrew Hening, Director of Homeless Planning and Outreach, presented the staff report

Mayor Philips invited public comment; however there was none

Councilmember McCullough provided comments as they related to his appointment to the Marin Telecommunications Agency and provided additional background information

Councilmember McCullough moved and Councilmember Gamblin seconded to pass Charter Ordinance No. 1984 to print

Passed Ordinance No. 1984 to Print: An Ordinance of the City of San Rafael Providing for the Termination of the Marin Telecommunications Agency and Repealing the Telecommunications Ordinance Codified in Chapter 10.74 of the San Rafael Municipal Code

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Councilmember McCullough moved and Councilmember Gamblin seconded to adopt the Resolution

Resolution 14788 - Resolution Authorizing the Marin General Services Authority to Collect Franchise and Public, Education, and Government Access Fees from Cable Television Providers and to Exercise All Powers and Functions Associated with the Digital Infrastructure and Video Competition Act

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips
NOES: Councilmembers: None
ABSENT: Councilmembers: None

OTHER AGENDA ITEMS:

7. Other Agenda Items:

- a. **Village at Loch Lomond Marina Development Request for City Council Review and Approval of the following for the Village at Loch Lomond Marina Development (CD):**
 - i. **Resolution Authorizing the Mayor and City Manager to Sign and Execute a New Consolidated Subdivision Improvement Agreement (SIA)**
 - ii. **Resolution Authorizing the City Manager to Execute a Memorandum of Understanding (CD/PW)**

iii. **Resolution Authorizing the City Manager to Execute an Amendment to the Below Market Rate Housing Agreement**
[Village at Loch Lomond Marina Development](#)
[Correspondence 04/16/2020](#)
[Correspondence 04/19/2020](#)
[Correspondence 04/20/2020](#)
[Correspondence 04/20/2020 \(2\)](#)

Paul Jensen, Community Development Director, introduced Ethan Guy, Principal Analyst, and Al Cornwell, CSW/Stuber-Stroeh, and then presented the staff report

Staff responded to questions from the City Council

Applicant Tom DiPrima, Marina Village Associates, provided comments

The applicant responded to questions from the City Council

Mayor Phillips invited public comment

Speakers: Bill Carney, Sustainable San Rafael, Elaine Tokolahi, Jim Dickson, John Reynolds, Chris Johnson, Alan Schaevitz, Board Member of the Pt. San Pedro Road Coalition and the Bayside Acres Homeowners Association, Speaker, Octavia Monelli, Paul Fordham, Homeward Bound of Marin, Winifred Dajani, Donna Borok Moss

There being no further comment from the audience, Mayor Phillips closed the public hearing

Staff responded to questions from the public

Councilmembers provided comments and staff responded to additional questions

Councilmember McCullough moved and Councilmember Colin seconded to adopt the Resolution

Resolution 14789 - Resolution Authorizing the Mayor and City Manager to Sign and Execute a New Consolidated Subdivision Improvement Agreement (SIA)

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Councilmember McCullough moved and Councilmember Colin seconded to adopt the Resolution

Resolution 14790 - Resolution Authorizing the City Manager to Execute a Memorandum of Understanding

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Councilmember McCullough moved and Councilmember Colin seconded to adopt the Resolution

Resolution 14791 - Resolution Authorizing the City Manager to Execute an Amendment to the Below Market Rate Housing Agreement

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips
NOES: Councilmembers: None
ABSENT: Councilmembers: None

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

8. Councilmember Reports: None

SAN RAFAEL SUCCESSOR AGENCY

1. Consent Calendar:

Chair Phillips invited public comment; however there was none

Member Colin moved and Member McCullough seconded to approve Consent Calendar items:

a. **Successor Agency Quarterly Investment Report
Acceptance of Successor Agency Quarterly Investment Report for Period Ending
March 31, 2020 (Fin)**

[Successor Agency Quarterly Investment Report](#)

Accepted report

AYES: Members: Bushey, Colin, Gamblin, McCullough & Chair Phillips
NOES: Members: None
ABSENT: Members: None

ADJOURNMENT:

Mayor Phillips adjourned the meeting at 9:12 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2020

GARY O. PHILLIPS, Mayor



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk's Office

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: _____

TOPIC: AMEND CITY COUNCIL APPOINTMENTS TO COMMITTEES

SUBJECT: APPROVE THE APPOINTMENT OF VICE-MAYOR COLIN AND COUNCILMEMBER GAMBLIN TO SERVE ON THE MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS ECONOMIC RECOVERY COMMITTEE FOR 2020; AND APPOINT FIRE CHIEF DARIN WHITE TO MARIN EMERGENCY RADIO AUTHORITY (MERA) EXECUTIVE BOARD

RECOMMENDATION:

Approve the appointment of Vice-Mayor Colin and Councilmember Gamblin to serve on the Marin County Council of Mayors and Councilmembers Economic Recovery Committee for 2020, appoint Fire Chief Darin White to Marin Emergency Radio Authority (MERA) Executive Board and amend the 2020 City Council Appointment List.

BACKGROUND:

Each year, the City Council reviews a list of appointments ("City Council Appointments") to various local and regional boards, commissions, and committees to determine interest in serving as the City's representative. While serving on these local and regional boards, commissions, and committees, appointees represent the City and are granted authority (as identified in the bylaws or rules of a particular board, commission, or committee) to make decisions in the best interest of the City, as well as the general public and interests served by the specific local or regional agency. At the December 1, 2019 meeting, the City Council approved the [2020 City Council Appointments](#) list for the 2020 calendar year.

On April 22, 2020 the Marin County Council of Mayors and Councilmembers (MCCMC) Select Committee met and approved the formation of the MCCMC Economic Recovery Committee, and the City Council needs to formally approve and amend the 2020 City Council Appointments list and appoint members to serve on the MCCMC Committee.

On April 15, 2020, Fire Chief Darin White was sworn-into Office as San Rafael Fire Chief. The City Council Appointments List indicates former Fire Chief Chris Gray is the representative and Deputy Fire Chief Robert Sinnott has been attending Executive Board meetings as Interim Fire Chief.

ANALYSIS:

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

The Economic Recovery Committee is a cross-jurisdictional committee to consider, navigate and react to the economic impacts of COVID-19 on Marin County's cities and towns. All jurisdictions in our county, as well as throughout the world, will need to address the economic issues resulting from COVID-19 and, according to MCCMC, this Committee will pool collective wisdom, resources and ideas to contribute to greater understanding and potential solutions to the challenges faced by Marin's jurisdictions.

On June 20, 2012 the MERA Board of Directors adopted a new governance structure, which includes an Executive Board consisting of 9 members which included the Fire Chief of the City of San Rafael. The Marin Emergency Radio Authority (MERA) Executive Board meets on the second Wednesday of every other month at 3:30 p.m.

FISCAL IMPACT: There is no fiscal impact associated with this action.

OPTIONS:

The City Council has the following options to consider relating to this item:

1. Approve the appointment.
2. Approve the appointment as amended.
3. Don't approve the appointment.

RECOMMENDED ACTION:

Approve the appointment of Vice-Mayor Colin and Councilmember Gamblin to serve on the Marin County Council of Mayors and Councilmembers Economic Recovery Committee for 2020, appoint Fire Chief Darin White to Marin Emergency Radio Authority (MERA) Executive Board, and amend the 2020 City Council Appointment List.

ATTACHMENTS:

1. 2020 City Council Appointments List (redlined)

City Council Appointments 2020

Position	2020
Vice Mayor, City Council	Kate Colin
San Rafael Sanitation District	Gary O. Phillips (C) Maribeth Bushey Andrew McCullough (Alt)
Central Marin Sanitation Agency (informational only- appointed by SRSD)	Maribeth Bushey Dean DiGiovanni Katie Rice (1 st Alt) Alan Zahradnik (2 nd Alt) Marc Solomon (3 rd Alt)
City Rep. to Association of Bay Area Government (ABAG)	Maribeth Bushey
Joint Powers Authority Oversight Committee	Kate Colin
League of California Cities, North Bay Division	Maribeth Bushey Andrew McCullough (Alt)
Sonoma/Marin Area Rail Transit (SMART)	Gary O. Phillips Maribeth Bushey (Alt)
County Priority-Setting Committee (re Community Development Block Grant Funds)	John Gamblin Kate Colin (Alt)
MCE	Andrew McCullough John Gamblin (Alt)
Transportation Authority of Marin (TAM) Board of Commissioners	Gary O. Phillips Kate Colin (Alt)
Transportation Authority of Marin (TAM) - Safe Routes to Schools Program	Kate Colin
County of Marin - Las Gallinas Watershed Program	John Gamblin
City Council Standing Committees, Adhoc Subcommittees & Liaisons	
City Council Standing Committees (Noticed public meetings)	
Climate Change Action Plan Quarterly Update Forum	Kate Colin
City/School Liaison Committee (Noticed Joint City Council /Schools meeting)	Gary O. Phillips John Gamblin
Economic Development Committee	Kate Colin Gary O. Phillips (C)
Finance Committee	Gary O. Phillips (C) John Gamblin
San Rafael Neighborhoods Association	Gary O. Phillips (C) John Gamblin (1 st Alt) Kate Colin (Alt)
General Plan 2040 Steering Committee	Maribeth Bushey Kate Colin (Alt)
Library Foundation Board	Maribeth Bushey
Wildfire Advisory Committee	Gary Phillips

City Council Appointments 2020

	Maribeth Bushey
City Council Adhoc Subcommittees (Not subject to Brown Act)	
Adhoc City/County Liaison Committee	Gary O. Phillips (C) Kate Colin
Adhoc Pension/Other Post-Employment Benefits (OPEB) Subcommittee	Gary O. Phillips (C) John Gamblin
Adhoc SMART Subcommittee	Gary O. Phillips (CC) Maribeth Bushey (CC)
Adhoc Homelessness Subcommittee	Gary O. Phillips John Gamblin (C)
Adhoc Facilities Subcommittee	Gary O. Phillips (C) Andrew McCullough
New Library Adhoc Subcommittee	Maribeth Bushey (C) Andrew McCullough
Adhoc Multi-Use Path Subcommittee	Andrew McCullough (C) Gary O. Phillips
Adhoc Latino Civic Leadership Initiative	Kate Colin Gary O. Phillips (Alt)
Adhoc Mayor's Advisory Group (Canal Advisory)	Gary O. Phillips John Gamblin
Council Liaisons to Boards, Commissions and Committees (Open, noticed meetings)	
ADA Access Advisory Committee	John Gamblin
Bicycle and Pedestrian Advisory Committee	Kate Colin
Board of Library Trustees	Maribeth Bushey
Business Improvement District Advisory Group	John Gamblin
Cannabis Industry Tax Oversight Committee (Measure G)	Kate Colin John Gamblin
Citizens Advisory Committee "CAC" on Economic Development and Affordable Housing	John Gamblin
Design Review Board	Andrew McCullough
Fire Commission	Gary O. Phillips Andrew McCullough
Measure E Transaction and Use Tax Oversight Committee	Gary O. Phillips
Special Library Parcel Tax Committee (Measure D)	Maribeth Bushey
Pickleweed Advisory Committee	Kate Colin

