



AGENDA

SAN RAFAEL CITY COUNCIL – MONDAY, DECEMBER 21, 2020

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/>.

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OPEN SESSION - (669) 900-9128. ID: 848-5230-7272# - 4:00 P.M.

1. Mayor Kate to announce Closed Session items.

CLOSED SESSION - (669) 900-9128. ID: 848-5230-7272# - 4:00 P.M.

2. Closed Session:
 - a. Conference Public Employment Pursuant to Government Code section 54957(b)(1)
Title: Chief of Police

REGULAR MEETING AT 7:00 P.M.

Watch on Webinar: <https://tinyurl.com/CC-2020-12-21>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128,

ID: 899-2635-9885#

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:

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

4. Councilmember Reports:

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.

5. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council / Successor Agency Regular and Special Meetings of Monday, December 7, 2020 (CC)

Recommended Action – Approve minutes as submitted

b. **Fourth Amendment to the Amended and Restated Ground Lease at 855 C Street**

Resolution Approving and Authorizing the City Manager to Execute a Fourth Amendment to the Amended and Restated Ground Lease and a Promissory Note in an Amount Not to Exceed \$650,000 with Centertown II, LLC for the Real Property Located at 855 C Street in the City of San Rafael (CD)

Recommended Action – Adopt Resolution

c. **Transaction and Use Tax Agreements**

- i. Resolution Approving and Authorizing the Mayor to Execute Two Agreements with the California Department of Tax and Fee Administration (CDTFA) for Implementation of the City's Transactions and Use Tax (Fin)

Recommended Action – Adopt Resolution

- ii. Resolution Authorizing Examination of Sales and Use Tax and Transactions and Use Tax Records (Fin)

Recommended Action – Adopt Resolution

d. **Annual Measure E TUT Oversight Committee Report**

Measure E Transactions and Use Tax Oversight Committee Report for Fiscal Year 2019-2020 (Fin)

Recommended Action – Accept report

e. **Special Library Parcel Tax Annual Report**

Special Library Parcel Tax Committee's Annual Measure D Report (Fin)

Recommended Action – Accept report

f. **FY 2020-21 Fleet Vehicle Purchases: Police Department**

Resolution Authorizing the City Manager to Purchase Five Fleet Vehicles for the Police Department for an Amount Not to Exceed \$325,000 (PW)

Recommended Action – Adopt Resolution

g. **Third Street at Hetherton Street Improvements Notice of Completion**

Accept Completion of the Third Street at Hetherton Street Improvements Project (City Project No. 11320), and Authorize the City Clerk to File the Notice of Completion (PW)

Recommended Action – Approve staff recommendation

h. **Traffic Mitigation Fees**

Annual Traffic Mitigation Fee Report – FY 2019-20 (PW)

Recommended Action – Accept report

PUBLIC HEARINGS:

6. Public Hearings:

a. **Amendments to the San Rafael Municipal Code to Streamline Housing Development**

Recommended Action – Continue to a date uncertain

OTHER AGENDA ITEMS:

7. Other Agenda Items:

a. **Homelessness**

Informational Report on Status of Homelessness in San Rafael (CM)

Recommended Action – Accept report

b. **Response to the Grand Jury Report on Firearm Safety**

Resolution Approving and Authorizing the Mayor to Execute the Response to the 2019-2020 Marin County Civil Grand Jury Report Entitled “The Gun Next Door: Firearm Safety in Marin County” (PD)

Recommended Action – Adopt Resolution

c. **2021 Vice-Mayor**

Select Vice-Mayor for the City of San Rafael 2021 (CC)

Recommended Action – Select Vice-Mayor for 2021

d. **City Council Appointments to Committees**

Approve City Council Appointments to Committees 2021 (CC)

Recommended Action – Approve Appointments

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

SPECIAL MEETING AT 7:00 P.M.

Watch online: <https://tinyurl.com/CC-2020-12-07>

or www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128,

ID: 891-2821-5222#

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

Absent: None

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

Mayor Phillips called the meeting to order at 7:03 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

City Clerk Lindsay Lara informed the community the meeting would be streamed live to YouTube and members of the public would provide public comment either on the telephone or through YouTube live chat. She explained the process for community participation through the telephone and on YouTube.

CONSENT CALENDAR:

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

Councilmember Gamblin moved and Councilmember McCullough seconded to approve the Consent Calendar

1. Consent Calendar:

a. **November 3, 2020 General Municipal Election Results**

Resolution Declaring Canvass of Votes Cast and Results of the Consolidated General Municipal Election Held on November 3, 2020, to Include Results of Ballot Measure R - Transactions and Use Tax (CC)

Resolution 14879 - Resolution Declaring Canvass of Votes Cast and Results of the Consolidated General Municipal Election Held on November 3, 2020, to Include Results of Ballot Measure R - Transactions and Use Tax

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

OTHER AGENDA ITEMS:

2. Other Agenda Items:

a. **Presentation of Proclamations to Councilmember John Gamblin, Councilmember Andrew Cuyugan McCullough and Mayor Gary O. Phillips**

Congressman Jared Huffman provided opening comments

Mayor-elect Kate Colin presented the proclamations to Councilmembers Gamblin, McCullough and Mayor Phillips

Marin Supervisor Damon Connolly and Councilmembers provided comments

City Manager Jim Schutz provided comments

b. **Swear-in Ceremonies**

Swear-in Ceremony for the Following Newly Elected Officials (CC):

Former Mayor Phillips administered the Oath of Office to City Clerk Lindsay Lara, and she administered the Oaths of Office to Robert Epstein, City Attorney, Gina Daly, Board of Education Trustee, Area 1, Linda Jackson, Board of Education Trustee, Area 3, Marina Palma, Board of Education Trustee, Area 5, Maika Llorens Gulati, Councilmember District 1, Rachel Kertz, Councilmember District 4, and Kate Colin, Mayor

ADJOURNMENT:

Former Mayor Phillips adjourned the meeting at 8:08 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2020

Kate Colin, Mayor



MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, DECEMBER 7, 2020

REGULAR MEETING TO FOLLOW SPECIAL MEETING

Watch online: www.youtube.com/cityofsanrafael

Listen by phone: (669) 900-9128,

ID: 891-2821-5222#

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Present: Mayor Kate
Councilmember Bushey
Councilmember Kertz
Councilmember Llorens Gulati

Absent: None

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

Mayor Kate called the meeting to order at 8:14 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

Mayor Kate provided opening remarks which included a land acknowledgement.

City Clerk Lindsay Lara informed the community the meeting would be streamed live to YouTube and members of the public would provide public comment either on the telephone or through YouTube live chat. She explained the process for community participation through the telephone and on YouTube.

OPEN SESSION

1. None.

CLOSED SESSION

2. Closed Session: - None.

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

Mayor Kate invited public comment

Correspondence in real-time through YouTube or telephone

- Sunny Lee, urged the City Council to consider having an advisory committee regarding traffic issues and road conditions in downtown and 3rd Street vicinity
- Lisa Merigian, addressed the City Council regarding the proposed closure of the Walgreens entrance/exit at 3rd/Lindaro Street
- Diane Payne, addressed the City Council regarding the proposed closure of the exit from Walgreens onto Lindaro Street
- David Metzger, addressed the City Council regarding the proposed closure of the 3rd Street entrance to Walgreens
- San Rafael Chamber of Commerce, congratulated new Mayor Kate and new Councilmembers Kertz and Llorens Gulati
- John Reynolds, addressed the City Council regarding the new Council and affordable housing in the Canal

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz welcomed the new mayor and councilmembers. He announced the nomination period for the 2021 Citizen of the Year.

Max Korten, Director of Marin County Parks and Open Space and Marin Recovers Lead provided a COVID-19 update and responded to questions from Councilmembers.

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:

(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)

4. Councilmember Reports:

Mayor Kate provided a brief update on Marin Transit. Councilmember Llorens Gulati attended a community event with the Fire Department and Canal Alliance.

CONSENT CALENDAR:

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

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to approve the Consent Calendar

5. Consent Calendar Items:

- a. **Approval of Minutes**
Approve Minutes of City Council / Successor Agency Regular and Special Meetings of Monday, November 16, 2020, and Special Meeting of Monday, November 30, 2020 (CC)

Approved minutes as submitted

- b. **Agency Report of Public Officials 2020**
Adoption of Agency Report of Public Official Appointments (FPPC Form 806) (CC)

Approved staff recommendation

AYES: Councilmembers: Bushey, Kertz, Llorens Gulati & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: None

PUBLIC HEARING:

6. Public Hearing:

- a. **[Downtown Business Improvement District \(BID\) Assessment Annual Renewal](#)**
Resolution Approving the Downtown San Rafael Business Improvement District Assessment for Calendar Year 2021 (ED)

Danielle O'Leary, Director of Economic Development and Innovation presented the staff report

Staff responded to comments and questions from Councilmembers

Mayor Kate invited public comment

Speakers: San Rafael Chamber of Commerce

Councilmembers provided comments

Councilmember Bushey moved and Councilmember Kertz seconded to adopt the resolution

AYES: Councilmembers: Bushey, Kertz, Llorens Gulati & Mayor Kate
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Resolution 14880 - Resolution Approving the Downtown San Rafael Business Improvement District Assessment for Calendar Year 2021

OTHER AGENDA ITEMS:

7. Other Agenda Items:

a. **City Council Vacancy**

Recommendation to Call for Applications to Fill a Vacancy on the City Council (CC)

Lindsay Lara, City Clerk presented the staff report

Staff responded to questions from Councilmembers

Mayor Kate invited public comment; however, there was none

Councilmembers provided comments

Councilmember Bushey moved and Councilmember Llorens Gulati seconded to approve the call for applications, with an application deadline to be Tuesday, January 12, 2020

AYES: Councilmembers: Bushey, Kertz, Llorens Gulati & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Approved Call for Applications

b. **Highway 101 to Interstate 580 Connector Project**

Informational Report from Transportation Authority of Marin (TAM) on the 101 to 580 Connector Project (PW)

Bill Guerin, Public Works Director introduced Anne Richman, Executive Director at TAM and Dan Cherrier, Project Manager at TAM who presented the staff report

Staff responded to questions from Councilmembers

Mayor Kate invited public comment

Speakers: Adam Hoffman, Marin Sanitary Service, San Rafael Chamber of Commerce

Staff responded to questions from Councilmembers

Councilmember Bushey moved and Councilmember Kertz seconded to accept the report and directed staff to continue to participate diligently in this process and to keep the Council informed as it unfolds

AYES: Councilmembers: Bushey, Kertz, Llorens Gulati & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Accepted report

c. [Housing Work Plan Update](#)

Informational Report Providing an Update Regarding Housing Policy Actions (CD)

Ethan Guy, Principal Analyst presented the staff report

Staff responded to questions from Councilmembers

Mayor Kate invited public comment

Speakers: Diane Henderson-Glishinski, San Rafael Chamber of Commerce, Sami Mericle, Marin Environmental Housing Collaborative (MEHC), Joanne Webster, San Rafael Chamber of Commerce, Ethan Strull, Bill Carney, Sustainable San Rafael, Victoria DeWitt, Joshua Townsend, San Rafael Chamber of Commerce, Johnson Reynolds, Bob Pendoley, Kate Powers

Staff responded to public comments

Councilmember Llorens Gulati moved and Councilmember Kertz seconded to accept the report

AYES: Councilmembers: Bushey, Kertz, Llorens Gulati & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Accepted report

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 10:47 p.m. in honor of all the people who have served prior to the new council.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2020

KATE COLIN, Mayor



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 5.b

Meeting Date: December 21, 2020

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development

**Prepared by: Ethan Guy,
Principal Analyst**

City Manager Approval: _____

TOPIC: FOURTH AMENDMENT TO THE AMENDED AND RESTATED GROUND LEASE AT 855 C STREET

SUBJECT: RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A FOURTH AMENDMENT TO THE AMENDED AND RESTATED GROUND LEASE AND A PROMISSORY NOTE IN AN AMOUNT NOT TO EXCEED \$650,000 WITH CENTERTOWN II, LLC FOR THE REAL PROPERTY LOCATED AT 855 C STREET IN THE CITY OF SAN RAFAEL

RECOMMENDATION:

Adopt resolution approving and authorizing the City Manager to execute the attached "Fourth Amendment to the Amended and Restated Ground Lease" and "Promissory Note for an amount not to exceed \$650,000" with Centertown II, LLC (Centertown) for the City-owned property at 855 C Street with City's execution of the documents contingent upon Centertown's receipt of tax-exempt affordable housing bond fund monies.

BACKGROUND:

Centertown Apartments is located at 855 C Street on a 0.98-acre lot in downtown San Rafael owned by the City of San Rafael. The property was a housing asset of the former San Rafael Redevelopment Agency (SRRA). The City also owns the adjoining property at 815 C Street.

Centertown Apartments contains approximately 85,469 gross square feet of building area and is arranged around a central courtyard. Centertown provides 59 affordable family apartments— 17 one-bedroom units, 27 two-bedroom units, and 15 three-bedroom units. An onsite property manager occupies a two-bedroom manager's unit for a total of 60 units. Additionally, the property includes 102 parking spaces, including six offsite spaces on 815 C Street.

All of the residents of Centertown are lower income households, with many of them being extremely low income. The average household income of Centertown residents is about 32% of the Marin County Areawide Median Income (AMI).

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

[On August 17, 2020](#), the City Council adopted [Resolution 14851](#) approving and authorizing the City Manager to execute an agreement granting an option to lease the real property located at 855 C Street. This option to lease was the first step in the proposed re-syndication and refinance process sought by the owners of this property, BRIDGE/EAH. As part of this process, Centertown would use tax exempt bonds and low income housing tax credits (LIHTC), in order to rehabilitate the property to address all immediate physical needs and establish reserves and cash flow to address future maintenance needs as they arise.

ANALYSIS:

As discussed at the August 17th, 2020 City Council Meeting, the next step in the re-syndication and refinance process involves the approval of two documents: Fourth Amendment to the Amended and Restated Ground Lease (Attachment 2) and Promissory Note (Attachment 3).

Structural changes to the current ground lease payment structure are needed to bring the ground lease into compliance with IRS rules. These changes need to occur prior to the anticipated construction financing closing/re-syndication event that is anticipated for May 2021. The developer and investor's respective tax counsel advise that amendments to the ground lease and the new loan be approved in 2020 prior to the tax credit re-syndication. However, signing of the Fourth Amendment and Promissory Note will be deferred until Centertown has received an award of tax exempt affordable housing bond funds.

Taking into account these considerations while also seeking to enhance potential revenues to the City, the proposed Fourth Amendment would modify the ground lease as follows:

- \$1 per year ground lease payment plus a \$5,000 per year annual City monitoring fee. These annual payments will continue until a new ground lease is negotiated and entered into by the parties.
- The outstanding balance of the deferred ground rent payments presently owed to City (i.e. the second ground lease rent payment tranche), which is approximately \$631,000, will become the principal amount on a new City loan issued plus all accrued interest for the time period it takes to receive a bond allocation in an amount not to exceed \$650,000.
 - This new City loan will essentially be a placeholder loan as it will ultimately be consolidated with the separate, existing City loan of approximately \$260,000 as referenced in the August 17th, 2020 report and assumed by the new tax credit partnership entity if and when the re-syndication and refinancing proceed.

FISCAL IMPACT:

Under the existing Ground Lease, Centertown owes City deferred subordinate ground rent payments in the approximate amount of \$631,000. Under the proposed Fourth Amendment, the City would recast the remaining outstanding balance of deferred ground rent as a City loan in an amount not to exceed \$650,000.

The City Loan representing the accrued deferred ground rent payments will be evidenced by the attached Promissory Note (Attachment 3), with a maturity date of November 6, 2052 and will be a fully deferred soft loan. It will not be secured by the Property, but a default under the Promissory Note will be a default under the Ground Lease, which is how the Ground Lease payment is secured now. As described above, the new City Loan will essentially be a placeholder loan, as it will be consolidated with the City's existing loan and assumed by the new tax credit partnership upon receipt of the tax credit and tax exempt bond allocation.

OPTIONS:

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

1. Adopt resolution.
2. Adopt resolution with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Adopt resolution approving and authorizing the City Manager to execute the attached "Fourth Amendment to the Amended and Restated Ground Lease" and "Promissory Note for an amount not to exceed \$650,000" with Centertown II, LLC for the City-owned property at 855 C Street with City's execution of the documents contingent upon Centertown's receipt of tax exempt affordable housing bond fund monies.

ATTACHMENTS:

1. Resolution
2. Exhibit A to the Resolution: Fourth Amendment to the Amended and Restated Ground Lease
3. Exhibit 1 to Exhibit A to the Resolution: Promissory Note

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A FOURTH AMENDMENT TO THE AMENDED AND RESTATED GROUND LEASE AND A PROMISSORY NOTE IN AN AMOUNT NOT TO EXCEED \$650,000 WITH CENTERTOWN II, LLC FOR THE REAL PROPERTY LOCATED AT 855 C STREET IN THE CITY OF SAN RAFAEL

WHEREAS, the City of San Rafael, as successor housing agency to the former San Rafael Redevelopment Agency ("SRRA"), is the fee owner of that certain approximately 0.98-acre lot at 855 C Street in downtown San Rafael ("Centertown Land") on which the Centertown Apartments are located; and

WHEREAS, in 1989 Centertown Associates, Ltd. ("Centertown Associates") a limited partnership managed by BRIDGE Housing and EAH Housing ("BRIDGE/EAH"), entered into a 75-year ground lease with City's predecessor-in-interest, SRRA, which provided among other things for redevelopment of the Centertown Land, including an existing, partially completed foundation structure that was part of an earlier failed condominium development, as an affordable rental apartment project; and

WHEREAS, as contemplated by the ground lease, Centertown Associates completed development of the Centertown apartments ("Centertown Apartments") which include approximately 85,469 gross square feet of building area arranged around a central courtyard, with 60 affordable family apartments— 17 one-bedroom units, 27 two-bedroom units, 15 three-bedroom units, and an onsite two-bedroom property manager's unit; and

WHEREAS, all of the residents of Centertown Apartments are lower income households, with an average household income equal to approximately 32% of the Marin County Areawide Median Income (AMI); and

WHEREAS, the ground lease originally recorded on November 30, 1989, has been subsequently amended three times given evolving financial conditions over time; and

WHEREAS, Centertown Apartments has experienced numerous construction related issues, including significant problems related to water intrusion, aging building systems and deferred maintenance with a total estimated rehabilitation cost of approximately \$10 million, which includes an approximately 10 percent hard cost contingency that is typical for rehabilitation of older properties; and

WHEREAS, BRIDGE/EAH desire to fund the needed rehabilitation work by re-syndicating and refinancing the Centertown Apartments development using tax exempt bond proceeds and tax credit re-syndication and in connection therewith BRIDGE/EAH desire to extend the term of the ground lease and modify the existing City loans to extend their term and reduce their interest rates; and

WHEREAS, entering into the fourth amendment to the amended and restated ground lease and promissory note will facilitate BRIDGE/EAH's efforts to qualify for allocations of tax-exempt bond proceeds from the California Debt Limit Allocation Committee ("CDLAC") and low-income housing tax credits from the State Tax Credit Allocation Committee ("TCAC"); and

WHEREAS, the fourth amendment to the amended and restated ground lease also recasts any outstanding ground lease payments as a new loan provided by the City of San Rafael as evidenced by a promissory note in the form attached to the fourth amendment; and

WHEREAS, City Council's approval of the fourth amendment and promissory note, and the parties execution thereof, should be conditioned upon Centertown Associates' receipt of an award of tax exempt bond proceeds from CDLAC;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves and authorizes the City Manager to execute a fourth amendment to the amended and restated ground lease and a promissory note in an amount not to exceed \$650,000 with Centertown II, LLC for the real property located at 855 C Street in the City of San Rafael in the form attached to this Resolution as Exhibit A, subject to final approval as to form by the City Attorney, with City's execution of such documents contingent upon Centertown's receipt of tax exempt affordable housing bond fund monies to fund the planned rehabilitation of the Centertown Apartments.

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 City Council held on the 21st day of December 2020, by the following vote to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

EXHIBIT A: FOURTH AMENDMENT TO THE AMENDED AND RESTATED LEASE
EXHIBIT 1 TO EXHIBIT A: PROMISSORY NOTE

**FOURTH AMENDMENT TO AMENDED AND RESTATED GROUND LEASE
(855 C Street, San Rafael, California)**

THIS FOURTH AMENDMENT TO AMENDED AND RESTATED GROUND LEASE (the "**Fourth Amendment**"), is entered into as of _____, 2020 ("**Effective Date**"), by and between the City of San Rafael, as successor-in-interest to the former Redevelopment Agency of the City of San Rafael (the "**Landlord**" or "**City**"), and Centertown Associates, Ltd., a California limited partnership (the "**Lessee**"), with reference to the following facts, purposes and intentions.

RECITALS

A. Landlord and Lessee (collectively, the "**Parties**") entered into that certain ground lease dated November 6, 1989, as amended by that certain First Amended and Restated Ground Lease dated August 20, 1990, as amended by that certain Second Amendment to the First Amended and Restated Ground Lease dated May 6, 1991, and that certain Third Amendment to First Amended and Restated Ground Lease dated April 1, 1993 (as amended, the "**Agreement**"). Capitalized terms used in this Fourth Amendment, but not defined, shall have the meaning set forth in the Agreement.

B. In accordance with Section 10.3 of the Agreement, the Parties desire to enter into this Fourth Amendment to: (i) modify the rent payment to be One Dollar (\$1.00) per year; (ii) add a Five Thousand Dollar (\$5,000) per year annual City monitoring fee; and (iii) make other conforming amendments to the Agreement as set forth herein.

C. Concurrently with the execution of this Fourth Amendment, the Lessee and the City are entering into a promissory note (the "**Note**") in the approximate amount of [Six Hundred Fifty Thousand Dollars (\$650,000)].

NOW, THEREFORE, for good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, the Parties agree as follows:

AGREEMENTS:

ARTICLE 1.
AMENDMENTS TO AGREEMENT

Section 1.1 Amendment to Section 2.3. Section 2.3 of the Agreement is hereby deleted, in its entirety, and amended and restated as follows:

"Section 2.3. Rental Provisions and Monitoring Fee.

(a) Lessee agrees to pay the Lessor as rent for the Land as follows:
Commencing on the Effective Date, the Lessee shall pay, on an annual basis, rent in the amount of One Dollar (\$1.00) per year or fraction thereof.

(b) In connection with the requirements imposed by this Lease and to ensure compliance, Lessee agrees to pay the Lessor on January 1 of each year a Five Thousand Dollar (\$5,000) annual monitoring fee.

(c) Rent and all other sums payable by Lessee to Lessor under this Lease shall be paid in lawful currency of the United States of America at Lessor's address for notices as set forth below, or to such other person or at such other place as Lessor may from time to time designate by notice in writing to Lessee."