City Council Appointments 2020

Park and Recreation Commission	John Gamblin
Planning Commission	Gary O. Phillips
Joint Powers Agreement (JPA)	
Marin County Animal Control	Jim Schutz
Marin County Hazardous and Solid Waste Joint Powers Authority Board and Executive Committee	Jim Schutz Cristine Alilovich (Alt)
Marin Emergency Radio Authority (MERA) Governing Board	Diana Bishop Glenn McElderry (Alt) Robert Sinnott (Alt)
Marin Emergency Radio Authority (MERA) Executive Board 9/2018	Christopher Gray <u>Darin White</u>
Marin General Services Authority	Jim Schutz Cristine Alilovich (Alt)
Marin Telecommunications Agency	Andrew McCullough Maribeth Bushey (Alt)
Marin County Council of Mayors & Councilmembers (MCCMC)	
Legislative Committee	John Gamblin
Marin Transit District	Kate Colin
Homeless Policy Maker Group	Kate Colin
Climate Mitigation Committee	Kate Colin
Pension	John Gamblin Gary Phillips (Alt)
Disaster Preparedness	Maribeth Bushey Gary Phillips (Alt)
<u>MCCMC Economic Recovery</u>	<u>Kate Colin</u> <u>John Gamblin</u>

ORDINANCE NO. 1984

AN ORDINANCE OF THE CITY OF SAN RAFAEL PROVIDING FOR THE TERMINATION OF THE MARIN TELECOMMUNICATIONS AGENCY AND REPEALING THE TELECOMMUNICATIONS ORDINANCE CODIFIED IN CHAPTER 10.74 OF THE SAN RAFAEL MUNICIPAL CODE

WHEREAS, in 1997, the City Council of the City of San Rafael adopted Ordinance No. 1719, approving an Agreement of Formation of the Marin Telecommunications Agency (“MTA”), a California joint powers agency pursuant to the provisions of Title 1, Division 7, Chapter 5 of the Government Code (commencing with Section 6500), and adding Chapter 10.74 to the San Rafael Municipal Code.

WHEREAS, the current member agencies of the MTA are: the Cities of Belvedere, Mill Valley, Sausalito, and San Rafael, the Towns of Corte Madera, Fairfax, Ross, San Anselmo, and Tiburon, and the County of Marin (“MTA Member Agencies”).

WHEREAS, in 2006 the California Legislature approved, and the Governor enacted the Digital Infrastructure and Video Competition Act of 2006 (“DIVCA”), creating a process for the issuance of franchises by the California Public Utilities Commission and superseding locally issued franchises.

WHEREAS, subsequent to the adoption of DIVCA and other changes to state and federal law further limiting the ability of local governments to regulate telecommunications facilities, the MTA no longer takes the active policy role that it did prior to the adoption of DIVCA.

WHEREAS, the MTA Member Agencies find it desirable to terminate the MTA and delegate its duties to the Marin General Services Agency (“MGSA”), a California joint powers authority that was formed on October 1, 2005, by the City of Belvedere, Town of Corte Madera, Town of Fairfax, City of Larkspur, City of Mill Valley, City of Novato, Town of Ross, Town of San Anselmo, City of San Rafael, City of Sausalito, Town of Tiburon, County of Marin, Bel Marin Keys Community Services District, and Marinwood Community Services District.

WHEREAS, Paragraph 13 of the Agreement of Formation of the MTA provides that the MTA may be terminated by the enactment of an ordinance in substantially identical form by the majority of the MTA Member Agencies specifying such termination, with each such ordinance being adopted within no more than ninety days of each other. Upon such action, the MTA will be deemed terminated.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated by reference.

Section 2. Termination of MTA. Pursuant to Paragraph 13 of the Agreement of Formation, the City Council declares that this Ordinance is intended to serve to terminate the Agreement of Formation and the MTA.

Section 3. Repeal of Chapter 10.74 as of Operative Date. Chapter 10.74, "Telecommunications," of the San Rafael Municipal Code is hereby repealed, effective as of the Operative Date. The repeal of Chapter 10.74 shall not affect the City's consent to the termination of the Marin County Cable Rate Regulation Joint Powers Agency ("MCCRRJPA") or the actual termination of MCCRRJPA, as provided for in Division 2 of Ordinance No. 1719.

For purposes of this section, the "Operative Date" shall mean the later of the following two dates: (1) July 1, 2020; or (2) the date upon which a majority of the MTA Member Agencies has adopted a resolution authorizing the MGSA to collect franchise and PEG access fees and to exercise all powers and functions associated with DIVCA, as well as an ordinance of termination substantially identical in form pursuant to Paragraph 13 of the Agreement of Formation of the MTA and such ordinance of termination has become effective.

Section 4. Effective Date and Publication. This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.



GARY O. PHILLIPS, Mayor

ATTEST:



LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1984 was introduced at a regular meeting of the City Council of the City of San Rafael, held on the 20th day of April 2020 and was ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips

NOES: Councilmembers: None

ABSENT: Councilmembers: None

And will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 4th day of May 2020.



LINDSAY LARA, City Clerk

SUMMARY OF ORDINANCE NO. 1984

AN ORDINANCE OF THE CITY OF SAN RAFAEL TERMINATING THE MARIN TELECOMMUNICATIONS AGENCY AND REPEALING CHAPTER 10.74 OF THE SAN RAFAEL MUNICIPAL CODE

This Summary concerns a proposed ordinance of the City of San Rafael, designated as Ordinance No. 1984, which will amend the Chapter 10.74 of the San Rafael Municipal Code. Ordinance No. 1984 is scheduled for adoption by the San Rafael City Council at its regular meeting of May 4, 2020. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF AMENDMENT TO MUNICIPAL CODE

The Ordinance will formalize the City's consent to dissolution of the Marin Telecommunications Agency and will repeal Chapter 10.74 of the San Rafael Municipal Code, the City's Telecommunications Ordinance. The Marin Telecommunications Agency (MTA) was formed in 1997 as a Joint Powers Authority (JPA) with the adoption of a "Telecommunications Ordinance" by each of its member agencies. The original purpose of MTA was to negotiate local franchises for all types of telecommunications facilities; however, in 2006, the State of California passed the Digital Infrastructure and Video Competition Act (DIVCA), which preempted local cable television franchises and moved cable television providers to a state franchise system. This regulatory change significantly reduced MTA's responsibility, leaving it with a largely administrative role. The MTA Board of Directors has recommended dissolving the agency and transitioning its functions to the Marin General Services Agency. Not only will this new structure be more efficient, but it also has the potential to increase revenue to the City of San Rafael.

Copies of Ordinance No. 1984 will be available for public review online on Thursday at www.cityofsanrafael.org/public-meetings as of Thursday, April 30, 2020. You may also contact the City Clerk at (415) 485-3066.

LINDSAY LARA
San Rafael City Clerk
Dated: 4/23/2020



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development

Prepared by: Ethan Guy
Principal Analyst

City Manager Approval: 

TOPIC: CDBG-CARES ACT FUNDING RECOMMENDATIONS FOR FY2019-20

SUBJECT: RESOLUTION RECOMMENDING COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT (CDBG-CV) FUNDING FOR THE 2019-20 FISCAL YEAR TO THE MARIN COUNTY BOARD OF SUPERVISORS FOR THE SAN RAFAEL PLANNING AREA

RECOMMENDATION:

Adopt a resolution recommending Community Development Block Grant CARES Act (CDBG-CV) funding for the 2019-20 fiscal year to the Marin County Board of Supervisors for the San Rafael Planning Area.

BACKGROUND:

On March 27, 2020, President Trump signed into law the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act"), which appropriates nearly \$2 trillion nationwide for COVID-19 pandemic relief funding. \$5 billion of these CARES Act funds, referred to in this report as CDBG-CV funds, were appropriated to the Community Development Block Grant Program (CDBG) to assist state and local governments in their COVID-19 response.

The County was awarded \$938,065 in CDBG-CV funds, and San Rafael's allocation is \$369,785.22. This total is calculated using the standard allocation for the distribution of annual CDBG funding. These funds are additional dollars and will not impact the 2019-2020 or 2020-2021 recommendations for CDBG and HOME funds approved by the City Council on April 7, 2020.

Due to the immediate need for the CDBG-CV funding, Staff is recommending expediting City Council consideration of CDBG-CV funding recommendations. Expediting City Council consideration of these funding recommendations will make for a faster community response to meet the urgent need and would also correspond with the countywide approval of 2019-2020 and 2020-2021 recommendations for CDBG and HOME funds. These funding recommendations are scheduled for consideration by the County Board of Supervisors on May 12, 2020.

CDBG CARES Funding Background

The CDBG program is a federally funded program of the U.S. Department of Housing and Urban Development (HUD) that provides funding for housing, community facilities, and public

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services. On April 2, 2020 [HUD announced the allocation of the first \\$2 billion in CARES Act funding for current CDBG grantees](#). The CARES Act builds on features of the existing CDBG program as well as precedent set by CDBG Disaster Response (CDBG-DR) supplemental appropriations. The act directs HUD to administer these funds, pursuant to Section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306). This provision calls for HUD to allocate the supplemental funds to CDBG grantees—including eligible local governments, states, and insular areas—proportional to their conventional Fiscal Year 2020 CDBG allocation, as published by HUD in April 2020.

CARES CDBG-CV funding is intended to prevent, prepare for, and respond to coronavirus based on public health needs, risk of transmission of coronavirus, number of coronavirus cases compared to the national average, and economic and housing market disruptions. The remaining funds will be distributed to states and units of local government on a rolling basis, at the discretion of the Secretary of the U.S. Department of Housing and Urban Development, with formula factors to be defined by HUD.