ARTICLE 2. MISCELLANEOUS

Section 2.1 No Other Changes to the Agreement; Ratification. Except as expressly modified by this Fourth Amendment, all other provisions of the Agreement remain unmodified and continue in full force and effect. The Agreement, as amended by this Fourth Amendment, is hereby ratified and confirmed by the Parties in all respects. The execution and delivery of this Fourth Amendment shall not operate as a waiver of or, except as expressly set forth herein, an amendment of any right, power or remedy of either party under the Agreement. This Fourth Amendment, together with the Note and the Agreement, sets forth the entire understanding of the parties in connection with the subject matter hereof.

Section 2.2 Conflicts with the Agreement. In the event of any conflict or inconsistency between the terms of this Fourth Amendment and the terms of the Agreement, the terms of this Fourth Amendment shall prevail.

Section 2.3 Counterparts; Multiple Originals. This Fourth Amendment may be executed in multiple originals, each of which is deemed to be an original, and may be executed in counterparts. This Fourth Amendment shall become effective when the Parties have duly executed and delivered signature pages of this Fourth Amendment to each other. Delivery of this Fourth Amendment shall be effectuated by electronic communication (including by PDF sent by electronic mail, facsimile or similar means of electronic communication). Any signatures (including electronic signatures) delivered by electronic communication shall have the same legal effect as physically delivered original signatures.

Remainder of Page Left Intentionally Blank

IN WITNESS WHEREOF, this Fourth Amendment has been entered into by the Parties as of the date first written above.

LANDLORD:

CITY OF SAN RAFAEL, a municipal corporation

By: _____

Name: _____

Title: _____

ATTEST:

Lindsay Lara, City Clerk

APPROVED AS TO FORM:

Robert Epstein, City Attorney

LESSEE:

CENTERTOWN ASSOCIATES, LTD., a
California limited partnership

By: Centertown, Inc., a California non-profit
public benefit corporation, its general
partner

By: _____

Name: _____

Title: _____

PROMISSORY NOTE
(Centertown)

[\$650,000]

San Rafael, California
_____, 2020

FOR VALUE RECEIVED, Centertown Associates, Ltd., a California limited partnership ("Borrower"), promises to pay to the order of the City of San Rafael, a municipal corporation ("Lender"), the principal sum of Six Hundred Fifty Thousand Dollars (\$650,000).

1. Borrower's Obligation. Loan. This promissory note ("Note") evidences Borrower's obligation to pay the Lender the principal amount of [Six Hundred Fifty Thousand Dollars (\$650,000)] (the "Loan"), representing deferred payments (the "Deferred Payments") owed by Borrower, as lessee, to Lender, as lessor, under the ground lease dated November 6, 1989, as amended by that certain First Amended and Restated Ground Lease dated August 20, 1990, as amended by that certain Second Amendment to the First Amended and Restated Ground Lease dated May 6, 1991, and that certain Third Amendment to First Amended and Restated Ground Lease dated April 1, 1993 (as amended, the "Agreement"). Concurrently herewith, Lender, as lessor, and Borrower, as lessee, are entering into a Fourth Amendment to Amended and Restated Ground Lease ("Fourth Amendment"). The funds from the Deferred Payments were used to assist in the rehabilitation and operation of that certain low-income housing development located at 855 C Street, San Rafael, California, currently improved with approximately sixty (60) residential units and certain accessory uses.

(b) Unsecured. This Note is unsecured, and the Borrower has not provided any collateral to the Lender for the Loan.

2. Interest. The outstanding principal balance of this Note will bear interest at a fixed rate of three percent (3.00%) per annum.

3. No Assumption. This Note is not assumable by the successors and assigns of Borrower without the prior written consent of the Lender.

4. Term and Repayment Requirements.

(a) Term. The term of this Note commences with the date of this Note and expires on November 6, 2052 (the "Maturity Date").

(b) Repayment. The Loan will not amortize. The principal and interest balance of the Loan is due and payable in full upon the earlier to occur of: (i) the date of any Default, or (ii) the Maturity Date.

(c) Right to Prepay. Borrower may prepay the Loan at any time without premium or penalty.

5. Terms of Payment.

(a) Borrower shall make all payments due under this Note in currency of the United States of America, which at the time of payment is lawful for the payment of public and private debts.

(b) All payments on this Note are to be paid to the Lender at the [REDACTED], or to such other place as the Lender may from time to time designate.

(c) All payments on this Note are without expense to the Lender.

(d) Notwithstanding any other provision of this Note, if, for any reason whatsoever, the payment of any sums by Borrower pursuant to the terms of this Note would result in the payment of interest that exceeds the amount that the Lender may legally charge under the laws of the State of California, then the amount by which payments exceed the lawful interest rate will automatically be deducted from the principal balance owing on this Note, so that in no event is Borrower obligated under the terms of this Note to pay any interest that would exceed the lawful rate.

6. Default.

(a) Any of the following constitutes an event of default under this Note (each, a "Default");

(i) Any failure to pay, in full, any payment required under this Note or any amount due under Agreement, as further amended by the Fourth Amendment, within ten (10) days of written notice that such payment is due; and

(ii) Failure of Borrower to duly perform, comply with, or observe any of the conditions, terms, or covenants of this Note or the Agreement, as further amended by the Fourth Amendment, and such failure or breach having continued uncured for thirty (30) days after receipt of written notice thereof from the Lender to Borrower or, if the failure or default cannot be cured within thirty (30) days, Borrower shall not be in default so long as Borrower is diligently undertaking to cure such failure and such cure is commenced within thirty (30) days of such failure.

(b) Upon the occurrence of a Default, the entire unpaid principal balance, together with all interest thereon, and together with all other sums then payable under this Note will at the option of the Lender become immediately due and payable without further demand.

(c) Lender's failure to exercise the remedy set forth in Subsection 6(b) above or any other remedy provided by law upon the occurrence of one or more of the foregoing events of Default does not constitute a waiver of the right to exercise any remedy at any subsequent time in respect to the same or any other Default. The acceptance by Lender hereof of any payment which is less than the total of all amounts due and payable at the time of such payment does not constitute a waiver of the right to exercise any of the foregoing remedies or options at that time or at any subsequent time, or nullify any prior exercise of any such remedy or option, without the express consent of the Lender, except as and to the extent otherwise provided by law.

7. Waivers.

(a) Borrower hereby waives diligence, presentment, protest and demand, and notice of protest, notice of demand, and notice of dishonor of this Note. Borrower expressly agrees that this Note or any payment hereunder may be extended from time to time, and that the Lender may accept further security or release any security for this Note, all without in any way affecting the liability of Borrower.

(b) Any extension of time for payment of this Note or any installment hereof made by agreement by the Lender with any person now or hereafter liable for payment of this Note shall not operate to release, discharge, modify, change or affect the original liability of Borrower under this Note, either in whole or in part.

(c) The obligations of Borrower under this Note are absolute and Borrower waives any and all rights to offset, deduct or withhold any payments or charges due under this Note for any reason whatsoever.

8. Miscellaneous Provisions.

(a) All notices to the Lender or Borrower shall be sufficiently given if and shall not be deemed given unless dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered by express delivery service, return receipt requested, or delivered personally, to the principal office of the parties as follows:

Lender:

City of San Rafael
1400 Fifth Avenue, Room 202
San Rafael, CA 94901
Attn: Jim Schultz, City Manager
jim.schultz@cityofsanrafael.org

with copy to:

City of San Rafael
1400 Fifth Avenue, Room 202
San Rafael, CA 94901
Attn: Robert Epstein, City Attorney
rob.epstein@cityofsanrafael.org

Borrower:

Centertown Associates, Ltd.
c/o BRIDGE Housing Corporation
600 California Suite 600
San Francisco, CA
Attention: Rebecca V. Hlebasko

with copy to:

Goldfarb & Lipman LLP
1300 Clay Street, 11th Floor
Oakland, CA 94612
Attention: Erica Williams Orcharton

Such written notices, demands and communications may be sent in the same manner to such other addresses as the affected party may from time to time designate by mail as provided in this Section. Receipt shall be deemed to have occurred on the date shown on a written receipt as the date of delivery or refusal of delivery (or attempted delivery if undeliverable).

(b) Borrower promises to pay all costs and expenses, including reasonable attorney's fees, incurred by the Lender in the enforcement of the provisions of this Note, regardless of whether suit is filed to seek enforcement.

(c) This Note may not be changed orally, but only by an agreement in writing signed by the party against whom enforcement of any waiver, change, modification or discharge is sought.

(d) This Note is governed by and construed in accordance with the laws of the State of California.

(e) The times for the performance of any obligations hereunder are strictly construed, time being of the essence.

(f) This Note contains the entire agreement between the Lender and Borrower as to the Loan. This Note may not be modified except upon the written consent of the Lender and Borrower.

/Signatures on following page/

IN WITNESS WHEREOF, Borrower has caused this Note to be executed and delivered on the date set forth above.

CENTERTOWN ASSOCIATES, LTD., a
California limited partnership

By: Centertown, Inc., a California non-profit
public benefit corporation, its general
partner

By: _____

Name: _____

Title: _____

OAK #4826-9621-1916 v4



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 5.c

Meeting Date: December 21, 2020

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Finance

Prepared by: Nadine Atieh Hade,
Finance Director

City Manager Approval: _____

TOPIC: TRANSACTION AND USE TAX AGREEMENTS

SUBJECT: CONSIDERATION OF ADOPTION OF:

- 1. A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE TWO AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION (CDTFA) FOR IMPLEMENTATION OF THE CITY'S TRANSACTIONS AND USE TAX.**
- 2. A RESOLUTION AUTHORIZING EXAMINATION OF SALES AND USE TAX AND TRANSACTIONS AND USE TAX RECORDS.**

RECOMMENDATION: Staff recommends the City Council adopt the resolutions authorizing the Mayor to execute agreements with the California Department of Tax and Fee Administration ("CDTFA") and authorizing examination of sales and use tax and transactions and use tax records.

BACKGROUND: The County Registrar has certified the results of the November 3, 2020 election, showing that Measure R, the new 0.25% transactions and use tax was adopted by a majority vote of the City electors voting at the election. The City Clerk has now designated the measure as [Ordinance No. 1986](#). The new transactions and use tax will go into effect on April 1, 2021. Under the State Revenue and Taxation Code, prior to the operative date of the Ordinance, the City is required to contract with the CDTFA to perform all the functions incident to the administration and operation of the Ordinance.

The CDTFA has provided the City with two forms of agreement containing the provisions required by law. In addition to a contract providing for CDTFA administration of the transactions and use tax (the "Administrative Agreement"), there is a second agreement covering the activities required of the CDTFA in its preparation to administer the transaction and use tax (the "Preparatory Agreement"). The CDTFA is authorized to assess a separate fee for these activities, which include developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Department's staff and for taxpayers and other direct and indirect costs as permitted under Government Code section 11256. Under the terms of the agreement, the costs to be assessed are the actual cost to CDTFA, and, in no event shall CDTFA's costs exceed \$175,000.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

ANALYSIS: Implementation of the City's new transactions and use tax requires that the City execute the Administration and Preparatory Agreements with the CDTFA. The City will comply with the CDTFA requirement if the Council adopts the Resolution approving and authorizing the Mayor to execute these agreements. Any delay in the approval of these agreements may delay the implementation and collection of the new tax.

Due to the proprietary and confidential nature of sales and use tax-related information and the legal restrictions on its distribution and use, the CDTFA requires a City Council resolution to allow the City's authorized agents to access transaction and use tax records. Because the transaction and use tax approved under Measure R is a new tax, a new resolution is required that authorizes HdL, a company that specializes in sales tax consulting and audit services and that has been providing these services to the City for several years, to access and examine the City's transactions and use tax records. The resolution also confirms the existing authority of the City Manager to designate City employees whose job functions justify access to the City's sales and use tax and transactions and use tax records.

FISCAL IMPACT: The CDTFA will charge its actual costs for the preparation to administer the tax (not to exceed \$175,000) and will charge an on-going administration fee calculated based upon the gross tax revenue collected. These costs will be deducted from the gross tax revenue and the net tax revenue will be dispersed to the City.

RECOMMENDED ACTION: Adopt the resolutions authorizing the Mayor to execute agreements with the CDTFA and authorizing examination of sales and use tax and transactions and use tax records.

ATTACHMENT:

1. Resolution authorizing the Mayor to execute two agreements with the California Department of Tax and Fee Administration for implementation of City Transactions and Use Tax, with attached Preparatory and Administrative Agreements.
2. Resolution authorizing examination of sales and use tax and transactions and use tax records.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AUTHORIZING THE MAYOR TO EXECUTE TWO AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION FOR IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX.

WHEREAS, on December 7, 2020, the City Council certified the passage of Measure R by a majority vote of the electors voting at the November 3, 2020 General Municipal Election; and

WHEREAS, Measure R, now designated by the City Clerk as Ordinance No. 1986, amends the City Municipal Code to add new Chapter 3.19(A) providing for a local transactions and use tax; and

WHEREAS, the California Department of Tax and Fee Administration (Department) administers and collects the transactions and use taxes for all applicable jurisdictions within the state; and

WHEREAS, the Department will be responsible to administer and collect the transactions and use tax for the City; and

WHEREAS, the Department requires that the City enter into a “Preparatory Agreement” and an “Administration Agreement” prior to implementation of said taxes, and

Whereas, the Department requires that the City Council authorize the agreements;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of San Rafael that the “Preparatory Agreement” attached as Exhibit A and the “Administrative Agreement” attached as Exhibit B are hereby approved and the Mayor is hereby authorized to execute each agreement, subject to final approval as to form by the City Attorney.

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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 said City held on Monday, the 21st day of December 2020 by the following vote, to wit:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

LINDSAY LARA, City Clerk

**AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE
CITY'S TRANSACTIONS AND USE TAX ORDINANCE**

In order to prepare to administer a transactions and use tax ordinance adopted in accordance with the provision of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, the City of San Rafael, hereinafter called *City*, and the CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION, hereinafter called *Department*, do agree as follows:

1. The Department agrees to enter into work to prepare to administer and operate a transactions and use tax in conformity with Part 1.6 of Division 2 of the Revenue and Taxation Code which has been approved by a majority of the electors of the City and whose ordinance has been adopted by the City.

2. City agrees to pay to the Department at the times and in the amounts hereinafter specified all of the Department's costs for preparatory work necessary to administer the City's transactions and use tax ordinance. The Department's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Department's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in Section 11256 of the Government Code.

3. Preparatory costs may be accounted for in a manner which conforms to the internal accounting and personnel records currently maintained by the Department. The billings for costs may be presented in summary form. Detailed records of preparatory costs will be retained for audit and verification by the City.

4. Any dispute as to the amount of preparatory costs incurred by the Department shall be referred to the State Director of Finance for resolution, and the Director's decision shall be final.

5. Preparatory costs incurred by the Department shall be billed by the Department periodically, with the final billing within a reasonable time after the operative date of the ordinance. City shall pay to the Department the amount of such costs on or before the last day of the next succeeding month following the month when the billing is received.

6. The amount to be paid by City for the Department's preparatory costs shall not exceed one hundred seventy-five thousand dollars (\$175,000). (Revenue and Taxation Code Section 7272.)

7. Communications and notices may be sent by first class United States mail. Communications and notices to be sent to the Department shall be addressed to:

California Department of Tax and Fee Administration
P.O. Box 942879 MIC: 27
Sacramento, California 94279-0027

Attention: Administrator
Local Revenue Branch

Communications and notices to be sent to City shall be addressed to:

City of San Rafael ATTN: Nadine Atieh Hade
1400 Fifth Avenue Rm 204
San Rafael, CA 94901

8. The date of this agreement is the date on which it is approved by the Department of General Services. This agreement shall continue in effect until the preparatory work necessary to administer City's transactions and use tax ordinance has been completed and the Department has received all payments due from City under the terms of this agreement.

CITY OF SAN RAFAEL

CALIFORNIA DEPARTMENT OF TAX
AND FEE ADMINISTRATION

By _____
(Signature)

By _____
Administrator
Local Revenue Branch

Kate Colin
(Typed Name)

Mayor
(Title)

AGREEMENT FOR STATE ADMINISTRATION OF CITY TRANSACTIONS AND USE TAXES

The City Council of the City of San Rafael has adopted, and the voters of the City of San Rafael (hereafter called "City" or "District") have approved by the required majority vote, the City of San Rafael Transactions and Use Tax Ordinance (hereafter called "Ordinance"), a copy of which is attached hereto. To carry out the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code and the Ordinance, the California State Department of Tax and Fee Administration, (hereinafter called the "Department") and the City do agree as follows:

ARTICLE I DEFINITIONS

Unless the context requires otherwise, wherever the following terms appear in the Agreement, they shall be interpreted to mean the following:

1. "District taxes" shall mean the transactions and use taxes, penalties, and interest imposed under an ordinance specifically authorized by Revenue and Taxation code Section 7261 and in compliance with Part 1.6, Division 2 of the Revenue and Taxation Code.

2. "City Ordinance" shall mean the City's Transactions and Use Tax Ordinance referred to above and attached hereto, Ordinance No.1986, as amended from time to time, or as deemed to be amended from time to time pursuant to Revenue and Taxation Code Section 7262.2.

ARTICLE II ADMINISTRATION AND COLLECTION OF CITY TAXES

A. Administration. The Department and City agree that the Department shall perform exclusively all functions incident to the administration and operation of the City Ordinance.

B. Other Applicable Laws. City agrees that all provisions of law applicable to the administration and operation of the Department Sales and Use Tax Law which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code shall be applicable to the administration and operation of the City Ordinance. City agrees that money collected pursuant to the City Ordinance may be deposited into the State Treasury to the credit of the Retail Sales Tax Fund and may be drawn from that Fund for any authorized purpose, including making refunds, compensating and reimbursing the Department pursuant to Article IV of this Agreement, and transmitting to City the amount to which City is entitled.

C. Transmittal of money.

1. For the period during which the tax is in effect, and except as otherwise provided herein, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City periodically as promptly as feasible, but not less often than twice in each calendar quarter.

2. For periods subsequent to the expiration date of the tax whether by City's self-imposed limits or by final judgment of any court of the State of California holding that City's ordinance is invalid or void, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City not less than once in each calendar quarter.

3. Transmittals may be made by mail or electronic funds transfer to an account of the City designated and authorized by the City. A statement shall be furnished at least quarterly indicating the amounts withheld pursuant to Article IV of this Agreement.

D. Rules. The Department shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and operation of the City Ordinance and the distribution of the district taxes collected thereunder.

E. Preference. Unless the payor instructs otherwise, and except as otherwise provided in this Agreement, the Department shall give no preference in applying money received for state sales and use taxes, state-administered local sales and use taxes, and district transactions and use taxes owed by a taxpayer, but shall apply moneys collected to the satisfaction of the claims of the State, cities, counties, cities and counties, redevelopment agencies, other districts, and City as their interests appear.

F. Security. The Department agrees that any security which it hereafter requires to be furnished by taxpayers under the State Sales and Use Tax Law will be upon such terms that it also will be available for the payment of the claims of City for district taxes owing to it as its interest appears. The Department shall not be required to change the terms of any security now held by it, and City shall not participate in any security now held by the Department.

G. Records of the Department.

When requested by resolution of the legislative body of the City under section 7056 of the Revenue and Taxation Code, the Department agrees to permit authorized personnel of the City to examine the records of the Department, including the name, address, and account number of each seller holding a seller's permit with a registered business location in the City, pertaining to the ascertainment of transactions and use taxes collected for the City. Information obtained by the City from examination of the Department's records shall be used by the City only for purposes related to the collection of transactions and use taxes by the Department pursuant to this Agreement.

H. Annexation. City agrees that the Department shall not be required to give effect to an annexation, for the purpose of collecting, allocating, and distributing District transactions and use taxes, earlier than the first day of the calendar quarter which commences not less than two months after notice to the Department. The notice shall include the name of the county or counties annexed to the extended City boundary. In the event the City shall annex an area, the boundaries of which are not coterminous with a county or counties, the notice shall include a description of the area annexed and two maps of the City showing the area annexed and the location address of the property nearest to the extended City boundary on each side of every street or road crossing the boundary.

ARTICLE III

ALLOCATION OF TAX

A. Allocation. In the administration of the Department's contracts with all districts that impose transactions and use taxes imposed under ordinances, which comply with Part 1.6 of Division 2 of the Revenue and Taxation Code:

1. Any payment not identified as being in payment of liability owing to a designated district or districts may be apportioned among the districts as their interest appear, or, in the discretion of the Department, to all districts with which the Department has contracted using ratios reflected by the distribution of district taxes collected from all taxpayers.

2. All district taxes collected as a result of determinations or billings made by the Department, and all amounts refunded or credited may be distributed or charged to the respective districts in the same ratio as the taxpayer's self-declared district taxes for the period for which the determination, billing, refund or credit applies.

B. Vehicles, Vessels, and Aircraft. For the purpose of allocating use tax with respect to vehicles, vessels, or aircraft, the address of the registered owner appearing on the application for registration or on the certificate of ownership may be used by the Department in determining the place of use.

ARTICLE IV

COMPENSATION

The City agrees to pay to the Department as the State's cost of administering the City Ordinance such amount as is provided for by law. Such amounts shall be deducted from the taxes collected by the Department for the City.

ARTICLE V

MISCELLANEOUS PROVISIONS

A. Communications. Communications and notices may be sent by first class United States mail to the addresses listed below, or to such other addresses as the parties may from time to time designate. A notification is complete when deposited in the mail.

Communications and notices to be sent to the Department shall be addressed to:

California State Department of Tax and Fee Administration
P.O. Box 942879
Sacramento, California 94279-0027

Attention: Administrator
Local Revenue Branch

Communications and notices to be sent to the City shall be addressed to:

City of San Rafael ATTN: Nadine Atieh Hade

1400 Fifth Avenue Room 204

San Rafael, CA 94901

Unless otherwise directed, transmittals of payment of District transactions and use taxes will be sent to the address above.

B. Term. The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on April 1, 2021. This Agreement shall continue until December 31 next following the expiration date of the City Ordinance, and shall thereafter be renewed automatically from year to year until the Department completes all work necessary to the administration of the City Ordinance and has received and disbursed all payments due under that Ordinance.

C. Notice of Repeal of Ordinance. City shall give the Department written notice of the repeal of the City Ordinance not less than 110 days prior to the operative date of the repeal.

ARTICLE VI
ADMINISTRATION OF TAXES IF THE
ORDINANCE IS CHALLENGED AS BEING INVALID

A. Impoundment of funds.

1. When a legal action is begun challenging the validity of the imposition of the tax, the City shall deposit in an interest-bearing escrow account, any proceeds transmitted to it under Article II. C., until a court of competent jurisdiction renders a final and non-appealable judgment that the tax is valid.

2. If the tax is determined to be unconstitutional or otherwise invalid, the City shall transmit to the Department the moneys retained in escrow, including any accumulated interest, within ten days of the judgment of the trial court in the litigation awarding costs and fees becoming final and non-appealable.

B. Costs of administration. Should a final judgment be entered in any court of the State of California, holding that City's Ordinance is invalid or void, and requiring a rebate or refund to taxpayers of any taxes collected under the terms of this Agreement, the parties mutually agree that:

1. Department may retain all payments made by City to Department to prepare to administer the City Ordinance.

2. City will pay to Department and allow Department to retain Department's cost of administering the City Ordinance in the amounts set forth in Article IV of this Agreement.