ANALYSIS

Safety Net COVID-19 Response Fund

On March 24, 2020, [The Board of Supervisors created a \\$1 million Safety Net COVID-19 Response Fund](#). 50% of these funds came from the Marin Community Foundation and 50% were allocated from the County's General Fund. The purpose of these funds was to support safety-net response efforts to address major issues related to the community impacts of the COVID-19 response. Five main efforts were identified for the funds:

- Emergency rental assistance for low-income residents
- Expanded food for economically disadvantaged families
- Expanded meals for seniors
- Wi-Fi mobile access for economically disadvantaged students
- Emergency childcare for health care workers and emergency responders

Regarding the first bullet above, an [Emergency Rental Assistance Program](#) for low-income residents was created and \$650,000 was allocated for this purpose of the \$1 million. Funding preference was given for emergency rental assistance for extremely low-income households (households with income 30% or below the area median income). Funds were made available for rental assistance payments through service providers including, for San Rafael: Adopt a Family of Marin, Community Action Marin (will serve clients referred by Canal Alliance), Ritter Center, and St. Vincent de Paul Society of Marin.

The Safety Net COVID-19 Response Fund began accepting applications after March 24, 2020. As of April 23, 2020 the program had received 1,500 applications and was able to fund rental assistance for over 600 households, Sixty percent (60%) of funding went to households in San Rafael. Staff estimates approximately sixty percent (60%) of applicants still on the waitlist are for households in San Rafael.

Due to this unmet need, the County approved \$1,000,000 in additional funding (again with half provided by the Marin Community Foundation) for the Safety Net COVID-19 Response Fund on April 21, 2020. Additionally, all Marin County CDBG-CV funding is being recommended for allocation to provide direct subsistence payments. Due to CDBG tracking and reporting requirements, CDBG-CV funding would be provided directly to service providers. The County is not receiving any of the CDBG-CV funds to administer the federal program.

Recommendations for CDBG-CV Funding Allocation

Staff recommends that the total CDBG-CV amount allocated for San Rafael, \$369,785.22, be used to fund subsistence payments for households in San Rafael in need of rental assistance due to the COVID-19 pandemic. Funding would be directed to San Rafael service providers to provide direct subsistence payments to San Rafael households.

As mentioned earlier, the CDBG-CV allocations recommended by staff represent funding from the first \$2 billion of a \$5 billion federal appropriation through the CARES Act. While no timeline has been released for the release of the remaining \$3 billion in CDBG-CV funding, City and County Staff and local organizations have been actively considering additional ways to effectively leverage these monies considering ideas such as:

- Researching potential policies aimed at expanding protections to vulnerable communities;
- Preparation of required CDBG documentation for small business grants to low-income business owners;
- Expanding partnerships to facilitate direct payments to residents;

Lastly, the City of Novato (like the County and San Rafael) is the other CDBG-CV recipient. On April 28, 2020, the Novato City Council voted to allocate their share of the initial CDBG-CV funds to the same Emergency Rental Assistance Program. With the San Rafael City Council's approval, all of this first round of CDBG-CV funding would go to this program.

FISCAL IMPACT:

There is no direct cost or revenue impact generated by the recommended action as the City is directing HUD funds to specific projects. These funds will go to the urgent community need of emergency rental assistance.

OPTIONS:

1. Make allocations of CDBG-CV funding as recommended by staff.
2. Make different allocations of CDBG-CV funding.
3. Take no action.

ACTION REQUIRED:

1. Adopt Resolution recommending CDBG-CV project funding for the FY 2019-2020 CDBG program to the Marin County Board of Supervisors.

ATTACHMENTS

2. Resolution Recommending CDBG-CV Project Funding for FY 2019-20 City of San Rafael CDBG Priorities

RESOLUTION NO. _____

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL RECOMMENDING
COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT (CDBG-CV) FUNDING
FOR THE 2019-20 FISCAL YEAR TO THE MARIN COUNTY BOARD OF
SUPERVISORS FOR THE SAN RAFAEL PLANNING AREA**

BE IT RESOLVED by the Council of the City of San Rafael as follows:

WHEREAS in June 1999, the City Council revised the Cooperation Agreement with the County of Marin for Community Development Block Grant (CDBG) funds whereby the City remained in the County system; and

WHEREAS the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) signed into law on March 27, 2020, appropriates \$5 billion in additional Community Development Block Program funding to state and local governments; and

WHEREAS Marin County was awarded \$938,065 in CDBG-CV funds, of which San Rafael’s allocation is \$369,785.22, and these additional funds will not impact the 2018-2019 or 2019-2020 recommendations for CDBG and HOME funds approved by the City Council; and

WHEREAS on May 4, 2020, in accordance with the Cooperation Agreement, the City Council reviewed staff’s recommendation that the City of San Rafael’s total CDBG-CV allocation of \$369,785.22 be used to fund rent subsistence payments for people in San Rafael who are housed and at risk of homelessness due to the COVID 19 pandemic.

NOW, THEREFORE IT IS HEREBY RESOLVED that the City Council recommends to the Marin County Board of Supervisors that the City of San Rafael’s total fiscal year 2019-2020 CDBG-CV allocation of \$369,785.22 fund rent subsistence payments for people in San Rafael who are housed and at risk of homelessness due to the COVID 19 pandemic, and that said funding be administered through San Rafael service providers to provide direct subsistence payments to San Rafael households.

I, **LINDSAY LARA**, City Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City held on the 4th day of May 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Lindsay Lara, City Clerk




Agenda Item No: 6.b
Meeting Date: May 4, 2020

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager’s Office

Prepared by: Cristine Alilovich,
Assistant City Manager

City Manager Approval: 

TOPIC: PRELIMINARY IMPACT OF COVID-19 PANDEMIC ON CITY’S FINANCES & INITIAL PROGRAMS TO AID IN RECOVERY

SUBJECT: INITIAL COVID-19 FINANCIAL RECOVERY EFFORTS AND PROGRAMS, INCLUDING:

1. ACCEPT INFORMATIONAL REPORT ON COST REDUCTION ACTIONS TO DATE SUCH AS REDUCING STAFF ALLOCATION THROUGH NOT FILLING VACANT POSITIONS;
2. RESOLUTION APPROVING A VOLUNTARY RETIREMENT SEPARATION PROGRAM;
3. RESOLUTION APPROVING A VOLUNTARY WORK HOURS REDUCTION PROGRAM; AND
4. APPROVE THE IMPLEMENTATION OF THE MANDATORY FURLOUGH PROGRAM AS OUTLINED IN THE CITY’S LABOR AGREEMENTS AND DIRECT STAFF TO MEET AND CONSULT WITH ALL BARGAINING UNITS.

RECOMMENDATIONS:

Accept COVID-19 Informational Report on City’s Finances, adopt the resolutions approving the Voluntary Retirement Separation Program and the Voluntary Work Hours Reduction Program and approve the implementation of the furlough program.

EXECUTIVE SUMMARY:

COVID-19 is an emergency on so many levels – physically, emotionally, and financially just to name a few. This report provides a brief summary of COVID-19’s impact on San Rafael as context to a larger financial response discussion. While there are many financial unknowns (e.g. will the revenue losses be as high as projected, will they last as long as projected, will there be State or Federal assistance), staff needs to prepare for massive revenue losses. San Rafael’s largest source of income are sales and use taxes, so businesses being shut down or operating below capacity has a significant impact on revenues, and thus our ability to provide the services that our community depends on. This report provides preliminary estimates and requests specific actions to begin now as we lead into our budget adoption process for Fiscal Year 2020/21. It also calls for a COVID-19 Economic Recovery Plan (CERP).

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Disposition: _____

BACKGROUND:

COVID-19 General Background and Context in San Rafael

On March 16, 2020, the Marin County Health Officer in coordination with six other Bay Area counties issued a public health order to prevent the spread of novel Coronavirus, COVID-19. This order requires all persons to shelter at their place of residence until the order is lifted. All non-essential businesses were required to cease non-exempt operations at physical locations, with some exemptions for delivery and curbside pick-up services. Residents are allowed to leave their residences only to provide or receive essential services, such as:

- Performing tasks or activities essential to personal or family health and safety;
- Obtaining necessary services and supplies, including perishable goods food and medical supplies;
- Engaging in outdoor activity such as going on a walk, or exercise (as long as exercise is not conducted with a group and at least six feet of distance between you and other people is maintained); and
- Performing work providing essential products and services.

On March 17, 2020, the City Council ratified the proclamation of a local state of emergency signed by the City Manager on March 10, 2020. The City's COVID-19 website can be [found here](#).

In the Bay Area, the Shelter-in-Place order has been extended and is currently in effect until May 3rd, 2020 but it will be modified and extended again through the end of May. During this time, Marin County has experienced the below COVID-19 activity:

COVID-19 Activity (as of April 28th, 2020)

	Marin County	California
Confirmed Cases	226	45,031
Deaths	12	1,809
Persons Tested	3,394	577,608
Confirmed Hospitalizations	43	3,455

In addition to the health impacts of COVID-19, the restrictions put into place through the public health order have taken an unprecedented toll on our federal, state, and local economy. According to the U.S. Department of Labor, since March 16th, over 2.6 million California's have filled for unemployment, representing an unemployment rate of 8.25%. For context, for the week before the issuance of the Shelter-in-Place order, California's unemployment rate was estimated at 2.44%.

These economic impacts have disproportionately impacted low-income workers. As of April 24th, 2020, the Urban Institute estimates that Marin County has lost over 11,000 low-income jobs due to COVID-19 related economic impacts. Among the hardest hit sectors include:

- Accommodations and Food Service- 3,712 low-income jobs lost,
- Retail- 1,898 low-income jobs lost, and
- Health Care & Social Assistance- 900 low-income jobs lost.

The City of San Rafael has been operating our Emergency Operations Center (EOC) since the declaration of a local state of emergency on March 10th. There have been hundreds of programs, projects, and actions run through the EOC since that time in response to the pandemic. Some of the best known might be the [emergency childcare program](#), the [Neighbor to Neighbor \(N2N\) program](#), or our [virtual](#)

[community centers and library](#). The following is a bit more detail about another example, which is small business support.

Support for Local Businesses

The small business community has always been the backbone of the Marin economy and a strong contributor to the high quality of life that we share in the County and its individual cities. So, when COVID-19 swept through the State, many of these important small businesses took the economic brunt when the shelter in place mandate was initiated. Businesses and their employees have been impacted in unprecedented ways and quick action was needed.