3. City will pay to Department or to the State of California the amount of any taxes plus interest and penalties, if any, that Department or the State of California may be required to rebate or refund to taxpayers.

4. City will pay to Department its costs for rebating or refunding such taxes, interest, or penalties. Department's costs shall include its additional cost for developing procedures for processing the rebates or refunds, its costs of actually making these refunds, designing and printing forms, and developing instructions for Department's staff for use in making these rebates or refunds and any other costs incurred by Department which are reasonably appropriate or necessary to make those rebates or refunds. These costs shall include Department's direct and indirect costs as specified by Section 11256 of the Government Code.

5. Costs may be accounted for in a manner, which conforms to the internal accounting, and personnel records currently maintained by the Department. The billings for such costs may be presented in summary form. Detailed records will be retained for audit and verification by City.

6. Any dispute as to the amount of costs incurred by Department in refunding taxes shall be referred to the State Director of Finance for resolution and the Director's decision shall be final.

7. Costs incurred by Department in connection with such refunds shall be billed by Department on or before the 25th day of the second month following the month in which the judgment of a court of the State of California holding City's Ordinance invalid or void becomes final. Thereafter Department shall bill City on or before the 25th of each month for all costs incurred by Department for the preceding calendar month. City shall pay to Department the amount of such costs on or before the last day of the succeeding month and shall pay to Department the total amount of taxes, interest, and penalties refunded or paid to taxpayers, together with Department costs incurred in making those refunds.

CITY OF SAN RAFAEL

CALIFORNIA STATE DEPARTMENT OF
TAX AND FEE ADMINISTRATION

By _____
(Signature)

By _____
Administrator
Local Revenue Branch

Kate Colin
(Typed Name)

Mayor
(Title)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AUTHORIZING EXAMINATION OF SALES AND USE TAX AND TRANSACTIONS AND USE TAX RECORDS

WHEREAS, pursuant to Ordinance No. 1986 of the City of San Rafael and Section 7270 of the Revenue and Taxation Code, the City entered into a contract with the California Department of Tax and Fee Administration (CDTFA) to perform all functions incident to the administration and operation of the Transactions and Use Tax Ordinance; and

WHEREAS, the City deems it desirable and necessary for authorized representatives of the City to examine confidential transactions and use tax records of the California Department of Tax and Fee Administration pertaining to transactions and use taxes collected by the CDTFA for the City pursuant to that contract; and

WHEREAS, Section 7056 of the Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of California Department of Tax and Fee Administration records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from, the transactions and use tax records of the CDTFA;

NOW, THEREFORE IT IS RESOLVED AND ORDERED BY THE SAN RAFAEL CITY COUNCIL AS FOLLOWS:

Section 1. That the City Manager or other officer or employee of the City of San Rafael designated in writing by the City Manager to the California Dept of Tax and Fee Administration (hereafter referred to as the CDTFA) is hereby appointed to represent the City with authority to examine transactions and use tax records of the CDTFA pertaining to transactions and use taxes collected for the City by the CDTFA pursuant to the contract between the City and the CDTFA. The information obtained by examination of CDTFA records shall be used only for purposes related to the collection of the City's transactions and use taxes by the CDTFA pursuant to the contract.

The information obtained by examination of CDTFA records shall be used only for those governmental functions of the City listed above.

Section 2. That Hinderliter, de Llama and Associates is hereby designated to examine the transactions and use tax records of the California Department of Tax and Fee Administration pertaining to transactions and use taxes collected for the City by the Department. The person or entity designated by this section meets all of the following conditions:

- a) has an existing contract with the City to examine those transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from those transactions and use tax records only to the officer or employee authorized under Section 1 of this resolution to examine the information;

- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
- d) is prohibited by that contract from retaining the information contained in or derived from those transactions and use tax records after that contract has expired.

BE IT FURTHER RESOLVED that the information obtained by examination of the CDTFA records shall be used only for purposes related to the collection of City's transactions and use taxes by the Board pursuant to the contracts between the City and the CDTFA.

Section 3. That this resolution supersedes all prior transactions and use tax resolutions of the City adopted pursuant to subdivision (b) of Revenue and Taxation Section 7056.

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 said City held on Monday, the 21st day of December 2020 by the following vote, to wit:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

LINDSAY LARA, City Clerk



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Finance

Prepared by: Nadine Atieh Hade,
Finance Director

City Manager Approval: _____

TOPIC: ANNUAL MEASURE E TUT OVERSIGHT COMMITTEE REPORT

**SUBJECT: MEASURE E TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE
REPORT FOR FISCAL YEAR 2019-2020**

RECOMMENDATION: ACCEPT REPORT

BACKGROUND: On August 5, 2013, the San Rafael City Council passed [Ordinance No. 1913](#), establishing a new Transactions and Use Tax (TUT) subject to voter approval. On November 5, 2013, San Rafael voters approved Measure E. This twenty-year San Rafael three-quarter percent TUT became effective April 1, 2014, and supplanted the former Measure S one-half percent TUT, which had been in effect since April 1, 2006, and was originally scheduled to terminate on March 31, 2016.

Similar to the previous (Measure S) TUT, the enabling TUT ordinance for Measure E called for the creation of an independent oversight committee to review the collection and expenditure of this tax revenue. This committee was established on April 7, 2014 by City Council [Resolution No. 13704](#) which also set forth the roles, responsibilities and duties of the committee. On [October 6, 2014](#), the City Council appointed five members of the public to the committee. The current members are:

- Jacqueline Schmidt - December 1, 2018 to November 30, 2022
- Larry Luckham - December 1, 2018 to November 30, 2022
- Gladys Gilliland - December 1, 2016 to November 30, 2020
- Cyr Miller - December 1, 2016 to November 30, 2020
- John Erdmann - December 1, 2016 to November 30, 2020

The purpose of this report is to present and recommend acceptance of the Measure E TUT Oversight Committee report of November 30, 2020 (Exhibit A).

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

ANALYSIS: The Measure E Oversight Committee met virtually on November 30, 2020, to review the actual Measure E TUT revenues and expenditures for fiscal year 2019-2020.

Staff reported that during the fiscal year 2019-2020, \$25,828,967 of Measure E TUT proceeds were expended. Per direction from City Council given to Staff in early 2014 which was to set aside one-quarter percent provided by Measure E to begin to address the aging essential facilities, \$4,060,594 was assigned to the Public Safety Facilities Fund this fiscal year. These funds were added to \$25,697,971 of bond proceeds. Interest income of \$599,666 and reimbursements from the County of Marin of \$130,996 for Fire Station 57 supplemented the City's funds dedicated to the active public safety facilities projects.

The Measure E TUT Oversight Committee's report provides the Committee's conclusions that Measure E TUT revenues received during fiscal year 2019-2020, the seventh year in which that TUT was in effect, were "properly allocated in accordance with Measure E and approved guidelines."

FISCAL IMPACT: There is no fiscal impact associated with the acceptance of the Measure E TUT Oversight Committee report.

RECOMMENDED ACTION: Accept the Measure E Transactions and Use Tax Oversight Committee Report for Fiscal Year 2019-2020.

ATTACHMENT:

Exhibit A: Measure E Oversight Committee Report

City of San Rafael
Measure E Oversight Committee Report
November 30, 2020

The City of San Rafael Measure E Oversight Committee met on November 30, 2020 and received a detailed report from the City of San Rafael Finance Director, Nadine Atieh Hade on the receipt and expenditure of funds during the fiscal year July 1, 2019 to June 30, 2020 pursuant to voter approved Measure E (San Rafael Ordinance 1913).

The Measure E Oversight Committee is required to review the collection, expenditure, and prioritization of the use of these funds, and report to the City Council and the community annually on the expenditures under Guidelines and Policy adopted by the San Rafael City Council.

After review, the Measure E Oversight Committee finds that these funds were properly allocated in accordance with the Measure and approved guidelines.

The Committee would like to commend the City Council and the Finance and Public Works Departments for their excellent fiscal and project management during the COVID emergency, as well as all City staff who have cooperated and worked so hard under difficult circumstances.

Respectfully Submitted:

_Approved via email 12/1/2020

Jacqueline Schmidt



Larry Luckham

_Approved via email 12/7/2020

John Erdmann

_Approved via email 12/8/2020

Gladys Gilliland

_Approved via email 12/7/2020

Cyr Miller



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 5.e

Meeting Date: December 21, 2020

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Library & Recreation

Prepared by:
Henry Bankhead, Asst. Library & Rec. Director
Nadine Atieh Hade, Finance Director

City Manager Approval: _____

TOPIC: SPECIAL LIBRARY PARCEL TAX ANNUAL REPORT

SUBJECT: SPECIAL LIBRARY PARCEL TAX COMMITTEE'S ANNUAL MEASURE D REPORT

RECOMMENDATION:

Staff recommends that the City Council accept the 2020 Special Library Parcel Tax Committee's annual report on the expenditures of the Special Library Parcel Tax funds.

BACKGROUND:

The Committee was appointed on [May 15, 2017](#) after Measure D, the Special Library Services Parcel Tax was approved by the voters at the June 7, 2016 special municipal election. The Committee's sole purpose is to ensure the monies have been expended in accordance with the authorized purposes of Measure D. This is the second report on Measure D expenditures as it is the second year of the tax levied by Measure D, following the conclusion of 7 years of Measure C, which was succeeded by Measure D.

The Measure D Committee consists of five members, appointed July 17, 2017 and is tasked with reviewing current and upcoming years' spending. The committee members are:

- Phyllis Brinckerhoff - Jul 17, 2017 to Jul 31, 2021
- Gail Grasso - Nov 2, 2020 to Jul 31, 2022
- Gregg Kellogg - Jul 17, 2018 to Jul 31, 2022
- Peter Lee - Jul 17, 2017 to Jul 31, 2021
- Gil Pruitt - Sep 30, 2018 to Jul 31, 2022

ANALYSIS:

The Committee's 2020 report states Measure D funds were expended appropriately for Fiscal Year 2019-2020. The final audited fund balance was \$378,886. This accumulation of fund balance is a result of two primary factors over the life of the tax: vacant staff positions funded by the Parcel Tax, and the growth of small amounts being underspent in various line items over the life of the tax.

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

In 2019, the Committee and Staff engaged in discussions about the appropriate percentage of the City's general fund allocated annually for Library Services in addition to funds received through Measure D. Committee members felt this general fund percentage for Library Services was a fixed 4.41 percent annually regardless of changes in Measure D funds received¹. However, Staff felt this percentage could fluctuate annually based on other components contributing to the general fund and instead of the percentage, the focus should be on level of services.

The Committee and Staff have agreed the 4.41 percent general fund allocation is a target rather than a fixed requirement. Rather, the goal of the general fund allocation should be sufficient funding in addition to Measure D to maintain service levels and focus on building efficiencies with regards to work flows. For Fiscal Year 2019-2020 with the pandemic, the closure of the libraries and the budget effects of 6 frozen positions on the library general fund budget, the general fund allocation target of 4.41 percent was not achieved.

Lastly, the Library has a capital set-aside fund balance of \$353,335 earmarked for new and improved library facilities as directed by City Council. There was no activity in this fund during the current year.

COMMUNITY OUTREACH:

To date the Library has received input on expenditures from the Special Library Parcel Tax Committee through their annual report. The committee typically meets 5 times per year, with all meetings open to the public. This report was discussed and approved at the November 30, 2020 meeting (Attachment 1).

FISCAL IMPACT:

There is no fiscal impact from the acceptance of this report.

RECOMMENDED ACTION:

Accept the 2020 Special Library Parcel Tax Committee's annual report.

ATTACHMENTS:

1. 2020 Special Library Parcel Tax Committee's annual report

¹ 4.41 percent reflects the proportion of the City's General Fund allocated to Library Services at the time Measure C was passed in 2010.

City of San Rafael Special Library Parcel Tax Committee Report FY 2019-2020

The Committee's sole function shall be to review the expenditures of the revenues from the Special Library Services Parcel Tax, adopted by Measure D on June 7, 2016 to ensure the monies have been expended in accordance with the authorized purposes of Measure D. Measure D replaced Measure C which expired on June 30, 2017.

In previous reports of Measures C and D, the committee listed as a task: "to ensure that the Library maintains its share of the general fund." This was listed because the text of Measure D states that the parcel tax would "provide a critical, consistent, locally-controlled source, augmenting current general fund allocations..."

When Measure D passed, the committee used the same method the City Attorney indicated upon passage of Measure C: the proportion of the Library of the General Fund Budget. In both cases, it was 4.4%. However, during the term of Measure C, the percentage was not and could not be maintained each year due to mandated expenses for specific departments. These were noted in the Measure C Committee's reports as acceptable variances.

At the July 2, 2019 Library Parcel Tax Committee Meeting, the committee agreed to the following:

"General agreement that the proportionality would remain at 4.4% but that it is a shared goal that is non-binding. It is the goal of the committee to be in alignment with the ongoing proportionality that has been established."

With the pandemic, it is not possible for the Library to maintain 4.4% of the General Fund, and this will continue into FY 2020-2021. The City has had to maintain Police, Fire, and city maintenance at higher levels while total revenue is down.

The proportion of the Library General Fund compared to the total General Fund Budget was 3.51% for Fiscal Year 2019-2020 which is less than the shared goal. This is due to staffing which was 78.8% of budget while non-personnel expenditures were 86.7% of budget. The Library's budgeted percentage of the General Fund was 4.35%.

While it is clear that large cuts were necessary, the Committee would like to note that much of the Library's decrease in the General Fund Budget is due to removing staff hiring that had been in the budget in FY 2018-2019 and FY 2019-2020. It is unclear when or if these positions will be filled when the Library returns to "normal". Also unclear is what the "new normal" will be.

The unaudited parcel tax fund balance for FY 2019-2020 is reported as \$373,074. The remaining balance of the Capital Set Aside (which was created from Measure C funds) as of June 30, 2020 was \$353,335.

FY 19/20 Annual Revenue and Expenditure Report from Committee to City Council

Measure D funds are restricted from being used for facility improvement or replacement. The Committee will be monitoring the ongoing planning for the new and improved Library facilities to ensure that Measure D funds are used appropriately.

The Committee would like to commend the Library Director and Library Staff for continuing to provide services to our Community through curbside pickup, online services (which included helping to set up Wi-Fi services in underserved neighborhoods), the Zip Books program and “zoom programs”. These services are essential, especially for families with school age children and older residents.

Phyllis Brinckerhoff

Phyllis Brinckerhoff, Committee Chair

Gail Grasso
Committee Member

Gail Grasso, Committee Member

Gregg Kellogg

Gregg Kellogg, Committee Member

Peter Lee

Peter Lee, Committee Member

William G. Pruitt

Gil Pruitt, Committee Member



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 5.f

Meeting Date: December 21, 2020

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

**Prepared by: Bill Guerin
Director of Public Works**

City Manager Approval: 

File No.: 01.14.16

TOPIC: FY 2020-21 FLEET VEHICLE PURCHASES: POLICE DEPARTMENT

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE FIVE FLEET VEHICLES FOR THE POLICE DEPARTMENT FOR AN AMOUNT NOT TO EXCEED \$325,000.

RECOMMENDATION: Adopt the resolution.

BACKGROUND: The City of San Rafael's vehicle fleet consists of 212 vehicles. This includes passenger cars and trucks, as well as specialty vehicles supporting the Fire Department, Police Department, Public Works, and others. In addition to the vehicles maintained in the City fleet, the Public Works Vehicle Maintenance and Replacement Program maintains 70 heavy equipment vehicles, including a backhoe, paint striper, tractors, and street sweepers. The majority of City vehicles are utilized by public safety (Police and Fire), followed by Public Works.

Each fiscal year, the Department of Public Works (DPW) and the Police Department (PD), work together to analyze and evaluate the need for vehicle replacements. This collaboration has resulted in new patrol vehicle purchases in 2015, 2017, and most recently in 2019, although the 2019 purchase was not delivered until mid-2020. DPW also submitted purchase orders in 2018 for three new patrol cars that were not fulfilled due to Ford overselling that model year.

The PD's patrol vehicle fleet is the most utilized fleet in the City. On average they drive approximately 15,000 miles per year not including idle time, which is significant. There are 20 patrol vehicles in the City fleet. On a normal day with regular staffing PD typically has 10-12 cars on the road. The additional vehicles are used regularly as well for the following reasons:

- PD has 67 Sworn officers, 64 of whom could need to come in at once for a major disaster.
- During a natural disaster or mutual aid response (like during the recent wildfires or protests) PD works in overlapping 14-hour shifts, which means they would not be able to wait for vehicles to return before sending out the next shift. They typically send out 2-3 double units per shift which requires 4-6 vehicles.

FOR CITY CLERK ONLY

File No.:

Council Meeting:

Disposition:

- During their bi-monthly inspection period, typically 1-2 patrol vehicles are at DPW being inspected by Vehicle Maintenance staff depending on availability. This does not include the patrol vehicles that are there for unscheduled maintenance/repair.
- Since January 1st, 2020 there have been 100 service requests for patrol vehicles submitted, many requiring the vehicle to be put out of service for multiple days.

This year PD has requested replacement of three patrol vehicles and one K9 vehicle. In addition, one patrol vehicle, vehicle number 236, was involved in a rear-end collision and was damaged beyond repair. The driver of the vehicle that collided with the PD vehicle is insured and the insurance should pay for the depreciated value of that vehicle's replacement. These five vehicles are shown in Table 1 below. After taking these factors into account, staff recommends replacing the five vehicles.

Vehicle Number	Model Year	Current Mileage	Miles Driven in 2020	Estimated Replacement Cost
224	2014	89,386	8,715	\$ 63,674.00
240	2014	115,395	14,363	\$ 63,674.00
231	2015	99,075	18,689	\$ 63,674.00
236	2017	74,250	14,710	\$ 63,674.00
228	2015	98,388	20,519	\$ 65,678.00
Estimated Total Replacement Cost				\$ 320,374.00

Table 1

ANALYSIS:

Vehicle Safety- Reliability/Condition/History

Vehicle safety and reliability is the top priority when considering the replacement of police patrol vehicles. Vehicle maintenance staff inspect patrol vehicles every sixty days to ensure their operational safety. This two-month interval creates three times more inspections than are provided for a non-first responder vehicle. Detailed inspections of primary safety components like brakes, tires, suspension, steering, engine/transmission, etc. are performed regularly. Vehicle maintenance staff also receive and prioritize any internal service requests submitted by the PD with vehicle concerns. Any vehicle that is deemed not safe to operate by PD or DPW will not be placed into service.

It should also be noted that patrol vehicles have special equipment that has its own useful life expectancy which can lead to additional costs when replacement is needed. An example of this is the ballistic door panels. Due to the constant opening and closing of the doors and the weight/design of the panel itself, they eventually break their mounts and need replacement. The cost of the panel alone is approximately \$3,000. As patrol vehicles get older the likelihood of this happening increases.

Replacement/Maintenance Cost and Vehicle Replacement Funds

Operating Costs

It is important that a detailed cost analysis be performed to find the optimum replacement time for a vehicle. In 2019, DPW implemented a new maintenance tracking software that provides more accurate and accessible data to be used for this analysis. Along with our fuel system software, staff can perform a detailed analysis of vehicle operating costs.

Based on the analysis, the FY 19/20 operating costs of the four vehicles being recommended for replacement is approximately \$9,336 per vehicle per year and \$0.59 per mile.

FY 19/20 Operating Costs						
Vehicle Number	Model Year	Maintenance Cost	Fuel Cost (@ \$2.75/Gal)	Total Cost	Miles Driven	Operating Cost Per Mile
224	2014	\$ 3,664.00	\$ 2,372.98	\$ 6,036.98	7517	\$ 0.80
228 K9	2013	\$ 4,316.29	\$ 6,448.00	\$ 10,764.29	23450	\$ 0.46
231	2015	\$ 5,938.40	\$ 5,190.97	\$ 11,129.37	17138	\$ 0.65
240	2014	\$ 3,732.50	\$ 5,681.27	\$ 9,413.77	21100	\$ 0.45
Average		\$ 4,412.80	\$ 4,923.30	\$ 9,336.10	17301	\$ 0.59

Table 2

The actual and projected operating costs of the three new 2020 patrol vehicles that were put into service by the City in April of 2020 is significantly less at \$6,375 per vehicle per year or \$0.33 per mile.

6 Month Operating Cost of 2020 Hybrid Patrol Vehicles (since put in to service)						
Vehicle Number	Model Year	Maintenance Cost	Fuel Cost (@ \$2.75/Gal)	Total Cost	Miles Driven	Operating Cost Per Mile
226 K9	2020	\$ 415.90	\$ 505.99	\$ 921.89	4611	\$ 0.20
229	2020	\$ 696.32	\$ 2,554.89	\$ 3,251.21	12367	\$ 0.26
241	2020	\$ 946.37	\$ 2,530.34	\$ 3,476.71	12114	\$ 0.29
Average		\$ 686.20	\$ 1,863.74	\$ 2,549.94	9697	\$ 0.26
Projected 1 Year Avg. Costs		\$ 1,372.39	\$ 3,727.48	\$ 5,099.87	19395	\$ 0.26
The projected 1 year average cost formula is 6 month average cost x 2.5						

Table 3

The operating costs of the new 2020 patrol vehicles are significantly less than the four patrol vehicles scheduled for replacement. This is due to less maintenance and repair required, warranted repairs and the approximately 30% fuel savings for the new 2020 hybrid patrol vehicles. Staff expects to experience similar operating cost savings with the new vehicles recommended for purchase in this report.

Vehicle Replacement Fund

Each year funds are transferred from the General Fund to the Vehicle Replacement Fund (Fund 600), to replace the existing fleet of City vehicles when needed. This transfer is calculated by taking the cost of the vehicle, dividing by the life expectancy, and adding a cost of living adjustment each year. The expectation is that by the end of the expected vehicle life, enough funding will have been set aside to replace that vehicle. Vehicle costs are increasing, especially as the City "greens" its police patrol fleet with hybrid technology.

Vehicle Utilization

The current size and utilization of the patrol vehicle fleet allows PD the ability to use their additional fleet vehicles when demand increases during special events and emergencies. Having a newer, more reliable and efficient patrol vehicle fleet will provide better service to the community and a better response to both local and mutual aid emergencies.

FISCAL IMPACT: There are sufficient funds appropriated for the current year in the Vehicle Replacement Fund (#600) for the purchases in an amount not to exceed \$325,000.

Per the City's purchasing policy, all retired City vehicles will be competitively bid and sold at auction or to other agencies. Any income received from the sale of the vehicles will be deposited back into the Vehicle Replacement Fund towards for future vehicle purchases.

Staff also evaluated leasing these vehicles rather than purchasing new vehicles but did not find leasing to be cost effective because of the cost to customize each vehicle and the City's intention to keep our vehicles for a longer period of time.