A San Rafael Small Business COVID-19 Disaster Relief Fund (the “Relief Fund”) was created to help small businesses struggling to maintain cash flow and financial solvency during these unprecedented times. The fund creation was the result of collaboration between the City of San Rafael, County of Marin, San Rafael Chamber of Commerce, and Business Improvement District. Mayor Phillips took a leadership role and brought partners together with the common goal to help small businesses sustain their operations due to the pandemic and shelter-in-place mandate. One goal was to bridge to gap to when larger funding grants and loans could be established through the various State and Federal stimulus packages.

The Relief Fund allowed qualified small businesses to apply for one-time grants in amounts up to \$5,000 to help pay for immediate operational costs, including but not limited to rent, payroll, utilities and loan payments. This will allow for business owners to keep operations moving forward in an effort to infuse the local economy with much needed dollars now. To date, over \$200,000 has been raised for the Relief Fund which is being administered by The San Rafael Chamber Educational Foundation, Inc. and [more funds are needed](#) due to the overwhelming demand. There was an enormous amount of interest in the program and a total of 280 grant applications were ultimately submitted.

Other than this fund, staff has been working directly with our local businesses to help them navigate and better understand the myriad of financial relief programs available to support the business community such as the Federal CARES Act and Payroll Protection Program (PPP). Additionally, staff have been serving as a liaison with the County and City EOC staff to explain the Public Health Officer orders and guidance around such topics as how and when to use Personal Protective Equipment (PPE) in different industries. Detailed information for small business assistance can be found on this [web page](#).

Support for Vulnerable Communities

The City’s EOC has also been coordinating with the County’s EOC on topics ranging from COVID-19 testing sites to alternate care sites to food distribution and a huge list of other topics in response to the pandemic. One particular focus has been on support for vulnerable communities. The following are a couple examples.

Lease and Eviction Protections

As the dynamic COVID-19 emergency continues to evolve, measures are being taken to bring housing and commercial security to residents and businesses who have been economically impacted by the crisis. On Tuesday, March 24, 2020 the Board of Supervisors unanimously voted to adopt an emergency resolution issuing a temporary moratorium on residential and commercial evictions for non-payment of rent due to direct impacts of the COVID-19 crisis. City staff worked with the County and other Marin jurisdictions for this to apply countywide.

The eviction resolution prevents residents and business owners from being evicted because of a sudden loss of income tied to the COVID-19 pandemic. The moratorium will be in effect until May 31, 2020. You are protected if you are suffering from a substantial loss of income due to:

- Business closure
- Loss of work or wages
- Layoffs
- Missed work or childcare expenditures due to school closure
- Medical Expenses related to being ill with COVID-19 or caring for a member of the household ill with COVID-19
- Other similarly caused reasons resulting in a loss of income due to COVID-19

The resolution requires renters and lease holders to notify their landlord within 30 days after the rent is due that they are unable to pay because of financial impacts related to COVID-19. It does not relieve the residential or commercial tenant of the liability for the unpaid rent, and the landlord may seek payment after the expiration of the local emergency.

On April 28, 2020, the Board amended the eviction moratorium to expand on the protections such as adding a provision providing up to 90 days after the expiration of the Resolution to repay back rent and anti-tenant harassment protections.

Emergency Subsistence Payments

On March 27, 2020, President Trump signed into law the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act"), which appropriates nearly \$2 trillion nationwide for COVID-19 pandemic relief funding. \$5 billion of these CARES Act funds were appropriated to the Community Development Block Grant Program (CDBG) to assist state and local governments in their COVID-19 response, referred to in this plan as CDBG-CV funds.

The County was awarded \$938,065 in CDBG-CV funds, and San Rafael's allocation is \$369,785. This total is calculated using the standard allocation for the distribution of annual CDBG funding.

These funds are the subject of another item on tonight's City Council agenda. In brief, should the City Council approve the other item, it would direct San Rafael's \$369,785 in CDBG-CV funding to the [Emergency Rental Assistance Program](#) – joining the County of Marin, City of Novato, and Marin Community Foundation in providing this much needed support.

Background on State and Federal Support for Cities

The City of San Rafael has been actively seeking State and/or Federal financial assistance through our elected legislators at every opportunity which has included phone calls, emails, and letters demonstrating our financial condition and need. The California League of Cities is also advocating on behalf of all California cities struggling financially due to COVID-19.

The League's analysis shows that cities will experience nearly \$7 billion in lost revenue. The California Assembly Budget Subcommittee No. 6 on Budget Process, Oversight, and Program evaluation met on April 27th to discuss the economic impact of COVID-19 and what an economic recovery could look like. Thus far, it appears that the current federal CARES I Act only includes relief to cities with populations greater than 500,000. However, there are indications that additional relief for local governments may be addressed in the next federal stimulus bill.

The State has not yet put out guidance as to whether or when cities will receive any funding from the above. This week, Congressman Huffman indicated that he would be following up with the State on the matter. The State's May budget revision which is set to be released on May 14th will include more specific information about the State's response to the economic downturn and may include when/if cities will receive direct CARES I Act funding or not.

At the federal level, U.S. Representative Brad Schneider of Illinois introduced a bill this week that will make governmental employers eligible for the tax credits for paid sick and paid family leave under the Families First Coronavirus Response Act (FFCRA), which would be incredibly helpful to reimbursing the City for costs related to the 80 hours of emergency sick leave we recently implemented in accordance with the law.

Staff is also diligently working with other Bay Area cities and towns and our local government professional associations (i.e. ICMA) to gather and share ideas and best practices. The Marin Managers' Association (MMA), which includes all of the City & Town Managers of Marin and the County Administrator, are virtually meeting multiple times per week to discuss how we can work together on shared services and other cost saving measures that can be implemented regionally to help in the recovery effort. The Marin County Council of Mayors and Councilmembers (MCCMC) recently created an Economic Recovery Committee of elected officials that will also be working on regional financial recovery actions. Appointments to this new committee is the subject of another item on tonight's City Council agenda.

ANALYSIS:

As illustrated in the Background section, the current public health state of emergency due to COVID-19 has created severe financial burdens for the City's residents and businesses, as it has all across the country and globe. Inevitably, this economic downturn is resulting in a dramatic reduction of the City's sales tax and other revenues. As a result of the cumulative effect of a near shut down of our economies, many City revenue sources are projected to be significantly reduced for the last quarter of Fiscal Year 2019-20 and Fiscal Year 2020-21. Although revenues are forecasted to recover in future years, it is projected this event is pushing us into a recessionary period and there will be a 24-36-month lag until revenue targets are back to what was experienced prior to COVID-19.

Economists are predicting cities such as San Rafael who are heavily reliant on sales tax, transaction and use tax (TUT), and transient occupancy tax (TOT) will endure the hardest financial hit.

In March, staff began analyzing the City's financial situation based on the Shelter-in-Place Order. The swift reaction by consumers and businesses to the outbreak of COVID-19 has caused a massive decrease in spending on goods and services. Staff has been working with our financial consultant (HDL) to better understand what to expect for sales and use tax revenue losses and assumptions on when we can expect to see these revenues return to normal. HDL has advised the City that both sales and Measure E tax projections will experience a recessionary impact from the Coronavirus pandemic. HDL's Consensus Forecast modeled sales tax impacts based on our analysis of previous recessions plus a review of industry, economist, and news reports. HDL modified percentages to reflect the tax retailer business base specifically for the City of San Rafael. Business-level sales tax data from the State reflecting the first weeks of this crisis arrives at the end of May; however, data reflecting the April-June impacts will not be available until August.

Revenue loss estimates will continue to be adjusted based on the changing environment; staff will continuously be revising these figures based on new information as it becomes available.

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The fiscal year end 2019-2020 sales tax estimate is now \$18.5M. This is \$4.1M below the prior year end actuals. FY 2020-21 is projected at approximately \$19.6M. Measure E reflects current year totals revised to \$10.6M, a drop of \$2.3m from FY 2018-19. For FY 2020-21, this tax is projected at approximately \$11M.

As of April 30, it is preliminary projected that over the next 16 months, the City will experience reductions in revenue in the range of approximately \$11,790,000, which is fourteen percent of the City's General Fund budget. Seventy one percent of the revenue reductions are due to sales and TUT, ten percent is attributed to TOT, six percent is attributed to business licenses and the remaining thirteen percent is an accumulation of several smaller revenue generating sources.

Revenue Item	F 19/20	FY 20/21	Total Loss
Sales/Transaction & Use tax	\$ 4,930,000	\$ 3,440,000	\$ 8,370,000
Transient occupancy tax	860,000	290,000	1,150,000
Business licenses	240,000	500,000	740,000
Permitting/Franchise/investment earnings	1,120,000	410,000	1,530,000
Projected Revenue Losses as of 4/30/2020	\$ 7,150,000	\$ 4,640,000	\$ 11,790,000

The City's current projected reduction in sales and transaction and use tax combined for FY19/20 is approximately 14% less than actuals for FY18/19 and 10% less than actuals for FY18/19 for FY20/21.

In addition to the revenue losses, expenditures for emergency response and related activities have also increased in the past few weeks. The majority of these expenditures are expected to be reimbursed by FEMA or through state grants, however, there will be both onetime and ongoing fiscal impacts related to this work.

Financial Model

In late 2019, the City collaborated with an outside firm to create a 20-year financial forecasting model. This long-range modeling tool helps decision makers better understand the impact of the projected revenue losses and how specific cost cutting measures improve the City's financial condition. As we face this economic downturn, staff will use the model to present scenarios to show how various assumptions effect the long term forecast for the City, such as higher than expected pension costs in FY 21-22, property tax growth rates declining to levels similar to the Great Recession, and most other revenue sources not returning to their current levels over the next 24-36 months.

The financial model shows we have several similarities with other cities such as wage pressures, continuing revenue gaps, deferred maintenance needs, and pension cost increases. However, a city-to-city or city-to-county comparison is less valid during this time, as the City of San Rafael's highest revenue stream is sales tax/use tax which has taken the biggest hit as a result of the Shelter-in-Place mandate. San Rafael will be harder hit than cities and towns that have a smaller commercial base that results in sales and use taxes.

Reducing Expenses - Cost Cutting Measures Taken to Date

In order to immediately respond to the current economic downturn, the City implemented cost cutting measures to reduce expenses. The following actions have been taken thus far:

No New Employee Compensation Increases for FY 20-21

- The City has communicated to its executive and mid-management unrepresented groups that there will be no compensation increases for management positions for fiscal year 2020-21. Further, should the City Council authorize the furlough program, it would have the effect of a 5% pay reduction for most all non-safety employees, including all management staff.
- The City is currently negotiating with the bargaining units (WCE & Local 1) that have MOUs expiring on June 30 and the current proposal for a contract extension does not include any compensation increase. The City is continuing to bargain in good faith and is offering to continue discussing elements of the contract that are not compensatory.
- The City will also continue the discussion with bargaining units who have existing MOUs that go through next fiscal year to ask if they would be willing to either decrease and/or defer their salary increases. Such units have requested detailed financial information which will be presented to them during the week of May 4th.

Halted all Non-Essential Spending

- The City Manager has directed all City departments to put a hold on all non-essential purchases and to pause all non-essential projects. In addition, overtime should not occur except in unique exceptions related to emergency response or needs to meet public safety staffing minimums.

Leave Vacancies Unfilled and Hiring Freeze

- The City Manager has directed all City departments to hold off on hiring any non-public safety vacant positions. Currently, there are 14 frozen vacant positions across the City resulting in approximately \$1,400,000 in savings through the end of FY 2020-21. As non-essential positions become vacant due to attrition, these positions will also be held vacant.

The impact of this hiring freeze on City services varies by department. For example, in the Community Development Department the number of hours staff can provide public services for processing permits, etc. will need to be reduced. The processing of current planning development applications will be slowed as there will be fewer staff taking on a greater number of assignments. The three library branches may need to reduce their operational hours due to the hiring freeze as well. In the Police Department's cadet program will be on hold which is a key strategy for identifying up and coming talent and training and retaining new public safety officers. In addition, there are numerous vacant administrative positions across the City. These positions play important role in working to identify and implement operational efficiencies and improvements. Holding these positions vacant over the longer-term result in a reduced ability for staff to focus on strategic objectives, designing and implementing service enhancements, modernizing City services through technology.

Increasing Revenues

Not only does the City need to be reducing expenses, but staff are also analyzing all possible sources of revenue that could be increased in order to help balance the budget. The City has been working on a project to evaluate and update the Master Fee Schedule and recommendations are currently under development to increase certain fees to insure cost recovery and be in line with comparable jurisdictions. In addition, the Paramedic Tax is currently \$95 per parcel, however the Municipal Code Section 3.28 defines the ceiling of for this tax at \$108 per parcel. Staff is analyzing the Paramedic Tax Fund and will also be bringing forward a recommendation regarding this tax along with the Fiscal Year 2020-21 budget in June. In addition, staff are working diligently to continue our proactive economic developments with a particular focus on business retention. Obviously, the COVID-19 pandemic is creating a huge obstacle in the way of increasing the economic vitality of the City, however we will remain vigilant in our efforts to support the business community so that when we do recover, we will come back even stronger.

Reducing Expenses - Future Cost Cutting Measures

Staff will continue to analyze all possible cost reduction strategies to offset the projected revenue losses. During the Great Recession, the City implemented several programs to offset costs, including a hiring freeze, a voluntary retirement incentive program, a voluntary program of work hour reductions, a mandatory furlough program, and ultimately, some employee layoffs with severance benefits. The current economic downturn will require some, if not all the same programs. The recommended approach is to use as many voluntary cost cutting measures as possible to bridge the revenue loss gap, however these may not be enough.

In addition to the aforementioned cost cutting measures the City has taken thus far, all departments have been asked to present budget cut scenarios for a series of reduction targets (between 2.5% and 10%) for fiscal year 2020-21. Staff would not recommend a particular across-the-board reduction, as we have very diverse services and funding sources and the approach needs to be more strategic. All departments recommended cuts within their professional services budget, and several including Police and Fire have proposed expense reductions related to training, conferences and travel. The reductions in professional services will result in delayed implementation of priority initiatives and daily business operations.

To reduce service impacts, particularly to public safety, the City will likely need to draw from its General Reserve fund, currently at \$7,900,000, which is currently meeting the 10% reserve policy. These short-term expense impacts are met with long-term effects as recovery of the General Reserve will take years to rebuild and the increased contribution expense for health and pension rates will substantially increase for a number of years starting in Fiscal Year 2021-22 as a result of not meeting its investment rate assumptions.

In order for departments to reach their reduction targets, staff must consider reducing costs for both non-personnel and personnel expenses to meet the revenue shortfall described above. Potential expense reduction programs being considered include:

- Voluntary programs: a) Voluntary Retirement Separation Program (VRSP) and b) Voluntary Work Hours Reduction Program;
- Involuntary programs: Furlough/Mandatory Time Off (MTO), Reduction in Force

At this time, staff is seeking City Council approval of the two voluntary programs and direction to pursue the furlough program. The following is a brief description of each. The specifics of the programs would be largely as below but could be modified as needed at the discretion of the City Manager and City Attorney.

Voluntary Retirement Separation Program

A voluntary early retirement incentive would encourage some employees to retire earlier than they would otherwise. The early retirement would create a vacant position which the City could freeze and/or restructure to create cost savings. Staff recommends that the City Council adopt a "Voluntary Retirement Separation Program" substantially similar to that which was implemented during the Great Recession.

If approved by the City Council, the program would go into effect immediately, and would be open to all employees with a minimum of the equivalent of ten (10) years of full-time service and who have satisfied all of the criteria to retire under the Marin County Employees' Retirement Association's (MCERA) retirement plan. However, actual participation in the program is subject to approval by the City Manager based on the needs and objectives of the City to create position savings. Employees accepted into the program would receive a cash contribution amount calculated by multiplying the employee's number of

completed years of City of San Rafael service, as of the employee's retirement effective date, by one week's base pay, up to a maximum of \$30,000.

If approved, the City Manager would send out to all employees a memorandum announcing the program (Attachment 3) describing the program requirements. Interested employees would be required to notify the Human Resources Department, in writing, on or after May 5, and no later than 4:30 p.m. on May 22, 2020 of their intent to retire using the "Letter of Retirement" attached to the memorandum (Attachment 3.a.). The City Manager will review all the requests during the week of May 25-29 to determine whether each employee's retirement under the program will result in budget savings.

Once notified of acceptance into the early retirement program, each participating employee must sign a "Separation Agreement and Release of All Claims" (Attachment 3.b.). The employee will be provided 45 calendar days to review the agreement and will be advised that they may consult with their attorney. At any time within this 45-day period, the employee may sign and return the agreement to the City and will then have seven (7) calendar days to revoke their election to voluntarily retire.

Employees retiring under this program will not be entitled to seek unemployment compensation through the California Employment Development Department as the employee is retiring from the City.

Voluntary Work Hours Reduction Program

Staff also recommends approval of a program allowing employees to voluntarily reduce their work hours during the 2020-21 fiscal year. Employees wishing to participate will have options including a reduction in hours or days per week for a specified period of time, or an extended unpaid leave from work, not to exceed three months. The employee's benefits, leave accruals, and years of service for retirement purposes would be unaffected by the temporary work hour reduction. Interested employees will be asked to submit a "Voluntary Reduced Work Hours Request Form" (Attachment 4). Participation in the program is subject to approval by the employee's Department Director and the City Manager based on the needs and objectives of the City to create budget savings. Any resulting savings from a voluntary work hours reduction will have a corresponding impact on the time/savings needed through a furlough program.

Furloughs/Mandatory Time Off Work (MTO) for Non-Public Safety Employees

Based on the extent of the revenue losses expected, City staff are recommending furloughing non-public safety employees. Terms exist in the current Memorandums of Understanding (MOUs) of Local 1, Western Council of Engineers, SEIU, as well as the Resolutions for Mid-Managers and Executive Management that allow for up to a 5% pay reduction and would require all non-public safety employees to take up to 13 unpaid days off during the year. The program would be structured similarly to the one implemented in the Great Recession and City services would be closed to the public for 13 calendar days during fiscal year 2020-21. To the extent some labor agreements require management to ask first (Voluntary time off — VTO), we will do so. If we cannot create enough savings in the VTO effort, staff recommends implementing the Mandatory Time Off (MTO) furlough program. Both efforts will require extensive time to meet and consult with union representatives and define the implementation details.

Staff recommends that the Council declare the need to take this action now, so we have time to address employee concerns, calculate savings, and determine City facilities closure days. Some of the MOU language requires the City to meet and consult no less than 60 days prior to implementing a furlough program. The City must also consider the potential need to implement Reductions in Force as a last resort to addressing this financial crisis. Staff recommend implementing the two voluntary programs and the mandatory furlough program first to determine the extent of savings which can be achieved via these measures.

Next Steps and “COVID-19 Economic Recovery Plan (CERP)”

Staff is currently working on drafting a COVID-19 Economic Recovery Plan (CERP) to communicate to San Rafael’s residents, businesses, elected officials, and the City workforce how the City plans to economically recover from this public health crisis. This plan will describe all of the cost cutting measures the City has taken thus far and will forecast additional strategies to reduce expenses, increase revenues and enhance the economic vitality of our City. Staff will bring a draft of this plan to the City Council on May 18th for consideration and feedback. Staff suggests then seeking community feedback as well before considering a final version with the new fiscal year budget. Once finalized, the plan will serve as communication tool, will help to keep track of our progress, and hold us accountable to doing everything we possibly can to recover financially.

Over the next several weeks, staff will be finalizing the Fiscal Year 20/21 budget which will be brought to the City Council in June along with the City’s revised goals and objectives, which have been revised taking into consideration the halt in non-essential projects and a reduced CIP plan. As the COVID-19 landscape continues to change, staff will be keeping the Council apprised on material financial changes and will bring forth multiple mid-year adjustments as new information and impacts become available.

FISCAL IMPACT:

The hiring freeze results in approximately \$1,400,000 in savings annually. The Voluntary Retirement Separation Program will result in on-going salary and benefit savings to the City by not filling the vacated positions or restructuring around the vacancies. For example, if the total salary and benefits of a participating employee equals \$150,000 and the City pays out \$30,000, there is \$120,000 in annual cost savings as the position remains unfilled. The timeline of this program will allow staff to build estimated position savings into the Fiscal Year 2020-21 budget for Council consideration at the end of our current fiscal year. This program is estimated to potentially yield approximately \$600,000, but it is completely dependent upon applications and selections.

The savings from the Voluntary Work Hours Reduction Program will depend upon the number and position of the employees participating but would lower that employee’s base annual pay during Fiscal Year 2020-21. The furlough program for non-public safety employees is expected to save approximately \$700,000 annually. Budget reductions currently being analyzed for the FY 2020-21 budget are estimated to save approximately \$4,200,000.

All of the above will significantly help to address the projected General Fund deficit, however additional measures including using the one-time funds available from June 30, 2019 and dipping into the City’s emergency reserves and/or reductions in force may need to be considered at a later date.