OPTIONS:

1. Approve the resolution authorizing the City Manager to purchase the proposed list of five vehicles for the Police Department in an amount not to exceed \$325,000.
2. Direct the Department of Public Works to modify the proposed purchases.
3. Direct the Department of Public Works to withhold the proposed purchases.

RECOMMENDED ACTION: Adopt the resolution.

ATTACHMENTS:

1. Resolution
2. City of San Rafael Fleet Management Policy and Procedures
3. Dealer base quote for each vehicle
4. Dealer quote to upfit each patrol vehicle
5. Dealer quote to upfit K9 vehicle

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PURCHASE FIVE FLEET VEHICLES FOR THE POLICE DEPARTMENT FOR AN AMOUNT NOT TO EXCEED \$325,000

WHEREAS, San Rafael's various departments operate a fleet of 212 vehicles;
and

WHEREAS, the management and replacement of the City's fleet of vehicles and equipment is governed by the guidelines set forth in San Rafael's Fleet Management Policies and Procedures document issued September 6, 2012; and

WHEREAS, the Department of Public Works is recommending the replacement of five police patrol vehicles: Four Police patrol cars, and one police patrol K-9 vehicle;
and

WHEREAS, four of the said vehicles to be replaced have reached the end of their useful life and their term set forth on the replacement schedule in the City's Fleet Management Policies and Procedures, and several are notably costing the City more to repair and maintain than to replace; and

WHEREAS, one of the vehicles was recently involved in a rear end collision, resulting in the vehicle being irreparably damaged; and

WHEREAS, all of the said vehicles serve vital functions to City services for Police Patrol operations; and

WHEREAS, the City Vehicle Maintenance program also purchases, installs, and maintains equipment on City fleet vehicles; and

WHEREAS, there are sufficient funds in the City's Vehicle Replacement Fund (#600); and funds shall be appropriated in each budget accordingly in order to support these purchases in an amount not to exceed \$325,000;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of San Rafael authorizes the City Manager to execute the purchase of five vehicles for the Police Department, as described in the Staff Report submitted to the City Council and incorporated herein, in accordance with the guidelines set forth in San Rafael's Fleet Management Policies and Procedures, issued on September 6, 2012.

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 said City held on Monday, the 21st day of December, 2020 by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk



CITY OF SAN RAFAEL POLICIES AND PROCEDURES

Policy No.	
Subject:	Fleet Management Policy
Resolution No.	
Issue Date:	September 6, 2012
Revision Date:	
Prepared By	Richard Landis
Approved By:	<i>Nancy Markle</i>

FLEET MANAGEMENT POLICY AND PROCEDURES

PURPOSE: The City of San Rafael establishes this policy to govern the management of the City's vehicle fleet.

SCOPE: The acquisition, outfitting and replacement of all City vehicles.

DEFINITIONS: "City vehicle" shall include all automobiles, trucks, motorcycles, or any other equipment registered with the Department of Motor Vehicles and owned, leased, or rented by the City. "Fleet Manager" shall be the Director of Public Works or his/her designee.

POLICY:

General Provisions

Fleet Manager

The role of the Fleet Manager is to advise the City Manager and City Council on matters relating to the City's vehicle fleet. The Fleet Manager shall communicate with all department directors regarding vehicle needs and submit timely reports to the City Manager. The Fleet Manager is committed to the following principles:

1. The size and nature of the City's fleet is governed primarily by need and function, i.e., the number of vehicles should be no greater than what is necessary to provide public services in an efficient manner. Each vehicle within the fleet should be minimally specified to fulfill its intended function, providing operators with a comfortable and modestly-appointed vehicle with which to deliver services in a cost-effective manner.
2. Vehicles should be selected with a strong preference for fuel efficiency and hybrid and alternative fuel technology. The City will strive to reduce the negative impact of its fleet upon the environment by reducing greenhouse gas emissions.
3. Vehicles with the lowest long-term maintenance and repair costs and occupant safety are preferable.

Department Budgeting for Additional Vehicle Acquisition

Before a department determines the need to add a vehicle to its inventory, it shall first check with the Fleet Manager and the Finance Department to determine whether an existing vehicle is available elsewhere in the fleet that may meet the department's needs. If none is available, the requesting

department shall submit a vehicle addition request to the Fleet Manager with the following information:

- The purpose for which the vehicle is needed
- The type of vehicle requested and the total estimated purchase price
- The estimated total cost of any special auxiliary equipment or equipment packages above what might be considered standard equipment. The cost of adding a new vehicle to the fleet shall be paid by the requesting department. Internal service charges to that department's budget shall be established at the time of vehicle purchase to ensure adequate future funding for the vehicle's eventual replacement.

Vehicle Acquisition

All departments shall submit vehicle purchase requests to the Fleet Manager. The Fleet Manager will consider requests, consult with the Finance Department to ensure that there are sufficient funds for the new vehicle request, and review vehicle specifications for conformance with the provisions and intent of the Fleet Policies and Procedures. All vehicle purchases shall be administered by the Fleet Manager and shall comply with bidding procedures, when applicable, to ensure competitive pricing. Invoices for new vehicle purchases and equipment installation shall be administered by the Fleet Manager with pre-approved departmental account codes established to meet the invoice totals.

Vehicle Replacement Funding

Funding for vehicle acquisition and supplemental equipment shall be established through monthly internal service charges to the department operating the vehicle, over the projected useable life of that vehicle. An annual inflation factor is applied to the department's internal service charge to account for anticipated increases in future vehicle costs.

Vehicle Replacement Schedule

City vehicles are eligible for replacement on the basis of the following established useable life recommendations:

Vehicle Description	Useable Life
Sedans, SUV's, vans, light and medium duty trucks (up to 8,600 gross vehicle weight)	10 years
Heavy duty trucks (over 8,600 gross vehicle weight)	15 years
Police patrol/traffic vehicles	5 years
Police unmarked vehicles	8 years
Police motorcycles	4 years
Parking enforcement buggies	5 years
Fire command vehicles	7 years
Fire pumper engines	15 years
Fire ladder trucks	20 years
Ambulances	5 years

Off-road maintenance and construction equipment shall be replaced when economically or operationally justified. When a vehicle in this group approaches the end of its anticipated life cycle, a cost/benefit analysis shall be performed to justify vehicle replacement.

These useable life standards are for vehicle replacement financial estimating purposes only. When a vehicle reaches the end of its established useable life and the department operating the vehicle requests replacement, each vehicle shall be assessed by the Fleet Manager and Vehicle Maintenance Division to determine if replacement is justified, given general vehicle condition, mileage, maintenance and repair history, safety considerations, etc. Extension of the useable life of any vehicle shall be at the discretion of the Fleet Manager and the requesting department. Likewise, a department may request a vehicle replacement prior to the end of its established useable life. The Fleet Manager shall review all such requests in consultation with the Finance Department and Vehicle Maintenance Division. Requests for early replacement shall be accompanied by a thorough justification, including objective criteria supporting the request. The cost of early replacement, if any, shall be borne by the requesting department.

If a department determines that an assigned vehicle is no longer needed, the vehicle shall be returned to the Vehicle Maintenance Division for re-allocation within the fleet or disposition as surplus.

Disposition of Surplus Vehicles

All vehicles accepted by the Vehicle Maintenance Division for replacement or permanent elimination from the fleet shall be consigned to public auction with the City's designated auction service. Departments shall deliver vehicles being replaced to the Vehicle Maintenance Division prior to accepting the new replacement vehicle.

Maintenance and Repair of Vehicles

Preventive and Routine Maintenance and Repairs

The Vehicle Maintenance Division shall notify departments of upcoming scheduled maintenance for vehicles operated by that department and will schedule the date and anticipated duration of the scheduled maintenance. If possible, the department operating the vehicle shall deliver it to the Vehicle Maintenance Division. If necessary, Vehicle Maintenance will pick up the vehicle at its customary parking location and return it when scheduled maintenance is complete.

Unscheduled Repairs

In the event a vehicle requires immediate or unscheduled repair during normal work hours, operators should call the Vehicle Maintenance Division (458-5345), or take the vehicle to the Public Works facility at 111 Morphew Street for assessment. If the vehicle cannot be operated or is unsafe to operate, the driver should call the Vehicle Maintenance Division for road service, towing, or advice. After normal working hours, vehicle operators should call the non-emergency Police Department dispatch number (485-3000) for towing or road assistance. Vehicle operators must notify their supervisors, as well as the Fleet Maintenance Division, in the event of a vehicle failure.

Reimbursement for Personal Expense for City Vehicle Repair

Certain emergencies may occur during non-working hours that can be easily remedied at a service station (for example, a flat tire or radiator hose). Department Directors whose employees routinely work outside of normal working hours shall develop appropriate policies governing the authority of vehicle operators to affect emergency repairs during non-working hours with the intended goal of delivering uninterrupted public service. These departmental policies shall be forwarded to the Fleet Manager for reference.

FOLSOM LAKE

FORD



THE FORD SOURCE

12755 FOLSOM BOULEVARD
FOLSOM, CA 95630 • (916) 353-2000

2021ORDER-12-14 WEEKS

STATE CONTRACT 1-18-23-14B

DANIEL A. RAIMONDI

Fleet Director

(916) 353-2000, Ext.376
Toll Free 1-800-655-0555
Cell (916) 825-1622
Fax (916) 353-2078
danr@folsomlakeford.com

12/02/2020

K8A 4DR AWD POLICE
.119" WHEELBASE
UM AGATE BLACK
9 CLTH BKTS/VNL R
6 EBONY
500A EQUIP GRP
.AM/FM STEREO
99W .3.3L HYBRID
44B .10-SP MOD HYBRD
52P DR LOCK PLUNGER
JOB #2 ORDER
CA BOARD FEES
FLEET SPCL ADJ
17A AUX CLIMATE CTL
17T CARGO DOME LAMP
21L FRONT AUX LIGHT
425 50 STATE EMISS
43D COURTESY DISABL
47A ENGINE IDLE
51S DUAL LED LAMPS
549 PWR MIRR HTD
59B KEY CODE 1284X
63B SD MARKER LGHTS

63L QTR GLASS LIGHT
66A FRONT HDLMP PKG
.GRILL WIRING
66C REAR LIGHT PKG
68G RR DR/LK INOP
86T RR TAILLAMP HSG
87R RR VIEW MIR/CAM
90E LH/RH PNLS III
153 FRT LICENSE BKT

\$42,259.53

\$ 3,803.36 TAX @ 9%

\$ 8.75 CA TIRE FEE

\$46,071.64 DEL TO LEHR

LESS \$500.00 DISCOUNT
20 DAY PAYMENT

INCLUDES PAINTED WHITE
ROOF AND 2 FRONT DOORS



Sales Quote

Page: 1

661 Garcia Avenue Pittsburg, CA 94565
Phone: 925-370-2144 Fax: 925-370-2087

Quote Number: 27290
Document Date: 12/9/2020
Terms: Net 30
Payment Method:

Sell San Rafael Police Department - Attn: Business Off
To: Diana Giorgi
1375 Fifth Avenue
San Rafael, CA 94901
Phone: 415-485-3307

Ship San Rafael Police Dept
To: Sgt. Raul Aguilar
1400 Fifth Ave
San Rafael, CA 94901
Phone: 415-485-3034

Ship Via Ship from Warehouse
Location: Lehr - Pittsburg
Blanket PO:

Customer ID 61037
SalesPerson Mike McGee

Vehicle Information:

2021 FORD UTILITY, Color: B/W

Item No.	Description	Category	Quantity	Unit Price	Total Price
PATROL UTILITY 1 OF 2					
Front End Equipment					
BK2019ITU20	PB450L4 LIGHTED PUSH BUMPER 2020 UTIL OEM 66A OEM 21L	SETINA	1	849.15	849.15
EX0011	PATROL POWER HARNESS FRT MNT PI UTIL 2020	PATROLPO	1	625.00	625.00
SA315P	SIREN SPEAKER 100W (1) POLICE SIREN (1) HI LO WARNING	WHELENPR	2	199.00	398.00
SAK66D	SPEAKER BRACKET-D/S UTILITY 2020	WHELENPR	1	30.75	30.75
SAK1	SPEAKER BRACKET	WHELENPR	1	30.75	30.75
I	INSTALLATION CHARGES	LABOR	10	90.00	900.00
Side Equipment					
I	OEM 63B INSTALLATION CHARGES	LABOR	1.5	90.00	135.00
Roof Equipment					
VALR51	VALOR LIGHTBAR R/B/W/A	FEDSIG	1	2000.00	2,000.00
HKB-FPIU20	HOOK KIT 2020 UTILITY	FEDSIG	1		
MB8U	CABLE 17' RG58U SOLID CENTER	RADIO	1	16.50	16.50
ABSCANC	SCANNER ANTENNA	RADIO	1	32.74	32.74
MB8U25	25'RG58U CABLE	RADIO	1	20.71	20.71
LARNMOQW450	450-470MHZ 1/4 WAVE ANTENNA	RADIO	1	14.50	14.50
AP-MMFCCWWGQS22222R	34-BL/ AP MULTIMAX FV 5 in 1 ANTENNA	ANTNAPLU	1	283.50	283.50
I	INSTALLATION CHARGES	LABOR	4.5	90.00	405.00
Drivers Compartment					
C-SM-1225	12" 25 DEGREE ANGLED SERIES CONSOLE	HAVIS	1	270.63	270.63



Sales Quote

Page: 2

661 Garcia Avenue Pittsburg, CA 94565
Phone: 925-370-2144 Fax: 925-370-2087

Quote Number: 27290
Document Date: 12/9/2020
Terms: Net 30
Payment Method:

Sell San Rafael Police Department - Attn: Business Off
To: Diana Giorgi
1375 Fifth Avenue
San Rafael, CA 94901
Phone: 415-485-3307

Ship San Rafael Police Dept
To: Sgt. Raul Aguilar
1400 Fifth Ave
San Rafael, CA 94901
Phone: 415-485-3034

Ship Via Ship from Warehouse
Location: Lehr - Pittsburg
Blanket PO:

Customer ID 61037
SalesPerson Mike McGee

Vehicle Information:

2021 FORD UTILITY, Color: B/W

Item No.	Description	Category	Quantity	Unit Price	Total Price
C-SM-800	8" ENCLOSED CONSOLE LOW PROFILE	HAVIS	1	112.49	112.49
C-AP-0325	ACCY BOX 3"	HAVIS	1	39.80	39.80
C-CUP2-I	CON,ACSY,CUP HOLDER 4"	HAVIS	1	36.34	36.34
C-EB40-SSP-1P	FACE PLATE 1 PC 4"	HAVIS	1		
C-EB20-168	FACE PLATE 2 PC 2"	HAVIS	1		
C-FP-1	FACE PLATE 1"	HAVIS	1		
C-FP-05	FACE PLATE 1/2"	HAVIS	1		
C-EB40-MA9-1P	FACE PLATE 1 PC 4"	HAVIS	1		
C-EB15-HLN-1P	FACE PLATE 1 PC 1.5"	HAVIS	1		
C-ML-MLB-LED	LED MAP LIGHT	HAVIS	1	135.84	135.84
C-MCB	MICLIP BRACKET	HAVIS	2	12.11	24.22
MMSU-1	MAGNETIC MIC KIT	MAGMIC	2	34.95	69.90
14.0553	3 ACC P/S	ABLE2	1	25.32	25.32
C-SM-SA-1-HD	MOUNTING BKT W/SWING ARM	HAVIS	1	98.63	98.63
C-MD-202	MOTION DEVICE	HAVIS	1	65.75	65.75
DS-PAN-111-2	CF31 DUAL PASS	HAVISDOC	1	847.58	847.58
LPS-104	CF31 POWER SUPPLY	HAVIS	1	177.01	177.01
HSN4032B	13W MOTOROLA SPEAKER NON-WATER RESISTANT	RADIO	1	71.50	71.50
	CSM - POLICE RADIO				
	OEM - SECURE IDLE				
GK10301S1UXL	DUAL GUN RACK	SETINA	1	351.20	351.20
I	INSTALLATION CHARGES	LABOR	11.5	90.00	1,035.00
	Prisoner Compartment				
PK0369ITU20TM	#8VS RP 1/2 COATED POLY 1/2 EXP METAL	SETINA	1	655.20	655.20
	PARTITION				
QK0634ITU20	FULL REPL TRANSPORT SEAT CENTER PULL BELTS	SETINA	1	695.20	695.20
	2020				
WK0514ITU20	WINDOW BARRIERS VS STEEL VERTICAL UTILITY	SETINA	1	215.20	215.20
	2020				
PK0123ITU202ND	#12VS VINYL COATED EXP METAL REAR PARTITION	SETINA	1	391.20	391.20
I	INSTALLATION CHARGES	LABOR	6.5	90.00	585.00



Sales Quote

Page: 3

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Location: Lehr - Pittsburg
Blanket PO:

Customer ID 61037
SalesPerson Mike McGee

Vehicle Information:

2021 FORD UTILITY, Color: B/W

Item No.	Description	Category	Quantity	Unit Price	Total Price
	Back End Equipment				
TK0233ITU20	CARGO BOX DSK-DRAWER/SLD/KEY BSN-BASE/SLD/NO LOCK	SETINA	1	1119.20	1,119.20
TPA9289	CARGO BOX RADIO TRAY OEM 63L SIDE WINDOWS OEM 66C LIFTGATE OEM 86T PRE DRILL CSM MODEM	SETINA	1	330.65	330.65
VTX609R	VERTEX SUPER-LED LIGHT RED	WHELENPR	1	72.90	72.90
VTX609B	VERTEX SUPER-LED LIGHT BLUE	WHELENPR	1	72.90	72.90
SSP2000B	SS PLATINUM	FEDSIG	1	875.00	875.00
ALPHASL	ALPHA REMOTE SIREN	WHELEN	1	177.10	177.10
DC-568P-25BLMB	25' CAT6 SNAGLESS CABLE-BLUE	IT MISC	1	16.95	16.95
INSTALL	INSTALL MATERIALS	OTHER	1	125.00	125.00
I	INSTALLATION CHARGES	LABOR	16.5	90.00	1,485.00
F	Shipping Charges	OTHER	1	250.00	250.00

Amount Subject to Sales Tax 15919.31
Amount Exempt from Sales Tax 250.00

Subtotal: \$16,169.31
Total Sales Tax: \$1,432.74

Total: \$17,602.05



Sales Quote

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SalesPerson Mike McGee

Vehicle Information:

2021 FORD UTILITY, Color: B/W

Item No.	Description	Category	Quantity	Unit Price	Total Price
	PATROL K9				
	Front End Equipment				
BK2019ITU20	PB450L4 LIGHTED PUSH BUMPER 2020 UTIL OEM 66A OEM 21L	SETINA	1	849.15	849.15
EX0011	PATROL POWER HARNESS FRT MNT PI UTIL 2020	PATROLPO	1	625.00	625.00
SA315P	SIREN SPEAKER 100W (1) POLICE SIREN (1) HI LO WARNING	WHELENPR	2	199.00	398.00
SAK66D	SPEAKER BRACKET-D/S UTILITY 2020	WHELENPR	1	30.75	30.75
SAK1	SPEAKER BRACKET	WHELENPR	1	30.75	30.75
I	INSTALLATION CHARGES	LABOR	10	90.00	900.00
	Side Equipment				
I	OEM 63B INSTALLATION CHARGES	LABOR	1.5	90.00	135.00
	Roof Equipment				
VALR51	VALOR LIGHTBAR R/B/W/A	FEDSIG	1	2000.00	2,000.00
HKB-FPIU20	HOOK KIT 2020 UTILITY	FEDSIG	1		
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MB8U25	25'RG58U CABLE	RADIO	1	20.71	20.71
LARNMOQW450	450-470MHZ 1/4 WAVE ANTENNA	RADIO	1	14.50	14.50
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I	INSTALLATION CHARGES	LABOR	4.5	90.00	405.00
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C-CUP2-I	CON,ACSY,CUP HOLDER 4"	HAVIS	1	36.34	36.34
C-EB40-SSP-1P	FACE PLATE 1 PC 4"	HAVIS	1		
C-EB20-168	FACE PLATE 2 PC 2"	HAVIS	1		
C-FP-1	FACE PLATE 1"	HAVIS	1		
C-FP-05	FACE PLATE 1/2"	HAVIS	1		
C-EB40-MA9-1P	FACE PLATE 1 PC 4"	HAVIS	1		
C-EB15-HLN-1P	FACE PLATE 1 PC 1.5"	HAVIS	1		
C-ML-MLB-LED	LED MAP LIGHT	HAVIS	1	135.84	135.84
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HSN4032B	13W MOTOROLA SPEAKER NON-WATER RESISTANT	RADIO	1	71.50	71.50
	CSM - POLICE RADIO				
	OEM - SECURE IDLE				
GK10301S1UXL	DUAL GUN RACK	SETINA	1	351.20	351.20
I	INSTALLATION CHARGES	LABOR	11.5	90.00	1,035.00
	Back End Equipment				
C-SBX-101	TRNK, BOX, UNV, XX	HAVIS	1	518.26	518.26
	OEM 63L SIDE WINDOWS				
	OEM 66C LIFTGATE				
	OEM 86T PRE DRILL				
	CSM MODEM				
VTX609R	VERTEX SUPER-LED LIGHT RED	WHELENPR	1	72.90	72.90
VTX609B	VERTEX SUPER-LED LIGHT BLUE	WHELENPR	1	72.90	72.90
SSP2000B	SS PLATINUM	FEDSIG	1	875.00	875.00
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Blanket PO:

Customer ID 61037
SalesPerson Mike McGee

Vehicle Information:

2021 FORD UTILITY, Color: B/W

Item No.	Description	Category	Quantity	Unit Price	Total Price
DC-568P-25BLMB	25' CAT6 SNAGLESS CABLE-BLUE	IT MISC	1	16.95	16.95
I	INSTALLATION CHARGES	LABOR	16.5	90.00	1,485.00
<hr/>					
K9 Equipment					
<hr/>					
K9-F28-1	HAVIS K9 TRANSPORT SYSYTEM -STANDARD 36"	HAVIS	1	2434.17	2,434.17
	2020 PIU				
K9-A-103	H2O K9 BOWL	HAVIS	1	57.17	57.17
K9-A-301	K9 FAN 10" FOR HEAT ALARM HOT-N-POP UNIT	HAVIS	1	370.75	370.75
WG1007335	WINDOW FAN MNT	HAVIS	1	39.34	39.34
H-FAM-P	FAN HARNESS	ACE K9	1	60.00	60.00
HP-5020	K9 HOT-N-POP PRO	ACE K9	1	1199.00	1,199.00
INSTALL	INSTALL MATERIALS	OTHER	1	125.00	125.00
I	INSTALLATION CHARGES	LABOR	10.25	90.00	922.50
F	Shipping Charges	OTHER	1	500.00	500.00

Amount Subject to Sales Tax 17528.85
Amount Exempt from Sales Tax 500.00

Subtotal: \$18,028.85
Total Sales Tax: \$1,577.60

Total: \$19,606.45



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 5.g

Meeting Date: December 21, 2020

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

**Prepared by: Bill Guerin,
Director of Public Works**

City Manager Approval: _____

TOPIC: THIRD STREET AT HETHERTON STREET IMPROVEMENTS NOTICE OF COMPLETION

SUBJECT: ACCEPT COMPLETION OF THE THIRD STREET AT HETHERTON STREET IMPROVEMENTS PROJECT (CITY PROJECT NO. 11320), AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

RECOMMENDATION: Accept completion of the Third Street at Hetherton Street Improvements Project and authorize the City Clerk to file the Notice of Completion.

BACKGROUND: The intersection at Third Street and Hetherton Street is one of the most heavily congested locations in San Rafael. It is highly traversed by pedestrians traveling between the downtown area, Caltrans Park-and-Ride lots, nearby schools, the SMART train station, and the San Rafael Transit Center.

The Third Street at Hetherton Street Improvements project is comprised of many safety improvements to the intersection. First, the removal of the southern crosswalk that previously was used to cross Hetherton and have pedestrians cross both left turn lanes from Third Street. Second, the installation of a northern crosswalk which improves pedestrians' visibility and allows them to cross Hetherton more safely. In addition to traffic signal safety improvements, the project included the [installation of a Miovision camera](#) to improve the traffic signals' operation and automation.

On December 11, 2019, the project was advertised in accordance with San Rafael's Municipal Code, and sealed bids were publicly opened and read aloud January 29, 2020 at 10:00 AM. On [February 18, 2020](#), the City Council adopted a resolution authorizing the City Manager to enter into an agreement with the low bidder, Ghilotti Bros. Inc. in the amount of \$398,983 and approving a construction contingency of \$61,017 for a total appropriation in an amount of \$460,000. Construction commenced on May 19, 2020, and all work was completed on November 19, 2020.

ANALYSIS: Pursuant to Civil Code Section 3093, the City is required to record a Notice of Completion upon City acceptance of the improvements. This acceptance initiates a time period during which project subcontractors may file 'Stop Notices' seeking payment from the City from the funds owed to the Contractor for the project work.

FISCAL IMPACT: No fiscal impact is associated with this report. The project was funded by Federal Highway Safety Improvement Program grant funds.

FOR CITY CLERK ONLY

File No.:

Council Meeting:

Disposition:

RECOMMENDED ACTION: Accept completion of the Third Street at Hetherton Street Improvements Project and authorize the City Clerk to file the Notice of Completion.

ATTACHMENTS:

1. Notice of Completion

Recording Requested By:
The City of San Rafael

When Recorded Mail To:
Lindsay Lara, City Clerk
1400 Fifth Avenue
San Rafael, CA 94901

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§ 6103, 27383

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

NOTICE OF COMPLETION
Civil Code §§ 8182, 8184, 9204, and 9208

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the agent of the owner of the Project described below.
2. Owner's full name is City of San Rafael ("City")
3. City's address is 1400 5th Ave, San Rafael, CA 94901
4. The nature of City's interest in the Project is:
___ Fee Ownership ___ Lessee X Other: Public Right of Way Easement
5. Construction work on the Project performed on City's behalf is generally described as follows: Removal of crosswalk, installation of new signal poles, traffic signal detection camera, striping and signage, and the installation of ADA curb ramps, sidewalk, and vertical curb and gutter.
6. The name of the original Contractor for the Project is: Ghilotti Bros. Inc.
7. The Project was accepted as complete on: November 19, 2020.
8. The Project is located at: The intersection of Third and Hetherton Streets

Verification: In signing this document, I, the undersigned, declare under penalty of perjury under the laws of the State of California that I have read this notice, and I know and understand the contents of this notice, and that the facts stated in this notice are true and correct.

Date and Place

Signature

Bill Guerin, Director of Public Works

*EXEMPT FROM NOTARY ACKNOWLEDGMENT REQUIREMENTS PER
GOVERNMENT CODE § 27287 AND CIVIL CODE § 9208*



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 5.h

Meeting Date: December 21, 2020

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

**Prepared by: Bill Guerin,
Director of Public Works**

City Manager Approval: 

TOPIC: TRAFFIC MITIGATION FEES

SUBJECT: ANNUAL TRAFFIC MITIGATION FEE REPORT - FY 2019-20

RECOMMENDATION: Accept the annual Traffic Mitigation Fee Report.

BACKGROUND: Traffic mitigation fees are a type of development impact or public facility fee. They are charged by a local governmental agency to an applicant in connection with the approval of a development project. They are not a tax or special assessment. Rather, their purpose is to offset the cost of public facilities made necessary by the development project. Traffic Mitigation Fees are collected to provide funds for increasing street capacity to accommodate additional traffic generated by new development. [Assembly Bill \(AB\) 1600](#) (California Government Codes §66000 – 66025) established requirements for how cities collect, maintain, and spend impact fees.

Impact fees must demonstrate a reasonable connection between the fee charged and the cost of the improvements for which they are collected, must be deposited in a separate account, segregated from the City's general fund, and used only for the identified improvements. AB 1600 requires cities to spend or commit the fees within five years of collection, or return them to the developer unless a finding can be made that a reasonable relationship continues to exist between the current need for the fee and the purpose for which it was originally collected (Gov. Code §66001(d)).

In 1988, the City's traffic mitigation fees were enacted in connection with the General Plan 2000 and that document's projections for growth and future traffic patterns in the City. The General Plan 2020 calls for continued implementation and periodic updating of Traffic Mitigation Fees in order to fund the long list of traffic improvements mentioned in the General Plan, as well as other circulation needs that may arise as the City is developed. (General Plan 2020, Programs C-6, C-7)

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

Of the City's various development fees, the Traffic Mitigation Fee is the only such fee subject to AB 1600 reporting. Pursuant to Government Code Section §66006, cities must publish annual reports on these fees, which are to be available to the public.

ANALYSIS: The Traffic Mitigation Fee report consists of the following required seven elements pursuant to the Government Code Section §66006:

1. *Fee description:* The Traffic Mitigation Fee is charged to new development projects. It is intended to pay for those circulation system improvements identified in General Plan 2020 needed to accommodate the proposed development or, as stated in section C-6 of General Plan 2020, for "other recommended roadway improvements, including additional improvements that may become necessary in the long-term and are desirable to enhance San Rafael's circulation system, but are not necessary to maintain Level of Service (LOS) standards. Specific improvements will be implemented as conditions require, and will be refined during the design phase, recognizing that other feasible design solutions may become available and be more effective in achieving the same goals as the improvements listed in Exhibit 21 from the General Plan 2020. The Plan lists 32 long-term roadway improvement projects, 24 of which are identified to be partially funded with Traffic Mitigation fees and as noted above, also allows other additional improvements, not in the General plan 2020 (such as improvements in the City's approved list of Capital Improvement Projects), to be made.
2. *Amount of the fee:* Each new A.M. and P.M. peak hour trip generated by a development is charged \$4,246. Fees are calculated based on land use types and their estimated trips generated.

3. *The following is a table summarizing the beginning and ending year fund balance, as well as specific revenues and expenditures for Traffic Mitigation Fund #246 for FY 2019-20.*

Fund 246 (Traffic Mitigation Fund) balance July 1, 2019	\$3,569,013
Revenue (19/20)	
• Interest income	\$70,721
• Traffic Mitigation Fees	\$503,097
Total Revenue	\$573,818
Expenditures (19/20)	
• <i>Capital Projects</i>	
Second & Third Street Signalization Study #11335	\$365,114
Innovative Deployment of Enhanced Arterials (IDEA) #11348	\$462,679
Second Street Intersection Improvement #11369	\$73,352
Andersen Drive #11276	\$218,900
Francisco Blvd West Multi-Use Pathway #11309	\$763,000
Public Safety Center Resurfacing #11377	\$45,000
Freitas and Las Gallinas Intersection #11171	\$19,250
Miscellaneous Traffic Signal Improvements	\$79,982
Correction Credit	(\$35,389)
Total Expenditures	\$1,991,887
Net Change Fund Activity	(\$1,418,069)
Fund Balance June 30, 2020	\$2,150,944

4. *List of improvements on which fees were expended, amount of expenditure and total percentage of cost covered by fee:* A list of all major planned circulation improvements identified in the General Plan is provided in Attachment 1 of this report. Following are the projects for which Traffic Mitigation Fees were used during the 2019-20 fiscal year:

- a. Second & Third Street Signalization (#11335) – In preparation for the extension of SMART to Larkspur, which includes rail line crossing Second and Third Streets, the City needed to make signalization improvements. Design was started in FY 2017-18, and construction was awarded by City Council on [December 3, 2018](#). There is limited remaining signal work to improve safety.
- b. Innovative Deployment of Enhanced Arterials (IDEA) Grant (#11348) – San Rafael is a successful recipient of the [Innovative Deployment of Enhanced Arterials \(IDEA\)](#) grant, funded by the Metropolitan Transportation Commission (MTC). On January 10, 2018 MTC awarded the City \$830,000 to develop and implement an [Automated Traffic Signal Performance Measures \(ATSPM\) system](#), with \$365,856 in matching local funds, for a total project budget of \$1,195,856. This system consists of a network of cameras at intersections in combination with an analytic program that measures traffic volumes, provides

approach delay per vehicle, reports arrivals on red, pedestrian delay, and highly sophisticated coordination data. Once installed, data collected from the ATSPM can be used to more accurately program and time the traffic signals based on historical traffic patterns in Central San Rafael. The ATSPM system benefits all users, including vehicles, bicyclists, and pedestrians. [On June 1, 2020](#), the City Council authorized the execution of an agreement with Mike Brown Electric for work on this project.

- c. Second Street Intersection Improvements (#11369) – Second Street is a major thoroughfare through Downtown San Rafael. This project rehabilitated critical intersections and includes pavement resurfacing, wheelchair ramps, and traffic signal upgrades with new communication equipment.
 - d. Andersen Drive #11276 – The project involves the reconfiguring of Andersen Drive, including the installation of signal systems and related improvements to allow an at grade rail crossing of Andersen Drive with SMART's extension to Larkspur. The MOU with SMART to construct the Andersen crossing improvements was approved by [City Council on March 20, 2017](#) which authorized a total amount of \$5,070,000 which included construction, contingency plus SMART's staff time. The initial design for this crossing was supported by redevelopment funds and the construction was supported by the Traffic Mitigation Fund. While the majority of the construction is completed, additional property transfers and incidental work remain at this time.
 - e. Francisco Blvd West Multi-Use Pathway #11309 – This project was partially funded by Traffic Mitigation Fees resulting from [transfer of funds from Grand Avenue Bridge project](#).
 - f. Public Safety Center Resurfacing #11377 – This project involved the conversion of C and D Streets from one-way streets to two-way streets between Fifth Avenue and First Street/Second Street. The contract for construction was awarded at the regular [June 15, 2020 City Council meeting](#). This project was partially funded (\$45,000) by Traffic Mitigation fees, as the traffic signal upgrades that are a part of the project are improvements identified in Exhibit 21 of the 2020 General Plan.
 - g. Freitas and Las Gallinas Intersection #11171 – The project upgraded traffic signal system and operations and improved pedestrian safety and intersection geometry. The project was fully completed in early 2018, and the formal notice of completion was brought to [City Council on August 20, 2018](#). The \$19,250 expended in FY 2019-20 represents a final small cost share of sidewalk ramp construction associated with the project.
5. *Approximate date by which construction will commence when City has determined that sufficient funds have been collected:* See No. 4 above. Projects identified in General Plan 2020 are major infrastructure improvements which often require substantial state and

federal funding in addition to Traffic Mitigation resources. Scheduling of those projects therefore depends upon the availability of these supplemental funds.

6. *Any interfund loan or transfer, including the public improvement where it will be spent:*
There was a transfer of funds out from the Traffic Mitigation Fund in the total amount of \$1,387,068, to support the following projects: Andersen Drive project #11276, Francisco Boulevard West Multi-Use Pathway (project #11309, IDEA Grant (project #11348), and the Public Safety Center Resurfacing (project #11377)
7. *Refunds made due to sufficient funds being collected:* No refunds were made.

An analysis of the accumulated fund balance follows. A first in, first out (FIFO) accounting method assumes the first revenue collected is the first spent. Staff analyzed the annual balances for the past 5 fiscal years and determined that no funds have been held for more than 5 years, as shown in the following table:

Traffic Mitigation Fund #246

Revenues only:

0-1 Year	1-2 Years	2-3 Years	3-4 Years	4-5 Years	5+ Years
Unspent & received in FY 18-19	Unspent & received in FY 17-18	Unspent & received in FY 16-17	Unspent & received in FY 15-16	Unspent & received in FY 14-15	Unspent & received 1/1/89 to 6/30/12
\$573,818	\$573,818	\$896,147	\$382,554	\$386,840	(\$662,233)

As evidenced by the projects described above, current traffic improvement projects underscore the connection between the current need for the fees and the purpose for which they were originally collected. The City anticipates the following projects will continue to incur Traffic Mitigation Funds expenses in FY 2020-21:

- Second & Third Street Signalization (#11335)
- IDEA Grant (#11348)
- Second Street Intersection Improvement (#11369)

While these are the projects currently under construction, it is worth noting that the total cost of the 24 Circulation Element improvements in the General Plan 2020 is estimated at \$57.95 million, of which \$38.6 million (67%) would come from traffic mitigation fees.

FISCAL IMPACT: There is no fiscal impact associated with accepting the report.

OPTIONS:

- Accept the report as recommended.
- Do not accept the report.

RECOMMENDED ACTION: Accept the Traffic Mitigation Fee Report.

ATTACHMENTS:

1. Exhibit 21 from General Plan 2020: *Major Planned Circulation Improvements*

Exhibit 21**Major Planned Circulation Improvements ^a**

	Proposed Roadway Improvements	Projected Cost	Mitigation Fee	Funding Source		Projected Project Timing (b)
				Redevelopment	State & Federal	
1	Smith Ranch Road/Lucas Valley Road Widen roadway to provide two westbound and two eastbound lanes between Redwood Highway and Los Gamos. Widen northbound 101 off ramp and southbound 101 off ramp for additional right and left turn lanes.	\$4,000,000	\$4,000,000			Depends On Development Timing
2	Lucas Valley/Los Gamos Widen Lucas Valley Road to provide two through lanes for eastbound and westbound, and provide two westbound left turn lanes. Widen southbound Los Gamos to provide 2 lanes for 300 feet and merge back to one lane. Signalize intersection and coordinate with adjacent intersections.	\$2,000,000	\$2,000,000			Depends On Development Timing
3	Las Gallinas Avenue (Merrydale to Del Presidio) Remove parking and widen street to provide four lanes (one southbound, two northbound and one two-way left turn).	\$300,000	\$300,000			Depends On Development Timing
4	Freitas/Las Gallinas Upgrade the traffic signal system and operation. Improve intersection geometry, cover portions of drainage ditch	\$650,000	\$650,000			5-7 years
5	Freitas/Del Presidio Explore feasibility of double northbound right turn and southbound 101 on ramp widening	\$900,000	\$900,000			Depends On Development Timing
6	Freitas/ Northbound 101 Ramps- Redwood-Civic Center widening and signalization. Right of Way Required.	\$7,500,000	\$7,500,000			Depends On Development Timing

	Proposed Roadway Improvements	Projected Cost	Mitigation Fee	Funding Source		Projected Project Timing (b)
				Redevelopment	State & Federal	
7	Grand Avenue (south of Grand Avenue bridge to Fourth Street)					
	Widen north/south, add one lane as required, and upgrade traffic signal system. Requires right of way and major bridge widening.	\$6,500,000	\$3,250,000	\$3,250,000		Depends On Development Timing
	Signalize Grand/ Fifth, and restrict parking to provide turn lanes.	\$200,000	\$200,000			5-7 years
	Signalize Grand/ Mission, and restrict parking to provide turn lanes.	\$200,000	\$200,000			5-7 years
8	Francisco Blvd. East (Bellam to Grand Avenue Bridge)					
	Four lanes required. One southbound, one two-way left turn and two northbound lanes. Major right of way required.	\$10,000,000	\$5,000,000	\$5,000,000		Depends On Development Timing
	Signalize Francisco Blvd. East/Harbor.	\$200,000	\$200,000			5-7 years
9	Lincoln Avenue (Second Street to southbound 101 ramps - Hammondale or as required)					
	Extend the existing PM peak northbound Tow-Away zone for AM peak as well (four lanes may be required). This parking restriction is likely to be extended north toward the southbound 101 ramps.	\$400,000	\$400,000			3-5 years
	Signalize Lincoln/ Grand, and restrict parking to provide turn lanes.	\$200,000	\$200,000			3-5 years
10	Mission/Lincoln	\$4,000,000	\$4,000,000			Depends On Development Timing
	Provide additional lanes for northbound, and westbound; upgrade traffic signal system, requires right of way.					
11	Fourth Street (Miracle Mile)	\$450,000	\$450,000			5-7years
	Re-align Ross Valley and Santa Margarita and re-design intersection operation. LOS may deteriorate but community access will be provided.					
	Additional Signalization					
12	Signalize Fifth & H Street, and restrict parking to provide turn lanes.	\$100,000	\$100,000			3 years

	Proposed Roadway Improvements	Projected Cost	Mitigation Fee	Funding Source		Projected Project Timing (b)
				Redevelopment	State & Federal	
13	Signalize First/C Street, and restrict parking to provide turn lanes.	\$150,000	\$150,000			3 years
14	Signalize First/ D Street, and restrict parking to provide turn lanes.	\$150,000	\$150,000			3 years
15	Signalize Fourth/Union Street, and restrict parking to provide turn lanes.	\$200,000	\$200,000			Depends On Development Timing
16	Signalize or Roundabout Mission/Court Street.	\$200,000	\$100,000	\$100,000		Depends On Development Timing
17	Signalize Merrydale/Southbound 101 Ramps, and provide turn lanes.	\$250,000	\$250,000			5-7years
18	Signalize Lincoln/DuBois/Irwin and re-align intersection. Right of way required.	\$2,500,000		\$2,500,000		Depends On Development Timing
19	Third/Union Street Widen Union Street to provide 4 lanes between Third and Fourth. Fire Station 4 modification required. Reconfigure Third/Union eastbound left turn pocket. Provide westbound right turn pocket. Upgrade the traffic signal system and operation.	\$900,000	\$900,000			2 years
20	Kerner Blvd or Francisco Blvd. East. To Andersen Drive Undercrossing Provide a minimum 3-lane connector near Shoreline Parkway. Signalize at both ends.	\$8,000,000	\$4,000,000	\$4,000,000		Depends On Development Timing
21	Andersen /East Sir Francis Drake-eastbound 580 Ramps Major widening and signalization.	\$2,000,000	\$500,000	\$500,000	\$1,000,000	5-7 years
22	Upgrade traffic signal system.	\$3,000,000	\$1,500,000		\$1,500,000	7 years
23	Install traffic monitoring sensors and camera system.	\$1,000,000	\$500,000		\$500,000	7 years
24	Install Fiber Optic network throughout the traffic system.	\$2,000,000	\$1,000,000		\$1,000,000	7 years
	Sub Total	\$57,950,000	\$38,600,000	\$15,350,000	\$4,000,000	

Proposed Roadway Improvements		Projected Cost	Mitigation Fee	Funding Source		Projected Project Timing (b)
				Redevelopment	State & Federal	
Other Projects		Projected Cost	City Funds	Redevelopment	State & Federal	
25	Implement Bicycle and Pedestrian Master Plan	\$5,300,000	\$2,650,000		\$2,650,000	7-20 years
26	Pedestrian bridge at Third/Hetherton – GGT Transportation Center	\$2,000,000	\$500,000	\$500,000	\$1,000,000	Depends On SMART, 10-20 years
27	Pedestrian bridge to connect Canal to Andersen Drive/Downtown.	\$4,500,000	\$1,125,000	\$1,125,000	\$2,250,000	10-20 years
28	Pedestrian bridge to connect Canal to Montecito Shopping Center.	\$4,000,000	\$1,000,000	\$1,000,000	\$2,000,000	10-20 years
29	Freitas / Northbound 101 Ramps - Redwood-Civic Center or a new flyover from Civic Center Dr. to Freitas.	\$12,000,000	\$6,000,000		\$6,000,000	Depends On Development Timing
30	Second Street (from E Street to east side of A Street). The projected volume requires right turn lanes or through/right lanes be added in the long term. Right of way required.	\$6,000,000	\$1,500,000	\$3,000,000	\$1,500,000	10-20 years
31	Pedestrian bridge over Canal between the Canal and Montecito/Happy Valley neighborhoods.	\$4,000,000	\$1,000,000	\$2,000,000	\$1,000,000	10-20 years
32	North San Rafael Promenade	\$2,000,000	\$1,000,000		\$1,000,000	10-20 years
Sub Total Other Projects		\$39,800,000	\$14,775,000	\$7,625,000	\$17,400,000	
Grand Total Project Cost		\$97,750,000				

(a) Priorities for circulation improvements are set in the Capital Improvements Program. This list may be amended as part of the five-year General Plan update.

(b) The timing for the improvements depends on the size, type and phasing of additional development. Policies LU-2 (Development Timing) requires findings when project-related traffic will not cause the LOS to be exceeded.

Source: San Rafael Public Works Department

**Item 6.a - Amendments to the San Rafael
Municipal Code to Streamline Housing
Development -
continued to a date uncertain**



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 7.a

Meeting Date: Dec 21, 2020

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: CITY MANAGER

Prepared by: Andrew Hening

City Manager Approval: _____

TOPIC: HOMELESSNESS

SUBJECT: INFORMATIONAL REPORT ON STATUS OF HOMELESSNESS IN SAN RAFAEL

RECOMMENDATION:

Accept Informational Report and Provide Direction to Staff.

BACKGROUND:

In January 2017, according to a [report](#) from the Bay Area Economic Institute and McKinsey Consulting, Marin County had the seventh highest per capita rate of homelessness in the entire country. By January 2019, however, overall homelessness in Marin had fallen by 7%, long-term chronic homelessness had declined by 28%, and unsheltered homelessness in San Rafael had dropped by 30%. Over this same two-year period, approximately 80% of California counties saw [increases](#) in homelessness, including a 20% increase in San Mateo County, a 31% increase in Santa Clara County, and a 43% increase in both Alameda County and Contra Costa County. These numbers were not an accident. Beginning in the spring of 2016, the City of San Rafael, alongside the County of Marin and local nonprofit partners, began implementing a series of pilot programs that ultimately became county-wide strategies for transforming Marin's homeless service system.

The initial drive for change was spurred by community concerns about the impacts of homelessness in Downtown San Rafael, specifically issues like flagrant public intoxication and untreated mental illness. As the City, County, and local providers began to focus on these issues, we began to see that behaviors were not being generated uniformly across every person experiencing homelessness. Instead, we realized that a small number of very sick, vulnerable, and mentally ill people were generating a hugely outsized impact. Ironically, our providers knew all these people by name. In some cases, we had been serving them for decades. In short, though we didn't have the language at the time, we realized our problem was chronic homelessness.

Chronic homelessness is used to describe people who have experienced **homelessness** for at least a year — or repeatedly — while struggling with a disabling condition such as a serious mental illness, substance use disorder, or physical disability. Making up to just 10-30% of the overall homelessness population in any given community, these individuals tend to generate significant public complaints, as well as substantial systemic costs. One [study](#) in Marin at that time, which focused specifically on

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

chronic inebriates, found that these high-needs individuals were costing the community \$60,000+ per year in public services (e.g. emergency room visits, EMS transports, criminal justice interventions). At the same time, these were also some of the most vulnerable people in the community, on average dying 20+ years earlier than their housed peers from treatable chronic illnesses.

To begin to address this hard-to-serve population, a team of local leaders, which was co-led by the City, began visiting other Bay Area communities to learn more about how this group could be helped. During those field trips, we discovered an outreach program in San Mateo which had essentially ended chronic homelessness in their downtown. The San Mateo Police Department led the effort by convening every local service provider, creating a by-name-list of the most challenging individuals in their community, and then meeting every two weeks to develop and implement customized housing strategies for each person. This effort seemed promising, so the City, the County, and local partners launched the Marin Homeless Outreach Team (HOT) in early 2016 with an initial focus on Downtown. In its first 18 months, HOT housed 23 of the most high-impact, long-term chronically homeless individuals in San Rafael. Because of the success, the [League of California Cities](#) named HOT a state-wide best practice for addressing homelessness.

Based on HOT's early success, our team started looking at ways to scale our impact. The tipping point was when we discovered [Community Solution's Built for Zero campaign \(BfZ\)](#). BfZ is a national movement of over 80+ communities who are working to end chronic and veteran homelessness by using a shared methodology and data standards. To-date, with the help of the BfZ model:

- 1 California community (Riverside City & County) has ended veteran homelessness
- 3 communities nationally have ended chronic homelessness
- 11 communities nationally have ended veteran homelessness
- 44 communities nationally have driven a community-wide reduction in homelessness

The BfZ methodology is predicated on:

- **Integrating the Local Team:** Traditionally, homelessness response systems are deeply siloed. BfZ communities build integrated, multi-agency teams which take responsibility for getting to zero.
- **Real-Time Measurement:** BfZ communities build privacy-protected, continuously updated, by-name lists of all those experiencing homelessness to track and respond to the problem in real time.
- **Rapid Cycle Testing:** Homeless is too dynamic for ten-year plans. BfZ communities use the same iterative problem-solving skills that have revolutionized global health efforts like the fight against polio to test, evaluate and scale the highest impact strategies quickly.
- **Targeted Housing Investments:** Many cities have ramped up affordable housing with no effect on homelessness. BfZ communities use real-time data to make targeted investments that yield reductions.

Encouraged by the example of BfZ communities who were farther along in the process than we were (e.g. Montgomery County, Maryland, a suburban community outside of Washington, D.C. had reduced chronic homelessness by 50%; Bergen County, New Jersey, a suburban community outside of New York City had ended chronic homelessness), in October 2017 we officially launched our new countywide "Coordinated Entry System". Coordinated Entry took the by-name-list concept we piloted in San Rafael with HOT and made it a countywide system. We shifted from subjectively determining who the most high-needs individuals were and instead moved to more objective measurements of vulnerability to determine housing prioritization.

Of course, the by-name-list was just the first step – it was the organizing principle. To be successful, we needed more housing and services. Prior to the launch of Coordinated Entry, we had been reliant on one-off openings in existing supportive housing programs, as well as an occasional housing voucher from Marin Housing Authority (MHA). Impressed by our results, however, in the summer of 2017, MHA pledged 70 annual slots on the Section 8 Waitlist for referrals from Coordinated Entry. This commitment, in turn, was contingent on the County of Marin providing sufficient supportive services to ensure these high-needs individuals were receiving sufficient assistance. Fortunately, at that same time, the State of California released new funding through “Whole Person Care”, which was designed to provide counties the resources they needed to serve individuals who are high utilizers of the healthcare system. Because of the new vouchers and service dollars, our community was able to launch “Housing First” at scale, and since October of 2017, we have housed over 300 of the most visible and vulnerable homeless individuals in Marin, and even during the pandemic, we continue to house 6+ people per month.

Housing First is an evidence-based best practice for housing people experiencing chronic homelessness. Historically, communities often make housing contingent on a person first getting sober, getting medicated, getting employed, and thriving in emergency housing. The result is that the most high-needs people are unable to meet these requirements, precisely because they are high-needs, and, thus, they never get housed. Housing First flips that notion on its head. It treats the lack of permanent housing as *the* paramount, foundational challenge. Once someone is back inside, then they can begin to work on their sobriety, employment, etc. Interestingly, the long-term retention rates in Housing First programs are in some cases 200% higher than the status quo of “treatment first”. Since October 2017, of the 200+ chronically homeless people we’ve housed, over 90% are still housed. For individuals who were homeless in San Rafael, based on data from the Police Department and Fire Department, we have observed a 54% reduction in EMS transports after people are housed and an 86% reduction in police interactions. Of note, thanks to the flexibility of the housing vouchers, the people who are being housed are finding units throughout the county, not simply in San Rafael, including Mill Valley, Corte Madera, San Anselmo, and Novato.

In addition to the City’s strategic efforts around chronic homelessness, over the last five years there have also been a number of tactical changes that have also gone into effect in San Rafael to mitigate the impacts of homelessness in our community.

- In 2017, based on a Memorandum of Understanding between the City of San Rafael and the Ritter Center, the Ritter Center stopped providing homeless mail services. The City now funds Ritter (\$10,000 per year) to administer PO Boxes at the San Rafael Post Office on Bellam Blvd. Previously Ritter had been serving 500+ clients with this service.
- In 2018, based on the same Memorandum of Understanding, Ritter stopped providing shower services Downtown, which had previously received approximately 300 visits per week. The closure coincided with the launch of the Marin Mobile Care mobile showers, which are now operated by Downtown Streets Team in East San Rafael, Novato, Fairfax, and Sausalito. They are also approved to operate in Corte Madera and Larkspur.
- Through continued leadership from the City, every city and town in Marin is contributing to the Community Homeless Fund. Since 2018, the fund has been used to support the mobile shower program as an outreach platform for Coordinated Entry. With total annual funding of \$180,000, San Rafael contributes \$36,000 a year. The current three-year funding commitment ends after FY20-21; however, Marin Community Foundation has provided \$180,000 to cover FY21-22.
- The City continues to support the Downtown Streets Team (\$75,000 for FY20-21), which is a work experience program designed to beautify the community while helping people experiencing homelessness regain the skills and confidence they need to reenter the workforce.

After starting as a pilot in Downtown San Rafael in July 2013, the program is now operating city and countywide.

- The City continues to provide proactive outreach to the homeless community through the Police Department's Special Operations Unit, which is led by Sgt. Carl Huber and includes San Rafael's Mental Health Outreach Liaison Lynn Murphy (and comfort dog Blue).

2020, of course, has provided new challenges and opportunities for our community's homelessness response. Given the inherent health vulnerability of people experiencing homelessness, there has been considerable concern about a possible outbreak within the homeless community. To help mitigate this concern, there have been a variety of new initiatives, primarily led by the County of Marin's Emergency Operation Center, to mitigate this threat (to-date, there has not been a significant outbreak in the homeless community). Those efforts have included:

- Expanding shelter capacity by as much as 60% by working with local hotels and motels
- The County passing and extending a countywide eviction moratorium to prevent an inflow of new people experiencing homelessness
- Providing emergency rental assistance to over 1,000 households, which included funding from San Rafael's CDBG allocation
- Leveraging County of Marin disaster service workers to continue outreach to encampments throughout the county
- Conducting mass testing at various homeless service providers to assess whether or not an outbreak has occurred (it has not to-date)

We have also seen tremendous progress on the housing front in 2020. Homeward Bound of Marin has started construction on 32 new units of permanent supportive housing at their Mill Street Center. Additionally, in November the City Council approved allocating funding from the Affordable Housing Trust Fund to support the County's purchase of 3301 Kerner Boulevard through the State of California's Project Homekey initiative. This will produce another 44 units of permanent supportive housing.

ANALYSIS:

San Rafael's new City Council is inheriting a strong foundation of strategies, tactics, and partnerships that are driving measurable improvements to homelessness in San Rafael. With that being said, homelessness is one of the most complex challenges our community faces, and moving into 2021 and beyond, there are a number of policy questions that would greatly aid in directing staff's time and energy over the coming months and years:

- How does the City Council want to respond to the ongoing challenge of encampments and unsheltered homelessness?
- Given the economic fallout of the COVID-19 crisis, as well as other underlying issues like the cost of housing and the lack of sufficient mental health services for high-needs people, how does the City want to work to prevent more homelessness in our community?
- To what extent and in what ways should the City engage with neighboring cities and towns to address homelessness?
- Is the City currently investing adequate resources in our response to homelessness?
- Are there possibilities to continue to provide effective social services in ways that mitigate any potential negative community impact, such as working to relocate some services that are currently offered Downtown?
- What is the future of the City's current portfolio of homeless service contractors (e.g. Downtown Streets Team)?

Staff is looking forward to working with the new City Council on these and other policy concerns.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

RECOMMENDATION:

Accept Informational Report and Provide Direction to Staff.



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 7.b

Meeting Date: December 21, 2020

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Police

Prepared by: Roy Leon, Captain

City Manager Approval: _____

TOPIC: RESPONSE TO THE GRAND JURY REPORT ON FIREARM SAFETY

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE RESPONSE TO THE 2019-2020 MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED "THE GUN NEXT DOOR: FIREARM SAFETY IN MARIN COUNTY"

RECOMMENDATION:

Adopt a resolution approving and authorizing the Mayor to execute the City of San Rafael's response to the Marin County Civil Grand Jury Report entitled, "The Gun Next Door: Firearm Safety in Marin County".

BACKGROUND:

On October 30, 2020, the 2019-2020 Marin County Civil Grand Jury released a report entitled "The Gun Next Door: Firearm Safety in Marin County" (Attachment B). The Grand Jury report addresses the increase of firearms in American homes and the safety risks associated with unsecured weapons being a major concern. The report indicates that while the number of firearms in American homes has been increasing every year for many years, a record number of gun purchases were made in the first half of 2020, with June 2020 recording the highest single month on record. The report estimates there could be 100,000 weapons in Marin homes, offices, and cars. California surveys suggest about 18,000 of those guns are stored unlocked and loaded, accessible to anyone in the home. The report focuses on what Marin's elected officials and public administrators can do to encourage safe storage and handling of guns.

The Grand Jury Report presents the following findings:

- F1. A comprehensive public awareness campaign that reaches all Marin residents would be effective in reducing the risk from unsafely handled and stored guns.
- F2. Marin residents should be reminded that firearms stored unsafely increase the potential for accidental injury or death.
- F3. Firearms that are not stored in a gun safe pose an unacceptable risk of being stolen or used in crime.

FOR CITY CLERK ONLY

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Disposition: _____

- F4. Marin residents should be reminded that a gun in a home increases the risk of suicide for all members of the household.
- F5. Gun buyback programs reduce the availability of lethal weapons to suicidal individuals, the risk of accidental injury or death, and the possibility that a gun will be stolen.
- F6. Gun violence restraining orders can play an important role in keeping guns away from those who should not have them.

The Grand Jury Report presents the following list of recommendations:

- R1. The Marin County district attorney should begin work, within six months from the date of this report, on a comprehensive, multimedia (including social media) public awareness campaign that includes information regarding the safe handling and storage of firearms, and the availability of gun violence restraining orders.
- R2. Each town, city, police authority, as well as the sheriff, should, at least annually, beginning in fiscal year 2020–21, send reminders to its residents regarding the need for safe handling and storage of firearms, and this reminder should be posted on official websites and social media platforms.
- R3. Each town, city, police authority, as well as the sheriff should, within six months of the date of this report, offer free gun locks and publicize a procedure for residents to turn in unwanted weapons. This message should also be posted on official websites and social media platforms.
- R4. The Marin County district attorney should work with other law enforcement agencies to continue to offer gun buyback programs, funded by public donations or grants.

The City is required to respond to the Grand Jury Report. Penal Code Section 933 states in part:

“No later than 90 days after the Grand Jury submits a final report...the governing body of the public agency shall comment to the presiding Judge of the Superior Court on the findings and recommendations... [contained in the report].”

To comply with this statute, the City’s response to the Grand Jury report must be approved by Resolution of the City Council and submitted to the Presiding Judge of the Marin County Superior Court and the Foreperson of the Grand Jury by January 30, 2021. A proposed Resolution is attached that would approve the City’s response, a copy of which is attached hereto as Attachment A.

ANALYSIS:

The Grand Jury Report dated October 30, 2020, was distributed to the County of Marin and all cities/towns in Marin County. The City of San Rafael has been requested to respond to findings F1-F6 and recommendations R2, R3, and R4. Staff’s recommended responses are as follows:

Responses to Findings: We agree with the findings numbered F1-F6.

Responses to Recommendations:

- R2. This recommendation has been implemented. In November of 2020, the San Rafael Police Department sent out information to our residents regarding the need for safe handling and storage

of firearms. The firearm safety information is currently posted on our police department official website (srpd.org). The safety information was publicly posted on our social media platforms. The police department will continue to send out firearm safety information on an annual basis.

- R3. This recommendation has been implemented. The police department provides free gun locks to the public through a partnership with Project ChildSafe. Project ChildSafe is a nationwide educational program that promotes the safe storage of firearms in the home. The program raises awareness about firearms safety by distributing gun locks and educational materials to gun owners. Project ChildSafe provides responsible gun owners with the tools and information they need to securely store their guns away from unauthorized persons, including children, at-risk individuals and criminals. Free gun locks are currently being distributed to the public at the City of San Rafael Public Safety Center.

The police department has a current procedure for residents to turn in unwanted weapons. The procedure to turn in unwanted weapons and information regarding Project ChildSafe are both currently posted on our police department official website. Information regarding the two programs was also posted and shared on our social media platforms in November of 2020.

- R4. This recommendation has been implemented. The police department partnered with the Marin County District Attorney's Office in 2013 and in 2016 on gun buyback events. On November 5th, 2020, the Marin County District Attorney's Office notified our department that no gun buyback events are planned at this time, due to the current COVID-19 conditions. The police department is committed to working with the Marin County District Attorney's Office on future events.

COMMUNITY OUTREACH:

The San Rafael Police Department has 15,525 Twitter followers, 11,264 Facebook followers, 2,670 Instagram followers and 37,756 subscribers on NextDoor. These social media platforms will be used to distribute reminders to our residents regarding the safe handling and storage of firearms. These platforms will also be used to distribute information regarding the police department's free gun lock program, procedures regarding unwanted weapons, and future gun buyback events.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

OPTIONS:

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

1. Adopt resolution approving the Grand Jury response.
2. Adopt resolution with modifications.
3. Direct staff to return with more information.

RECOMMENDED ACTION:

Adopt a resolution approving and authorizing the Mayor to execute the City of San Rafael's response to the 2019-2020 Marin County Civil Grand Jury Report entitled, "The Gun Next Door: Firearm Safety in Marin County".

ATTACHMENTS:

- A. Resolution with Exhibit: Response to Grand Jury Report Form
- B. Grand Jury report dated October 30, 2020

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE RESPONSE TO THE 2019-2020 MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED “THE GUN NEXT DOOR: FIREARM SAFETY IN MARIN COUNTY”

WHEREAS, pursuant to Penal Code section 933, a public agency which receives a Grand Jury Report addressing aspects of the public agency’s operations, must comment on the Report’s findings and recommendations contained in the Report in writing within ninety (90) days to the Presiding Judge of the Superior Court with a copy to the Foreperson of the Grand Jury; and

WHEREAS, Penal Code section 933 specifically requires that the “governing body” of the public agency provide said response and, in order to lawfully comply, the governing body must consider and adopt the response at a noticed public meeting pursuant to the Brown Act; and

WHEREAS, the City Council of the City of San Rafael has received and reviewed the 2019-2020 Marin County Civil Grand Jury Report, issued October 30, 2020, entitled “The Gun Next Door: Firearm Safety in Marin County” and has agenzized it at this meeting for a response.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Rafael hereby:

1. Approves and authorizes the Mayor to execute the City of San Rafael’s response to the 2019-2020 Marin County Civil Grand Jury Report, issued October 30, 2020, entitled “The Gun Next Door: Firearm Safety in Marin County”, a copy of which is attached hereto.

2. Directs the City Clerk to forward the City’s Grand Jury Report response to the Presiding Judge of the Marin County Superior Court and to the Foreperson of the Marin County Civil Grand Jury.

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 San Rafael City Council held on December 21, 2020 by the following vote to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

LINDSAY LARA, City Clerk

RESPONSE TO GRAND JURY REPORT FORM

Report Title: The Gun Next Door: Firearm Safety in Marin County
Report Date: October 30, 2020

Response By: San Rafael City Council
Title: Mayor and City Council

FINDINGS:

- We agree with the findings numbered F1, F2, F3, F4, F5, F6
- We disagree wholly or partially with the findings numbered N/A

RECOMMENDATIONS:

- Recommendations numbered R2, R3, R4 have been implemented.
- Recommendations numbered _____ have not yet been implemented but will be implemented in the future.
- Recommendations numbered _____ require further analysis.
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.

DATED: _____

Signed: _____
KATE COLIN, Mayor

ATTEST: _____
Lindsay Lara, City Clerk

Number of pages attached: 1

**ATTACHMENT C: RESPONSE OF THE CITY OF SAN RAFAEL TO GRAND JURY
REPORT "The Gun Next Door: Firearm Safety in Marin County".**

RECOMMENDATIONS AND RESPONSES

R2. Each town, city, police authority, as well as the sheriff, should, at least annually, beginning in fiscal year 2020–21, send reminders to its residents regarding the need for safe handling and storage of firearms, and this reminder should be posted on official websites and social media platforms.

Response: This recommendation has been implemented.

In November of 2020, the San Rafael Police Department sent out information to our residents regarding the need for safe handling and storage of firearms. The firearm safety information is currently posted on our police department official website (srpd.org). The safety information was publicly posted on our social media platforms. The police department will continue to send out firearm safety information on an annual basis.

R3. Each town, city, police authority, as well as the sheriff should, within six months of the date of this report, offer free gun locks and publicize a procedure for residents to turn in unwanted weapons. This message should also be posted on official websites and social media platforms.

Response: This recommendation has been implemented.

The police department provides free gun locks to the public through a partnership with Project ChildSafe. Project ChildSafe is a nationwide educational program that promotes the safe storage of firearms in the home. The program raises awareness about firearms safety by distributing gun locks and educational materials to gun owners. Project ChildSafe provides responsible gun owners with the tools and information they need to securely store their guns away from unauthorized persons, including children, at-risk individuals and criminals. Free gun locks are currently being distributed to the public by visiting the City of San Rafael Public Safety Center.

The police department has a current procedure for residents to turn in unwanted weapons. The procedure to turn in unwanted weapons and information regarding Project ChildSafe are both currently posted on our police department official website. Information regarding the two programs were also posted and shared on our social media platforms in November of 2020.

R4. The Marin County district attorney should work with other law enforcement agencies to continue to offer gun buyback programs, funded by public donations or grants.

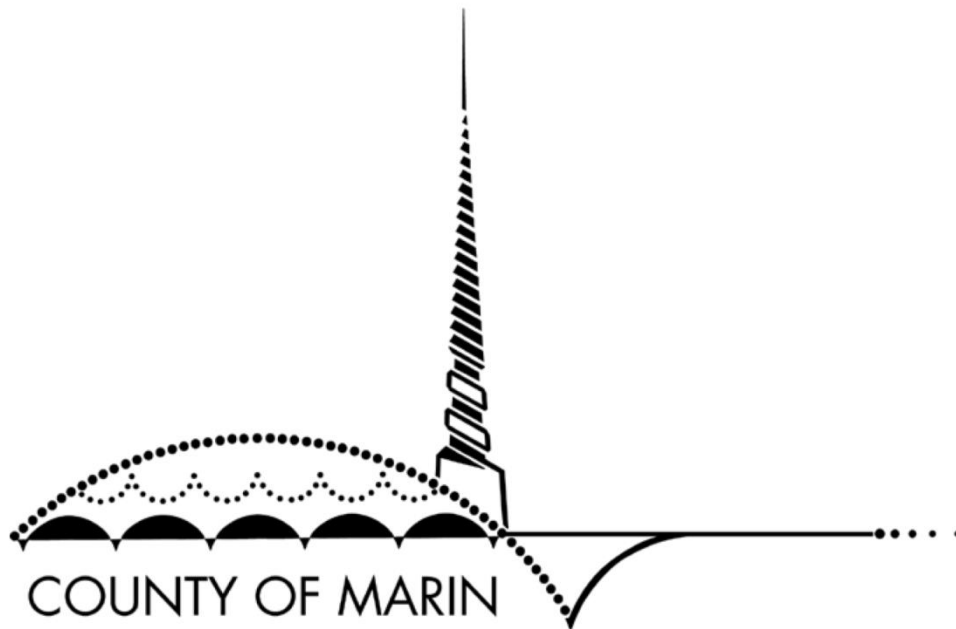
Response: This recommendation has been implemented.

The police department partnered with the Marin County District Attorney's Office in 2013 and in 2016 on gun buyback events. On November 5th, 2020, the Marin County District Attorney's Office notified our department that no gun buyback events are planned at this time, due to the current COVID-19 conditions. The police department is committed to working with the Marin County District Attorney's Office on future events.

2019–2020 MARIN COUNTY CIVIL GRAND JURY

The Gun Next Door: Firearm Safety in Marin County

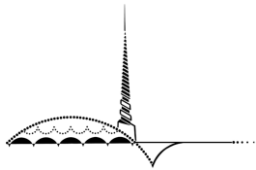
October 30, 2020



A Note about the Coronavirus Pandemic

The 2019–2020 Marin County Civil Grand Jury is issuing its reports during the unprecedented conditions of the COVID-19 pandemic. We are well aware that Marin County is in crisis and that critical public health concerns, operational difficulties, and financial challenges throughout the county have a greater claim to government attention right now than the important issues raised by this Grand Jury.

We are confident that, in due course, Marin will come through this crisis as strong as ever.



The Gun Next Door: Firearm Safety in Marin County

SUMMARY

While the number of firearms in American homes has been increasing every year for many years, a record number of gun purchases were made in the first half of 2020, with June 2020 recording the highest single month on record. Many of these purchases were made by first-time gun owners, most of whom cited self-protection as the reason for their purchase.

Studies indicate that the presence of guns in our homes poses an increased risk of suicide, not only for the gun owner, but for all others living in the home. Although the increased threat of suicide from owning a gun is not a new phenomenon, we are living in times of extraordinary stress and tension, both of which are risk factors for suicide.

Marin County is not a magic kingdom immune to trends in the rest of society. The spring and summer of 2020 brought fundamental change to the way we live our daily lives. COVID-19 shuttered our schools and left our children and grandchildren at home much of every day. Marin County shed jobs, and many of us are unemployed, at home, and worried.

Although it is impossible to know exactly how many firearms are in Marin, there are conservative estimates that there could be 100,000 weapons in our homes, offices, and cars. California surveys suggest that about 18,000 of those guns are stored unlocked and loaded, accessible to anyone in the home.

These unprecedented times amplify the importance of how we secure the guns in our midst. It is more important than ever that firearms be handled safely and stored according to law and common sense. Marin County law enforcement, educational institutions, and public health agencies have done some messaging in the gun safety arena, but more needs to be done to educate the public about responsible gun ownership.

This Grand Jury report is focused on what Marin's elected officials and public administrators can do to encourage safe storage and handling of guns. It recommends that the district attorney work with law enforcement across the county to prepare and conduct a comprehensive public awareness campaign on firearm safety, including safe handling of guns, the availability of gun violence restraining orders, and the continued use of gun buybacks.

BACKGROUND

It is difficult to obtain accurate information on the number of weapons in any county in America—and this holds true for Marin County as well. In California, the Department of Justice collects information on gun purchases per county. However, the last time these numbers were published was in 2015. At that time, the department reported that 46,300 guns had been purchased in Marin since 2001.¹ This number, however, includes only guns that were purchased

¹ Gary Klein, "In Peace Loving Marin, No Shortage of Guns," *Marin Independent Journal*, March 11, 2018, <https://www.marinij.com/2018/03/11/in-peace-loving-marin-no-shortage-of-guns>.

in Marin. It does not include guns bought before 2001 or guns acquired outside the county and brought into Marin.

The California Department of Justice did not respond to several Grand Jury requests for current information regarding the number of gun purchases in Marin. Additionally, the Grand Jury was not able to find any local law enforcement agency or any other Marin County governmental source that provides this information. The current number of firearms in Marin can therefore only be extrapolated from published statistics, academic research, and other indirect sources.

Credible estimates of the number of civilian firearms in the United States in 2018 began at 265 million and ran as high as 393 million.² The FBI reported there were more than 27 million new requests for background checks to purchase firearms in 2019 alone.³ Even the lowest estimate indicated that there was well over one firearm for every adult in the country.

According to a 2017 Pew Research Center survey of U.S. adults, “about four-in-ten adults (42%) report that there is a gun in their household, with three-in-ten saying they personally own a gun and 11% saying they don’t own a gun but someone else in their household does.”⁴ Since 2018, however, the number of requests to purchase guns has skyrocketed to record highs.⁵

Firearm ownership, however, is not distributed evenly across the nation. The per capita rate of gun ownership in California is far lower than in many other states. Even so, there were an estimated 19.9 million guns in California in 2017, before a recent surge in gun purchases.⁶

The COVID-19 pandemic set off massive increases in the sale of guns and ammunition across the country, including a surge in first-time gun purchases.⁷ There were over 17.3 million requests for background checks to purchase firearms from March through July of 2020. Nationally, more guns were bought and permits issued in both June and July 2020 than in any other months since

² Christopher Ingraham, “There are more guns than people in the United States, according to a new study of global firearm ownership,” *The Washington Post*, June 19, 2018, <https://www.washingtonpost.com/news/work/wp/2018/06/19/there-are-more-guns-than-people-in-the-united-states-according-to-a-new-study-of-global-firearm-ownership/>.

³ FBI Documents, “NICS Firearm Background Checks,” June 30, 2020, https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view.

⁴ Kim Parker, Juliana Menasce Horowitz, Ruth Igielnik, J. Baxter Oliphant, and Anna Brown, “The Demographics of Gun Ownership,” Pew Research Center, June 22, 2017, <https://www.pewsocialtrends.org/2017/06/22/the-demographics-of-gun-ownership/>.

⁵ Chauncey Alcorn, “Guns and Ammunition Sales Soar as Defund-the-Police Movement Grows,” CNN Business, June 24, 2020, <https://www.cnn.com/2020/06/24/business/gun-sales-spike/index.html>.

⁶ Andrew Sheeler, “Gun control isn’t stopping Californians from owning firearms, new study says,” *The Sacramento Bee*, December 6, 2019, <https://www.sacbee.com/news/california/article238113499.html>.

⁷ N. Kravitz-Wirtz, R. Pallin, M. Miller, et al, “Firearm Ownership and Acquisition in California: Findings from the 2018 California Safety and Well-being Survey,” *Injury Prevention*, December 5, 2019, <https://injuryprevention.bmj.com/content/early/2019/10/25/injuryprev-2019-043372.citation-tools>; Taryn Hoffman, “Background Checks on Buyers Can’t Keep Up With Surge in Gun Sales,” *Who.What.Why.*, June 11, 2020, <https://whowhatwhy.org/2020/06/11/background-checks-on-buyers-cant-keep-up-with-surge-in-gun-sales/>; Jason Fagone, Matthias Gafni, Taiana Sanchez, and Nanette Asimov, “Gun Sales Surge amid Coronavirus Fears,” *San Francisco Chronicle*, March 17, 2020, <https://www.sfchronicle.com/bayarea/article/Gun-sales-surge-amid-coronavirus-fears-and-15138650.php>.

records have been kept, with almost four million background checks conducted in June 2020 alone.⁸

Marin County has approximately 259,000 people in 105,000 households.⁹ Gun ownership is not spread evenly among Marin residents. Some owners may have only one firearm, and some may have many. Therefore, the most useful measure of the distribution of firearms in a community is the number of households with a firearm. As noted above, surveys indicate that in 2017, 42 percent of U.S. households reported having a gun in the home. If gun ownership in Marin County is in line with the national average, there could be 44,000 armed households in Marin. Even if Marin has just *half* the guns as the rest of the country, there could be over 22,000 homes in Marin with at least one firearm.

APPROACH

The Grand Jury conducted independent research into the legal and public policy issues addressed in this report. The jury interviewed county, city, town, school, and law enforcement officials, as well as experts in gun violence and gun safety.

DISCUSSION

The COVID-19 pandemic has led to a national surge in the purchase of firearms. According to the National Shooting Sports Foundation, a firearms industry trade association, the surge is being fueled by first-time buyers who are purchasing weapons for “personal protection.” The foundation reports that retailers estimated that 40 percent of these purchases were by first-time buyers—compared with an annual average of 24 percent before the pandemic.¹⁰ More guns in American homes, especially homes with buyers who have not previously owned a firearm, means a greater risk of suicide.¹¹

Marin County is not immune to the forces at play in the nation and the Bay Area.¹² COVID-19 has led to increased unemployment in Marin—the highest in recent history.¹³ The virus has shuttered our schools and led to children and teens spending more time than ever at home. Travel and socializing restrictions have affected everyone in Marin, not just children and teens. It is therefore essential that everything possible be done to ensure that Marin County remains safe. It is more important than ever to educate the citizens of Marin about the safe handling and storage of firearms.

⁸ FBI Documents, “NICS Firearm Background Checks,” accessed August 12, 2020, https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view.

⁹ World Population Review, “Marin County, California Population 2020,” accessed August 15, 2020, <https://worldpopulationreview.com/us-counties/ca/marin-county-population/>.

¹⁰ Jim Curcuruto, “Millions of First Time Gun Buyers during COVID-19,” NSSF, June 1, 2020, <https://www.nssf.org/millions-of-first-time-gun-buyers-during-covid-19/>.

¹¹ Benedict Carey, “First Time Gun Owners at Risk for Suicide, Major Study Confirms,” *The New York Times*, June 3, 2020, <https://www.nytimes.com/2020/06/03/health/suicide-guns-firearms.html>.

¹² Fagone, Gafni, Sanchez, and Asimov, “Gun Sales Surge Amid Coronavirus Fears,” <https://www.sfchronicle.com/bayarea/article/Gun-sales-surge-amid-coronavirus-fears-and-15138650.php>.

¹³ Federal Reserve Economic Data, “Unemployment Rate in Marin County,” June 2020, <https://fred.stlouisfed.org/series/CAMARI5URN>.

Marin County's elected officials have done some messaging in the past regarding gun safety. The county superintendent of schools, the sheriff, and the district attorney joined together to encourage gun safety in the homes of school children. Their gun safety message included a request that parents ask other parents whether any unlocked guns are present in the home before sending a child on a playdate.¹⁴

In 2019, the district attorney sponsored a training on the use of gun violence restraining orders, a relatively new type of civil restraining order designed to ensure that people who are a risk to themselves or others are not armed.¹⁵ The previous district attorney organized gun buyback programs in cooperation with law enforcement in 2013 and 2016.¹⁶ In 2019, the Tiburon town manager sent an email to residents reminding them of the need to handle weapons safely. The Central Marin Police Authority partnered with the National Shooting Sports Foundation to offer free gun locks at its stations.¹⁷ These are all models of good leadership. Yet more can be done—more needs to be done to protect our communities from the “gun next door.”

Storage and Handling of Firearms

Almost 18 percent of gun owners in California store their guns loaded and unlocked.

California is one of several states with strong laws prohibiting “criminal storage” of firearms. The state imposes criminal liability on adults whose firearms are stored negligently where a child or a person prohibited from possessing a firearm can gain access.¹⁸

A University of California, Davis, survey reveals that these gun safety laws are responsible for Californians being more likely than the rest of the country to store their guns safely. Yet, more than 65 percent of California gun owners do not store their guns in the safest manner, both locked and unloaded. Almost 18 percent of gun owners in the state store their guns in the most unsafe way possible, unlocked and loaded.¹⁹

Unsecured weapons are a major concern. The Centers for Disease Control and Prevention reports that guns are the second highest cause of death for children and teens in America, following only

¹⁴ Lori Frugoli, Robert Doyle, and Mary Jane Burke, letter to parents/guardians of Marin County students, Marin County Office of Education, February 2019, <https://www.marinschools.org/cms/lib/CA01001323/Centricity/Domain/1249/Feb%202019%20Gun%20Safety-English.pdf>.

¹⁵ Marin County News Release, “DA Offers Gun Violence Restraining Order Training,” July 8, 2019, <https://www.marincounty.org/main/county-press-releases/press-releases/2019/da-gunviolencetraining-070819>.

¹⁶ Stephanie Weldy, “Marin Gun Buyback Purchases \$80,000 in Firearms,” *Marin Independent Journal*, September 13, 2016, <https://www.marinij.com/2016/09/13/marin-gun-buyback-purchases-80000-in-firearms/>.

¹⁷ Central Marin Police Authority, “Project Childsafe—Gun Locks,” accessed August 14, 2020, <http://centralmarinpolice.org/145/Project-Childsafe---Gun-Locks>.

¹⁸ California Penal Code §§ 25100-25140, accessed August 14, 2020, https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=25100.

¹⁹ Kravitz-Wirtz, Pallin, and Miller, “Firearm Ownership and Acquisition in California,” <https://injuryprevention.bmj.com/content/early/2019/10/25/injuryprev-2019-043372>.

automobile accidents.²⁰ Furthermore, a study of the last three decades of American mass school shootings revealed that 75 percent of guns used in school shootings by minors came from the home of a parent or relative. According to the U.S. Secret Service, in half of the cases the firearm was either readily accessible or was not secured in a meaningful way.²¹

Securing Firearms

“Own it? Respect it. Secure it.”

Gun locks and gun safes are effective ways of storing guns and reducing gun-related tragedies.²² For more than a decade, California has required that any sale of a firearm, whether by dealer or private sale, be accompanied by a gun lock if a gun safe is not available.²³ However, many guns have been handed down through families or purchased from individuals, and a gun lock may not have been provided.

The Central Marin Police Authority partnered with the National Shooting Sports Foundation to offer 1,100 firearm safety kits to residents of Corte Madera, Larkspur, and San Anselmo. The kits are available free of charge and include a safety curriculum and a cable-style gun lock. The police website states, “We encourage residents to pick up a Project Childsafe kit so that they can securely store their firearm.”²⁴ The Project Childsafe organization emphasizes safe handling with its motto, “Own it? Respect it. Secure it.”²⁵



Cable gun lock on left and trigger gun lock on right. (Photo courtesy of U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Enforcement, Programs and Services)

²⁰ Rebecca M. Cunningham, M.D., Maureen A. Walton, M.P.H., Ph.D., and Patrick M. Carter, M.D., “The Major Causes of Death in Children and Adolescents in the United States,” *The New England Journal of Medicine*, December 20, 2018, <https://www.nejm.org/doi/full/10.1056/NEJMSr1804754>.

²¹ National Threat Assessment Center, *Protecting America’s Schools: A U.S. Secret Service Analysis of Targeted School Violence*, U.S. Secret Service, Department of Homeland Security, November 2019, <https://www.secretservice.gov/data/protection/ntac/ussr-analysis-of-targeted-school-violence.pdf>.

²² Michael Monuteaux, Deborah Azrael, and Matthew Miller, “Association of Increased Safe Household Firearm Storage with Firearm Suicide and Unintentional Death among US Youths,” *JAMA Pediatrics*, May 13, 2019, <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2733158>.

²³ California Penal Code § 23635, accessed August 14, 2020, http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=23635.

²⁴ Central Marin Police Authority, “Project Childsafe—Gun Locks,” accessed August 15, 2020, <http://centralmarinpolice.org/145/Project-Childsafe---Gun-Locks>.

²⁵ Project Childsafe, “Parents & Gun Owners,” 2018, <https://projectchildsafe.org/parents-and-gun-owners>.

Because of the potential for the mishandling of firearms, it is important that all local law enforcement agencies reach out to Marin gun owners to remind them of the legal requirements and safety considerations surrounding safe storage and handling of firearms. These agencies should also develop procedures for residents to drop off unwanted guns at their police stations and inform residents of these procedures. Law enforcement should also provide free gun locks and encourage residents to pick up a lock if they do not have one.

Stolen Guns

A firearm is stolen every 2 minutes in the United States.

Law enforcement officials, both in Marin and nationally, report that guns are a prime target in home and automobile burglaries. One study concluded, “The number of stolen guns in the United States is staggering. Whether taken from gun stores or from individual gun owners, a firearm is stolen every 2 minutes. These stolen guns are often diverted directly into illegal trafficking networks and end up being used in the commission of violent crimes.”²⁶ A study by the United States Department of Justice in 2016 estimated that more than 50 percent of guns used in crimes were either stolen or obtained through an illegal trafficking network.²⁷ In California, more than 132,000 guns were reported stolen from individual owners from 2012 through 2015.²⁸

The California Department of Justice maintains a database of crimes and clearances by county. These incidents are reported to the state Department of Justice, but not published anywhere locally. The Grand Jury’s analysis of this data determined that there were 265 armed robberies and 180 armed assaults reported in Marin in the ten years ending in 2019.²⁹ The Jury could find no Marin-specific statistics on stolen guns used in such crimes.

To help prevent guns from ending up in the hands of criminals, local law enforcement should remind gun owners that their firearms must be secured with a firearm locking device in a locked location, like a safe or lock box.³⁰ The best way to keep guns out of the hands of criminals is to lock them in a bolted-down safe.³¹ Gun owners should also be reminded to never leave a gun in plain sight in an automobile or leave it there overnight. A gun in a car should be locked in a safe

²⁶ Chelsea Parsons and Eugenio Weigend Vargas, “Stolen Guns in America,” Center for American Progress, July 25, 2017, <https://www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/>.

²⁷ Mariel Alper, Ph.D., and Lauren Glaze, “Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016,” U.S. Department of Justice, Bureau of Justice Statistics, Special Report, January 2019, p. 1, <https://www.bjs.gov/content/pub/pdf/suficspi16.pdf>.

²⁸ Parsons and Weigend, “Stolen Guns in America,” <https://www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/>.

²⁹ California Department of Justice, “Crimes and Clearances,” OpenJustice database, accessed August 12, 2020, <https://openjustice.doj.ca.gov/exploration/crime-statistics/crimes-clearances>.

³⁰ Everytown for Gun Safety Support Fund, “Unload, Lock, and Separate: Secure Storage Practices to Reduce Gun Violence,” September 3, 2019, <https://everytownresearch.org/secure-storage/>.

³¹ Gun News Daily, “Gun Safes: Here Are the Very Best You Can Get,” *The National Interest*, December 24, 2019, <https://nationalinterest.org/blog/gun-safes-here-are-very-best-you-can-get-108051>.

that is secured to the vehicle either permanently or with a cable lock with a high-quality padlock.³² These locking devices will deter all but the most dedicated thieves.

Suicide by Gun

“Whether a suicide attempt is fatal depends heavily on the lethality of the method used, and firearms are extremely lethal.”

There were 83 suicides by gun in Marin between 2013 and 2019.³³ Any gun in the household increases the risk of suicide.³⁴ About six in ten gun deaths in the United States each year are suicides.³⁵ According to the results of a recent study published in the *New England Journal of Medicine*, gun owners in California were nearly four times as likely to die by suicide than people without guns, even when controlling for gender, age, race, and neighborhood. The journal reported, “Suicide attempts are often impulsive acts, driven by transient life crises. Most attempts are not fatal, and most people who attempt suicide do not go on to die in a future suicide. Whether a suicide attempt is fatal depends heavily on the lethality of the method used, and firearms are extremely lethal.”³⁶

According to research presented in the *Annals of Internal Medicine*, the elevated risk of suicide applies to everyone in the household, not just the owner of the gun.³⁷ The Children’s Hospital of Philadelphia Research Institute notes that “more than 80 percent of guns used by youth in suicide attempts were kept in the home of the victim, a relative, or a friend.”³⁸

The Marin County Health and Human Services Department recently published its *Suicide Prevention Strategic Plan*. That plan cites the Harvard T.H. Chan School of Public Health’s *Means Matter* campaign which emphasizes the direct connection between the ready availability of firearms and suicide. The campaign notes six key points of understanding:

- **Many suicide attempts occur with little planning during a short-term crisis.** While some suicides are the result of deliberate planning, many people who attempt or die by

³² Spencer Blue, “Gun Theft Happens: How to Reduce Your Risk,” *Lucky Gunner*, February 1, 2018, <https://www.luckygunner.com/lounge/how-to-prevent-gun-theft/>.

³³ Marin County Sheriff’s Office, “Coroner Division Annual Report,” 2019, <https://www.marinsheriff.org/assets/downloads/2019-Coroner-Division-Annual-Report.pdf>.

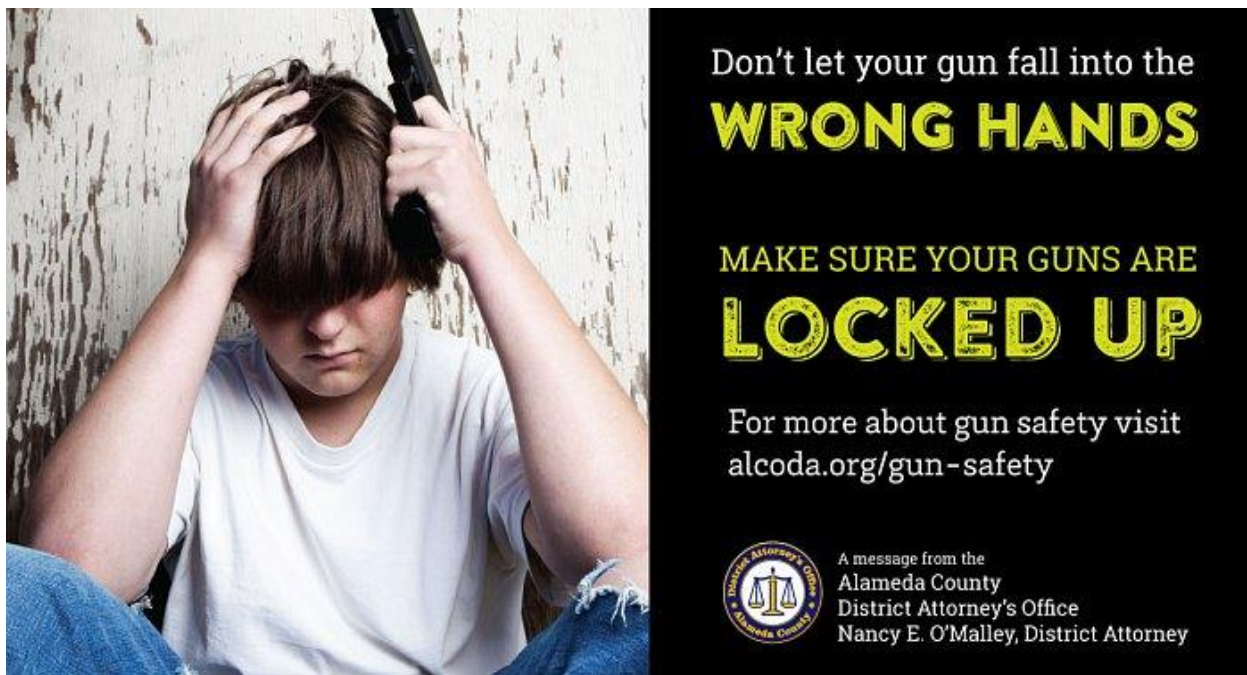
³⁴ Andrew Anglemeyer, Tara Horvath, and George Rutherford, “The Accessibility of Firearms and Risk for Suicide and Homicide Victimization among Household Members,” *Annals of Internal Medicine*, January 21, 2014, <https://annals.org/aim/fullarticle/1814426/accessibility-firearms-risk-suicide-homicide-victimization-among-household-members-systematic>.

³⁵ Terry L. Schell, Matthew Cefalu, Beth Ann Griffin, Rosanna Smart, Andrew R. Morral, “Changes in Firearm Mortality Following the Implementation of State Laws Regulating Firearm Access and Use,” *Proceedings of the National Academy of Science*, June 15, 2020, <https://www.pnas.org/content/117/26/14906>.

³⁶ David Studdert, Yifan Zhang, et al., “Handgun Ownership and Suicide in California,” *The New England Journal of Medicine*, June 4, 2020, <https://www.nejm.org/doi/full/10.1056/NEJMs1916744>.

³⁷ Anglemeyer, Horvath, and Rutherford, “The Accessibility of Firearms and Risk for Suicide and Homicide Victimization among Household Members,” <https://annals.org/aim/fullarticle/1814426/accessibility-firearms-risk-suicide-homicide-victimization-among-household-members-systematic>.

³⁸ Children’s Hospital of Philadelphia Research Institute, “Gun Violence: Facts and Statistics,” May 2018, <https://injury.research.chop.edu/violence-prevention-initiative/types-violence-involving-youth/gun-violence/gun-violence-facts-and#.Xnwi7pNKhQJ>.



Poster used in Alameda County's gun safety public service campaign.

- suicide decide to do so in an hour or less of consideration. Reducing access to common lethal means can deter some individuals from impulsive suicidal self-directed violence.
- **Intent alone does not determine whether or not an attempt will be lethal; means also matter.** Reducing easy access to highly lethal methods of suicide can save lives, especially among individuals with a high intent to die by suicide during brief episodes.
 - **90% of people who make a suicide attempt will not go on to die by suicide in their lifetime.** The high rate of long-term survival among survivors of a suicide attempt support the understanding that many suicidal crises are short-lived, even if there are underlying, longer-term factors behind shorter-term crises.
 - **Access to firearms is a risk factor for suicide.** Scientifically validated studies have unilaterally demonstrated that access to firearms is associated with increased suicide risk in the United States.
 - **Firearms used in youth suicide usually belong to a parent.** Failure to engage in safe storage practices for firearms in the household can have devastating repercussions for families.
 - **Reducing access to lethal means saves lives.** Research demonstrates the effectiveness of efforts in lethal means reduction, in the United States and internationally. Combined with practices that reduce the likelihood that individuals experience mental health crises, lethal means reduction is critical to preventing suicide.³⁹

³⁹ Roberta Chambers, David Klauber, Ryan Fukumori, *Marin County Suicide Prevention Strategic Plan*, Behavioral Health and Recovery Services, January 2020, pp. 93–94, https://www.marinhhs.org/sites/default/files/files/servicepages/2020_01/marin_county_suicide_prevention_strategic_plan-final-jan_2020.pdf.

What Can Be Done?

Public Awareness Campaigns

“If you have a firearm at home, please take a moment to ask yourself if it is being stored properly. Hiding a firearm in a closet or drawer is not safe storage.”

Public awareness campaigns involve efforts to build broad public recognition of a problem through media, messaging, and an organized set of communication tactics. A gun safety campaign in Marin may reduce the risks from the unsafe storage and handling of guns.

In recent years, violence prevention associations, public health advocacy groups, law enforcement agencies, and gun rights organizations across the country have attempted to curb gun violence and encourage safe storage and handling of guns through public awareness campaigns.⁴⁰

While there is no direct evidence that public education campaigns successfully promote safe firearm storage, there is evidence that both short-term and long-term behavioral changes have occurred following similar public health campaigns.⁴¹ The National Cancer Institute, for example, has determined that its messaging contributed to a substantial decline in smoking since the 1960s.⁴² Analyses of media campaigns designed to affect several behavioral changes—including those relating to condom use, binge drinking, alcohol sales to minors, mammography screening, dental visits, bike helmets, and the use of seat belts—reveal some success.⁴³

Some government agencies and public interest groups in Marin have participated in formal efforts to stress the importance of safe and proper firearm storage. The county superintendent of schools, together with the district attorney and sheriff, has undertaken efforts to educate parents and guardians about the safe storage of firearms. In February 2020, the Office of Education provided letters to school districts for distribution to parents and guardians, informing them that California law requires safe storage of firearms.⁴⁴ In these materials, parents and guardians were

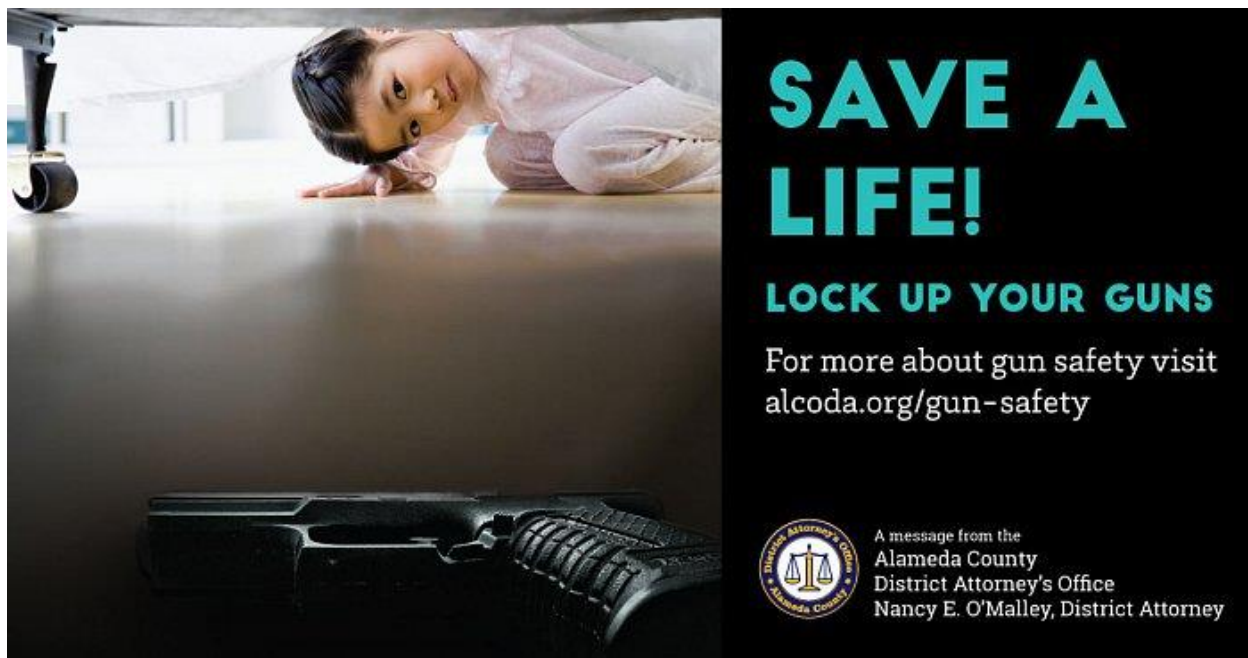
⁴⁰ National Crime Prevention, “Share the Campaign,” accessed August 27, 2020, <https://www.safefirearmsstorage.org/share-the-campaign/campaign-background/>; Office of the Alameda County District Attorney, “DA O’Malley Announces Public Awareness Campaign Promoting Gun Safety,” Oct. 25, 2017, https://www.alcoda.org/newsroom/2017/oct/gun_safety_awareness_campaign; Texas Dept. of Public Safety, “Statewide Safe Public Storage Campaign,” June 24, 2020, <https://www.dps.texas.gov/ETR/SGSC/index.htm>; Brady, “Brady Campaign to Prevent Gun Violence,” accessed August 27, 2020, <https://www.bradyunited.org/search?q=brady+campaign+to+prevent+gun+violence>; National Shooting Sports Foundation, “Project ChildSafe,” accessed August 27, 2020, <http://www.projectchildsafe.org/>.

⁴¹ The Rand Corp., “Education Campaigns and Clinical Interventions for Promoting Safe Storage,” Mar. 12, 2018, <https://www.rand.org/research/gun-policy/analysis/essays/safe-storage.html>.

⁴² U.S. Department of Health and Human Services, *The Role of the Media in Promoting and Reducing Tobacco Use*, pp. 20-21, accessed August 14, 2020, https://cancercontrol.cancer.gov/brp/tcrb/monographs/19/m19_complete.pdf.

⁴³ L. B. Snyder and M. A. Hamilton, “A Meta-Analysis of U.S. Health Campaign Effects on Behavior: Emphasize Enforcement, Exposure, and New Information, and Beware the Secular Trend,” *National Institute for Health Research*, August 31, 2004, <https://www.crd.york.ac.uk/CRDWeb/ShowRecord.asp?ID=12002006127&ID=12002006127>.

⁴⁴ Frugoli, Doyle, and Burke, letter to parents/guardians of Marin County students.



Poster used in Alameda County's gun safety public service campaign

advised to ask about the presence of unsecured guns in the homes of neighbors when planning playdates. However, approximately 70 percent of households in Marin do not have children.⁴⁵ The safe storage and handling message needs to reach all homes in Marin County—not just those with children.

For instance, the Tiburon town manager sent an email to town residents urging gun safety: "If you have a firearm at home, please take a moment to ask yourself if it is being stored properly. Hiding a firearm in a closet or drawer is not safe storage."⁴⁶ In that email, Tiburon's police chief also offered to accept any firearms the town's residents wanted removed from their homes. Other towns and cities in Marin should consider sending a similar message.

Furthermore, the Grand Jury believes that Marin County should develop a formal countywide public awareness campaign on gun safety. Such a campaign is more important now than ever given the recent national surge in gun purchases. In 2017, the Alameda County District Attorney, in partnership with Clear Channel Outdoor, conducted a public awareness campaign focused on gun violence and the safe storage of firearms. The message "Save a Life! Lock Up Your Guns" was posted on billboards and bus shelters throughout the county. This campaign aimed to inform all gun owners in the county of their legal responsibility to ensure that no child could access a firearm. The district attorney stated, "If there are children living in or visiting your home, your gun must be secured and locked in a place that no child can access. This is the law in our state. When gun owners follow this law, lives are saved and tragedies are prevented."⁴⁷

⁴⁵ Kidsdata.org, "Households with and without Children," 2017, <https://www.kidsdata.org/topic/40/households-with-children250/table#fmt=462&loc=217&tf=95&ch=89,90&sortColumnId=0&sortType=asc>.

⁴⁶ Greg Chanis, "Free Gun Locks and Firearm Disposal," email sent to Tiburon residents, October 2019.

⁴⁷ Office of the Alameda County District Attorney, "DA O'Malley Announces Public Awareness Campaign Promoting Gun Safety," press release, October 25, 2017. https://www.alcoda.org/newsroom/2017/oct/gun_safety_awareness_campaign.

The Alameda County District Attorney's office created the posters used in the campaign, and Clear Channel Outdoor donated its services and advertising space. Alameda County's expenses included only the price of copying the posters used in the campaign. The Alameda District Attorney's office has indicated it would make its materials available free of charge to Marin County for use in a similar campaign.

There have been earlier public awareness campaigns on topics of importance to Marin, such as human trafficking and bullying.⁴⁸ The Grand Jury believes that Marin's district attorney, as the chief law enforcement officer in the county, is in an ideal position to lead a campaign on gun safety in Marin County.

The campaign should include traditional approaches to a public awareness campaign such as signage, print media, radio, television, and community presentations. However, in order to ensure the campaign reaches as many Marin County residents as possible, the information in the campaign should be included on public bulletin boards and social media platforms, including Nextdoor, Twitter, Facebook, and Instagram, and prominently displayed on the websites of all law enforcement agencies in the county. This effort should be an ongoing program and not just a one-time effort.

Gun Buyback Programs

A gun removed from a home during a buyback is no longer available to a child or mentally unstable person living in that home.

Gun buyback programs are not new. They have taken place in many communities across California, including Marin County. These programs have successfully removed thousands of guns, but are criticized by some who contend that criminals are unlikely to turn in their guns. Nevertheless, any gun turned in and destroyed is a gun that will never be used to harm anyone.

Studies have shown that guns stored in homes are often the target of thieves.⁴⁹ Guns collected during buyback programs are no longer available for theft. More important, a gun removed from a home during a buyback is no longer available to a child or mentally unstable person living in that home, or to any person who might be contemplating suicide. In fact, Marin County's new *Suicide Prevention Strategic Plan* specifically recommends that a suicide prevention group be formed to collaborate with a number of stakeholders, including the district attorney's office, to

⁴⁸ Marin County DA, "Join Us and Hundreds of Individuals in the Fight to End Human Trafficking!" January 23, 2020, <https://www.marincountyda.org/news/press/join-us-and-hundreds-of-individuals-in-the-fight-to-end-human-trafficking-take-a-pledge>; Marin County DA, "DA's Office Strengthens Stand Against Bullying," February 1, 2018, <https://www.marincounty.org/main/county-press-releases/press-releases/2018/da-niot-020118>.

⁴⁹ Chelsea Parsons and Eugenio Weigend Vargas, "Stolen Guns in America," Center for American Progress, July 25, 2017, <https://www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/>.



Marin police officers examining guns during a gun buyback program.
(Photo courtesy of City of Mill Valley)

conduct gun buyback events.⁵⁰ Advocates of gun buyback programs say these programs may also raise awareness regarding the issue of gun safety and gun violence.⁵¹ Gun buyback programs can contribute to a safer Marin by spreading the message that gun safety is an important issue.

Marin County has conducted two gun buyback programs within the last ten years. The 2013 gun buyback program in Marin was financed with a \$10,000 donation from the Marin Community Foundation and about \$5,000 from private donors.⁵² The Grand Jury supports the idea that gun buyback events, financed with community foundation and private donations, as well as with other available grants, may play a role in a larger strategy to reduce the threat of gun deaths and injuries in Marin.

⁵⁰ Chambers, Klauber, Fukumori, *Marin County Suicide Prevention Strategic Plan*, pp. 93, 95, https://www.marinhhs.org/sites/default/files/files/servicepages/2020_01/marin_county_suicide_prevention_strategic_plan-final-jan_2020.pdf.

⁵¹ American Trauma Society, "National Trauma Awareness Month 2019 Resources," accessed August 27, 2020, <https://www.amtrauma.org/page/NTAM2019Resources>.

⁵² Nels Johnson, "\$15,000 Collected as Marin Embraces Gun Buyback Plan," *Marin Independent Journal*, July 19, 2012, <https://www.marinij.com/2012/12/29/15000-collected-as-marin-embraces-gun-buyback-plan/?clearUserState=true>.

Gun Violence Restraining Orders

“America’s recent experiences with mass shootings have demonstrated the urgent need for gun violence protective orders. In many of these incidents, community members noted warning signs beforehand, but there was nothing they could do to remove the shooter’s access to guns before the tragedy.”

A gun violence restraining order (GVRO) is a civil court order created in California by legislation effective January 1, 2016.⁵³ This legislation, sometimes referred to as a “red flag” law, allows a court to order a person to surrender all guns and ammunition if there is reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to self or others, even if a crime has not yet been committed. For example, in 2014, a college student in Santa Barbara killed 6 people and injured 14. Despite his parents’ earlier pleas for help, law enforcement had no legal means to remove this young man’s weapons at that time.⁵⁴

At its April 2020 meeting, the American Bar Association considered and passed a resolution that stated in part: “America’s recent experiences with mass shootings have demonstrated the urgent need for gun violence protective orders. In many of these incidents, community members noted warning signs beforehand, but there was nothing they could do to remove the shooter’s access to guns before the tragedy.”⁵⁵

A GVRO may be requested from the court by a law enforcement officer; a member of the person’s immediate family or household; the person’s employer, coworkers, or employees; or the person’s secondary and post-secondary teachers.⁵⁶ The court may issue an initial 21-day order without the person or a representative in attendance. After notice and a second hearing, the order may be extended for up to five years.

The Grand Jury believes that GVROs can fill an important gap in the legal framework by providing a mechanism for a court to order the surrender of guns before a crime has been committed, thereby preventing injury or death. The Grand Jury further believes it is important that Marin residents become aware of the availability and the procedure for obtaining a GVRO, and that this information should be included in any public awareness campaign regarding gun safety.

⁵³ California AB-1014, Gun Violence Restraining Orders, September 30, 2014,

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1014.

⁵⁴ Amanda Covarrubias, Kate Mather, and Matt Stevens, “The Isla Vista Shooting Suspect Targeted Sororities, Neighbors, Strangers,” *Los Angeles Times*, May 24, 2014, <https://www.latimes.com/local/lanow/la-me-ln-isla-vista-shooting-witnesses-describe-gunman-20140524-story.html>.

⁵⁵ David W. Clark, Chair, Standing Committee on Gun Violence, American Bar Association, Resolution 17A118B, August 2017, https://www.americanbar.org/groups/public_interest/gun_violence/policy/17a118b/.

⁵⁶ California AB-61, Gun Violence Restraining Orders, October 14, 2019, https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201920200AB61.

FINDINGS

- F1. A comprehensive public awareness campaign that reaches all Marin residents would be effective in reducing the risk from unsafely handled and stored guns.
- F2. Marin residents should be reminded that firearms stored unsafely increase the potential for accidental injury or death.
- F3. Firearms that are not stored in a gun safe pose an unacceptable risk of being stolen or used in crime.
- F4. Marin residents should be reminded that a gun in a home increases the risk of suicide for all members of the household.
- F5. Gun buyback programs reduce the availability of lethal weapons to suicidal individuals, the risk of accidental injury or death, and the possibility that a gun will be stolen.
- F6. Gun violence restraining orders can play an important role in keeping guns away from those who should not have them.

RECOMMENDATIONS

- R1. The Marin County district attorney should begin work, within six months from the date of this report, on a comprehensive, multimedia (including social media) public awareness campaign that includes information regarding the safe handling and storage of firearms, and the availability of gun violence restraining orders.
- R2. Each town, city, police authority, as well as the sheriff, should, at least annually, beginning in fiscal year 2020–21, send reminders to its residents regarding the need for safe handling and storage of firearms, and this reminder should be posted on official websites and social media platforms.
- R3. Each town, city, police authority, as well as the sheriff should, within six months of the date of this report, offer free gun locks and publicize a procedure for residents to turn in unwanted weapons. This message should also be posted on official websites and social media platforms.
- R4. The Marin County district attorney should work with other law enforcement agencies to continue to offer gun buyback programs, funded by public donations or grants.

REQUEST FOR RESPONSES

According to the California Penal Code, agencies required to respond to Grand Jury reports generally have no more than 90 days to issue a response. It is not within the Grand Jury's power to waive or extend these deadlines, and to the Grand Jury's knowledge, the Judicial Council of California has not done so. But we recognize that the deadlines may be burdensome given current conditions caused by the COVID-19 pandemic.

Whether the deadlines are extended or not, it is our expectation that Marin's public agencies will eventually be able to return to normal operations and will respond to this report. In the meantime,

however, public health and safety issues are of paramount importance and other matters might need to wait.

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as shown below. Where a recommendation is addressed to multiple respondents, each respondent should respond solely on its own behalf without regard to how other respondents may respond.

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses from the following governing bodies:

- City of Belvedere (F1–F6, R2–R4)
- City of Larkspur (F1–F6, R2, R3)
- City of Mill Valley (F1–F6, R2–R4)
- City of Novato (F1–F6, R2–R4)
- City of San Rafael (F1–F6, R2–R4)
- City of Sausalito (F1–F6, R2–R4)
- Town of Corte Madera (F1–F6, R2, R3)
- Town of Fairfax (F1–F6, R2–R4)
- Town of Ross (F1–F6, R2–R4)
- Town of San Anselmo (F1–F6, R2, R3)
- Town of Tiburon (F1–F6, R2–R4)
- Central Marin Police Authority Police Council (F1–F6, R2–R4)
- Marin County Sheriff (F1–F6, R2–R4)
- Marin County District Attorney (F1–F6, R1–R4)

Note: At the time this report was prepared information was available at the websites listed.
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Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury <u>not</u> contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.
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Item 7.d

City Council Appointments 2021

Position	2020	2021
Vice Mayor, City Council	Kate Colin	Maribeth Bushey
San Rafael Sanitation District	Gary O. Phillips (C) Maribeth Bushey Andrew McCullough (Alt)	Kate Colin (C) Maribeth Bushey Rachel Kertz (Alt)
Central Marin Sanitation Agency (informational only- appointed by SRSD)	Maribeth Bushey	Maribeth Bushey
City Rep. to Association of Bay Area Government (ABAG)	Maribeth Bushey	Rachel Kertz
Joint Powers Authority Oversight Committee	Kate Colin	Kate Colin
League of California Cities, North Bay Division	Maribeth Bushey Andrew McCullough (Alt)	Maika Llorens Gulati Maribeth Bushey (Alt)
Sonoma/Marin Area Rail Transit (SMART) (informational only- appointed by TAM)	Gary O. Phillips Maribeth Bushey (Alt)	Kate Colin Vacant Member (Alt)
County Priority-Setting Committee (re Community Development Block Grant Funds)	John Gamblin Kate Colin (Alt)	Vacant Member Rachel Kertz (Alt)
Marin Clean Energy (MCE)	Andrew McCullough John Gamblin (Alt)	Maika Llorens Gulati Vacant Member (Alt)
Transportation Authority of Marin (TAM) Board of Commissioners	Gary O. Phillips Kate Colin (Alt)	Kate Colin Maribeth Bushey (Alt)
Transportation Authority of Marin (TAM) - Safe Routes to Schools Program	Kate Colin	Maika Llorens Gulati
County of Marin - Las Gallinas Watershed Program	John Gamblin	Rachel Kertz
City Council Standing Committees (Noticed public meetings)		
Climate Change Action Plan Quarterly Update Forum	Kate Colin	Maika Llorens Gulati
City/School Liaison Committee (Noticed Joint City Council /Schools meeting)	Gary O. Phillips John Gamblin	Kate Colin Vacant Member
Economic Development Subcommittee	Kate Colin Gary O. Phillips (C)	Kate Colin Rachel Kertz
Finance Committee	Gary O. Phillips (C) John Gamblin	Committee Under Review
San Rafael Neighborhoods Association	Gary O. Phillips (C) John Gamblin (1 st Alt) Kate Colin (Alt)	Committee Under Review
General Plan 2040 Steering Committee	Maribeth Bushey	Maribeth Bushey

City Council Appointments 2021

	Kate Colin (Alt)	Maika Llorens Gulati (Alt)
Library Foundation Board	Maribeth Bushey	Maribeth Bushey
Council Liaisons to Boards, Commissions and Committees (Open, noticed meetings)		
ADA Access Advisory Committee	John Gamblin	Vacant Member
Bicycle and Pedestrian Advisory Committee	Kate Colin	Maika Llorens Gulati
Board of Library Trustees	Maribeth Bushey	Maribeth Bushey
Business Improvement District Advisory Group	John Gamblin	Rachel Kertz
Cannabis Industry Tax Oversight Committee (Measure G)	Kate Colin John Gamblin	Maribeth Bushey
Citizens Advisory Committee "CAC" on Economic Development and Affordable Housing	John Gamblin	Vacant Member
Design Review Board	Andrew McCullough	Kate Colin
Fire Commission	Gary O. Phillips Andrew McCullough	Maika Llorens Gulati
Measure E Transaction and Use Tax Oversight Committee	Gary O. Phillips	Rachel Kertz
Special Library Parcel Tax Committee (Measure D)	Maribeth Bushey	Maribeth Bushey
Pickleweed Advisory Committee	Kate Colin	Maika Llorens Gulati
Park and Recreation Commission	John Gamblin	Vacant Member
Planning Commission	Gary O. Phillips	Kate Colin
Joint Powers Agreement (JPA)		
Marin County Animal Control	Jim Schutz	Jim Schutz
Marin County Hazardous and Solid Waste Joint Powers Authority Board and Executive Committee	Jim Schutz Cristine Alilovich (Alt)	Jim Schutz Cristine Alilovich (Alt)
Marin Emergency Radio Authority (MERA) Governing Board	Diana Bishop Glenn McElderry (Alt) Robert Sinnott (Alt)	Police Chief Glenn McElderry (Alt) Robert Sinnott (Alt)
Marin Emergency Radio Auth.(MERA) Executive Board	Darin White	Darin White
Marin General Services Authority	Jim Schutz	Jim Schutz

City Council Appointments 2021

	Cristine Alilovich (Alt)	Cristine Alilovich (Alt)
Marin Wildfire Prevention Authority	Gary Phillips Kate Colin (Alt)	Rachel Kertz Vacant Member (Alt)
Marin County Council of Mayors & Councilmembers (MCCMC)		
Legislative Committee	John Gamblin	Rachel Kertz
Marin Transit District <i>(MCCMC appointment; non-City appointment)</i>	Kate Colin	Kate Colin
Homelessness Policy Maker Group	Kate Colin	Kate Colin (C) Rachel Kertz
Climate Mitigation Committee	Kate Colin	Maika Llorens Gulati
Disaster Preparedness	Maribeth Bushey Gary Phillips (Alt)	Vacant Member Maribeth Bushey (Alt)
MCCMC Economic Recovery	Kate Colin John Gamblin	Kate Colin Rachel Kertz