Cost Cutting Measures for FY 19/20 & FY 20/21	Amount
Hiring Freeze for non-public safety employees	\$ 1,420,000
Voluntary retirement separation program	600,000
Furloughs for non-public safety employees	700,000
Additional budget reductions	4,200,000
One-time funds available from prior year	1,104,000
Emergency Reserve up to 2.5%/year for 2 years	3,766,000
Estimates Sources to Fund Projected Deficit	\$ 11,790,000

OPTIONS:

The City Council has the following options to consider on this matter:

1. Adopt the resolutions approving the recommended voluntary programs.
2. Adopt resolutions with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

1. Accept the report
2. Adopt the resolution approving the Voluntary Retirement Separation Program.
3. Adopt the resolution approving the Voluntary Work Hours Reduction Program.
4. Approve the implementation of the Mandatory Furlough program as outlined in the City's labor agreements and direct staff to meet and consult with all bargaining units.

ATTACHMENTS:

1. Resolution approving the Voluntary Retirement Separation Program.
2. Resolution approving the Voluntary Work Hours Reduction Program.
3. Exhibit A to Voluntary Retirement Separation Program Resolution: City Manager Memorandum to Employees re Voluntary Retirement Separation Program, with attached:
 - a. Form Letter of Retirement.
 - b. Form Separation Agreement and Release of All Claims.
4. Voluntary Reduced Work Hours Request Form.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN
RAFAEL APPROVING A VOLUNTARY RETIREMENT
SEPARATION PROGRAM FOR ELIGIBLE CITY EMPLOYEES**

WHEREAS, the City has a projected budget shortfall for the remainder of fiscal year 2019-20 and for fiscal year 2020-21 as a result of the severe economic downturn related to the COVID-19 public health state of emergency; and

WHEREAS, in order to create cost savings to assist the budget shortfall, the City will offer a Voluntary Retirement Separation Program (“Retirement Program”) including a cash contribution (not to exceed \$30,000 per participant) to all eligible employees; and

WHEREAS, the proposed details of the Retirement Program are contained in the notification memo, attached hereto as Exhibit A, and its respective attachments; and

WHEREAS, the Retirement Program may encourage some employees to retire earlier than they otherwise would, allowing the City to restructure around the vacated positions, resulting in an on-going salary and benefit savings to the City; and

WHEREAS, interested employees will be required to notify the Human Resources Department of their intent to retire, in writing, on or before May 22, 2020, or such other date as determined by the City Manager, using a form to be provided by the City substantially similar to the draft “Letter of Retirement” included with Exhibit A; and

WHEREAS, participation in the program is subject to approval by the City Manager based on the needs and objectives of the City to create position savings and the City Manager’s decision is final and not appealable;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Rafael that the City Manager is authorized to implement the Voluntary Retirement Separation Program, substantially as described in Exhibit A attached and incorporated herein by this reference. The City Manager and City Attorney are additionally authorized to make minor modifications to the program as practically needed to implement.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 4th of May, 2020, by the following vote, to wit:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

Lindsay Lara, City Clerk

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN
RAFAEL APPROVING A VOLUNTARY WORK HOURS
REDUCTION PROGRAM FOR CITY EMPLOYEES**

WHEREAS, the City has a projected budget shortfall for the remainder of fiscal year 2019-20 and for fiscal year 2020-21 as a result of the severe economic downturn related to the COVID-19 public health state of emergency; and

WHEREAS, in order to create cost savings to assist the budget shortfall, the City will offer a Voluntary Work Hours Reduction Program with options including a reduction in hours or days per week for a specified period of time, or an extended unpaid leave from work; and

WHEREAS, the Voluntary Work Hours Reduction Program will result in one-time salary savings to the City; and

WHEREAS, interested employees will be required to submit to the Human Resources Department, in writing, on or before May 22, 2020, or such other date as determined by the City Manager, a Voluntary Reduced Hours Schedule letter in a form to be provided by the City substantially similar to the draft form attached as Exhibit A; and

WHEREAS, participation in the program is subject to approval by the City Manager based on the needs and objectives of the City to create budget savings and the City Manager's decision is final and not appealable;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Rafael that the City Manager is authorized to implement a Voluntary Work Hours Reduction Program for City employees substantially consistent with the Program described in Exhibit A attached and incorporated herein by this reference. The City Manager and City Attorney are additionally authorized to make minor modifications to the program as practically needed to implement.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 4th of May, 2020, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk



CITY
MANAGER'S
OFFICE

DRAFT

To: Retirement Eligible City Employees
From: Jim Schutz, City Manager
Re: Voluntary Retirement Separation Program for Retirement Eligible City Employees
Date: May 5, 2020

The City of San Rafael announces a program that will provide selected retirement eligible employees with a cash contribution to retire from City service. This memorandum provides important information regarding eligibility for participation. It is important that all interested employees review the information provided below as soon as possible.

By 4:30 p.m. on May 22, 2020, interested employees, after having reviewed this information, and if eligible, must notify the City's Human Resources Department by completing the attached letter of retirement. Participation in the program is subject to approval by the City Manager based on the needs and objectives of the City to create position savings. The City Manager's decision is final and is not appealable. Once the City Manager has made this determination, participating employees will be notified and will be required to sign a Separation Agreement and Release of All Claims provided by the City.

Eligibility: Employees are eligible for this program if they have completed at least ten (10) full years of service in a regular position, are eligible for retirement as of the date of retirement but no later than August 31, 2020, and have satisfied all of the criteria to retire under the Marin County Employees' Retirement Association's retirement plan.

Cash Contribution for Early Retirement: Any eligible employee who has been approved by the City Manager to voluntarily retire from the City between May 25, 2020 and August 31, 2020 shall receive a cash contribution calculated by multiplying the employee's number of completed years of City of San Rafael service, as of the employee's retirement effective date, by one week's base pay, up to a maximum of \$30,000.

Implementation Timeline 2020:

May 4	City Council consideration. If approved:
May 5	Window Period opens for employees to receive and review of materials including preview copy of Separation Agreement and Release of All Claims

May 22	Window Period closes by 4:30 p.m. for eligible employees to submit Letter of Retirement
May 25-29 approval	City Manager reviews Letters of Retirement and determines
May 29-July 13	Approved employees attend meeting with Human Resources and review and sign and submit Agreement and Release
July 20	Last day for approved employees to revoke election to participate in Retirement Program
May 25 – August 31	Retirements effective no later than August 31, 2020

If you have questions, contact Shibani Nag, Human Resources via email at Shibani.Nag@cityofsanrafael.org.

Attachments:

- Letter of Intent to participate in Voluntary Retirement Separation Program
 - (PREVIEW COPY) Separation Agreement and Release of All Claims

DRAFT

**CITY OF SAN RAFAEL
LETTER OF RETIREMENT**

I, _____, intend to separate from the City of San Rafael effective on _____, 2020.
(last day of employment)

I certify that I meet the retirement eligibility requirements and will meet the participation requirements established by the City for participation in the Voluntary Retirement Separation Program (hereinafter "Retirement Program").

I understand that: (1) my participation is subject to the City Manager's approval based on the needs of the City, (2) the City Manager's decision is final and not appealable, (3) the City will notify me of its acceptance of my participation in the Retirement Program, and (4) if the City rejects my election to participate in the Retirement Program, this request will automatically be rescinded.

I understand that if the City accepts my Retirement, I must sign the City's Separation Agreement and Release of All Claims. (A preview document is attached for review purposes, only). I further understand that if I decline to sign the Separation Agreement and Release of All Claims this request will automatically be rescinded. The City Manager will only consider employees who submit this letter by the May 22, 2020 deadline.

Signature

Date

Print Name

Department

Classification

Address

City

State

Zip Code

Phone Number

**THIS LETTER OF RETIREMENT MUST BE RECEIVED
BY SHIBANI NAG IN THE HUMAN RESOURCES OFFICE
NO LATER THAN 4:30 P.M. ON MAY 22, 2020**



**CITY OF SAN RAFAEL
Voluntary Retirement Separation Program**

SEPARATION AGREEMENT AND RELEASE OF ALL CLAIMS

This Separation Agreement and Release of All Claims (hereinafter referred to as the “Agreement”) is made and entered into by and between the undersigned “Employee,” his/her heirs, representatives, attorneys, successors and assigns, and anyone claiming through Employee and the City of San Rafael, a municipal corporation, and its City Council members, officers, agents, employees, administrators, representatives, executors, successors, assigns, and/or other individuals or entities related thereto (hereinafter referred to collectively as “the City”).

RECITALS

WHEREAS,

1. The City has a projected budget shortfall for the remainder of fiscal year 2019-2020 and for fiscal year 2020-2021 as a result of the economic downturn.
2. In order to address the budget shortfall, the City is offering all employees who have been employed by the City for at least ten (10) full years of service in a regular position the option of electing to participate in the Voluntary Retirement Separation Program (hereinafter “Retirement Program”) described herein.
3. Employee is eligible for retirement as of May 22, 2020 and has satisfied all of the criteria to retire under the Marin County Employee Retirement Association’s retirement plan.
4. Employee has timely notified the City, in writing, by submitting a Letter of Intent to Retire, attached hereto as Exhibit A, advising the City of his/her desire to participate in the City’s Retirement Program and has been accepted for participation by the City Manager.
5. By opting to participate in the Retirement Program, Employee agrees to all the terms set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth below and for other valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. **Effective Date.** This Agreement shall become effective and irrevocable by either party upon the expiration of seven (7) calendar days after this document is signed by both parties, in accordance with the revocation period set forth in paragraph 6(e) below (“Effective Date”).

2. **Terms of Retirement Program.**
 - a. In consideration for voluntarily retiring from the City between May 25, 2020 and August 31, 2020 (last day on payroll to be no later than August 31, 2020), Employee shall receive a cash contribution based on years of service with the City as of the Employee's retirement effective date. The retirement cash contribution amount shall be calculated by multiplying the employee's number of completed years of City of San Rafael service, as of the employee's retirement effective date, by one week's base pay, up to a maximum of \$30,000. Based on this calculation, the Employee shall receive \$_____. This one-time lump sum cash contribution is not considered compensable earnings for the purposes of calculating retirement.
 - b. The City Manager is authorized to extend Employee's retirement date, after consulting with the Employee, under the Retirement Program to meet the needs and objectives of the City. No appeal of the City Manager's decision shall be permitted.
 - c. Employee further acknowledges that, in exchange for the consideration provided herein, Employee is voluntarily retiring from City employment and, therefore, ineligible for unemployment compensation through the California Employment Development Department.
 - d. Employee shall receive all benefits to which the Employee is normally entitled upon retirement from employment with the City.

3. **Employee Representations Regarding Claims.** Employee represents there are no actions at law or administrative proceedings currently pending which concern allegations based on Employee's hiring, retention, or compensation by the City, or the termination of Employee's employment, or based on any act or failure to act by the City affecting, involving, or relating to Employee and his/her employment with the City.

4. **No Admission of Liability.** This Agreement and compliance with this Agreement shall not be construed as an admission of any liability by either Employee or the City of any unlawful or wrongful acts by either party, individually or collectively. The parties disclaim liability as to or for any and all wrongful acts against each other.

5. **Waiver and Release.** In exchange for the valuable consideration and compromises set forth in this Agreement, Employee, on behalf of himself/herself and his/her representatives, family members, heirs, administrators, executives, successors, assigns and anyone claiming through Employee, hereby releases and forever discharges the City, its City Council members, officers, directors, agents, and employees (whether former or current), volunteers, successors, assigns, insurers, attorneys, consultants, affiliates, and/or related organizations or entities (all hereafter referred to singularly and collectively as “the parties hereby released”), from any and all actions, claims, judgments, obligations, damages, and liabilities of any kind and character which Employee may now have or has ever had arising in any way from or during Employee’s employment with the City, including but not limited to:
- a. Any and all claims for wages, salary, paid leave, and/or benefits;
 - b. Any grievance or other administrative remedy deriving from City policy;
 - c. Any and all claims for wrongful or constructive discharge and/or reinstatement;
 - d. Any and all claims relating to any contracts, express or implied, or breach of the covenant of good faith and fair dealing;
 - e. Any and all tort claims of any nature, including but not limited to, fraud, deceit, misrepresentation, negligent misrepresentation, defamation, invasion of privacy, negligent or intentional infliction of emotional distress;
 - f. Any and all claims of discrimination, harassment, retaliation or failure to accommodate under federal, state or municipal statute or ordinance, including but not limited to, race, national origin, age, gender, mental or physical disability, medical condition, sexual orientation, marital status, religion, or otherwise, and including any claims under the United States Constitution, California Constitution, California Fair Employment and Housing Act, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. section 1981, 42 U.S.C. section 1983, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Older Workers’ Benefit Protection Act, the Equal Pay Act, the Family Medical Leave Act, the California Family Rights Act, the Fair Labor Standards Act, the California Labor Code, and any other laws and regulations relating to employment; and
 - g. Any and all claims for attorney’s fees or costs.

Employee hereby further agrees that this Agreement shall operate as a complete bar against any and all litigation, charges, grievances now pending or contemplated by Employee or which might at any time be filed including, but without limiting the foregoing, any and all matters arising out of or in any manner whatsoever connected

with Employee's employment with and separation of employment from the City up to the date of Employee's separation from the City.

Employee's Initials: _____

6. **Older Workers Benefit Protection Act.** For an Employee 40 years or older and in accordance with the Older Workers Benefit Protection Act, covered Employee acknowledges having been advised by this writing of the following:
- a. Employee acknowledges having been advised to consult an attorney of his/her choosing before executing this Agreement.
 - b. Employee acknowledges that the compensation provided in this Agreement constitutes independent consideration for the waiver herein and is in addition to any other payment to which Employee is entitled.
 - c. Employee acknowledges that this Agreement is written in a manner designed to be understood by Employee and that Employee has read the Agreement carefully and understands its terms.
 - d. Employee acknowledges that he/she has up to forty-five (45) calendar days from the date of receipt of this Agreement to consider whether to accept it, although Employee may accept it at any time within those 45 calendar days. If Employee accepts and signs the Agreement before the end of the 45-day period, Employee acknowledges doing so voluntarily and waives any further period for consideration.
 - e. Employee has the right to revoke this Agreement within seven (7) calendar days after signing this Agreement. This Agreement shall not become effective or enforceable until the seven (7) day revocation period has expired. In the event that Employee revokes pursuant to this section, the entire Agreement shall be void and ineffective.

Employee's Initials (40 years or older): _____

7. **Specific Waiver of Section 1542 of the California Civil Code.** Employee acknowledges that he/she has read, and hereby waives the application of Section 1542 of the Civil Code, which provides:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM, MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH DEBTOR."

Employee understands and acknowledges that the significance and consequence of this waiver of Section 1542 of the Civil Code is that, even if he/she should eventually suffer or discover damages arising out of Employee's employment with the City, Employee will not be permitted to make any claim for those damages. Furthermore, Employee acknowledges that he/she intends these consequences even as to claims that may exist as of the date of this release but which Employee does not know exist, and which, if known, would materially affect Employee's decision to execute this release, regardless of whether Employee's lack of knowledge is the result of ignorance, oversight, error, negligence, or any other cause.

Employee's Initials: _____

8. **Protected Rights.** Employee and City agree that nothing in this Agreement is intended to or shall be construed to affect, limit or otherwise interfere with any non-waivable right of Employee under any Federal, state or local law, including but not limited to, the right to enforce this Agreement and recover for any breach of it, rights under California Labor Code Sections 2802 and 2804, the right to file a charge or participate in an investigation or proceeding conducted by the Equal Employment Opportunity Commission ("EEOC") or to exercise any other right that cannot be waived under applicable law. Employee is releasing, however, his/her right to any monetary recovery or other relief should the EEOC or any other agencies pursue claims on his/her behalf. Further, should the EEOC or any other agency obtain monetary recovery or other relief on Employee's behalf, Employee assigns to City all rights to such monetary recovery or other relief.

Employee's Initials: _____

9. **Return of Property.** Unless otherwise authorized by the City, on the last day of employment with the City, Employee shall return all City property in Employee's possession or control, including without limitation any laptop computers, keys, credit cards, cellular telephones, files and documents (and all copies thereof.)
10. **Construction of the Agreement.** Each party agrees that in any construction to be made of this Agreement, the same shall not be construed against any party on the basis that the party was the drafter.
11. **No Precedent.** The parties specifically acknowledge and agree that this Agreement is a compromise which shall not operate, nor be considered, as evidence of a practice or past practice of the City or a precedent in the future.
12. **Acknowledgement of Voluntary Execution.** Employee has carefully read this Agreement and understands the contents. Employee has been afforded the opportunity to consult with his/her own attorney regarding this Agreement. Employee freely, knowingly, and voluntarily enters into this Agreement without any duress or undue influence on the part of any person released by this Agreement, or by any third party. Employee warrants and represents that he/she has the mental

and emotional capacity to understand the provisions of this Agreement and its effects upon his/her legal rights.

Employee's Initials: _____

13. **Partial Invalidity.** In the event that any of the covenants, duties or restrictions of this Agreement are found to be illegal, invalid or unenforceable, such provision, if possible, shall be construed so as to render the provision legal, valid and enforceable. In the event such provision cannot be amended or construed to be legal, valid and enforceable, such provision shall be deemed deleted and the remainder of this Agreement shall remain in full force and effect.
14. **Entire Agreement.** This Agreement sets forth the entire agreement between the parties and supersedes any and all prior agreements or understandings, written or oral, between the parties pertaining to the subject matter hereof. No other promises or agreements shall be binding upon the parties with respect to the subject matter of this Agreement unless contained herein or separately agreed to in writing by the parties. This Agreement may not be modified except by a writing signed by Employee and the City Manager.
15. **Applicable Law.** This Agreement shall be governed by the laws of the State of California, and shall in all respects, be interpreted and enforced under the laws of the State of California. Litigation arising out of or connected with this Agreement shall be instituted and maintained in the courts of Marin County in the State of California, and the parties consent to jurisdiction over their person and over the subject matter of any such litigation in such court, and consent to service of process issued by such court.
16. **No Assignment.** Employee warrants that he/she has not assigned, transferred, nor purported to assign or transfer, any claim(s) Employee may have against the City, and he/she will not assign or transfer, nor purport to assign or transfer, any claim(s) he/she may have against the City. The City warrants that it has not assigned, transferred nor purported to assign or transfer any claim(s) it may have against Employee and that it will not assign nor purport to assign or transfer hereafter any claim(s) it may have against Employee.
17. **Waiver.** Waiver by either party of any default, breach or condition precedent shall not be construed as a waiver of any other default, breach or condition precedent or any other right hereunder.
18. **Section Headings.** The section headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

19. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall, for all purposes, be deemed an original and all such counterparts, taken together, shall constitute one and the same instrument.

20. **Attorney's Fees and Costs.** Each party shall bear all attorney's fees and costs arising from and/or in any way related to the actions of its own counsel with regard to the negotiation and creation of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year written below in the City of San Rafael, California.

By: _____
Employee

By: _____
Jim Schutz
City Manager

Date: _____

Date: _____

APPROVED AS TO FORM:

ATTEST:

By: _____
Robert F. Epstein, City Attorney

By: _____
Lindsay Lara, City Clerk



Voluntary Reduced Work Hours Request Form

Date: _____

To: _____
(Department Director) (Department Name)

From: _____
(Employee) (Job Title)

In requesting a voluntary reduced work hour schedule, I acknowledge the following:

- 1) I am requesting that I be allowed to work ____ hours per workweek/pay period.
- 2) I agree to this schedule for an initial three month period starting with the payroll period of _____ and agree that this reduction will result in at least a 5% salary savings but no more than a 25% savings during the time I am working the reduced schedule.
- 3) I am requesting that I be allowed to take off _____ months of work without pay (not to exceed three months).
- 4) My health and welfare insurance plan contribution amounts, if any (medical, dental and vision) will not be affected by this reduced work schedule.
- 5) My vacation, sick leave and holiday accruals will not be affected by this reduced work schedule.
- 6) If I am on a flex schedule, this reduction of work may impact the days I am currently off due to my flex schedule.
- 7) My years of service with the City of San Rafael for purposes of vacation accrual rates, seniority, and retiree health benefits will not be affected by this reduced work schedule.
- 8) If my holidays are compensated at the rate of 7.5 hours per holiday and the holiday falls on a work day that I am regularly scheduled to work for more than 7.5 hours, I will use vacation or floating holiday hours as available if I want to receive my full pay for that holiday. If a holiday falls on a work day that I am regularly scheduled to work for less than 7.5 hours, I will receive holiday pay for the hours I was regularly scheduled to work and will take the additional hour(s) off on another day, as mutually determined by my supervisor and me, during the same pay period. If a holiday falls on a day that I am regularly scheduled to be off, I will observe that holiday on another day, as mutually

determined by my supervisor and me, during the same pay period (if I work an 8 hour per day schedule then my holidays are compensated at 8 hours a day).

- 9) Overtime will be administered in the same manner as it is if working regular schedule. Overtime is not issued unless I work more than a full week (37.5 hours for most employees).
- 10) My final average compensation for retirement purposes will administered in accordance with MCERA regulations.
- 11) My MCERA years of service credit will also be administered in accordance with MCERA regulations.
- 12) A modification and/or termination of this reduced work schedule may not be grieved. In all matters related to this reduced work schedule, the City Manager or his/her designee shall have the final decision.
- 13) If a major life event occurs, as defined in the Family Medical Leave Act Policy, during my voluntary reduced hour period, I may go back to my regular schedule.
- 14) If the City imposes a mandatory furlough, the hours I have voluntarily agreed to reduce, will count toward the mandatory program.

My requested work schedule is as follows (start times, end times and length of meal periods are included):

Week 1	Start Time	End Time	Lunch Break	# of hours worked Per Week
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				

Week 2	Start Time	End Time	Lunch Break	# of hours worked Per Week
Monday				
Tuesday				

Wednesday				
Thursday				
Friday				

Date of implementation (must be the beginning of a pay period): _____

Reduced Work Hours Schedule Acknowledgement

I have read, understand and agree to the provisions of the Reduced Work Hours Schedule Request Form. Further, I am aware that, if this request is granted, continuance of this schedule is subject to the needs of my Department and the City. I am aware that a reduced work schedule is not a property right, benefit or entitlement. I am aware that management has the right to change an employee's work schedule as needed, in accordance with any applicable MOU. I am aware that all work schedules must meet FLSA requirements.

Employee signature Date

Recommended:

- Yes No

Supervisor signature Date

- Approved**
 Modified
 Denied

Department Director signature Date

- Approved**
 Modified
 Denied

City Manager Date



Agenda Item No: 6.c
Meeting Date: May 4, 2020

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Digital Service & Open Government

Prepared by: Rebecca Woodbury, Director

City Manager Approval:  _____

TOPIC: CANAL NEIGHBORHOOD WIFI NETWORK

SUBJECT: INFORMATIONAL REPORT ABOUT INCREASING WIFI INTERNET ACCESS IN THE CANAL NEIGHBORHOOD

RECOMMENDATION: Accept report.

BACKGROUND:

The Canal neighborhood in San Rafael has a high concentration of multifamily housing and families. Over half of the families earn less than \$35,000/year and many have no or limited internet access. The neighborhood is home to about 2,000 school-aged children.

This project is part of a multi-pronged approach for addressing digital equity issues in the Canal neighborhood. There is no single silver bullet to addressing digital equity challenges. This informational report will discuss a WiFi project that helps address this issue. At their May 8 board meeting, the Marin General Services Agency (MGSA) will consider an item regarding the use of streetlights for this proposed project.

For Fiscal Year 2019/20, the City Council’s annual Goals and Strategies included “Begin digital inclusion initiative that increases internet connectivity in East San Rafael.” This effort began with a discovery process to better understand digital equity issues in the Canal neighborhood and work towards addressing them. Then, six weeks ago, the COVID-19 Shelter-in-Place health order closed schools and many businesses sending an unprecedented number of students and workers home for an extended period. The internet has made it possible for people to participate in e-learning, apply for unemployment, sign up for food assistance, and access critical health information. Unfortunately, many families in the Canal neighborhood don’t have access to the internet.

When the Shelter-in-Place order first went into effect, staff began working with San Rafael City Schools and volunteers in the community on ways to increase internet access. We helped promote low-cost commercial internet access such as Comcast Internet Essentials, Sonic, and AT&T Access programs. While these programs are economically affordable, some families still encounter barriers to access such as eligibility requirements or service in their apartment buildings. We promoted free and open hotspots across the City through the [Keep Americans Connected pledge](#). Another great program, however

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

coverage and bandwidth are inconsistent, and people experience time limits. We worked with the San Rafael City Schools to provide 450 personal hotspots to students without internet. Lastly, we also boosted the WiFi signal at the Pickleweed Library and designated several parking spaces for students only. Clearly, all of these efforts are positive but insufficient.

There remains a great and unmet need in the Canal neighborhood for more internet access. As there is no silver bullet to solving this challenge, it takes a multi-pronged approach. Over the past several weeks we have worked in collaboration with the County of Marin, San Rafael City Schools, Canal Alliance, and the MGSA to design a mesh-WiFi network in the neighborhood. This effort has been augmented by community volunteers that have brought decades of network design expertise to the effort. We formed two subcommittees:

Policy / Funding	Technical
<ul style="list-style-type: none">• Lorenzo Cordova, Supervisor Rodoni's Office• Rebecca Woodbury, City of San Rafael• Liza Massey, County of Marin• Javier Trujillo, County of Marin• Sara Jones, Marin Free Library• Omar Carrera, Canal Alliance	<ul style="list-style-type: none">• Vinh Pham, City of San Rafael• Laurie Childers, County of Marin• Sarah Ashton, San Rafael City Schools• Dan McMahan, MARINet• Henry Bankhead, City of San Rafael• Dave Cooper, Marin IT (volunteer)• Lionel Florit, Cisco (volunteer)

ANALYSIS:

The proposed solution is a mesh-WiFi network that connects to the Marin Information and Data Access System (MIDAS) network, a County-run internet service for local government agencies. The equipment would be located at the Boro Community Center, Marin Health and Wellness Center, and a Canal Alliance owned property on Novato Street with WiFi equipment mounted on street lights throughout the neighborhood. The proposed equipment is 9 x 6.8 x 3.9 inches and weighs 5.6 lbs. It is either attached to the pole or horizontal branch of the streetlight.

The proposed design would have two networks. One network would be designed for students. They will login using a student ID or Library card to access e-learning services. A second network will not require a password but be restricted to critical emergency information or access to government services such as filing for unemployment, signing up for food stamps, and accessing information about COVID-19.

The proposed system is based on the same WiFi technology that is inside many people's homes. It operates in 2.4 GHz and 5 GHz radio bands. This is different from "5G" which stands for Fifth Generation and is cellular network technology.

On May 8, 2020, the MGSA Board will consider a resolution granting approval to negotiate and sign an agreement allowing the installation of wireless access points on street lights in the Canal neighborhood. Once we begin purchasing equipment, delivery will take up to 28 days and we estimate installation to take about two weeks. Our goal is to have WiFi service available starting in mid to late June.

Following the initial build out we want to work with property owners on expanding coverage of the network on their properties, as we know we will have coverage issues in some of the larger apartment buildings from using street lights alone.

We believe this public-private partnership will have a lasting impact (beyond COVID-19) for students and residents in the Canal neighborhood, however additional work to bring wired broadband connections to the neighborhood is highly desirable. Staff has begun this effort and will continue to explore the feasibility

of this longer-term solution. Community broadband can take several years and cost millions of dollars to implement, while this current WiFi project can be done quickly and inexpensively.

COMMUNITY OUTREACH:

Staff has been working with several community-based organizations and volunteers on this project. Working with San Rafael City Schools, we have heard feedback from parents on internet access challenges they are facing. In the coming weeks and months ahead, staff plans to work closely with Canal Alliance to promote this project in the neighborhood.

FISCAL IMPACT:

The estimated cost for the project is \$230,000 in the first year and \$55,000 in subsequent years. We believe these cost estimates are conservative and hope to bring them down through pro bono services and possible additional discounts.

At this time there is no request for City General Fund money to support this project. A funding plan is currently being developed with the goal of funding this through grant opportunities, potential contributions from partner agencies, in-kind donations, and private monetary donations.

RECOMMENDED ACTION:

Accept report.

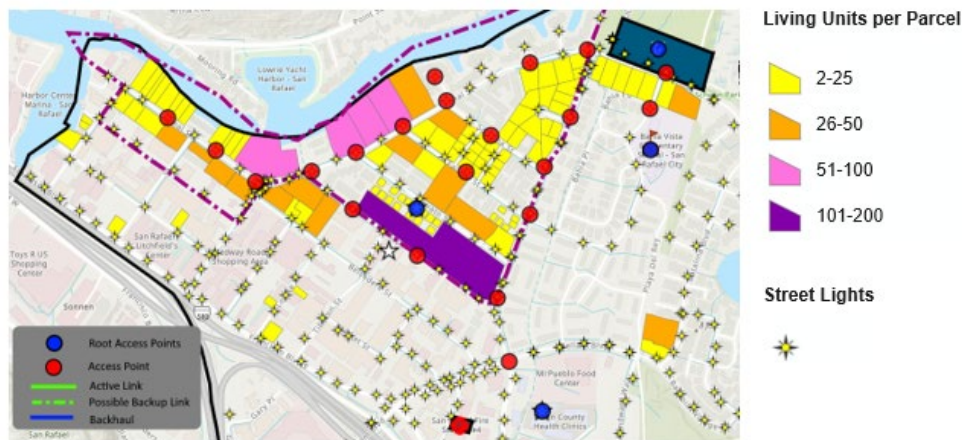
ATTACHMENTS:

1. Project pitch for potential donors

Canal WiFi Network

The Canal neighborhood in San Rafael has a high concentration of multifamily housing and families. Over half of the families earn less than \$35,000/year and many have no or limited internet access. The neighborhood is home to about 2,000 school-aged children, who are now at home due to COVID-19 Stay at Home orders.

We want to create a **free student-only WiFi network & community COVID-19 resource portal** in the neighborhood so that students can access e-learning services from home and people can access critical information and services.



Click on the above map to see assets and neighborhood information

The proposed solution is a mesh-WiFi network, using root access points with wired connections to the Marin Information and Data Access System (MIDAS) network, a County-run internet service for local government agencies. The mesh access points will be mounted on street lights throughout the neighborhood. This project is part of a multi-pronged approach for addressing digital equity issues in the Canal neighborhood. We are also distributing personal hotspots and Chromebooks to students, as well as working with local ISPs to expand wired fiber connections.

Estimated Costs

Equipment (one-time)	\$130 K
Installation (one-time)	\$60 K
Internet Service (annual, ongoing)	\$40 K
Maintenance (annual, ongoing)	\$15 K
Year 1	\$230 K
Year 2	\$55 K

Timing

We are ready to purchase and install equipment. Equipment will take 28 days for delivery and installation will take 15 days. We believe we can have a WiFi service available to students by mid-June 2020.

A collaborative effort of multiple agencies, organizations, and businesses:

