



AGENDA

SAN RAFAEL CITY COUNCIL - MONDAY, JUNE 5, 2023

REGULAR MEETING AT 7:00 P.M.

In-Person:

San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901

Participate Virtually:

Watch on Zoom Webinar: <https://tinyurl.com/cc-2023-06-05>

Watch on YouTube: www.youtube.com/cityofsanrafael

Listen by phone: (669) 444-9171

ID: 844-3204-9611#

One Tap Mobile: +16694449171,,84432049611# US

This meeting will be held in-person. The public may attend in-person or participate virtually using Zoom. This meeting is being streamed to YouTube at www.youtube.com/cityofsanrafael.

How to participate in the meeting virtually:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to city.clerk@cityofsanrafael.org.
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- Dial-in to Zoom's telephone number using the meeting ID and press *9 to raise your hand, and *6 to unmute yourself, then provide verbal public comment.

If you experience technical difficulties during the meeting, please contact city.clerk@cityofsanrafael.org.

OPEN SESSION - THIRD FLOOR CONFERENCE ROOM - 5:30 PM

Dial-in: (669) 900-9128, Meeting ID# 849-2802-3443#

1. Mayor Kate to announce Closed Session items.

CLOSED SESSION - THIRD FLOOR CONFERENCE ROOM - 5:30 PM

2. Closed Session:

- a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: 1 potential case

SPECIAL PRESENTATIONS:

3. Special Presentations:

- a. **Swear-in Ceremony for New City Manager, Cristine Alilovich**

City Clerk Administer Oath of Office to Cristine Alilovich, City Manager (CC)

OPEN TIME FOR PUBLIC EXPRESSION

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 AND COUNCILMEMBER REPORTS:

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

4. City Manager and 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 the Special City Council Meeting of May 8, 2023 and the Regular City Council Meetings of May 1 and May 15, 2023 (CC)

Recommended Action - Approve minutes as submitted

b. Housing Element Zoning Maps - 380 Merrydale Road

Adoption of Ordinance 2028: An Ordinance Amending the Zoning Map of the San Rafael Municipal Code to Change the Zoning for 380 Merrydale Road (APN 179-041-22) from Planned District 1436 (PD 1436) to Office, and the Zoning Classification of 401 Merrydale Road (APN 179-041-05) from Light Industrial-Office to Office (ZC23-003 and ZC23-004) (CC)

Recommended Action - Final adoption of Ordinance 2028

c. Housing Element Zoning Maps - 86 Culloden Park Road

Adoption of Ordinance 2029: An Ordinance Amending the Zoning Map of the San Rafael Municipal Code to Change the Zoning for Two Non-Addressed Parcels Located Immediately North and East of 86 Culloden Park Road from Planned District 1729 (PD 1729) to Low-Density Residential 20,000 Square Foot Lot Minimum (R20) (APN 011-051-31 and APN 011-115-30) (ZC23-001 and ZC23-002) (CC)

Recommended Action - Final adoption of Ordinance 2029

d. City Council Appointments to Committees

Approve Revised City Council Appointments to Committees 2023 (CC)

Recommended Action - Approve Appointments

e. Statement of Economic Interests Annual Filings

Accept Report on Fair Political Practices Commission Form 700, Statement of Economic Interests, 2022 Annual Filings, for Section 87200 Filers and Designated Employees, Including Consultants, Design Review Board and Park and Recreation Commission (CC)

Recommended Action - Accept report

f. Zero Waste Marin Agreement

Resolution Approving an Amendment to Revised Hazardous and Solid Waste Joint Powers Agreement with County of Marin (CM)

Recommended Action - Adopt Resolution

- g. **Proclamations**
 - i. Proclamation Supporting Pride Month (HR)
 - ii. Proclamation Supporting Juneteenth (HR)
 - iii. Proclamation Supporting Public Works Recognition Week (PW)
Recommended Action - Receive and File

- h. **LGBTQIA+ Pride Month and Display of Pride Flag**
Resolution Declaring June 2023 as LGBTQIA+ Pride Month and Authorizing the Annual Display of the Pride Flag During the Month of June on the City Hall Flagpole
Recommended Action - Adopt Resolution

- i. **Cooperation Agreement with County of Marin for Grant Programs**
Resolution Authorizing Execution of a Three-Year Amendment to the City's Cooperation Agreement with the County of Marin for the Community Development Block Grant (CDBG) and Home Programs (CD)
Recommended Action - Adopt Resolution

- j. **Annual Adjustment to the Library Parcel Tax**
Report Concerning the Annual Consumer Price Index (CPI) Rate Adjustment for the Special Library Services Parcel Tax for the Fiscal Year July 1, 2023 Through June 30, 2024 as Specified in Voter-Approved Measure D (San Rafael Municipal Code Chapter 3.36) (AS/LR)
Recommended Action - Accept report

- k. **Agreement to Participate in Public Provider Ground Emergency Medical Transportation Intergovernmental Transfer Program (PP-GEMT)**
Resolution Authorizing the City Manager to Execute a Certification Form for the San Rafael Fire Department to Participate in an Intergovernmental Transfer (IGT) with the California Department of Health Care Services (DHCS) for Reimbursement of Public Provider Ground Emergency Medical Transportation (PP-GEMT) Services for the Service Period of January 1, 2023, Through December 31, 2023, and Transfers to DHCS Not to Exceed \$910,000 (FD)
Recommended Action - Adopt Resolution

OTHER AGENDA ITEMS

6. Other Agenda Items:

- a. **Final Citywide Proposed Budget for Fiscal Year 2023-24, Capital Improvement Program, Measure A Work Plan and Legal Spending Limit**
 - i. Resolution Approving the Citywide Budget and Capital Improvement Program for the Fiscal Year 2023-24; Providing for the Appropriations and Expenditure of All Sums Set Forth in the Budget in the Amount of \$171,699,035 (Fin)
Recommended Action - Adopt Resolution

 - ii. Resolution Approving the Measure A Work Plan for Proposed Expenditure of Measure A Funds for FY 2023-24 (Fin)
Recommended Action - Adopt Resolution

 - iii. Resolution Approving Fiscal Year 2023-24 GANN Appropriations Limit at \$179,385,992 (Fin)
Recommended Action - Adopt Resolution

- iv. Resolution Amending Resolution 14956 Establishing the Compensation for the Elected City Clerk Effective July 1, 2023 (Fin)

Recommended Action - Adopt Resolution

b. Police Advisory and Accountability Committee

Resolution Establishing the City of San Rafael Police Advisory and Accountability Committee (PD)

Recommended Action - Adopt Resolution

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 and at City Hall, 1400 Fifth Avenue, and placed with other agenda-related materials on the table in front of the Council Chamber prior to the meeting. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing city.clerk@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. To request Spanish language interpretation, please submit an online form at <https://www.cityofsanrafael.org/request-for-interpretation/>.

Minutes subject to approval at the June 5, 2023 meeting

MINUTES



SAN RAFAEL CITY COUNCIL SPECIAL MEETING MONDAY, MAY 8, 2023 AT 3:00 P.M.

In-Person:

Creekside Room
Dominican University of California
100 Magnolia Avenue
San Rafael, CA 94901

Present: Councilmember Bushey
Councilmember Hill
Councilmember Kertz
Vice Mayor Llorens Gulati
Mayor Kate

Absent: None

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

Mayor Kate called the meeting to order at 3:00 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

Mayor Kate opened the public comment period.

Speakers: Amy Likover, Bill Carney, Sustainable San Rafael, Lucy Hollingsworth, Legal Aid of Marin, Aaron Burnett, Canal Alliance

There being no further comment from the audience, Mayor Kate closed the public comment period.

1. **Discussion on City Council Goals and Objectives and Performance Metrics Study Session (CM)**

City Manager Jim Schutz presented the goals and objectives document.

Staff responded to questions from staff and provided comments on each policy area.

Economic Growth:

- Recommended including a link to the Economic Development Strategic Plan in this section.

Diversity, Equity, Inclusion & Belonging

- Recommended introduction page include additional language to broaden the description to be more inclusive.
- Recommended staff explore language interpretation for all public meetings.
- Recommended researching stipends for Boards, Commissions and Committee volunteers.

Housing and Homelessness

- Recommended changing language in bullet point three from 'develop' to 'investigate', 'explore', or 'continue to analyze'.
- Recommended including more information on the SAFE program.
- Recommended additional language in the executive summary piece to explain how homelessness is connected to economic development.
- Recommended including a link to the five-page document outlining the City's current policies and programs.

Sustainability, Climate Change and Disaster Preparedness

- Recommended addition of working with Marin Wildfire Prevention Authority on evacuation routes.
- Recommended addition of "in partnership with the County" in the Foodware ordinance section.

Goal A: Neighborhood

- Recommended including workforce development in Economic Growth from bullet point 3 from bullet point 1.
- Recommended adding a link to Canal Alliance Day Laborer Survey results in bullet 3.
- Recommended including hemp in the fourth bullet.
- Recommended revision to clarify there could be another permit program for parking in San Rafael in the last bullet.

Goal B: Quality of Life

- Recommended linking the Park and Recreation Master Plan and modify to 'commence implementation' in the first bullet.
- Recommended adding a bullet to continue working on a new library.

Goal C: Public Safety

- Recommended revision to "and/or expanded to 24-hours" in the first bullet.
- Recommended including language clarifying purpose that staff is analyzing what to do with personal data in the third bullet.

Goal D: Public Assets

- Recommended adding 'conduct feasibility study' in the first bullet.
- Recommended amending the first and second bullet to 'actively participate in decision making process' instead of 'collaborate' and 'coordinate'
- Recommended moving the second bullet to the last bullet and including a link to the Capital Improvement Program.

Goal E: Foundational Services

- Recommending reworking the introduction paragraph.

Director of Digital Service and Open Government Director Sean Mooney presented the Performance Metrics portion of the Goals and Objectives along with Vedika Ahuja, Product Manager.

Staff responded to questions from the city council.

Mayor Kate invited public comment.

Speaker: Salamah Locks

There being no further comment from the audience, Mayor Kate closed the public comment period.

ADJOURNMENT:

Mayor Kate adjourned at 5:21pm.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2023

KATE COLIN, Mayor

DRAFT



MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, MAY 1, 2023

REGULAR MEETING AT 7:00 P.M.

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Present: Councilmember Bushey
Councilmember Hill
Vice Mayor Llorens Gulati
Mayor Kate

Absent: Councilmember Kertz

Also Present: City Manager Jim Schutz
City Attorney Robert Epstein
Deputy City Clerk Brenna Nurmi

OPEN SESSION - THIRD FLOOR CONFERENCE ROOM - 6:30 PM

Dial-in: (669) 900-9128, Meeting ID# 839-2754-6670#

1. Mayor Kate to announce Closed Session items.

CLOSED SESSION - THIRD FLOOR CONFERENCE ROOM - 6:30 PM

2. Closed Session:
 - a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 519 Fourth Street, San Rafael (APN 014-123-06)
Agency negotiator: Gerald Ramiza, Burke, Williams and Sorensen
Negotiating parties: Chris Hart
Under negotiation: Price and terms of sale

Mayor Kate called the meeting to order at 7:05 p.m. and invited Deputy City Clerk Brenna Nurmi to call the roll. All members of the City Council were present, except for Councilmember Kertz.

City Attorney Robert Epstein announced that no reportable action was taken in the Closed Session held prior to the meeting.

Mayor Kate provided opening remarks, which included how public comment works and how the meetings are run, the importance of the proclamations tonight and a land acknowledgement.

Deputy City Clerk Brenna Nurmi announced the process for Spanish interpretation for the evening. She informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom, and members of the public would provide public comment either on the telephone or through Zoom. She explained the process for community participation on the telephone, through Zoom and in-person.

OPEN TIME FOR PUBLIC EXPRESSION

- Anthony addressed the City Council regarding a fire code issue with Italian cypress trees.
- Name withheld addressed the City Council regarding a fire code issue with Italian cypress trees.
- Eva Chrysanthe addressed the City Council regarding a Sheriff’s Civilian Oversight working group.
- Andy Naja-Riese, Agricultural Institute of Marin, addressed the City Council regarding the Downtown San Rafael Farmers Market.

CITY MANAGER AND COUNCILMEMBER REPORTS:
(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)

3. City Manager and Councilmember Reports:

Jim Schutz announced:

- Goals and Objectives discussion meetings to be held on Monday, May 8 at Dominican University, 3-5 p.m., as well as, on Monday, May 15 at City Hall, 7 p.m.

City Councilmember Reports:

- Vice Mayor Llorens Gulati reported on Congressman Huffman’s Environmental Roundtable, an Earth Day Neighborhood Clean-up at Tiscornia Marsh, a Marin County Youth Town Hall, a MCCMC Climate Action Committee meeting and a Community Conversation with Supervisor Rodoni.
- Councilmember Hill reported on Earth Day Marin, a San Rafael City Schools breakfast and the annual Margie Burke Speech Tournament.
- Councilmember Bushey reported on the San Rafael Chamber of Commerce’s Excellence in Education Awards, the San Rafael High School Hall of Honor Induction Ceremony, and a San Rafael Sanitation Board meeting.
- Mayor Kate reported on an Earth Day event with the Business Improvement District and San Rafael Clean Coalition, an AC Marriott hard hat tour, a Coffee with a Cop event, a BayWAVE presentation, SMART and Transportation Authority of Marin (TAM).

- City Attorney Status Update on Police Investigation

City Attorney Rob Epstein provided an update on the police investigation.

Mayor Kate invited public comment.

Speakers: Stephen Bingham, Pamela Reaves, Tara Evans, Heidi Merchen, Name withheld, Theo Emison, Jerry Spolter, Brenda Camarena, Samantha Ramirez, Anthony Label, Debra Taub, Name withheld, Calisha, Diane Martin, Name withheld, Eva Chrysanthe, Debbie Choizer, Lori, Barbara Bogard

City Attorney Rob Epstein responded to public comment.

Assistant City Manager Cristine Alilovich provided comments on the “Policing in San Rafael” community meetings.

CONSENT CALENDAR:

Mayor Kate invited public comment.

Speakers: Name withheld, Heidi Merchen, Eva Chrysanthe

Councilmember Bushey moved and Councilmember Hill seconded to approve the Consent Calendar.

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of the Regular and Special City Council Meetings of April 17, 2023 (CC)
Approved minutes as submitted

b. **Paramedic Tax Rates for Fiscal Year 2023-24**

Adoption of Ordinance 2026: An Ordinance of the City Council of the City of San Rafael Amending the Paramedic Service Special Tax Rates Within the Voter-Approved Limit, Commencing with Fiscal Year 2023-2024, for Residential Units and Non-Residential Structures in the City of San Rafael, County Service Area No. 13, County Service Area No. 19, and The Marinwood Community Services District (CC)
Final adoption of Ordinance 2026

c. **Permanent Local Housing Allocation (PLHA)**

Resolution Recommending Permanent Local Housing Allocation (PLHA) Project Funding for the Calendar Year 2023 to the Marin County Board of Supervisors (CD)
Resolution 15203 - Resolution Recommending Permanent Local Housing Allocation (PLHA) Project Funding for the Calendar Year 2023 to the Marin County Board of Supervisors

d. **Proclamations**

- i. Proclamation Supporting Wildfire Preparedness Month (FD)
- ii. Proclamation Supporting Public Service Recognition Week (HR)
- iii. Proclamation Supporting Asian American and Pacific Islander Heritage Month (HR)
- iv. Proclamation Supporting National Police Week (PD)
- v. Proclamation Supporting Mental Health Awareness Month (HR)
Received and Filed

e. **FY 2023 Local Measure A, AA and B Allocation**

Resolution Authorizing the City Manager to Execute Funding Agreement A-FY23-11 Between the Transportation Authority of Marin (TAM) and the City of San Rafael, Thereby Authorizing the Receipt of an Allocation of \$47,527 in Measure A, \$440,653 in Measure B, and \$1,322,378 in Measure AA Funding for FY 2022-2023 (PW)

Resolution 15204 - Resolution Authorizing the City Manager to Execute Funding Agreement A-FY23-11 Between the Transportation Authority of Marin (TAM) and the City of San Rafael, Thereby Authorizing the Receipt of an Allocation of \$47,527 in Measure A, \$440,653 in Measure B, and \$1,322,378 in Measure AA Funding for FY 2022-2023

- f. **2023 MTC Regional Active Transportation Program Local Support**
 - i. **Resolution of Local Support Authorizing the Filing of an Application for Funding Assigned to MTC and Committing Any Necessary Matching Funds and Stating the Assurance to Complete the Canal Active Transportation Enhancements Project (PW)**
Resolution 15205 - Resolution of Local Support Authorizing the Filing of an Application for Funding Assigned to MTC and Committing Any Necessary Matching Funds and Stating the Assurance to Complete the Canal Active Transportation Enhancements Project
 - ii. **Resolution of Local Support Authorizing the Filing of an Application for Funding Assigned to MTC and Committing any Necessary Matching Funds and Stating the Assurance to Complete the San Rafael Canal Crossing (PW)**
Resolution 15206 - Resolution of Local Support Authorizing the Filing of an Application for Funding Assigned to MTC and Committing any Necessary Matching Funds and Stating the Assurance to Complete the San Rafael Canal Crossing
- g. **Southern Heights/Courtright Retaining Wall Project**
Resolution Approving and Authorizing the City Manager to Execute the Property Purchase Agreement for Acquisition of a Roadway and Slope Easement with Property Owner of 78 Southern Heights Boulevard and Accept the Grant Deed for Such Property (PW)
Resolution 15207 - Resolution Approving and Authorizing the City Manager to Execute the Property Purchase Agreement for Acquisition of a Roadway and Slope Easement with Property Owner of 78 Southern Heights Boulevard and Accept the Grant Deed for Such Property
- h. **Spinnaker Point Parking Modification Project Notice of Completion**
Accept Completion of the Spinnaker Point Parking Modification Project (City Project No. 11363), and Authorize the City Clerk to File the Notice of Completion (PW)
Accepted completion of the Spinnaker Point Parking Modification Project and authorized the City Clerk to file the Notice of Completion

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

PUBLIC HEARINGS

5. Public Hearings:

- a. **[Use Permit Revocation for Nightclub at 842 Fourth Street](#)**
Resolution Denying an Appeal (AP23-001) and Affirming the Planning Commission's March 28, 2023 Action to Revoke the Use Permit (UP05-01) Allowing the Re-Establishment of Live Entertainment and a Cocktail Lounge as Part of a New Restaurant/Supper Club Located at 842 4th Street (CD)

City Attorney Rob Epstein provided introductory comments and introduced outside counsel Eli Flushman and Connor MacLean.

Leslie Mendez, Planning Manager presented the staff report.

Applicant Esly Figueroa and Applicant's son Frank Dilela provided comments.

Staff and the Applicant's son responded to questions from the City Council.

Mayor Kate invited public comment.

Speakers: Eva Chrysanthe, Barry Taranto

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Hill seconded to adopt the resolution.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kertz

Resolution 15208 - Resolution Denying an Appeal (AP23-001) and Affirming the Planning Commission's March 28, 2023 Action to Revoke the Use Permit (UP05-01) Allowing the Re-Establishment of Live Entertainment and a Cocktail Lounge as Part of a New Restaurant/Supper Club Located at 842 4th Street

b. [Reusable Foodware Ordinance](#)

Introduction of An Ordinance of the City Council of the City of San Rafael Amending the San Rafael Municipal Code to Repeal and Replace Chapter 10.92 - Prohibition on Use of Polystyrene Foam Disposable Food Packaging with New Chapter 10.92 - Regulation of Foodware for Retail Food Vendors (CM)

Walter Gonzalez, Management Analyst presented the Staff Report.

Staff, including Gregory Pirie, Marin County Environmental Health Services Deputy Director and Dana Armanino, Marin County Sustainability Principal Planner responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speakers: Rhonda Kutter, Aide to Supervisor Dennis Rodoni, Joanne Webster, Chamber of Commerce, Jennifer Grenier Selvig, Marin Sanitary Service, Al Vetere, Barry Taranto, Jinesse Reynold, PlasticFree Marin, Susan Hopp, PlasticFree Marin, Annika Osborn, Sustainable San Rafael, Andy Naja-Riese, Agricultural Institute of Marin, Bridget Clark, Julie Monroe, Kim Corona, Marilyn Price

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Llorens Gulati moved and Councilmember Bushey seconded to waive further reading of the Ordinance, refer to it by title only and introduce the Ordinance; and the City Clerk read the title of the Ordinance.

An Ordinance of the City Council of the City of San Rafael Amending the San Rafael Municipal Code to Repeal and Replace Chapter 10.92 - Prohibition on Use of Polystyrene Foam Disposable

Food Packaging with New Chapter 10.92 - Regulation of Foodware for Retail Food Vendors

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

Waived further reading of the Ordinance, referred to it by title only, and introduced the Ordinance

c. **BioMarin Development Agreement**

Accept the 3rd Anniversary Annual Report for the Executed Development Agreement (Ordinance No. 1982) Between BioMarin Pharmaceutical and the City of San Rafael for the Development of an Expanded San Rafael Corporate Center (750-790 Lindaro Street and 781-791 Lincoln Avenue and 999 3rd Street); Case No.: P23-004 (CD)

Chris Hess, Community Development Assistant Director presented the staff report.

Mayor Kate invited public comment; however there was none.

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Hill seconded to accept the report.

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

Accepted the 3rd Anniversary Annual Report for the Executed Development Agreement (Ordinance No. 1982) Between BioMarin Pharmaceutical and the City of San Rafael for the Development of an Expanded San Rafael Corporate Center (750-790 Lindaro Street and 781-791 Lincoln Avenue and 999 3rd Street)

OTHER AGENDA ITEMS

6. Other Agenda Items:

a. **Downtown San Rafael Business Improvement District**

Approval Of Actions Supporting the Downtown San Rafael Business Improvement District Capacity Building and Management (ED):

- i. **Resolution Appropriating Funds and Authorizing the City Manager to Negotiate and Execute a Downtown Business Improvement District Management and Enhancement Agreement with the San Rafael Chamber of Commerce In an Amount of \$100,000**
- ii. **Resolution Appointing Downtown Business Improvement District Advisory Board Members**
- iii. **Resolution Authorizing the City Manager to Negotiate and Execute a Downtown Business Improvement District Transition Agreement with the Downtown San Rafael Business Improvement District (BID Corporation) In an Amount of \$5,000**

iv. Resolution Adopting the Downtown Business Improvement District Administrative Guidelines

Micah Hinkle, Director of Economic Development and Innovation, presented the Staff Report.

Staff responded to questions from Councilmembers.

Mayor Kate invited public comment.

Speaker: Joanne Webster, Chamber of Commerce

Councilmembers provided comments.

Councilmember Bushey moved and Councilmember Hill seconded to adopt the resolution.

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

Resolution 15209 - Resolution Appropriating Funds and Authorizing the City Manager to Negotiate and Execute a Downtown Business Improvement District Management and Enhancement Agreement with the San Rafael Chamber of Commerce In an Amount of \$100,000

Councilmember Llorens Gulati moved and Councilmember Bushey seconded to adopt the resolution.

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

Resolution 15210 - Resolution Appointing Downtown Business Improvement District Advisory Board Members

Councilmember Hill moved and Councilmember Llorens Gulati seconded to adopt the Resolution.

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

Resolution 15211 - Resolution Authorizing the City Manager to Negotiate and Execute a Downtown Business Improvement District Transition Agreement with the Downtown San Rafael Business Improvement District (BID Corporation) In an Amount of \$5,000

Councilmember Bushey moved and Councilmember Bushey seconded to adopt the resolution.

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

Resolution 15212 - Resolution Adopting the Downtown Business Improvement District Administrative Guidelines

b. **Community Development Block Grant (CDBG)**

Resolution Recommending Community Development Block Grant (CDBG) Project Funding for the Fiscal Year 2023-24 to the Marin County Board of Supervisors (CD)

Alexis Captanian, Housing Programs Analyst presented the staff report.

Staff, including Molly Kron, Marin County Housing and Federal Grants Senior Planner responded to questions from Councilmembers.

Mayor Kate invited public comment; however there was none.

Councilmembers provided comments.

Councilmember Hill moved and Councilmember Bushey seconded to adopt the resolution.

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

Resolution 15213 - Resolution Recommending Community Development Block Grant (CDBG) Project Funding for the Fiscal Year 2023-24 to the Marin County Board of Supervisors

SAN RAFAEL SUCCESSOR AGENCY:

- 1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 11:18 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2023

KATE COLIN, Mayor



MINUTES

SAN RAFAEL CITY COUNCIL - MONDAY, MAY 15, 2023

REGULAR MEETING AT 7:00 P.M.

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Present: Councilmember Bushey
Councilmember Kertz
Vice Mayor Llorens Gulati
Mayor Kate

Absent: Councilmember Hill

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

Mayor Kate called the meeting to order at 7:04 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present, except for Councilmember Hill.

Mayor Kate provided opening remarks, which included information on how the agenda is structured. She announced that tonight would be the last City Council meeting for City Manager Jim Schutz. Also, she included a land acknowledgment.

City Clerk Lindsay Lara announced the process for Spanish interpretation for the evening. She informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom, and members of the public would provide public comment either on the telephone or through Zoom. She explained the process for community participation on the telephone, through Zoom and in-person.

OPEN SESSION

1. None.

CLOSED SESSION

2. None.

OPEN TIME FOR PUBLIC EXPRESSION

- Tom De Cook addressed the City Council regarding the West End Block Party.
- Joe Adams addressed the City Council regarding the West End Block Party.
- Senadhi addressed the City Council regarding the West End Block Party.
- Angela Tucker addressed the City Council regarding the West End Block Party.

CITY MANAGER AND COUNCILMEMBER REPORTS:

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

3. City Manager and Councilmember Reports:

City Manager Jim Schutz announced:

- Ember Stomp to be held on Saturday, May 20, 11 a.m. to 5 p.m.
- Youth in Arts C Street Celebration to be held on Saturday, May 20, 10:30 a.m. to 5:30 p.m.
- He reported on the San Rafael Chamber of Commerce State of the City event held on Wednesday, May 10

City Councilmember Reports:

- Vice Mayor Llorens Gulati reported on the quarterly Climate Action Plan meeting, the City Council Goals and Objectives meeting, the Board of Library Trustees interviews, an East San Rafael check-in with Supervisor Rodoni and Policing in San Rafael meetings.
- Councilmember Kertz reported on the Jewish Political Advocacy Communities Capitol Summit in Sacramento, the Stand Up to Jewish Hate campaign, Jewish American Heritage Month and the Marin Wildfire Prevention Authority (MWPA).
- Councilmember Bushey reported on a Marin Transit Board meeting, a meeting with Supervisor Sackett, a Central Marin Sanitation Agency meeting, a Police and Pt. San Pedro Road Neighborhood meeting, a Fire Department ride-along, and a Loch Lomond Oversight Committee meeting.
- Mayor Kate reported on May Madness, Dining Under the Lights, the Farmers Market, an Economic Development Subcommittee meeting and SMART.

Mayor Kate invited public comment; however, there was none.

CONSENT CALENDAR:

Mayor Kate invited public comment; however, there was none.

Councilmember Llorens Gulati moved and Councilmember Kertz seconded to approve the Consent Calendar.

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of the Special City Council Meetings of May 8 and May 9, 2023 (CC)

Approved minutes as submitted

b. **Reusable Foodware Ordinance**

Adoption of Ordinance 2027: An Ordinance of the City Council of the City of San Rafael Amending the San Rafael Municipal Code to Repeal and Replace Chapter 10.92 - Prohibition on Use of Polystyrene Foam Disposable Food Packaging with New Chapter 10.92 - Regulation of Foodware for Retail Food Vendors (CC)

Final adoption of Ordinance 2027

c. **Proclamations**

i. **Proclamation Supporting National Gun Violence Awareness Day (CM)**

ii. **Proclamation Supporting Jewish American Heritage Month (HR)**

Received and Filed

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hill

PUBLIC HEARINGS

5. Public Hearings:

a. **[San Rafael 2023-2031 Housing Element and Related General Plan and Zoning Amendments \(CD\):](#)**

i. **Resolution Adopting the San Rafael 2023-2031 Housing Element and Amending the Safety and Resilience Element of General Plan 2040**

ii. **Introduction of an Ordinance Amending the Zoning Map of the San Rafael Municipal Code to Change the Zoning for Two Non-Addressed Parcels Located Immediately North and East of 86 Culloden Park Road from Planned District 1729 (PD 1729) to Low-Density Residential 20,000 Square Foot Lot Minimum (R20) (APN 011-051-31 and APN 011-115-30) (ZC23-001 and ZC23-002)**

iii. **Introduction of an Ordinance Amending the Zoning Map of the San Rafael Municipal Code to Change the Zoning for 380 Merrydale Road (APN 173-041-22) from Planned District 1436 (PD 1436) to Office, And the Zoning Classification of 401 Merrydale Road (APN 179-041-05) from Light Industrial-Office to Office (ZC23-003 and ZC23-004)**

Assistant Community Development Director Chris Hess introduced Consultant Barry Miller who presented the staff report pertaining to 5.a.i and 5.a.iii.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

Speakers: Marina Palma, Voces del Canal, Darlin Ruiz, Voces del Canal, Piqui Tenorio, Voces del Canal, Veronica Duarte, Auriela Vargas, Lizbeth Lopez, Glendy Barrios, Crisalia Calderon, Zoila Rios, Voces del Canal, Name withheld, Cruz Vargas, Miriam Huinac, Kellen, Cris Barra, Carly Finkle, Canal Alliance, Gina Guillemette, Community Action Marin, Aaron Burnett, Canal Alliance, Peter Goetz, Al Vetere, Alex Nava, Linda Jackson, San Rafael City Schools Board of Education Trustee/Sustainable San Rafael, John Reynolds, Skylar Collins, Liliana Palu, North Marin Community Services, Name

withheld, Gregory Andrew, Grace Geraghty, Rosa Vasquez, Cristina Rosales, Voces del Canal, Lucie Hollingsworth, Legal Aid of Marin, Name withheld, Sharon

Staff responded to public comment.

Councilmembers provided comments.

Councilmember Llorens Gulati moved and Councilmember Kertz seconded to adopt the resolution.

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

Resolution 15215 - Resolution Adopting the San Rafael 2023-2031 Housing Element and Amending the Safety and Resilience Element of General Plan 2040

Councilmember Kertz moved and Councilmember Bushey seconded to waive further reading of the Ordinance, refer to it by title only and introduce the Ordinance; and the City Clerk read the title of the Ordinance.

An Ordinance of the San Rafael City Council Amending the Zoning Map of the San Rafael Municipal Code to Change the Zoning for 380 Merrydale Road (APN 173-041-22) from Planned District 1436 (PD 1436) to Office, And the Zoning Classification of 401 Merrydale Road (APN 179-041-05) from Light Industrial-Office to Office (ZC23-003 and ZC23-004)

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

Waived further reading of the Ordinance, referred to it by title only, and introduced the Ordinance

Mayor Kate recused herself from agenda item 5.a.ii due to a conflict of interest and left the Chambers. Vice Mayor Llorens Gulati became Mayor Pro Tem.

Consultant Barry Miller presented agenda item 5.a.ii.

Mayor Pro Tem Llorens Gulati invited public comment.

Speakers: Gregory Andrew, Name withheld

Councilmember Kertz moved and Councilmember Bushey seconded to waive further reading of the Ordinance, refer to it by title only and introduce the Ordinance; and the City Clerk read the title of the Ordinance.

An Ordinance of the San Rafael City Council Amending the Zoning Map of the San Rafael Municipal Code to Change the Zoning for Two Non-Addressed Parcels Located Immediately North and East of 86 Culloden Park Road from Planned District 1729 (PD 1729) to Low-Density Residential 20,000 Square Foot Lot Minimum (R20) (APN 011-051-31 and APN 011-115-30) (ZC23-001 and ZC23-002)

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

Waived further reading of the Ordinance, referred to it by title only, and introduced the Ordinance

Mayor Pro Tem Llorens Gulati called a recess at 9:33 p.m.

Mayor Kate called the meeting back in session at 9:39 p.m.

OTHER AGENDA ITEMS

6. Other Agenda Items:

- a. **[Draft FY 23-25 Goals and Objectives and Performance Metrics](#)**
Informational Report on the City Council Draft FY 23-25 Goals and Objectives and Performance Metrics (CM)

Senior Management Analyst Bernadette Sullivan presented the staff report along with Digital Service and Open Government Director Sean Mooney and Product Manager Vedika Ahuja.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

Speakers: Al Vetere, Gina Silvestri, Gerstle Park Neighborhood Association/The San Rafael Tree Group, Amy Likover, The San Rafael Tree Group, Bill Carney, Sustainable San Rafael, Ross Bishop, Spinnaker Point/Baypoint, Dave Rhoads, John Reynolds, Alice Cochran, Barry Taranto, Amy

Staff responded to public comment.

Councilmembers provided comments.

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

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

Accepted report

- b. **[Economic Development Strategic Plan](#)**
Resolution Adopting the Economic Development Strategic Plan (ED)

Economic Development Director Micah Hinkle presented the staff report along with Ken Hira of Kosmont.

Staff responded to questions from the City Council.

Mayor Kate invited public comment.

Speakers: Bill Carney, Sustainable San Rafael, Al Vetere

Councilmembers provided comments.

Councilmember Llorens Gulati moved and Councilmember Bushey seconded to adopt the resolution.

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

Resolution 15216 - Resolution Adopting the Economic Development Strategic Plan

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Kate adjourned the meeting at 11:39 p.m., in honor of the years of service that (retiring) City Manager Jim Schutz has given to San Rafael.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2023

KATE COLIN, Mayor

ORDINANCE NO. 2028

AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING THE ZONING MAP OF THE SAN RAFAEL MUNICIPAL CODE TO CHANGE THE ZONING FOR 380 MERRYDALE ROAD (APN 179-041-22) FROM PLANNED DISTRICT 1436 (PD 1436) TO OFFICE, AND THE ZONING CLASSIFICATION OF 401 MERRYDALE ROAD (APN 179-041-05) FROM LIGHT INDUSTRIAL-OFFICE TO OFFICE (ZC23-003 and ZC23-004)

WHEREAS, the City of San Rafael completed a comprehensive update of its General Plan between 2018 and 2021, moving the time horizon forward from 2020 (General Plan 2020) to 2040 (General Plan 2040); and

WHEREAS, the Plan Update process included an update of the General Plan Land Use Map to reflect recently prepared plans and land use policies, including policies supporting higher density residential and mixed use development around rail transit stations; and

WHEREAS, on August 2, 2021, the San Rafael City Council adopted General Plan 2040, including an updated Land Use Map replacing the “Light Industrial/ Office” General Plan designations at 380 Merrydale (APN 179-041-22) and 401 Merrydale (APN 179-041-05) with the “Office Mixed Use” General Plan designation, thereby creating additional opportunities for transit-oriented development, including housing at densities up to 43.5 units per acre and

WHEREAS, California Government Code 65860 requires a city’s zoning ordinance, including its zoning map, to be consistent with a city’s general plan; and

WHEREAS, the current zoning classification for 380 Merrydale (APN 179-041-22) Planned District 1436 (PD 1436), corresponding to the self-storage facility on the property and the current zoning classification for 401 Merrydale (APN 179-041-05) is Light Industrial/Office (LI/O) and neither of these designation is consistent with the General Plan Land Use designation of Office Mixed Use; and

WHEREAS, the City of San Rafael has identified 380 Merrydale and 401 Merrydale as potential sites to meet a portion of its Regional Housing Needs Allocation (RHNA) of 3,220 housing units, as well as opportunities to affirmatively further fair housing by creating multi-family housing opportunities in a range of locations around the city; and

WHEREAS, rezoning of these properties would better align their zoning designations with their General Plan designations, while also facilitating the City’s ability to meet its State-mandated RHNA; and

WHEREAS, the proposed rezoning implements the San Rafael General Plan 2040, for which a Final Environmental Impact Report was previously prepared and certified on August 2, 2021, Consistent with the California Environmental Quality Act (CEQA) Guidelines and the City of San Rafael Environmental Assessment Procedures Manual, the appropriate steps were followed to complete environmental review of General Plan 2040, including the adoption of Findings and a Mitigation Monitoring and Reporting program. No development is currently proposed on the subject properties and no further impacts will result from the rezoning; and

Agenda Item 5.b

WHEREAS, the City of San Rafael established zoning case numbers ZC23-003 and ZC23-004 for the two subject parcels to facilitate this rezoning, in order to align the zoning and General Plan Maps; and

WHEREAS, on April 25, 2023, the San Rafael Planning Commission convened a duly noticed public hearing and unanimously (5:0, with one member absent) approved a resolution recommending City Council approval of this rezoning; and

WHEREAS, the City has complied with all noticing requirements for the rezoning action, including providing mailed notices to all property owners within 300 feet of the subject properties; and

WHEREAS, on May 15, 2023, the San Rafael City Council held a duly noticed public hearing on the proposed rezoning, accepting and considering all oral and written public testimony and the written report of the Department of Community Development; and

WHEREAS, the custodian of documents which constitute the record of proceedings upon which this decision is based, is the Community Development Department; and

WHEREAS, as required by San Rafael Municipal Code Section 14.27.060, the City Council makes the following findings in support of an ordinance to amend the Zoning Map to change 380 Merrydale Road (APN 179-041-22) from Planned District 1436 (PD 1436) to an Office (O) zoning classification and to change 401 Merrydale Road (APN 179-041-05) from Light Industrial/Office (LI/O) to an Office (O) zoning classification, as shown on the map contained in Exhibit "A":

1. The proposed amendment to the Zoning Map is consistent in principle with the General Plan in that:
 - a. This action would be consistent with the General Plan Land Use Map, which identifies the subject sites as Office Mixed Use, rather than Light Industrial/Office.
 - b. This action would implement the General Plan Land Use Map.
 - c. This action supports the General Plan concept of transit-oriented development around the two SMART stations and would accommodate higher-density residential and employment uses that is more sustainable and less car-dependent than traditional suburban development.
 - d. This action would be consistent with and implement the following General Plan policies and programs:
 - 1) Land Use Element Policy LU-1.3 (*Land Use and Climate Change*), which supports housing and commercial development adjacent to transit stations.
 - 2) Land Use Element Policy LU-2.1 (*Land Use Map and Categories*), which indicates that the General Plan Map should be used as a framework for future land use decisions, including zoning regulations.
 - 3) Land Use Element Policy LU-2.2 (*Mixed Use Development*), which supports mixed uses on commercial properties.
 - 4) Land Use Element Policy LU-3.3 (*Housing Mix*), which supports a diverse mix of housing choices and opportunities.

Agenda Item 5.b

- 5) Neighborhoods Element Program NH-4.10A (*Station Area Plan Implementation*) which supports additional residential and commercial development opportunities adjacent to the Civic Center Station.
 - 6) Mobility Policy M-3.8 (*Land Use and VMT*), which supports development opportunities around transit stations.
 - 7) Housing Element Policy H-4.8 (*Adequately Zoned Sites*) to maintain an adequate supply of residentially zoned land to meet the needs of all economic segments of the community.
2. The public health, safety, and general welfare would be served by the adoption of the proposed amendment to change the existing “PD 1436” and “LI/O” Zoning Classifications to the “O” Zoning Classification because the subject parcels would provide opportunities for housing, including affordable housing. Allowing densities of 43.5 units per acre on sites where residential uses are not permitted today can help meet an urgent community need and leverage the benefits of the sites’ proximity to mass transit. Moreover, rezoning properties located immediately adjacent to the SMART station presents an opportunity for development that is less car-dependent, reduces per capita greenhouse gas emissions, supports active transportation modes such as walking and bicycling, and reduces the need to convert open space on the fringes of the city to urban uses.

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

DIVISION 1: Findings

The City Council of the City of San Rafael hereby determines and finds that all of the facts and statements contained in the recitals herein and the finding of Planning Commission Resolution 23-03, adopted April 25, 2023, recommending to the City Council adoption of this Ordinance, are true and correct. The City Council further finds that the zoning map amendment complies with CEQA and is consistent with the certified EIR for San Rafael General Plan 2040.

DIVISION 2: Approval

The City Council of the City of San Rafael hereby approves and adopts the amendment to SRMC Title 14 Zoning Map as presented in Exhibit A attached hereto and incorporated herein by reference.

DIVISION 3: Publication

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

The Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against the same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, Marin County, State of California.

Agenda Item 5.b

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk a certified copy of the full text of this Ordinance, along with the names of those Councilmembers voting for or against the Ordinance.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 15th day of May 2023, and was passed and adopted at a regular meeting of the San Rafael City Council on the 5th day of June 2023 by the following vote, to wit:

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

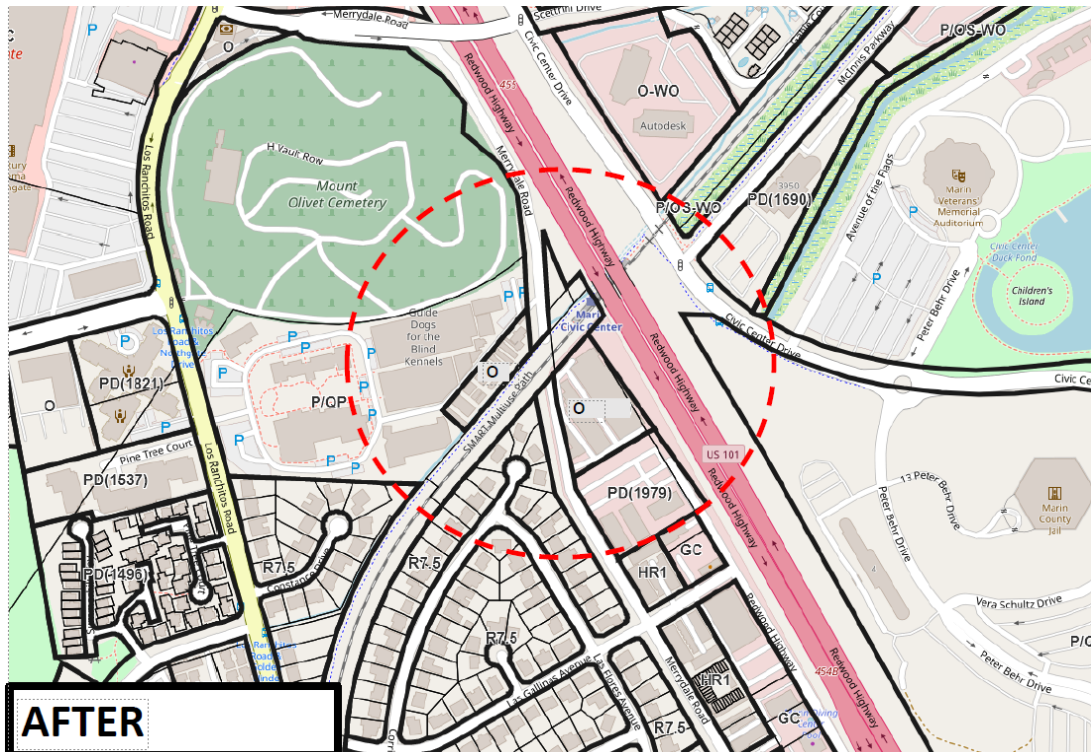
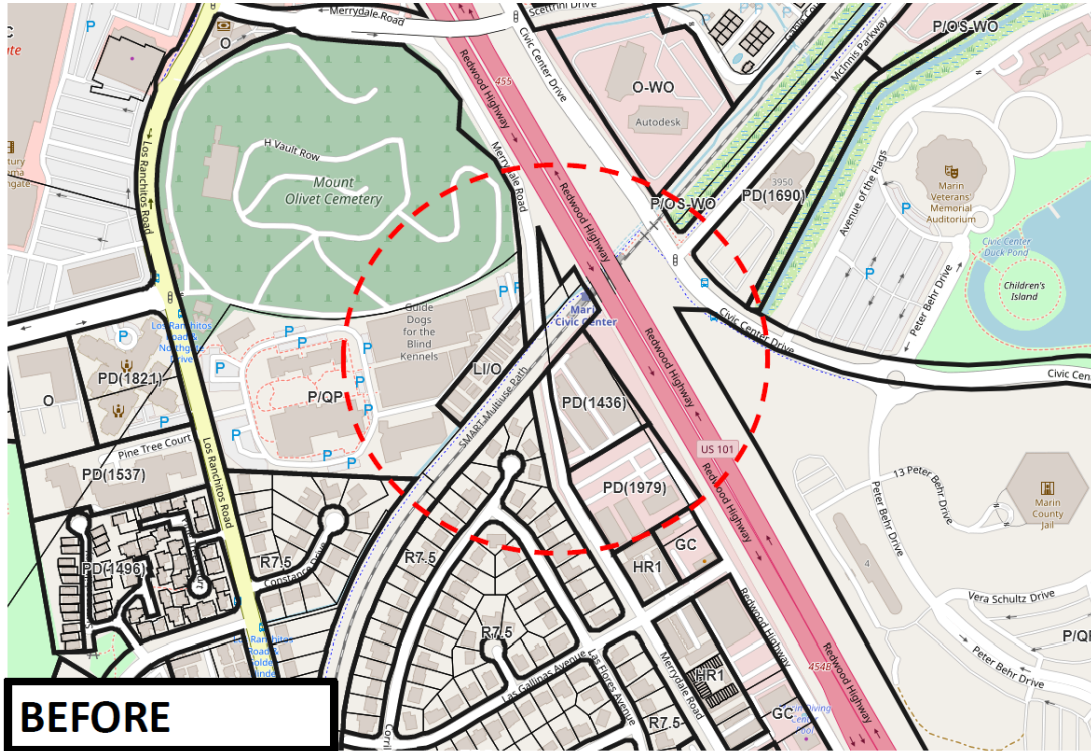
KATE COLIN, Mayor

ATTEST:

LINDSAY LARA, City Clerk

Exhibits:
A. Rezoning Map

Attachment A San Rafael Zoning Map



SUMMARY OF ORDINANCE NO. 2028

AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING THE ZONING MAP OF THE SAN RAFAEL MUNICIPAL CODE TO CHANGE THE ZONING FOR 380 MERRYDALE ROAD (APN 179-041-22) FROM PLANNED DISTRICT 1436 (PD 1436) TO OFFICE, AND THE ZONING CLASSIFICATION OF 401 MERRYDALE ROAD (APN 179-041-05) FROM LIGHT INDUSTRIAL-OFFICE TO OFFICE. (ZC23-003 and ZC23-004)

This Summary concerns a proposed ordinance of the City of San Rafael, designated as Ordinance No. 2028, which will amend the Zoning Maps in Title 14 of the San Rafael Municipal Code. Ordinance No. 2028 is scheduled for adoption by the San Rafael City Council at its regular meeting of June 5, 2023. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF AMENDMENT TO MUNICIPAL CODE

The Ordinance will amend Title 14 (Zoning) of the San Rafael Municipal Code to change the zoning district boundary line for the property located 380 Merrydale Road (APN 179-041-22) from Planned District 1436 (PD 1436) to an Office (O) zoning classification and to change 401 Merrydale Road (APN 179-041-05) from Light Industrial/Office (LI/O) to an Office (O) zoning classification

Copies of Ordinance No. 2028 will be available for public review as of Wednesday, May 17, 2023, on the City's website: <https://www.cityofsanrafael.org>. You may also contact the City Clerk at (415) 485-3066 or the Planning Department at (415) 485-3085 for information.

LINDSAY LARA
San Rafael City Clerk
Dated: 5/19/23

ORDINANCE NO. 2029

AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING THE ZONING MAP OF THE SAN RAFAEL MUNICIPAL CODE TO CHANGE THE ZONING FOR TWO NON-ADDRESSED PARCELS LOCATED IMMEDIATELY NORTH AND EAST OF 86 CULLODEN PARK ROAD FROM PLANNED DISTRICT 1729 (PD 1729) TO LOW-DENSITY RESIDENTIAL 20,000 SQUARE FOOT LOT MINIMUM (R20) (APN 011-051-31 and APN 011-115-30) (ZC23-001 and ZC23-002)

WHEREAS, the City of San Rafael completed a comprehensive update of its General Plan between 2018 and 2021, moving the time horizon forward from 2020 (General Plan 2020) to 2040 (General Plan 2040); and

WHEREAS, the Plan Update process included a “Call for Amendments” wherein property owners were invited to apply for amendments to the General Plan Map; and

WHEREAS, on June 21, 2019, the owners of Assessor Parcel Number 011-051-31 submitted a request for an amendment to change the designation of this 0.692-acre property from its 2020 General Plan designation of Hillside Resource Residential to a 2040 designation of Low Density Residential; and

WHEREAS, the intent of this request was to harmonize the land use designations of four adjacent properties with the same owner, including one 1.196-acre property with a home (86 Culloden Park Road, APN 011-115-10) which was designated Low Density Residential, two small vacant properties (0.111 acres and 0.194 acres) also designated Low Density Residential, and an adjoining 0.692-acre parcel on the east which was vacant and designated Hillside Resource Residential (011-051-31); and

WHEREAS, staff evaluated the request and determined that the requested change was consistent with best practices, would avoid a “split” General Plan designation on a single-family, single-ownership property; and would not adversely impact surrounding properties; and

WHEREAS, on February 5, 2020, the San Rafael Planning Commission considered this request and several others and supported changing the land use designation as requested; and

WHEREAS, on August 2, 2021, the San Rafael City Council adopted General Plan 2040, including an updated Land Use Map incorporating the Low-Density Residential designation for APN 011-051-31; and

WHEREAS, California Government Code 65860 requires a city’s zoning ordinance, including its zoning map, to be consistent with a city’s general plan; and

WHEREAS, APNs 011-051-31 and 011-115-30 currently have zoning designations of Planned District (PD 1729), a designation that was created to support the adjacent Academy Heights/ Live Oak Estates subdivision, which no longer includes the subject parcels; and

WHEREAS, the best fit zoning designation for APN 011-051-31 and 011-115-30 is R20, which matches the designation of the primary residence at 86 Culloden Park Road and all other parcels along Culloden Park Road; and

Agenda Item 5.c

WHEREAS, the R20 designation is consistent with the Low Density General Plan designation and would align the zoning for these parcels with the General Plan; and

WHEREAS, the proposed rezoning implements the San Rafael General Plan 2040, for which a Final Environmental Impact Report was previously prepared and certified on August 2, 2021, Consistent with the California Environmental Quality Act (CEQA) Guidelines and the City of San Rafael Environmental Assessment Procedures Manual, the appropriate steps were followed to complete environmental review of General Plan 2040, including the adoption of Findings and a Mitigation Monitoring and Reporting program. No development is currently proposed on the subject properties and no further impacts will result from the rezoning; and

WHEREAS, the City of San Rafael established zoning case numbers ZC23-001 and ZC23-002 for the two subject parcels to facilitate this rezoning, in order to align the zoning and General Plan Maps; and

WHEREAS, on April 25, 2023, the San Rafael Planning Commission convened a duly noticed public hearing and unanimously (5:0, with one member absent) approved a resolution recommending City Council approval of this rezoning; and

WHEREAS, the City has complied with all noticing requirements for the rezoning action, including providing mailed notices to all property owners within 300 feet of the subject properties; and

WHEREAS, on May 15, 2023, the San Rafael City Council held a duly noticed public hearing on the proposed rezoning, accepting and considering all oral and written public testimony and the written report of the Department of Community Development; and

WHEREAS, the custodian of documents which constitute the record of proceedings upon which this decision is based, is the Community Development Department; and

WHEREAS, as required by San Rafael Municipal Code Section 14.27.060, the City Council makes the following findings in support of an ordinance to amend the Zoning Map to change parcels APN 011-051-31 and 011-115-30, located immediately north and east of 86 Culloden Park Road, from Planned District 1729 (PD 1729) to Low-Density Residential 20,000 Square Foot Lot Minimum (R20), as shown on the map contained in Exhibit "A":

1. The proposed amendment to the Zoning Map is consistent in principle with the General Plan in that:
 - a. This action would be consistent with the General Plan Land Use Map, which identifies the subject sites as Low Density Residential.
 - b. This action would implement the General Plan Land Use Map.
 - c. This action would be consistent with the mapping protocol used in the General Plan, including assigning a single General Plan category to properties under single ownership rather than applying multiple designations.
 - d. This action would be consistent with and implement the following General Plan policies:
 - 1) Land Use Element Policy LU-1.8 (*Density of Residential Development*), which supports densities that are aligned with the physical characteristics of the natural landscape and topography.

Agenda Item 5.c

- 2) Land Use Element Policy LU-2.1 (*Land Use Map and Categories*), which supports aligning zoning with the General Plan Land Use Map.
- 3) Neighborhoods Element Policy NH-2.11 (*Fairhills Neighborhood*) to retain the character of Fairhills as a scenic hillside neighborhood.
- 4) Community Design and Preservation Policy CDP-1.3 (*Hillside Protection*) to ensure that hillside development protects the natural landscape and supports lot consolidation in hillside areas.
- 5) Housing Element Policy H-4.8 (*Adequately Zoned Sites*) to maintain an adequate supply of residentially zoned land to meet the needs of all economic segments of the community.

2. The public health, safety, and general welfare would be served by the adoption of the proposed amendment to change the existing PD 1729 Zoning Classification to the R20 Zoning Classification for the property in that the Zoning Map change will implement the General Plan Land Use designation and is consistent with the General Plan as noted above.

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

DIVISION 1: Findings

The City Council of the City of San Rafael hereby determines and finds that all of the facts and statements contained in the recitals herein and the finding of Planning Commission Resolution 23-03, adopted April 25, 2023, recommending to the City Council adoption of this Ordinance, are true and correct. The City Council further finds that the zoning map amendment complies with CEQA and is consistent with the certified EIR for San Rafael General Plan 2040.

DIVISION 2: Approval

The City Council of the City of San Rafael hereby approves and adopts the amendment to SRMC Title 14 Zoning Map as presented in Exhibit A attached hereto and incorporated herein by reference.

DIVISION 3: Publication

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

The Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against the same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, Marin County, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk a certified copy of the full text of this Ordinance, along with the names of those Councilmembers voting for or against the Ordinance.

Agenda Item 5.c

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 15th day of May 2023, and was passed and adopted at a regular meeting of the San Rafael City Council on the 5th day of June 2023 by the following vote, to wit:

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

KATE COLIN, Mayor

ATTEST:

LINDSAY LARA, City Clerk

Exhibits:

A. Rezoning Map

Attachment A San Rafael Zoning Map



BEFORE



AFTER

SUMMARY OF ORDINANCE NO. 2029

AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING THE ZONING MAP OF THE SAN RAFAEL MUNICIPAL CODE TO CHANGE THE ZONING FOR TWO NON-ADDRESSED PARCELS LOCATED IMMEDIATELY NORTH AND EAST OF 86 CULLODEN PARK ROAD FROM PLANNED DISTRICT 1729 (PD 1729) TO SINGLE FAMILY RESIDENTIAL 20,000 SQUARE FOOT LOT MINIMUM (R20) (APN 011-051-31 and APN 011-115-30) (ZC23-001 and ZC23-002)

This Summary concerns a proposed ordinance of the City of San Rafael, designated as Ordinance No. 2029, which will amend the Zoning Maps in Title 14 of the San Rafael Municipal Code. Ordinance No. 2029 is scheduled for adoption by the San Rafael City Council at its regular meeting of June 5, 2023. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF AMENDMENT TO MUNICIPAL CODE

The Ordinance will amend Title 14 (Zoning) of the San Rafael Municipal Code to change the zoning district boundary line for the property located within Assessors Parcels 011-051-31 and 011-115-30, and located immediately north and east of 86 Culloden Park Road; said parcels to be rezoned from Planned District 1729 (Pd 1729) to Single-family Residential 20,000 Square Foot Lot Minimum (R20).

Copies of Ordinance No. 2029 will be available for public review as of Wednesday, May 17, 2023, on the City's website: <https://www.cityofsanrafael.org>. You may also contact the City Clerk at (415) 485-3066 or the Planning Department at (415) 485-3085 for information.

LINDSAY LARA
San Rafael City Clerk
Dated: 5/19/23

City Council Appointments 2023

Position	2023
Vice Mayor, City Council	Maika Llorens Gulati
San Rafael Sanitation District	
San Rafael Sanitation District	Kate Colin (C) Maribeth Bushey
Central Marin Sanitation Agency <i>(informational only- appointed by SRSD)</i>	Maribeth Bushey
City Rep. to Association of Bay Area Government (ABAG)	Eli Hill
League of California Cities, North Bay Division	Maika Llorens Gulati Maribeth Bushey (Alt)
Sonoma/Marin Area Rail Transit (SMART) <i>(informational only- appointed by TAM)</i>	Kate Colin Maribeth Bushey (Alt)
County Priority-Setting Committee (re Community Development Block Grant Funds)	Eli Hill Rachel Kertz (Alt)
Marin Clean Energy (MCE)	Maika Llorens Gulati Rachel Kertz (Alt)
Transportation Authority of Marin (TAM) Board of Commissioners	Kate Colin Maribeth Bushey (Alt)
Transportation Authority of Marin (TAM) - Safe Routes to Schools Program	Maribeth Bushey
Micro Grid Task Force	Eli Hill
BayWAVE	Kate Colin
Age Friendly / Aging Action Liaison	Rachel Kertz
City Council Standing Committees (Noticed public meetings)	
Climate Change Action Plan Quarterly Update Forum	Maika Llorens Gulati
City/School Liaison Committee (Noticed Joint City Council /Schools meeting)	Kate Colin Eli Hill
Economic Development Subcommittee	Eli Hill
Library Foundation Board	Maribeth Bushey

Council Liaisons to Boards, Commissions and Committees (Open, noticed meetings)	
ADA Access Advisory Committee	Eli Hill
Bicycle and Pedestrian Advisory Committee	Maika Llorens Gulati
Board of Library Trustees	Maribeth Bushey
Business Improvement District Advisory Group	Eli Hill
Design Review Board	Kate Colin
Fire Commission	Eli Hill
Pickleweed Advisory Committee	Maika Llorens Gulati
Park and Recreation Commission	Eli Hill
Planning Commission	Kate Colin
Public Art Review Board	Rachel Kertz
Voter Approved Tax Oversight Committee	Rachel Kertz
Joint Powers Agreement (JPA)	
Marin County Animal Control	Jim Schutz Cristine Alilovich
Marin County Hazardous and Solid Waste Joint Powers Authority Board and Executive Committee	Jim Schutz Cristine Alilovich Cristine Alilovich Cory Bytof (Alt)
Marin Emergency Radio Authority (MERA) Governing Board	Dave Spiller Glenn McElderry (Alt) Robert Sinnott (Alt)
Marin Emergency Radio Authority (MERA) Executive Board	Darin White
Marin General Services Authority	Jim Schutz Cristine Alilovich Cristine Alilovich TBD(Alt)
Marin Wildfire Prevention Authority	Rachel Kertz Eli Hill (Alt)

Marin County Council of Mayors & Councilmembers (MCCMC)	
Legislative Committee	Rachel Kertz
Marin Transit District <i>(MCCMC appointment; non-City appointment)</i>	Maribeth Bushey
Homelessness Policy Maker Group	Rachel Kertz (C) Kate Colin (Alt)
Climate Mitigation Committee	Maika Llorens Gulati Kate Colin (Alt)
Ad Hoc Water Policy Committee	Maribeth Bushey Eli Hill



SAN RAFAEL

THE CITY WITH A MISSION

Agenda Item No: 5.e

Meeting Date: June 5, 2023

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk's Office

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: _____

TOPIC: STATEMENT OF ECONOMIC INTERESTS ANNUAL FILINGS

SUBJECT: ACCEPT REPORT ON FAIR POLITICAL PRACTICES COMMISSION FORM 700, STATEMENT OF ECONOMIC INTERESTS, 2022 ANNUAL FILINGS, FOR SECTION 87200 FILERS AND DESIGNATED EMPLOYEES, INCLUDING CONSULTANTS, DESIGN REVIEW BOARD AND PARK AND RECREATION COMMISSION

RECOMMENDATION: Accept report.

BACKGROUND:

On September 6, 2022, the City Council, by [Resolution 15117](#), updated/adopted a Conflict of Interest Code for Designated Employees as required by the Fair Political Practices Commission (FPPC).

The City Council is the Code Reviewing Body for all Forms 700, "Conflict of Interest Statement for Designated Employees," and the City Clerk is the Filing Officer.

The annual filings of Form 700 for designated employees, including the Design Review Board, Park and Recreation Commission, and the City's consultants, due April 3, 2023, were for the most part filed in a timely manner, substantially complying with filing requirements, and have been verified for completeness. These documents are available for review in the City Clerk's office. Filers who did not file their Form 700 by the deadline have received their first of two non-filer notifications, and are subject to late fines.

The majority of Forms 700 Statement of Economic Interests filed by Section 87200 filers, such as the Mayor and City Council, City Manager, City Treasurer/Finance Director and City Attorney were filed by the deadline of Monday, April 3, 2023. The Planning Commission had three late filers, two of which have since filed their Form 700, the third has been sent their late notice.

ATTACHMENTS:

1. Conflict of Interest Code
 - a. Exhibit A – Designated Employee List
 - b. Exhibit B – Disclosure Categories

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in the employee's statement of economic interests those economic interests the employee has which are of the kind described in the disclosure categories to which the employee is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's

disclosure categories are the kinds of economic interests which the employee foreseeably can affect materially through the conduct of the employee's office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following the person's return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided the person did not make or participate in the making of, or use the person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of the person's appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation the person did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which the employee is a director, officer, partner, trustee, employee, or in which the employee holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$520.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$520 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from

any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while the official holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of the officer's election to office through the date the officer vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of \$100 or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use the employee's official position to influence the making of any governmental decision which the employee knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent the employee's participation is legally required for the decision to be made.

The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make the employees' participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use the official's position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of the official's immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that the employee should not make a governmental decision because the employee has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of the duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for the employee's agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes the employee's community property interest in the income of the employee's spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).
Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).

9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District,

nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of*

Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations.

Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision,

April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

35. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-12-2018; operative 1-11-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2018, No. 50).

36. Amendment of subsections (b)(8.1)-(8.1)(A) filed 12-23-2020; operative 1-1-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2020, No. 52).

37. Amendment of subsections (b)(3)(C), (b)(5)(C), (b)(5.5), (b)(5.5)(A)(2), (b)(7)(D), (b)(8)(A), (b)(8.1)(A), (b)(8.2)(A), (b)(8.2)(C)-(D), (b)(8.3)(A), (b)(9), (b)(9.3), (b)(9.5), (b)(10) and (b)(11) and footnote 5 filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974

Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).

APPENDIX A
Designated Employees

Position	Disclosure Category
All Departments	
Associate Management Analyst.....	1, 2
Management Analyst.....	1, 2
Senior Management Analyst.....	1, 2
Administrative Analyst.....	1, 2
Professional Analyst (Fixed Term)	1, 2
Business Systems Analyst (Fixed Term)	1, 2
Data Analyst	1, 2
Network Analyst	1, 2

Administrative Services	
Accounting Manager.....	1, 2
Revenue Supervisor.....	1, 2
Principal Accountant.....	1, 2
Senior Accountant.....	1, 2
Payroll Technician.....	3a, 3c, 3g
Director of Employee Experience and Culture.....	1, 2
Human Resources Operations Manager.....	1, 2

City Attorney	
Assistant City Attorney.....	1, 2
Deputy City Attorney II.....	1, 2

City Clerk	
City Clerk.....	1, 2
Deputy City Clerk.....	1, 2

City Manager	
Assistant City Manager.....	1, 2
Director of Economic Development and Innovation.....	1, 2

Economic Development Program Coordinator.....	1, 2
Sustainability and Volunteer Program Coordinator.....	1, 2
Parking Services Manager	1, 2
Parking Operations Supervisor	2, 3a, 3d, 3g

Community Development	
Community Development Director.....	1, 2
Planning Manager.....	1, 2
Senior Planner.....	1, 2
Associate Planner.....	1, 2
Assistant Planner.....	1, 2
Senior / Code Enforcement Supervisor.....	1, 2
Code Enforcement Official III.....	1, 2
Code Enforcement Official II.....	1, 2
Code Enforcement Official I.....	1, 2
Chief Building Official.....	1, 2
Permit Services Coordinator.....	1, 2
Permit Technician	1, 2
Permit Services Supervisor	1, 2
Housing Program Manager	1, 2
Senior Building Inspector.....	1, 2
Building Inspector II.....	1, 2
Building Inspector I.....	1, 2

Digital Service and Open Government	
Director of Digital Service and Open Government.....	1, 2
Data & Infrastructure Manager.....	1, 2
Civic Design Manager.....	1, 2
Product Manager	1, 2

Fire Department	
Fire Chief.....	1, 2

Deputy Fire Chief.....	1, 2
Battalion Chief – Operations.....	1, 2
Battalion Chief – Administration.....	1, 2
Administrative Fire Captain.....	2, 3d, 3e, 3g
Deputy Fire Marshal.....	1, 2
Deputy Director of Emergency Management	1, 2
Fire Prevention Specialist.....	2, 3d, 3e, 3g
Fire Prevention Inspector II.....	2, 3d, 3e, 3g
Fire Prevention Inspector I.....	2, 3d, 3e, 3g
Environmental Management Coordinator.....	2, 3d, 3e, 3g
Emergency Management Coordinator.....	2, 3d, 3e, 3g
Open Space/Hazard Coordinator	1, 2
Wildfire Mitigation Specialist	2, 3d, 3e, 3g
Wildfire Mitigation Project Coordinator	1, 2
Vegetation Management Specialist.....	2, 3d, 3e, 3g

Library and Recreation	
Library and Recreation Director.....	1, 2
Assistant Library and Recreation Director.....	1, 2
Senior Recreation Supervisor.....	3a, 3b, 3f, 3g
Recreation Supervisor	3a, 3b, 3f, 3g
Supervising Librarian.....	3a, 3b, 3f, 3g

Police Department	
Chief of Police.....	1, 2
Police Captain	1, 2
Police Lieutenant.....	1, 2

Department of Public Works	
Public Works Director.....	1, 2

Assistant Public Works Director / City Engineer.....	1, 2
Deputy Public Works Director.....	1, 2
Senior Civil Engineer.....	1, 2
Associate Civil Engineer.....	1, 2
Assistant Civil Engineer.....	1, 2
Jr. Engineer.....	3e, 3g
Engineering Technician I.....	3e, 3g
Engineering Technician II.....	3e, 3g
Traffic Engineer.....	1, 2
Traffic Engineering Technician I.....	3e, 3g
Traffic Engineering Technician II.....	3e, 3g
Streets Maintenance Supervisor.....	1, 2
Parks Maintenance Supervisor.....	1, 2
Operations and Maintenance Manager.....	1, 2
Facility Repair Supervisor.....	3d, 3e, 3f
Shop & Equipment Supervisor.....	3d, 3e, 3f
Senior Project Manager.....	1, 2

Sanitation District	
District Manager / District Engineer.....	1, 2
Sr. Civil Engineer.....	1, 2
Associate Civil Engineer.....	1, 2
Jr. Engineer.....	1, 2
Sewers Maintenance Supervisor.....	3d, 3e, 3f
Sewer Maintenance Superintendent.....	3d, 3e, 3f

Boards & Commissions	
Design Review Board.....	1, 2
Park & Recreation Commission.....	1, 2

Consultants	
Consultants **.....	1, 2

*** With respect to Consultants, the relevant department director may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in these categories. Such determination shall include a*

description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The department director shall forward a copy of this determination to the City Clerk. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

APPENDIX B

Disclosure Categories

Category 1: All investments and sources of income.

Category 2: All interests in real property in the jurisdiction of San Rafael or within 2 miles of the jurisdiction of San Rafael.

Category 3: Investments in business entities and sources of income of the type which have or foreseeably could contract with the City to provide services, supplies, materials, machinery, or equipment; or which could be enhanced when a designated employee makes or participates in making a decision.

- a. Personnel agencies or personnel consultants;
- b. Municode and Marin County newspapers;
- c. Financial institutions;
- d. Department record forms, communications equipment, safety equipment, firefighting or fire detection equipment, automotive or rolling stock sales, automotive parts or equipment, general departmental supplies or equipment;
- e. Building supplies or building, contractor, or construction firms;
- f. Travel agencies, recreation and athletic supplies, building maintenance and cleaning supplies;
- g. Book, software, and audio-visual publishers and distributors; computer equipment manufacturers and distributors.

NOTE: PENALTY FOR LATE FILING:

As required under the Political Reform Act of 1974, as amended, section 91013, if any person files an original statement after any deadline, he shall be liable in the amount of \$10.00 per day after the deadline until the statement is filed, up to a maximum of \$100.00, whichever is greater.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager's Office

**Prepared by: Cory Bytof,
Sustainability Program Manager**

City Manager Approval: _____

TOPIC ZERO WASTE MARIN AGREEMENT

**SUBJECTS RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING AN AMENDMENT TO REVISED HAZARDOUS AND SOLID
WASTE JOINT POWERS AGREEMENT WITH COUNTY OF MARIN**

RECOMMENDATION

Adopt a resolution approving an amendment to the Revised Hazardous and Solid Waste Joint Powers Agreement with the County of Marin.

BACKGROUND

The County of Marin and the Cities of Belvedere, Larkspur, Mill Valley, Novato, San Rafael, and Sausalito, and the Towns of Corte Madera, Fairfax, Ross, San Anselmo, and Tiburon entered into an agreement in 1993 to create a Hazardous and Solid Waste Joint Powers Authority (JPA), also known as Zero Waste Marin, to work together on the mandates set forth in AB 939. The agreement was amended in 1995 and restated in 1996.

The County of Marin is responsible for the management of programs in the Certified Unified Program Agency (CUPA) by state law, which include the Hazardous Materials Business Plan Program, Risk Management and Prevention Plan Program, Aboveground Storage Tank Program, Underground Storage Tank Program, the Hazardous Waste Generator Program, and the Tiered Permit On-Site Treatment Program. Prior to 2006, the City of San Rafael managed its own CUPA.

ANALYSIS

The JPA agreement has been the foundational guide for the operations of the Hazardous and Solid Waste Program. Staff and the Board of the JPA have been working to develop proposed revisions to the JPA Agreement to include the following three administrative changes to better reflect current operations and procedures. These changes can be found in the redlined agreement as Attachment B and are reflected in "Exhibit A" to the resolution.

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

Proposed Administrative Changes

1. The JPA contracted with the City of San Rafael to oversee the operation of the permanent Household Hazardous Waste (HHW) facility by the Marin Recycling & Resource Recovery Association, a company of Marin Sanitary Service. The City requested to terminate this agreement following the departure of the City employee who was responsible for the program. The City determined that integrating the position with the HHW team of County staff would provide the most efficient and effective service. The County and JPA agreed to revert the program back to the County. The JPA will fund and assume the oversight responsibility of the HHW program as of July 1, 2023, which is reflected in the Amendment in Preamble A on page 1, and in Article 3, Section 3.3 Member Programs.
2. California state law mandates that all cities, counties, and approved regional solid waste management agencies are responsible for enacting integrated waste management plans (IWMP) and implementing programs to divert solid waste from landfills. In addition, state law mandates that a local task force be formed to advise the JPA Board on waste-related matters to ensure compliance with the IWMP. The original passage in Preamble D was amended to add language to ensure we have a qualified technical task force to serve as an advisory group to the JPA Board.
3. Article 18 Designated Entity was added as an administrative change to state that County laws shall apply to the JPA pursuant to Government Code 6509.

FISCAL IMPACT

There is no fiscal impact associated with this action.

OPTIONS

1. Adopt a resolution approving an amendment to the Revised Hazardous and Solid Waste Joint Powers Agreement with County of Marin and appointing Members of the Board.
2. Adopt the resolution with modifications.
3. Do not adopt the resolution at this time and direct staff to come back with more information.

RECOMMENDED ACTION

Adopt a resolution approving an amendment to the Revised Hazardous and Solid Waste Joint Powers Agreement with County of Marin and appointing Members of the Board.

ATTACHMENTS

- | | |
|---------------|--------------------------------------------------------------|
| Attachment A: | Original Signed 1996 Agreement |
| Attachment B: | Redlined 1996 Agreement |
| Attachment C: | San Rafael CUPA to County 2006 |
| Attachment D: | Resolution, with Exhibit A – Amendment to the 1996 Agreement |

REVISED HAZARDOUS AND SOLID WASTE
JOINT POWERS AGREEMENT
COUNTY OF MARIN

This Agreement is entered into this 1st day of July, 1996 pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 (Section 6500 et seq.) of the California Government Code relating to the joint exercise of powers among the following parties: The County of Marin (hereafter referred to as the "County"), the Cities of Belvedere, Larkspur, Mill Valley, Novato, San Rafael, and Sausalito, and the Towns of Corte Madera, Fairfax, Ross, San Anselmo, and Tiburon (hereafter collectively referred to as the "Cities and Towns"), which are all within the County of Marin.

PREAMBLE

The principle objectives of the agencies signatory to this Agreement are as follows:

A. Scope of the Agreement. The principle responsibilities of the new Authority, established by this Agreement, are to meet the goals of the Source Reduction and Recycling Element mandated by State Public Resources Code Sections 40900 to 43000 and the adoption and implementation of the Household Hazardous Waste Element required by Sections 25135 to 25135.8 of the Health and Safety Code.

Responsibilities for programs in the Certified Unified Program Agency (CUPA), which include the Hazardous Materials Business Plan Program, Risk Management and Prevention Plan Program, Aboveground Storage Tank Program, Underground Storage Tank Program, the Hazardous Waste Generator Program and the Tiered Permit On-Site Treatment Program, are to be managed as provided for by state law. The City of San Rafael will continue to administer its own CUPA programs. The County will administer these programs for the remaining Cities and Towns.

Operation of a household hazardous waste collection program is also mandated by state law. The County, the Cities and Towns will establish a local program that is available to their residents.

B. Limiting Membership in the Authority. Membership in the Authority will be limited to the County, the Cities and Towns. The districts included under the previous agreement are not signatories to this agreement and will not serve in any governing role. Representatives of the districts would continue to be included on the AB 939 Local Task Force.

C. Governing Structure. The day-to-day administration of the Authority will be vested with an Executive Committee responsible to the Board of Directors for the administration and management of Authority affairs. The Executive Committee will be comprised of the Chair and Vice Chair of the governing Board plus three Board members from the County, the City of San Rafael and the City of Novato.

The Board of Directors shall be comprised of one representative for each member agency. The Board member may be a member of the agency's City/Town Council or Board of Supervisors or the agency's staff. .

A majority of the members of the Board of Directors will constitute a quorum for purposes of conducting business, and a majority of a quorum will be authorized to act on behalf of the Authority.

D. AB 939 Local Task Force. The Board will establish and be advised by an AB 939 Local Task Force, whose composition, duties and authority are specified in Public Resources Code Section 40950. The Task Force will include at least two representatives of waste haulers, one representative of an environmental organization, two representatives of special districts involved in the regulation and disposal of waste, and five public representatives appointed by the member agencies serving on the Executive Committee established in this Agreement.

If a conflict between this preamble and the specifications contained in Article 1 through Article 17 is presented, it is the intent of this Agreement that the Articles are to be considered determinative.

ARTICLE 1: FACTS AND DECLARATIONS

Solid Waste Management

WHEREAS, Sections 40900 to 43000 of the State Public Resources Code requires the County and each of its Cities to prepare, adopt, and implement source reduction and recycling elements and requires the County to prepare a county-wide siting element and a county integrated waste management plan; and

WHEREAS, the County, Cities, and Towns believe it would be to their mutual advantage and the public benefit to coordinate their power and authority to implement integrated waste management programs which meet the waste management requirements of State law; and

Hazardous Waste Management

WHEREAS, Government Code Section 66780.8 and Health and Safety Code Section 25135 through 25135.8 establishes a planning process and requirements for the preparation, adoption, amendment, administration, and enforcement of County hazardous waste management plans; and

Existing Solid Waste Management System

WHEREAS, an effective system of solid waste collection, recycling, diversion and disposal currently exists within the county involving the franchised waste haulers.

Role of Districts

WHEREAS, the Sanitary Districts of Almonte, Alto, Homestead Valley, Las Gallinas, Novato, and Ross Valley, and the Community Service Districts of Marin City and Tamalpais, and the Bolinas Community Public Utility District, and the Strawberry Recreation District and the Stinson Beach County Water District (hereafter collectively referred to as the "Districts") play a role in the regulation of the existing solid waste management system and will continue to exercise responsibilities in the effort to fully comply with State solid waste diversion goals; and

WHEREAS, the County, Cities and Towns acting through this Agreement intend to strengthen the existing solid waste management system in the operation and development of future waste management activities; and

Joint Planning and Implementation

WHEREAS, the County, Cities and Towns believe that many of the programs and facilities described in the above mentioned elements and plans will be both long-term and most cost-effectively provided on a multi-jurisdictional or county-wide basis; and

WHEREAS, the County, Cities and Towns believe that a separate, special purpose agency responsible for, and capable of, preparation, adoption, revision, amendment, administration, and enforcement of the Marin County Integrated Waste Management Plan and, the Marin County Hazardous Waste Management Plan (hereafter referred to as the "Plans"), and planning, financing, implementing, managing, and maintaining of the related programs would be most cost-effective on a County-wide basis; and

WHEREAS, the Joint Exercise of Powers Act (Government Code Section 6500 et seq.) provides for joint action by two or more public agencies, and Public Resources Code section 41823 authorizes a city or county or agency formed under a joint exercise of powers agreement for the purpose of preparing and implementing source reduction and recycling elements on a county-wide integrated waste management plan; and

WHEREAS, it is the intent of the contracting agencies to utilize these statutory authorizations in this Agreement; and

Public Involvement

WHEREAS, the County, Cities and Towns intend to encourage ongoing community involvement in the development and implementation of future solid and hazardous waste activities by utilizing an AB 939 Task Force, advisory committees, community meetings, and other similar mechanisms to obtain public participation in these activities; and

Legislation and Markets

WHEREAS, the County, Cities and Towns intend to actively promote markets for recycled materials and advocate legislation which furthers the reduce, reuse, recycle hierarchy; and

Promoting Cost Effective Programs

WHEREAS, in the planning and implementation of countywide programs, the County, Cities and Towns intend to give particular attention to the cost-effectiveness of programs; and

Sharing Of Costs In An Equitable Manner

WHEREAS, it is the intent of the County, Cities and Towns that costs for planning and implementing solid and hazardous waste programs will be based on a fair and equitable allocation system that considers previous investments of each member, the relative benefits to each member and the actual cost of service; and

NOW, THEREFORE, the Agencies agree as follows:

ARTICLE 2: DEFINITIONS

Certain words as used in this Agreement shall be defined as follows:

- A. **"Agencies"** shall mean the County, Cities and Towns.
- B. **"Agreement"** shall mean this agreement that establishes the County of Marin Hazardous and Solid Waste Joint Powers Authority.
- C. **"Authority"** shall mean the County of Marin Hazardous and Solid Waste Joint Powers Authority.
- D. **"Board"** shall mean the governing body of the County of Marin Hazardous and Solid Waste Joint Powers Authority.

- E. **"County"** shall mean the County of Marin.
- F. **"Cities"** shall mean the cities of Belvedere, Larkspur, Mill Valley, Novato, San Rafael, and Sausalito.
- G. **"Towns"** shall mean the Towns of Corte Madera, Fairfax, Ross, San Anselmo, and Tiburon.
- H. **"Executive Committee"** shall mean the committee composed of the Chair and Vice-Chair of the Governing Board plus three additional members of the Governing Board as appointed by the Governing Board.
- I. **"Hazardous Waste Facility"** shall mean a facility which includes all contiguous land and structures used for the handling, treating, recycling, storing or disposing of hazardous wastes.
- J. **"Members"** shall mean the County, Cities or Towns which are signatories to this Agreement.
- K. **"Quorum"** shall mean a majority of the Board Members.

ARTICLE 3: PURPOSE

3.1 Purpose of Agreement

The purpose of this Agreement is to establish a public entity separate from the County and each of the Cities and Towns. This public entity is to be known as the County of Marin Hazardous and Solid Waste Joint Powers Authority (hereafter referred to as the "Authority").

3.2 Purpose of Authority

The purpose of the Authority shall be to comply with Sections 40900 to 43000 of the Public Resources Code, Section 66780.8 of the Government Code and Health and Safety Code Sections 25135 through 25135.8.

- a. Prepare, adopt, revise, amend, administer and enforce hazardous waste and solid waste plans.
- b. Plan, finance, implement, manage and/or monitor multi-jurisdictional or county-wide programs and facilities related to the plans.
- c. And other new requirements imposed on the member agencies by future acts of the State or Federal Government as agreed by the member agencies.

3.3 Member Programs

It is recognized that members, such as the City of San Rafael, operate required programs outside the scope of this Agreement, such as administering a hazardous materials and an underground storage tank program and other programs covered by the Certified Unified Program Agency (CUPA).

ARTICLE 4: CREATION OF MARIN COUNTY WASTE MANAGEMENT AUTHORITY

4.1 Creation of Authority

There is hereby created by the County, Cities and Towns of Marin the Marin County Hazardous and Solid Waste Management Authority to exercise in the manner set forth in this Agreement the powers common to each of the Agencies.

4.2 Separate Entity

The Authority shall be a public entity separate from the Agencies. Pursuant to Government Code Section 6503.5, notice of the Agreement shall be filed with the Secretary of State within 30 days of this Agreement's effective date. Pursuant to Government code Section 6508.1 the debts, liabilities and obligations of the Authority shall not constitute the debts, liabilities or obligations of any parties to the Agreement.

ARTICLE 5: POWERS OF THE AUTHORITY

5.1 General Powers

The Authority shall have any and all powers authorized by law to the parties and may:

- a. Prepare, adopt, revise, amend, administer and enforce the provisions of the Plans;
- b. Evaluate and recommend programs designed to achieve compliance with AB 939 in a cost effective manner;
- c. Implement those programs for member agencies that choose to participate under section 6.2 of this Agreement;
- d. Advise the members on issues related to regional hazardous and solid waste facilities and programs;
- e. Advocate the interests of the members related to regional hazardous and solid waste facilities and programs with local, state and federal officials;
- f. Plan for regional hazardous and solid waste facilities and programs;
- g. Develop regional hazardous and solid waste programs;

- h. Develop markets for the reuse of recyclable materials;
- i. Contract for the operation of regional hazardous and solid waste facilities and programs;
- j. Regulate rates of regional hazardous and solid waste facilities and programs;
- k. Advise on matters of hazardous and solid waste rates and charges.

Nothing in this Agreement shall be construed to authorize franchise of solid waste collection.

5.2 Specific Powers

In carrying out its general powers granted pursuant to the statutes noted in Section 5.1, the Authority is hereby authorized to perform all acts necessary for the exercise of said powers which may include but are not limited to the following:

- a. Adopt ordinances and resolutions,
- b. Monitor performance,
- c. Make and enter into contracts,
- d. Apply for and accept grants, advances, and contributions,
- e. Employ or contract for the services of agents, employees, consultants and such other persons or firms as it deems necessary,
- f. Conduct studies,
- g. Acquire, hold or dispose of property,
- h. Sue and be sued in its own name,
- i. Appoint and retain legal counsel as necessary to fulfill its powers, duties and responsibilities under this Agreement
- j. Incur debts, liabilities or obligations subject to limitations herein set forth,
- k. Levy and collect fees and charges, including administrative and operating costs, as provided in this Agreement or by law, against all entities to which the Agreement or law applies,
- l. To adopt, as authorized by law, ordinances or resolutions necessary to carry out the purposes of this Agreement,
- m. Issue bonds, subject to the provisions and limitations of the Government Code of the State of California,
- n. Adopt annually, by July 1 of each fiscal year, an annual workplan and corresponding budget setting forth all administrative, operational and capital expenses for the Authority, and
- o. Implement the programs authorized in Article 6, and
- p. Indemnify the member agencies pursuant to Article 10.

5.3 By-Laws

The Board may adopt from time to time such policies, procedures, by-laws, rules or regulations for the conduct of its affairs as may be required.

ARTICLE 6: PROGRAMS OF THE AUTHORITY

6.1 Basic Programs of the Authority

It is agreed that the following functions will form the basic minimum programs to be undertaken by the Authority on behalf of all of the member agencies.

- a. Administration. Administrative functions of the Authority as related to this section.
- b. Planning. Preparation, amendment, administration and monitoring of the county-wide portions of the AB939 plans. This includes: the Source Reduction and Recycling Element, the Household Hazardous Waste Element, the Solid Waste Facility Siting Element, the Non-Disposal Facility Element and the Countywide Integrated Waste Management Plan.
- c. Monitoring and Reporting. Comply with the requirements of the various identified statutes to maintain and report on efforts to meet the waste diversion goals of State law.
- d. Compliance Review. Develop, evaluate and recommend various programs designed to bring about compliance with AB 939 requirements for member agencies that choose to participate under section 6.2.
- e. Legislation. Track legislation pertaining to hazardous and solid waste issues and recommend position statements to the Board of Directors.

6.2 Agency Election to Participate in Authority Programs

Except for the basic programs listed in Section 6.1 above, member agencies may, by formal action of their governing boards, choose whether or not they wish to participate in and fund programs to be developed by the Authority.

6.3 Contract with County and/or Others

The Authority intends to contract with the County and others to perform the programs as listed in Section 3.2, "Purpose of Authority" and the "Basic Programs" of the Authority listed in Section 6.1. of this Agreement.

ARTICLE 7: ORGANIZATION OF AUTHORITY

7.1 Members

- a. The County, Cities and Towns may enter into this Agreement by July 1, 1996.
- b. The County, and any City or Town may be considered for membership in the Authority after July 1, 1996, by presenting an adopted resolution to the Board which includes a request to become a member of the Authority and Board and upon a majority affirmative vote of a quorum of the Board accepting the County, City or Town and upon payment of any charges and upon satisfaction of any conditions established by the Board as a prerequisite for membership.

7.2 Board

- a. The Authority shall be governed by the "Board" which shall exercise all powers and authority on behalf of the Authority.
- b. The Board shall consist of one member of the governing body or the chief administrative officer of the County and each of the Cities and Towns which are party to this Agreement. Upon execution of this Agreement, the governing body of the County and each of the Cities and Towns shall appoint its member of the Board and another member to serve as an alternate to the Board, to serve in the absence of the regular member. Each member and alternate shall serve at the pleasure of the governing body of the appointing agency. Any change in appointment of a member or alternate shall be by action of the governing body of the appointing agency.
- c. A majority of the members of the Board shall constitute a quorum for the transaction of business. The Authority shall act upon majority vote of those in attendance, each member having one vote, of the members of the Board.
- d. The Board shall elect by majority vote, from its members, a Chair and Vice Chair. The Chair shall represent the Authority and execute any contracts and other documents when required by the Rules of Procedure and/or By-Laws. The Vice-Chair shall serve in the absence of the Chair.

7.3 Executive Committee

- a. The Executive Committee shall be responsible to the Board for the administration and management of Authority affairs, for the provision of assistance and advice to the Board.
- b. The Executive Committee shall be composed of the Chair and Vice-Chair plus three other members of the Governing Board elected by the Board. Three of the

committee members must be from the County, San Rafael, and Novato. One representative shall be selected by the Southern Marin cities of Sausalito, Tiburon, Belvedere and Mill Valley. One representative shall be selected by the Ross Valley cities of Ross, San Anselmo, Fairfax, Larkspur and Corte Madera.

- c. Three members of the Executive Committee shall constitute a quorum for the transaction of business. No action shall be taken by the Executive Committee except upon a majority affirmative vote of the quorum (each member having one vote) of the members of the Executive Committee.
- d. Members shall serve two-year terms and may be reappointed.

7.4 Additional Committees

- a. The member agencies shall establish an AB 939 Local Task Force whose composition, duties and authority are described in Public Resource Code Section 40950. The Task Force so established shall be advisory to the Governing Board established under this Agreement.
- b. The AB 939 Local Task Force shall include at least two representatives of waste haulers, one representative of an environmental organization, two representatives of special districts involved in the regulation and disposal of waste, and five public representatives appointed by the member agencies serving on the Executive Committee established under this Agreement.
- c. In addition to the Executive Committee and an AB 939 Local Task Force, the Board may from time to time establish additional committees to carry out Authority purposes, and appoint committee members from the Board, the legislative bodies or administration of member agencies, Authority staff, and/or staff of the member agencies. The Board may also establish and appoint members to citizen's advisory committees as deemed appropriate.
- d. To the extent practical, the Board shall appoint members to committees in such a manner as to encourage the broadest possible participation of the member agencies.

ARTICLE 8: MEETINGS AND REPORTS

8.1 Board Meetings

- a. The Board shall hold at least one (1) regular meeting each year as determined by the by-laws.
- b. Special meetings of the Board may be called in accordance with the provision of Section 54956 of the California Government Code.

- c. All meetings of the Board shall be held subject to the provisions of the Ralph M. Brown Act (Sections 54950 et. seq. of the California Government Code), and other applicable laws of the State of California requiring notice be given of meetings of public bodies.
- d. Minutes of all Board meetings will be kept and shall, as soon as possible after each meeting, be forwarded to each member and alternate member of the Board.
- e. The Chair of the Board shall cause correspondence to be prepared and delivered as directed by the Board.
- f. The public agency with whom the Authority contracts with to provide services shall be the keeper of the official records of the Authority.

8.2 Executive Committee Meetings

- a. The Executive Committee shall hold at least one (1) meeting each quarter .
- b. Special meetings of the Executive Committee may be called by the Chair, or by a majority of the members of the Executive Committee or at the direction of the Board.
- c. Minutes of all Executive Committee meetings will be kept and shall, as soon as possible after each meeting, be forwarded to members of the committee and to each member and alternate member of the Board.

8.3 Other Committee Meetings

- a. Other Committee's shall hold meetings as may be called by the Committee Chair, or a majority of the members.
- b. Minutes of all meetings will be kept and forwarded to members of the committee and to each member and alternate of the Board.

8.4 Progress Reports

At least annually, a report on the progress toward achieving the diversion goals of state law shall be prepared and distributed to members of the Governing Board.

ARTICLE 9: FUNDING

9.1 Authority Budget

The Board shall adopt an annual budget for the Authority's activities within ninety (90) days of the effective date of this Agreement and by June 1 of each succeeding year. Public funds may not be disbursed by the Authority without adoption of the approved budget and all receipts and disbursements shall be in strict accordance with the approved budget. The budget shall identify

the programs of the Authority and allocate funds by program. The budget and accounting system shall account for direct and overhead costs by program. The Board shall allocate these costs for each program with the adoption of the annual budget.

9.2 Funding of the Authority

The Authority has the need and legal authority to levy fees and charges for programs, services and permits. The Authority is authorized to levy fees for only those programs identified in Section 6.1, Basic Programs of the Authority, and Section 6.2, Agency Election to Participate in Authority Programs. The funding for programs identified in Section 6.1 should be as specified in Section 9.2.B. The Authority is also authorized to levy fees and charges for administrative activities, permits and programs with independent funding.

- a. The Basic Programs of the Authority defined in Section 6.1 shall be funded as follows and adjusted annually as may be needed to fund the Basic Programs.
 - i. A fee shall be charged directly to every franchised solid waste hauler in Marin County. The fee shall be based on a rate per ton of solid waste collected and disposed based on the 1994 disposed tonnages listed on Exhibit A attached to this Agreement. Exhibit A shall be amended within ninety (90) days after a member agency approves a new franchise and a fee shall be established in a manner determined by the Executive Committee. The base year will be adjusted every two years starting in July 1, 1998 based on the most recent state certified tonnages. The fee is to be paid in two equal payments due July 30 and January 30 of each year.
 - ii. A fee shall be charged at all permitted landfills in Marin County to all non-franchised haulers. The fee shall be based on a rate per ton for all tons of waste disposed at the landfill. The landfills shall forward these fees collected on a monthly basis.
- b. The Authority is authorized to establish additional programs as defined in Section 6.2 with the approval of the Board of Directors and the individual Authority members participating in any such additional programs. The funding mechanism for any additional programs shall be developed as a component of every additional program and must have approval by the Board of Directors and each member agency participating in any additional program. All costs including overhead or administration of any additional program shall not be charged to the Basic Programs.
- c. The Authority may charge fees to the extent allowed by law for administrative services rendered to the public or any member agencies such as, but not limited to, copying, processing fees, legal costs, preparation of reports, etc. The Authority

may also charge to the extent allowed below for programs intended to be fully cost covering, such as permit fees, applications, EIRs, educational materials, such as decals and pamphlets, monitoring of any programs, permits or application approvals. All fees under this Section shall be approved by the Board of Directors in conjunction with the annual adoption of this Authority's budget.

9.3 Duties of Treasurer

- a. The Board shall appoint a Treasurer from among the senior management staff of the member agencies. The Treasurer shall be either the County Auditor/Controller, or the Treasurer Tax Collector or the Finance Director of one of the members.
- b. The Treasurer shall serve as the depository and have custody of all Authority funds and establish and maintain such books, records, funds, and accounts as may be required by reasonable accounting practice, Government Code section 6505.-The books and records of the Authority shall be open to inspection at all reasonable times to the County, Cities, and Towns and their representatives.
- c. The Treasurer, within ninety (90) days after the close of each fiscal year (which shall be from July 1 to June 30), shall give a complete written report of all financial activities for such fiscal year to the County, Cities, and Towns.
- d. The Treasurer shall prepare such financial reports as may be directed by the Board or Executive Committee.
- e. The Treasurer shall cause an independent annual audit of the accounts and records to be conducted by a certified public accountant in compliance with the requirements of section 6505 of the Government Code and generally accepted auditing standards.

9.4 Debts and Liabilities

No debt, liability, or obligation of the Authority shall constitute a debt, liability, or obligation of any Agency and each party's obligation hereunder is expressly limited only to the appropriation and contribution of such funds as may be levied pursuant to this Agreement or as the parties hereto may agree.

9.5 Disposition of Authority Funds Upon Termination

- a. In the event of termination of the Authority where there is a successor public entity which will carry on the activities of the Authority and assume its obligations, Authority funds, including any interest earned on deposits, remaining upon

termination of the Authority and after payment of all obligations shall be transferred to the successor public entity.

- b. If there is no successor public entity which would carry on any of the activities of the Authority or assume any of its obligations, Authority funds, including any interest earned on deposits, remaining upon termination of the Authority and after payment of all obligations, shall be provided in proportion to the contribution of each agency's ratepayers contributed during the term of this Agreement. Any such Authority funds received in this manner shall be used to defray the Agency's cost of hazardous and solid waste management programs or facilities.
- c. If there is a successor public agency which would undertake some of the functions of the Authority and assume some of its obligations, Authority funds, including any interest earned on deposits, remaining upon termination of the Authority and after payment of all obligations, shall be allocated by the Board between the successor public entity and member agencies.
- d. In the event the Authority is terminated under circumstances falling with (b) or (c) above, all decisions of the Board with regard to determinations of amounts to be transferred to member agencies or any successor shall be final.

9.6 Financial Liability of Member Agencies

In the event of a default by the Authority, the member agencies shall be liable for the Authority's debts in a proportion equal to the contribution of each agency's ratepayers to the funding of the Authority.

ARTICLE 10: INDEMNIFICATION

The Authority shall acquire such insurance protection as is necessary to protect the interest of the Authority, the County, Cities, Towns and the public. The Authority created by this Agreement shall assume the defense of and indemnify and save harmless the County, Cities, Towns and each of their respective officers, agents and employees, from all claims, losses, damages, costs, injury and liability of every kind, nature and description directly or indirectly arising from the performance of any of the activities of the Authority or the activities undertaken pursuant to this Agreement.

ARTICLE 11: EFFECTIVE DATE

This Agreement shall become effective when two-thirds (2/3) of the Cities, Towns and the County execute the Agreement, but not before July 1, 1996.

ARTICLE 12: TERMINATION

This Agreement may be terminated by the Board upon notice of withdrawal being received from a majority of the member agencies. Upon termination, payment of the obligations and division of the property of the Authority shall be conducted pursuant to Section 9.5 of Article 9 of this Agreement.

ARTICLE 13: AMENDMENTS

This Agreement may be amended only upon the two-thirds (2/3) affirmative vote of the Board.

ARTICLE 14: WITHDRAWAL

Any City, Town, or the County may withdraw from this Agreement effective July 1st of any year upon ninety (90) days, prior to the end of the fiscal year, written notice to the Authority. Upon withdrawal, a City, Town, or the County retains its financial obligations for current contracts executed to fulfill this Agreement, assumes responsibility for its obligations under AB 939, and assumes that responsibility at its own expense.

ARTICLE 15: SEVERABILITY

If any provision of this Agreement or its application to any person or circumstances is held invalid, the remainder of this Agreement and the application of the provision to other persons or circumstances shall not be affected.

ARTICLE 16: NOTICES

All notices to Agencies shall be deemed to have been given when mailed to the governing body of each agency.

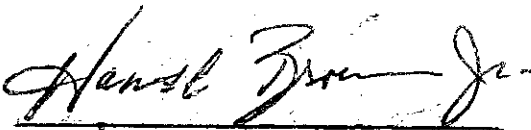
ARTICLE 17: AGREEMENT COMPLETE

The foregoing constitutes the full and complete Agreement of the parties. There are no oral understandings or agreements not set forth in writing herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper officers thereunder duly authorized and effective as of the date of execution of all parties hereto.

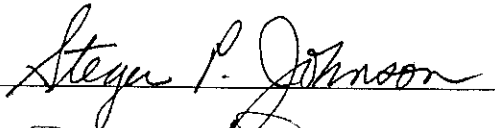
COUNTY OF MARIN

Date 04-09-96

By: 
CHAIRMAN

CITY OF BELVEDERE

Date 5.22.96

By 

CITY OF LARKSPUR

Date Aug 15, 1996

By 

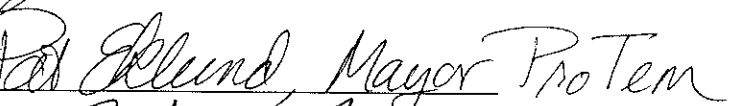
CITY OF MILL VALLEY

Date May 22, 1996

By 

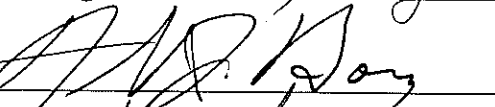
CITY OF NOVATO

Date 4/23/96

By 

CITY OF SAN RAFAEL

Date 5/22/96

By 

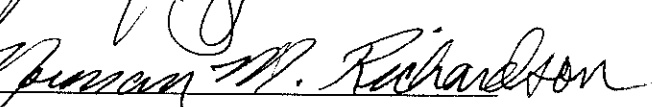
CITY OF SAUSALITO

Date 6/6/96

By 


TOWN OF CORTE MADERA

Date 5/7/96

By 

TOWN OF FAIRFAX

Date 5/22/96

By 

TOWN OF ROSS

Date _____

By _____

TOWN OF SAN ANSELMO

Date 5-23-96

By 

TOWN OF TIBURON

Date 4/8/96

By 

EXHIBIT A.
1994 DISPOSAL

Franchised Haulers	1994 DISPOSAL(tons)			TOTAL TONS
	Garbage & Debris	Self-Haul	Commercial	
Bay Cities	11,193	N/A	N/A	11,193
Fairfax	4,158	N/A	N/A	4,158
Marin Sanitary	53,007	N/A	N/A	53,007
Mill Valley Refuse	28,074	N/A	N/A	28,074
Novato Disposal	33,272	N/A	N/A	33,272
San Anselmo	7,271	N/A	N/A	7,271
Shoreline	6,742	N/A	N/A	6,742
Tam CSD	2,321	N/A	N/A	2,321
Total Franchised Hauler	146,038	N/A	N/A	146,038
Facilities				
Landfills				
West Marin		1,755	3,879	5,634
Redwood		7,747	15,220	22,967
Total Landfills		9,502	19,099	28,601
WSS Transfer Station			3,722	3,722
Marin Resource Recovery		18,582	6,214	24,796
TOTALS	146,038	28,084	25,313	203,157

REVISED HAZARDOUS AND SOLID WASTE
JOINT POWERS AGREEMENT
COUNTY OF MARIN

This Agreement is entered into this 1st day of July, 1996 pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 (Section 6500 et seq.) of the California Government Code relating to the joint exercise of powers among the following parties: The County of Marin (hereafter referred to as the "County"), the Cities of Belvedere, Larkspur, Mill Valley, Novato, San Rafael, and Sausalito, and the Towns of Corte Madera, Fairfax, Ross, San Anselmo, and Tiburon (hereafter collectively referred to as the "Cities and Towns"), which are all within the County of Marin.

PREAMBLE

The principal objectives of the agencies signatory to this agreement are as follows:

A. Scope of the Agreement. The principal responsibilities of the new Authority, established by this Agreement, are to meet the goals of the Source Reduction and Recycling Element mandated by State Public Resources Code Sections 40900 to 43000 and the adoption and implementation of the Household Hazardous Waste Element required by Sections 25135 to 25135.8 of the Health and Safety Code.

Responsibilities for programs in the Certified Unified Program Agency (CUPA), which include the Hazardous Materials Business Plan Program, Risk Management and Prevention Plan Program, Aboveground Storage Tank Program, Underground Storage Tank Program, the Hazardous Waste Generator Program and the Tiered Permit On-Site Treatment Program, are to be managed as provided for by state law. The ~~City of San Rafael~~ County will ~~continue to administer its own CUPA these~~ programs. ~~The County will administer these programs~~ for the ~~remaining County~~ Cities and Towns.

Operation of a household hazardous waste collection program is also managed by state law. The County, the Cities and Towns will establish a local program that is available to their residents.

B. Limiting Membership in the Authority. Membership in the Authority will be limited to the County, the Cities and Towns. The districts included under the previous agreement are not signatories to this agreement and will not serve in any governing role. Representatives of the districts would continue to be included on the AB 939 Local Task Force.

C. Governing Structure. The day-to-day administration of the Authority will be vested with an Executive Committee responsible to the Board of Directors for the administration and management of Authority affairs. The Executive Committee will be comprised of the Chair and Vice Chair of the governing Board plus three Board members from the County, the City of San Rafael and the City of Novato.

The Board of Directors shall be comprised of one representative for each member agency.

Commented [SK1]: The County of Marin is responsible for management of programs in the Certified Unified Program Agency (CUPA) by state law, which include the Hazardous Materials Business Plan Program, Risk Management and Prevention Plan Program, Aboveground Storage Tank Program, Underground Storage Tank Program, the Hazardous Waste Generator Program and the Tiered Permit On-Site Treatment Program. Prior to 2006, the City of San Rafael managed its own CUPA. This is now the sole responsibility of the County of Marin and is reflected in this administrative update. The City of San Rafael; however, was contracted with by the JPA to oversee the operation of the permanent HHW facility. The City will turn over the oversight responsibility to the JPA July 1, 2023. With this change, we took the opportunity to update the agreement to reflect the change that occurred in 2006.

The Board member may be a member of the agency's City/Town Council or Board of Supervisors or the agency's staff.

A majority of the members of the Board of Directors will constitute a quorum for purposes of conducting business, and a majority of a quorum will be authorized to act on behalf of the Authority.

D. AB 939 Local Task Force. The Board will establish and be advised by an AB 939 Local Task Force, whose composition, duties and authority are specified in Public Resources Code Section 40950. The Task Force will include at least two representatives of waste haulers, one representative of an environmental organization, two representatives of special districts involved in the regulation and disposal of waste, and five public representatives with technical expertise in solid waste, recycling and organics management appointed by the member agencies serving on the Executive Committee established in this Agreement.

Commented [SK2]: This was edited to add language to ensure we have a qualified technical task force to serve as an advisory group to the JPA Board and provide feedback on progress towards our goals, new program needs, recycling markets, legislation, and funding as set forth in AB 939.

If a conflict between this preamble and the specifications contained in Article 1 through Article 17 is presented, it is the intent of this Agreement that the Articles are to be considered determinative.

ARTICLE 1: FACTS AND DECLARTAIONS

Solid Waste Management

WHEREAS, Sections 40900 to 43000 of the State Public Resources Code requires the County and each of its Cities to prepare, adopt, and implement source reduction and recycling elements and requires the County to prepare a county-wide siting element and a county integrated waste management plan; and

WHEREAS, the County, Cities, and Towns believe it would be to their mutual advantage and the public benefit to coordinate their power and authority to implement integrated waste management programs which meet the waste management requirements of State law; and

Hazardous Waste Management

WHEREAS, Government Code Section 66780.8 and Health and Safety Code Section 25135 through 25135.8 establishes a planning process and requirements for the preparation, adoption, amendment, administration, and enforcement of County hazardous waste management plans; and

Existing Solid Waste Management System

WHEREAS, an effective system of solid waste collection, recycling, diversion and disposal currently exists within the county involving franchised waste haulers.

Role of Districts

WHEREAS, the Sanitary Districts of Almonte, Alto, Homestead Valley, Las Gallinas, Novato, and Ross Valley, and the Community Service Districts of Marin City and Tamalpais, and the Bolinas Community Public Utility District, and the Strawberry Recreation District and the Stinson Beach County Water District (hereafter collectively referred to as the "Districts") play a role in the regulation of the existing solid waste management system and will continue to exercise responsibilities in the effort to fully comply with State solid waste diversion goals; and

WHEREAS, the County, Cities and Towns acting through this Agreement intend to strengthen the existing solid waste management system in the operation and development of future waste management activities; and

Joint Planning and Implementation

WHEREAS, the County, Cities and Towns believe that many of the programs and facilities described in the above mentioned elements and plans will be both long-term and most cost-effectively provided on a multi-jurisdictional or county-wide basis; and

WHEREAS, the County, Cities and Towns believe that a separate, special purpose agency responsible for, and capable of, preparation, adoption, revision, amendment, administration, and enforcement of the Marin County Integrated Waste Management Plan and, the Marin County Hazardous Waste Management Plan (hereafter referred to as the "Plans"), and planning, financing, implementing, managing, and maintaining of the related programs would be most cost-effective on a County-wide basis; and

WHEREAS, the Joint Exercise of Powers Act (Government Code Section 6500 et seq.) provides for joint action by two or more public agencies, and Public Resources Code section 41823 authorizes a city or county or agency formed under a joint exercise of powers agreement for the purpose of preparing and implementing source reduction and recycling elements on a county-wide integrated waste management plan; and

WHEREAS, it is the intent of the contracting agencies to utilize these statutory authorizations in this Agreement; and

Public Involvement

WHEREAS, the County, Cities and Towns intend to encourage ongoing community involvement in the development and implementation of future solid and hazardous waste activities by utilizing an AB 939 Task Force, advisory committees, community meetings, and other similar mechanisms to obtain public participation in these activities; and

Legislation and Markets

WHEREAS, the County, Cities and Towns intend to actively promote markets for recycled materials and advocate legislation which furthers the reduce, reuse, recycle hierarchy; and

Promoting Cost Effective Programs

WHEREAS, in the planning and implementation of countywide programs, the County, Cities and Towns intend to give particular attention to the cost-effectiveness of programs; and

Sharing Of Costs In An Equitable Manner

WHEREAS, it is the intent of the County, Cities and Towns that costs for planning and implementing solid and hazardous waste programs will be based on a fair and equitable allocation system that considers previous investments of each member, the relative benefits to each member and the actual cost of service; and

NOW, THEREFORE, the Agencies agree as follows:

ARTICLE 2: DEFINITIONS

Certain words as used in this Agreement shall be defined as follows:

- A. "**Agencies**" shall mean the County, Cities and Towns.

- B. "**Agreement**" shall mean this agreement that establishes the County of Marin Hazardous and Solid Waste Joint Powers Authority.

- C. "**Authority**" shall mean the County of Marin Hazardous and Solid Waste Joint Powers Authority.
- D. "**Board**" shall mean the governing body of the County of Marin Hazardous and Solid Waste Joint Powers Authority.
- E. "**County**" shall mean the County of Marin.
- F. "**Cities**" shall mean the cities of Belvedere, Larkspur, Mill Valley, Novato, San Rafael, and Sausalito.
- G. "**Towns**" shall mean the Towns of Corte Madera, Fairfax, Ross, San Anselmo, and Tiburon.
- H. "**Executive Committee**" shall mean the committee composed of the Chair and Vice-Chair of the Governing Board plus three additional members of the Governing Board as appointed by the Governing Board.
- I. "**Hazardous Waste Facility**" shall mean a facility which includes all contiguous land and structures used for the handling, treating, recycling, storing or disposing of hazardous wastes.
- J. "**Members**" shall mean the County, Cities or Towns which are signatories to this Agreement.
- K. "**Quorum**" shall mean a majority of the Board Members.

ARTICLE 3: PURPOSE

3.1 Purpose of Agreement

The purpose of this Agreement is to establish a public entity separate from the County and each of the Cities and Towns. This public entity is to be known as the County of Marin Hazardous and Solid Waste Joint Powers Authority (hereafter referred to as the "Authority").

3.2 Purpose of Authority

The purpose of the Authority shall be to comply with Sections 40900 to 43000 of the Public Resources Code, Section 66780.8 of the Government Code and Health and Safety Code Sections 25135 through 25135.8.

- a. Prepare, adopt, revise, amend, administer and enforce hazardous waste and solid waste plans.
- b. Plan, finance, implement, manage and/or monitor multi-jurisdictional or county-wide programs and facilities related to the plans.
- c. And other new requirements imposed on the member agencies by future acts of the State or Federal Government as agreed by the member agencies.

ARTICLE 4: CREATION OF MARIN COUNTY

WASTE MANAGEMENT AUTHORITY

4.1 Creation of Authority

There is hereby created by the County, Cities and Towns of Marin the Marin County Hazardous and Solid Waste Management Authority to exercise in the manner set forth in this Agreement the powers common to each of the Agencies.

4.2 Separate Entity

The Authority shall be a public entity separate from the Agencies. Pursuant to Government Code Section 6503.5, notice of the Agreement shall be filed with the Secretary of State within 30 days of this Agreement's effective date. Pursuant to Government Section 6508.1 the debts, liabilities and obligations of the Authority shall not constitute the debts, liabilities or obligations of any parties to the Agreement.

ARTICLE 5: POWERS OF THE AUTHORITY

5.1 General Powers

The Authority shall have any and all powers authorized by law to the parties and may:

- a. Prepare, adopt, revise, amend, administer and enforce the provisions of the Plans;
- b. Evaluate and recommend programs designed to achieve compliance with AB 939 in a cost effective manner,
- c. Implement those programs for member agencies that choose to participate under section 6.2 of this Agreement;
- d. Advise the members on issues related to regional hazardous and solid waste facilities and programs;
- e. Advocate the interests of the members related to regional hazardous and solid waste facilities and programs with local, state and federal officials;
- f. Plan for regional hazardous and solid waste facilities and programs;
- g. Develop regional hazardous and solid waste programs;

- h. Develop markets for the reuse of recyclable materials;
- i. Contract for the operation of regional hazardous and solid waste facilities and programs;
- j. Regulate rates of regional hazardous and solid waste facilities and programs;
- k. Advise on matters of hazardous and solid waste rates and charges.

Nothing in this Agreement shall be construed to authorize franchise of solid waste collection.

5.2 Specific Powers

In carrying out its general powers granted pursuant to the statutes noted in Section 5 .1, the Authority is hereby authorized to perform all acts necessary for the exercise of said powers which may include but are not limited to the following:

- a. Adopt ordinances and resolutions,
- b. Monitor performance,
- c. Make and enter into contracts,
- d. Apply for and accept grants, advances, and contributions,
- e. Employ or contract for the services of agents, employees, consultants and such other persons or firms as it deems necessary,
- f. Conduct studies,
- g. Acquire, hold or dispose of property,
- h. Sue and be sued in its own name,
- i. Appoint and retain legal counsel as necessary to fulfill its powers, duties and responsibilities under this Agreement
- j. Incur debts, liabilities or obligations subject to limitations herein set forth,
- k. Levy and collect fees and charges, including administrative and operating costs, as provided in this Agreement or by law, against all entities to which the Agreement or law applies,
- l. To adopt, as authorized by law, ordinances or resolutions necessary to carry out the purposes of this Agreement,
- m. Issue bonds, subject to the provisions and limitations of the Government Code of the State of California,
- n. Adopt annually, by July 1 of each fiscal year, an annual workplan and corresponding budget setting forth all administrative, operational and capital expenses for the Authority, and
- o. Implement the programs authorized in Article 6, and
- p. Indemnify the member agencies pursuant to Article 10.

5.3 By-Laws

The Board may adopt from time to time such policies, procedures, by-laws, rules or regulations for the conduct of its affairs as may be required.

ARTICLE 6: PROGRAMS OF THE AUTHORITY

6.1 Basic Programs of the Authority

It is agreed that the following functions will form the basic minimum programs to be undertaken by the Authority on behalf of all of the member agencies.

- a. Administration. Administrative functions of the Authority as related to this section.
- b. Planning. Preparation, amendment, administration and monitoring of the county-wide portions of the AB939 plans. This includes: the Source Reduction and Recycling Element, the Household Hazardous Waste Element, the Solid Waste Facility Siting Element, the Non-Disposal Facility Element and the Countywide Integrated Waste Management Plan.
- c. Monitoring and Reporting. Comply with the requirements of the various identified statutes to maintain and report on efforts to meet the waste diversion goals of State law.
- d. Compliance Review. Develop, evaluate and recommend various programs designed to bring about compliance with AB 939 requirements for member agencies that choose to participate under section 6.2.
- e. Legislation. Track legislation pertaining to hazardous and solid waste issues and recommend position statements to the Board of Directors.

6.2 Agency Election to Participate in Authority Programs

Except for the basic programs listed in Section 6.1 above, member agencies may, by formal action of their governing boards, choose whether or not they wish to participate in and fund programs to be developed by the Authority.

6.3 Contract with County and/or Others

The Authority intends to contract with the County and others to perform the programs as listed in Section 3.2, "Purpose of Authority" and the "Basic Programs" of the Authority listed in Section 6.1. of this Agreement.

ARTICLE 7: ORGANIZATION OF AUTHORITY

7.1 Members

- a. The County, Cities and Towns may enter into this Agreement by July 1, 1996.
- b. The County, and any City or Town may be considered for membership in the Authority after July 1, 1996, by presenting an adopted resolution to the Board which includes a request to become a member of the Authority and Board and upon a majority affirmative vote of a quorum of the Board accepting the County, City or Town and upon payment of any charges and upon satisfaction of any conditions established by the Board as a prerequisite for membership.

7.2 Board

- a. The Authority shall be governed by the "Board" which shall exercise all powers and authority on behalf of the Authority.
- b. The Board shall consist of one member of the governing body or the chief administrative officer of the County and each of the Cities and Towns which are party to this Agreement. Upon execution of this Agreement, the governing body of the County and each of the Cities and Towns shall appoint its member of the Board and another member to serve as an alternate to the Board, to serve in the absence of the regular member. Each member and alternate shall serve at the pleasure of the governing body of the appointing agency. Any change in appointment of a member or alternate shall be by action of the governing body of the appointing agency.
- c. A majority of the members of the Board shall constitute a quorum for the transaction of business. The Authority shall act upon majority vote of those in attendance, each member having one vote, of the members of the Board.
- d. The Board shall elect by majority vote, from its members, a Chair and Vice Chair. The Chair shall represent the Authority and execute any contracts and other documents when required by the Rules of Procedure and/or By-Laws. The Vice-Chair shall serve in the absence of the Chair.

7.3 Executive Committee

- a. The Executive Committee shall be responsible to the Board for the administration and management of Authority affairs, for the provision of assistance and advice to the Board.
- b. The Executive Committee shall be composed of the Chair and Vice-Chair plus three other members of the Governing Board elected by the Board. Three of the committee members must be from the County, San Rafael, and Novato. One representative shall be selected by the Southern Marin cities of Sausalito, Tiburon, Belvedere and Mill Valley. One representative shall be selected by the Ross Valley cities of Ross, San Anselmo, Fairfax, Larkspur and Corte Madera.
- c. Three members of the Executive Committee shall constitute a quorum for the transaction of business. No action shall be taken by the Executive Committee except upon a majority affirmative vote of the quorum (each member having one vote) of the members of the Executive Committee.

- d. Members shall serve two-year terms and may be reappointed.

7.4 Additional Committees

- a. The member agencies shall establish an AB 939 Local Task Force whose composition, duties and authority are described in Public Resource Code Section 40950. The Task Force so established shall be advisory to the Governing Board established under this Agreement.
- b. The AB 939 Local Task Force shall include at least two representatives of waste haulers, one representative of an environmental organization, two representatives of special districts involved in the regulation and disposal of waste, and five public representatives appointed by the member agencies serving on the Executive Committee established under this Agreement.
- c. In addition to the Executive Committee and an AB 939 Local Task Force, the Board may from time to time establish additional committees to carry out Authority purposes, and appoint committee members from the Board, the legislative bodies or administration of member agencies, Authority staff, and/or staff of the member agencies. The Board may also establish and appoint members to citizen's advisory committees as deemed appropriate.
- d. To the extent practical, the Board shall appoint members to committees in such a manner as to encourage the broadest possible participation of the member agencies.

ARTICLE 8: MEETINGS AND REPORTS

8.1 Board Meetings

- a. The Board shall hold at least one (1) regular meeting each year as determined by the by-laws.
- b. Special meetings of the Board may be called in accordance with the provision of Section 54956 of the California Government Code.
- c. All meetings of the Board shall be held subject to the provisions of the Ralph M. Brown Act (Sections 54950 et. seq. of the California Government Code), and other applicable laws of the State of California requiring notice be given of meetings of public bodies.
- d. Minutes of all Board meetings will be kept and shall, as soon as possible after each meeting, be forwarded to each member and alternate member of the Board.
- e. The Chair of the Board shall cause correspondence to be prepared and delivered as directed by the Board.

- f. The public agency with whom the Authority contracts with to provide services shall be the keeper of the official records of the Authority.

8.2 Executive Committee Meetings

- a. The Executive Committee shall hold at least one (1) meeting each quarter.
- b. Special meetings of the Executive Committee may be called by the Chair, or by a majority of the members of the Executive Committee or at the direction of the Board.
- c. Minutes of all Executive Committee meetings will be kept and shall, as soon as possible after each meeting, be forwarded to members of the committee and to each member and alternate member of the Board.

8.3 Other Committee Meetings

- a. Other Committee's shall hold meetings as may be called by the Committee Chair, or a majority of the members.
- b. Minutes of all meetings will be kept and forwarded to members of the committee and to each member and alternate of the Board.

8.4 Progress Reports

At least annually, a report on the progress toward achieving the diversion goals of state law shall be prepared and distributed to members of the Governing Board.

ARTICLE 9: FUNDING

9.1 Authority Budget

The Board shall adopt an annual budget for the Authority's activities within ninety (90) days of the effective date of this Agreement and by June 1 of each succeeding year. Public funds may not be disbursed by the Authority without adoption of the approved budget and all receipts and disbursements shall be in strict accordance with the approved budget. The budget shall identify the programs of the Authority and allocate funds by program. The budget and accounting system shall account for direct and overhead costs by program. The Board shall allocate these costs for each program with the adoption of the annual budget.

9.2 Funding of the Authority

The Authority has the need and legal authority to levy fees and charges for programs, services and permits. The Authority is authorized to levy fees for only those programs identified in Section 6.1. Basic Programs of the Authority, and Section 6.2, Agency Election to Participate in Authority Programs. The funding for programs identified in Section 6.1 should be as specified in Section 9.2.B. The Authority is also authorized to levy fees and charges for administrative activities, permits and programs with independent funding.

- a. The Basic Programs of the Authority defined in Section 6.1 shall be funded as follows and adjusted annually as may be needed to fund the Basic Programs.
 - i. A fee shall be charged directly to every franchised solid waste hauler in Marin County. The fee shall be based on a rate per ton of solid waste collected and disposed based on the 1994 disposed tonnages listed on Exhibit A attached to this Agreement. Exhibit A shall be amended within ninety (90) days after a member agency approves a new franchise and a fee shall be established in a manner determined by the Executive Committee. The base year will be adjusted every two years starting in July 1, 1998 based on the most recent state certified tonnages. The fee is to be paid in two equal payments due July 30 and January 30 of each year.
 - ii. A fee shall be charged at all permitted landfills in Marin County to all non-franchised haulers. The fee shall be based on a rate per ton for all tons of waste disposed at the landfill. The landfills shall forward these fees collected on a monthly basis.
- b. The Authority is authorized to establish additional programs as defined in Section 6.2 with the approval of the Board of Directors and the individual Authority members participating in any such additional programs. The funding mechanism for any additional programs shall be developed as a component of every additional program and must have approval by the Board of Directors and each member agency participating in any additional program. A..11 costs including overhead or administration of any additional program shall not be charged to the Basic Programs.
- c. The Authority may charge fees to the extent allowed by law for administrative services rendered to the public or any member agencies such as, but not limited to, copying, processing fees, legal costs, preparation of reports, etc. The Authority may also charge to the extent allowed below for programs intended to be fully cost covering, such as permit fees, applications, EIRs, educational materials, such as decals and pamphlets, monitoring of any programs, permits or application approvals. All fees under this Section shall be approved by the Board of Directors in conjunction with the annual adoption of this Authority's budget.

9.3 Duties of Treasurer

- a. The Board shall appoint a Treasurer from among the senior management staff of the member agencies. The Treasurer shall be either the County Auditor/Controller, or the Treasurer Tax Collector or the Finance Director of one of the members.
- b. The Treasurer shall serve as the depository and have custody of all Authority funds and establish and maintain such books, records, funds, and accounts as may be required by reasonable accounting practice, Government Code section 6505. The books and records of the Authority shall be open to inspection at all reasonable times to the County, Cities, and Towns and their representatives.
- c. The Treasurer, within ninety (90) days after the close of each fiscal year (which shall be from July 1 to June 30), shall give a complete written report of all financial activities for such fiscal year to the County, Cities, and Towns.
- d. The Treasurer shall prepare such financial reports as may be directed by the Board or Executive Committee.
- e. The Treasurer shall cause an independent annual audit of the accounts and records to be conducted by a certified public accountant in compliance with the requirements of section 6505 of the Government Code and generally accepted auditing standards.

9.4 Debts and Liabilities

No debt, liability, or obligation of the Authority shall constitute a debt, liability, or obligation of any Agency and each party's obligation hereunder is expressly limited only to the appropriation and contribution of such funds as may be levied pursuant to this Agreement or as the parties hereto may agree.

9.5 Disposition of Authority Funds Upon Termination

- a. In the event of termination of the Authority where there is a successor public entity which will carry on the activities of the Authority and assume its obligations, Authority funds, including any interest earned on deposits remaining upon termination of the Authority and after payment of all obligations shall be transferred to the successor public entity.
- b. If there is no successor public entity which would carry on any of the activities of the Authority or assume any of its obligations, Authority funds, including any interest earned on deposits, remaining upon termination of the Authority and after payment of all obligations, shall be provided in proportion to the contribution of each agency's ratepayers contributed during the term of this Agreement. Any such Authority funds received in this manner shall be used to defray the Agency's cost of hazardous and solid waste management programs or facilities.
- c. If there is a successor public agency which would undertake some of the functions of the Authority and assume some of its obligations, Authority funds, including any interest earned on deposits, remaining upon termination of the Authority and after payment of all obligations, shall be allocated by the Board between the successor public entity and member agencies.

- d. In the event the Authority is terminated under circumstances falling with (b) or (c) above, all decisions of the Board with regard to determinations of amounts to be transferred to member agencies or any successor shall be final.

9.6 Financial Liability of Member Agencies

In the event of a default by the Authority, the member agencies shall be liable for the Authority's debts in a proportion equal to the contribution of each agency's ratepayers to the funding of the Authority.

ARTICLE 10: INDEMNIFICATION

The Authority shall acquire such insurance protection as is necessary to protect the interest of the Authority, the County, Cities, Towns and the public. The Authority created by this Agreement shall assume the defense of and indemnify and save harmless the County, Cities, Towns and each of their respective officers, agents and employees, from all claims, losses, damages, costs, injury and liability of every kind, nature and description directly or indirectly arising from the performance of any of the activities of the Authority or the activities undertaken pursuant to this Agreement.

ARTICLE 11: EFFECTIVE DATE

This Agreement shall become effective when two-thirds (2/3) of the Cities, Towns and the County execute the Agreement, but not before July 1, 1996.

ARTICLE 12: TERMINATION

This Agreement may be terminated by the Board upon notice of withdrawal being received from a majority of the member agencies. Upon termination, payment of the obligations and division of the property of the Authority shall be conducted pursuant to Section 9.5 of Article 9 of this Agreement.

ARTICLE 13: AMENDMENTS

This Agreement may be amended only upon the two-thirds (2/3) affirmative vote of the Board.

ARTICLE 14: WITHDRAWAL

Any City, Town, or the County may withdraw from this Agreement effective July 1st of any year upon ninety (90) days, prior to the end of the fiscal year, written notice to the Authority. Upon withdrawal, a City, Town, or the County retains its financial obligations for current contracts executed to fulfill this Agreement, assumes responsibility for its obligations under AB 939, and assumes that responsibility at its own expense.

ARTICLE 15: SEVERABILITY

If any provision of this Agreement or its application to any person or circumstances is held invalid, the remainder of this Agreement and the application of the provision to other persons or circumstances shall not be affected.

ARTICLE 16: NOTICES

All notices to Agencies shall be deemed to have been given when mailed to the governing body of each agency.

ARTICLE 17: AGREEMENT COMPLETE

The foregoing constitutes the full and complete Agreement of the parties. There are no oral understandings or agreements not set forth in writing herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper officers thereunder duly authorized and effective as of the date of execution of all parties hereto.

ARTICLE 18: DESIGNATED ENTITY

This Amendment shall become effective when representatives of all of the parties have executed it and shall continue in full force and effect until terminated by an agreement executed by all parties.

Except as expressly modified by this Amendment, all other terms and conditions of the Agreement not specifically modified, amended or superseded herein remain unchanged and in full force and effect.

This Amendment may be executed in any number of counterparts, each of which will be entitled to be the original and all of which will constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper officers thereunder duly authorized and effective as of the date of execution of all parties hereto.

Commented [SK4]: This Article was added as an administrative change to state that County laws shall apply to the JPA pursuant to Government Code 6509.

COUNTY OF MARIN
Date 04-09-96

By: *Hansel Brown Jr.*
CHAIRMAN

CITY OF BELVEDERE
Date 5-22-96

By *Stephen P. Johnson*

CITY OF LARKSPUR
Date Aug 15, 1996

By *Samuel Bennett*

CITY OF MILL VALLEY
Date May 22, 1996

By *[Signature]*

CITY OF NOVATO
Date 4/23/96

By *Pat Edlund, Mayor Pro Tem*

CITY OF SAN RAFAEL
Date 5/24/96

By *A.J. King*

CITY OF SAUSALITO
Date 6/6/96

By *[Signature]*

TOWN OF CORTE MADERA
Date 5/7/96

By *Norman M. Richardson*

TOWN OF FAIRFAX
Date 5/22/96

By *[Signature]*

TOWN OF ROSS
Date 5/13/96

By *Kelley Lind*

TOWN OF SAN ANSELMO
Date 5-23-96

By *[Signature]*

TOWN OF TIBURON
Date 4-5-96

By *[Signature]*

EXHIBIT A.
1994 DISPOSAL

	1994 DISPOSAL (TONS)			TOTAL TONS
	Garbage & Debris	Self-Haul	Commercial	
Franchised Haulers				
Bay Cities	11,193	N/A	N/A	11,193
Fairfax	4,158	N/A	N/A	4,158
Marin Sanitary	53,007	N/A	N/A	53,007
Mill Valley Refuse	28,074	N/A	N/A	28,074
Novato Disposal	33,272	N/A	N/A	33,272
San Anselmo	7,271	N/A	N/A	7,271
Shoreline	6,742	N/A	N/A	6,742
Tam CSD	2,321	N/A	N/A	2,321
Total Franchised Hauler	146038	N/A	N/A	146038
Facilities				
Landfills				
West Marin		1,755	3,879	5,634
Redwood		7,747	15,220	22,967
Total Landfills		9,502	19,099	28,601
MSS Transfer Station			3,722	3,722
Marin Resources Recovery		18,582	6,214	24,796
TOTALS	146038	28,084	25,313	203,157



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
(916) 323-2514 • (916) 324-0908 FAX • WWW.CALPEA.CA.GOV

EDMUND G. BROWN JR.
GOVERNOR

JAN 31 2013

Secretary's Award for Environmental Achievement

The California Environmental Protection Agency is proud to present the Secretary's Award for Environmental Achievement to the County of Marin, Department of Public Works.

The Marin County Department of Public Works was certified by the California Environmental Protection Agency as the Certified Unified Program Agency (CUPA) for Marin County in 1996. Through hard work, dedication, innovation, partnership, and outreach, the Marin County Department of Public Works has developed into an outstanding example of how a moderate sized CUPA can have a large impact. Over the past ten years, three CUPA performance evaluations show that the Marin County CUPA has demonstrated marked improvement, leading to efficient and effective implementation of the Unified Program. In fact the CUPA's last performance evaluation revealed zero program deficiencies and resulted in a performance rating of "Meets or Exceeds" program standards. Very few CUPAs achieve this top-level rating.

The Marin County CUPA is exceeding its inspection frequency requirements in all program elements and has excellent return-to-compliance rates. It has well-trained and knowledgeable management and inspection staff, and it has fully implemented the Aboveground Petroleum Storage Act program and established an excellent working relationship with the Marin County Council. Additionally, the CUPA has developed and implemented a "take back" program for hazardous materials in "big box" stores. The program was successfully implemented using a phased approach, starting with the largest "big box" stores and working down to smaller stores.

In March 2006, the Marin County CUPA absorbed the Unified Program in the City of San Rafael. When the County CUPA initially accepted the City's program, many of the businesses in San Rafael were unaware that they were not in compliance and many were not conducting the required business activities. The Marin County CUPA's approach to developing solid long-term relationships with San Rafael businesses was remarkable. To help ease the transition, the CUPA concentrated on educating and providing technical assistance to these businesses, while ensuring compliance. Part of the educational outreach included conducting introductory site visits and consultation visits lasting up to two hours. During these visits the CUPA inspectors walked the businesses through the laws and regulations to build a positive

working relationship. The inspectors also explained their inspection process so businesses were aware of and were prepared for the next inspection. The Unified Program is now fully implemented in the City of Rafael and a majority of the regulated businesses are in full compliance. This transition was executed effectively and efficiently by the Marin County CUPA, ensuring a smooth transition for over 400 businesses in the City.

The Marin County CUPA has also made significant strides in the implementation of electronic reporting. It has transitioned its data management system to a new data management system provided by Garrison, uploading most of the data from the older system. To help regulated businesses comply with Unified Program reporting, the Marin County CUPA has included additional information in the system that exceeds what is required by the State. The CUPA will also be purchasing equipment to provide electronic inspections, which will be immediately downloaded into the Garrison electronic system in "real-time" and will assist the CUPA in going paperless.

The Marin County CUPA is an excellent example of a moderately sized CUPA that has fully embraced the implementation of the Unified Program. It continues to improve its program to ensure that the most effective and efficient program exists in Marin County. Through unyielding efforts and excellent program implementation, the Marin County CUPA exemplifies the best of the Unified Program.



Matthew Rodriguez
Agency Secretary for Environmental Protection

California Environmental Protection Agency

The Secretary's

Environmental Achievement Award

2013

Presented to

Marin County

Department of Public Works

On behalf of the California Environmental Protection Agency, it is with great pleasure that we express to you our appreciation for your agency's key role in the statewide development and implementation of the California Unified Program.



Matthew Rodriguez, Secretary for Environmental Protection

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING AN AMENDMENT TO REVISED HAZARDOUS AND SOLID
WASTE JOINT POWERS AGREEMENT**

WHEREAS, the County of Marin and the Cities of Belvedere, Larkspur, Mill Valley, Novato, San Rafael, and Sausalito, and the Towns of Corte Madera, Fairfax, Ross, San Anselmo, and Tiburon entered into an agreement in 1993 to create a Hazardous and Solid Waste Joint Powers Authority (JPA), also known as Zero Waste Marin, to work together on the mandates set forth in AB 939. The agreement was amended in 1995 and restated in 1996; and

WHEREAS, the parties to the Zero Waste Marin JPA Agreement now desire an amendment to the Agreement to reflect administrative updates and changes to certain responsibilities; and

WHEREAS, the City of San Rafael has determined that such adjustments are proper, in the best interest of all citizens, and will promote public health, safety and welfare; and

WHEREAS, the City Council has reviewed and duly considered the Staff Report, Amendment, and other associated documents.

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

The "Amendment to Revised Hazardous and Solid Waste Agreement County of Marin" attached hereto as "Exhibit A" and incorporated herein by reference, is hereby approved and shall be included as part of the Hazardous and Solid Waste Agreement County of Marin. The City Manager is hereby authorized to execute the Amendment, subject to final approval as to form by the City Attorney.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 5th day of June, 2023, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

LINDSAY LARA, City Clerk

**AMENDMENT TO REVISED HAZARDOUS
AND SOLID WASTE JOINT POWERS
AGREEMENT COUNTY OF MARIN**

This AMENDMENT, is entered into this ___ day of _____, 2023 pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 (Section 6500 et seq.) of the California Government Code relating to the joint exercise of powers among the following parties: The County of Marin (hereafter referred to as the "County"), and the Cities of Belvedere, Larkspur, Mill Valley, Novato, San Rafael, and Sausalito, and the Towns of Corte Madera, Fairfax, Ross, San Anselmo, and Tiburon (hereafter collectively referred to as the "Cities and Towns"), which are all within the County of Marin.

WITNESSETH:

WHEREAS, County, Cities and Towns entered into a Revised Hazardous and Solid Waste Joint Powers Agreement ("Agreement") dated July 1, 1996 for the mutual exercise of certain functions to meet the goals of the Source Reduction and Recycling Element mandated by State Public Resources Code Sections 40900 to 43000 and the adoption and implementation of the Household Hazardous Waste Element required by Sections 25135 to 25135.8 of the Health and Safety Code; and

WHEREAS, effective June 30, 2023, the City of San Rafael desires to terminate its agreement to operate the Household Hazardous Waste program on behalf of the Marin County Hazardous and Solid Waste Management Joint Powers Authority; and

WHEREAS, the parties seek to make amendments to the Agreement to clarify the Agreement terms.

NOW, THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the parties hereto do hereby amend the Agreement as follows:

1. The Second Paragraph of Section A of the Preamble (Scope of the Agreement) is hereby amended and restated in its entirety and shall hereafter be and read as follows:

Responsibilities for programs in the Certified Unified Program Agency (CUPA), which include the Hazardous Materials Business Plan Program, Risk Management and Prevention Plan Program, Aboveground Storage Tank Program, Underground Storage Tank Program, the Hazardous Waste Generator Program and the Tiered Permit On-Site Treatment Program, are to be managed as provided for by state law. The County will administer these programs for the County, Cities and Towns.

2. Section D of the Preamble (AB 939 Local Task Force) is hereby amended and shall hereafter be and read as follows:

The Board will establish and be advised by an AB 939 Local Task Force, whose composition, duties, and authority are specified in Public Resources Code Section 40950. The Task Force will include at least two representatives of waste haulers, one representative of an environmental organization, two representatives of special districts involved in the regulation and disposal of waste, and five public representatives with technical expertise in solid waste, recycling and organics management appointed by the member agencies serving on the Executive Committee established in this Agreement.

3. Article 18 is added to the Agreement as follows:

ARTICLE 18: DESIGNATED ENTITY

Except as otherwise permitted by law, and pursuant to Government Code section 6509, the parties hereby designate that the JPA shall be subject to the restrictions upon the manner of exercising its powers that are applicable to the County.

4. This Amendment shall become effective when representatives of all of the parties have executed it and shall continue in full force and effect until terminated by an agreement executed by all parties.
5. Except as expressly modified by this Amendment, all other terms and conditions of the Agreement not specifically modified, amended or superseded herein remain unchanged and in full force and effect.
6. This Amendment may be executed in any number of counterparts, each of which will be entitled to be the original and all of which will constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper officers thereunder duly authorized and effective as of the date of execution of all parties hereto.

COUNTY OF MARIN

Date: _____ Title: _____ Signature: _____

CITY OF BELVEDERE

Date: _____ Title: _____ Signature: _____

CITY OF LARKSPUR

Date: _____ Title: _____ Signature: _____

CITY OF MILL VALLEY

Date: _____ Title: _____ Signature: _____

CITY OF NOVATO

Date: _____ Title: _____ Signature: _____

CITY OF SAN RAFAEL

Date: _____ Title: _____ Signature: _____

CITY OF SAUSALITO

Date: _____ Title: _____ Signature: _____

TOWN OF CORTE MADERA

Date: _____ Title: _____ Signature: _____

TOWN OF FAIRFAX

Date: _____ Title: _____ Signature: _____

TOWN OF ROSS

Date: _____ Title: _____ Signature: _____

TOWN OF SAN ANSELMO

Date: _____ Title: _____ Signature: _____

TOWN OF TIBURON

Date: _____ Title: _____ Signature: _____

City of San Rafael
Proclamation in Recognition of
THE MONTHLONG CELEBRATION OF LGBTQIA+ PRIDE
JUNE 2023

WHEREAS, the City Council of the City of San Rafael recognizes and proclaims the month of June 2023 as Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, and more (LGBTQIA+) "Pride Month;" and

WHEREAS, in honor of the 1969 Stonewall Riots in Manhattan, led by trans women of color, and the subsequent first Pride March in New York City in June 1970, each June, Americans come together to celebrate LGBTQIA+ individuals and communities, and to show support of the rights of all citizens to experience equality and freedom from discrimination; and

WHEREAS, the City of San Rafael has a diverse LGBTQIA+ community and is committed to supporting visibility, dignity, and equity for all; and

WHEREAS, LGBTQIA+ individuals continue to face hate, discrimination and persistent efforts to undermine their human rights in the US and worldwide, and face higher rates of depression and suicide than any other demographic subset, particularly among the trans community; and

WHEREAS, the City of San Rafael observes June as a dedicated month to celebrate our dynamic LGBTQIA+ community, educate and raise awareness of quality services, and foster a dialogue to promote healthy, safe, and prosperous school climates and communities for all; and

WHEREAS, the rainbow flag is widely recognized as a symbol of pride, inclusion, and support for social movements that advocate for LGBTQIA+ people in society, the City of San Rafael will observe Pride Month with a Pride flag raising ceremony to honor the history of the LGBTQIA+ history, perseverance, and legacy.

THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of San Rafael recognizes June as "Lesbian, Gay, Bisexual, Transgender, Queer, and more (LGBTQ+) Pride Month" in the City of San Rafael, to inspire equity, create alliances, celebrate diversity, and establish safe environments in our schools and communities throughout the City, and to unequivocally show this support, directs staff to fly the Progress Pride Flag at City Hall for the entirety of the month of June.



Kate Colin
Mayor

**City of San Rafael
Proclamation in Recognition of
JUNETEENTH
June 19, 2023**

- WHEREAS,** Juneteenth, also known as “Freedom Day” or “Emancipation Day,” nationally celebrates the date in 1865 when the people of Galveston, Texas, were informed that two years prior, by Executive Order, all enslaved people in the United States were freed; and
- WHEREAS,** the day was originally celebrated in Texas on June 19, 1866, and on June 17, 2021, the Juneteenth National Independence Day Act was signed into law, marking the dates as a federal holiday; and
- WHEREAS,** over 100 years of tributes, commemoration, and gatherings have been held to celebrate the ending of enslavement and to acknowledge and honor the individuals, families, and descendants of those who had been deprived of freedom and dignity; and
- WHEREAS,** these celebrations are a time for reflection and rejoicing and to celebrate African American culture and achievements through prayer and religious services, speeches, educational and community events, family gatherings and picnics, and festivals with food, music, and dancing; and
- WHEREAS,** the City of San Rafael embraces diversity, equity, inclusion and belonging and believes that all people are valued and welcomed; and
- WHEREAS,** the City of San Rafael, its elected officials, and our employees acknowledge the significance of this day, and the importance of African American culture, resilience, and achievements in our local, state, and nation’s history.

THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of San Rafael hereby proclaim Juneteenth, June 19, 2023, as an official holiday for the City of San Rafael in observance of the emancipation of enslaved persons in the United States and the City reaffirms its commitment to safeguard the civil rights, safety, and dignity of all its residents.



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

**Kate Colin
Mayor**

**City of San Rafael
Proclamation in Celebration of
NATIONAL PUBLIC WORKS WEEK 2023**

WHEREAS, Public Works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of the City of San Rafael; and

WHEREAS, Public Works personnel are involved in the maintenance, planning, design, and construction of streets, transportation facilities, parks, storm drains, public buildings, and other structures and facilities essential for our residents as well as right-of-way management and emergency operations and response; and

WHEREAS, Public Works personnel are essential workers who continue to work hard every day to keep our community safe and functional, with various responsibilities related to storm disasters, wildfires and other emergency operations; and

WHEREAS, it is in the public interest for community members, civic leaders, and children in the City of San Rafael to gain knowledge of and to maintain an ongoing interest in and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association; and

WHEREAS, the 2023 National Public Works theme is "Connecting the World Through Public Works" expressing the connection we share through infrastructure and service, and enhancing the quality of life for the communities we professionals serve;

NOW, THEREFORE, the City Council of the City of San Rafael, Hereby Proclaims the week of May 21-27, 2023 as National Public Works Week; and furthermore call upon all community members and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works personnel make every day to protecting our health, safety, comfort, and quality of life.



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

**Kate Colin
Mayor**



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Human Resources

Prepared by: Alissa Curtin
Administrative Services Analyst

City Manager Approval: _____

TOPIC: LGBTQIA+ PRIDE MONTH AND DISPLAY OF PRIDE FLAG

SUBJECT: RESOLUTION DELCARING JUNE 2023 AS LGBTQIA+ PRIDE MONTH AND AUTHORIZING THE ANNUAL DISPLAY OF THE PRIDE FLAG DURING THE MONTH OF JUNE ON THE CITY HALL FLAGPOLE

RECOMMENDATION:

Adopt the resolution to proclaim June 2023 as LGBTQIA+ Pride Month and approve the annual display of the Pride Flag on the City Hall flagpole for the month of June.

BACKGROUND:

Over the past two years, the City Council has declared by proclamation the month of June as Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual, and more (LGBTQIA+) Pride Month in the City of San Rafael.

In accordance with the City’s Revised Outdoor Flag Display Policy (October 2021), the City has raised the commemorative Pride Flag on the City Hall flagpole during the month of June each year. This policy allows for the display of commemorative flags when the request is brought forth by a City Council member.

Mayor Kate Colin requested the display of the Pride Flag on the City Hall flagpole for the month of June 2023, to commemorate Pride Month.

In addition, Mayor Kate Colin made the request to establish the annual permanent action of displaying the Pride flag on the City Hall flagpole at the start of the month of June and for the duration of the month, unless withdrawn by a future resolution.

ANALYSIS:

The annual proclamation of June as LGBTQIA+ Pride Month will be further committed through this resolution to declare June 2023 as LGBTQIA+ Pride Month and by the approval of the annual display of the Pride Flag during the month of June. This will allow the flag to be displayed beginning the first of June, through the end of the month, in perpetuity, unless withdrawn by a future resolution.

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

FISCAL IMPACT:

There is no fiscal impact associated with this report.

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 the resolution to proclaim June 2023 as LGBTQIA+ Pride Month and approve the annual display of the Pride Flag on the City Hall flagpole for the month of June.

ATTACHMENTS:

1. Resolution
2. Outdoor flag policy (October 2021)

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE DECLARATION OF JUNE 2023 AS LGBTQIA+ PRIDE MONTH AND AUTHORIZING THE ANNUAL DISPLAY OF THE PRIDE FLAG DURING THE MONTH OF JUNE ON THE CITY HALL FLAGPOLE

WHEREAS, the City of San Rafael has celebrated LGBTQIA+ Pride Month in June and wishes to declare June 2023 as LGBTQIA+ Pride Month; and

WHEREAS, whereas the October 2021 revised Outdoor Flag Display Policy states that if requested by a City Council member, and with the authorization of the City Council at a meeting of the City Council, a commemorative flag can be flown on the City Hall flagpole for a reasonable period but no longer than thirty-one days; and

WHEREAS, Mayor Kate Colin has requested the display of the Pride Flag on the City Hall flagpole for the month of June 2023, to commemorate Pride Month; and

WHEREAS, Mayor Kate Colin made the request to establish the annual permanent action of displaying the Pride flag on the City Hall flagpole for the month of June, unless withdrawn by a future resolution.

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby authorizes the declaration of June 2023 as LGBTQIA+ Pride Month and authorizes the annual display of the Pride Flag during the month of June on the City Hall flagpole.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 5th day of June 2023, by the following vote, to wit:

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

Lindsay Lara, City Clerk

CITY OF SAN RAFAEL
POLICIES AND PROCEDURES



Subject:	Flag Protocol Policy
Issue Date:	December 2006
Revision Date:	October 7, 2021
Prepared By:	Thomas Wong, Analyst
Approved By:	Jim Schutz, City Manager

OUTDOOR FLAG DISPLAY POLICY

PURPOSE:

The purpose of this flagpole policy is to provide procedural guidance for the outdoor display of flags on City-owned and maintained flagpoles.

In adopting this policy, it is the intent of the City of San Rafael that the City's flag displays are not intended to serve as a forum for free expression of the public but rather for the display of Federal and State flags and any commemorative flag as may be authorized by the City Council as an expression of the City Council's official sentiments.

RESPONSIBILITY:

City Manager, Police, Fire, Public Works and Library and Recreation departments.

REFERENCES:

Title 4, Chapter 1 of the United States Code and California Government Code Section 430-439.

DEFINITIONS:

None.

POLICY:

Flags shall be displayed in accordance with Federal and State statutes, including, but not limited to, Title 4, Chapter 1 of the United States Code and Sections 430 through 439 of the California Government Code, and this policy.

PROCEDURE:

A. United States Flag, California State Flag, and City of San Rafael Flag

1. No other flag shall be placed above the United States Flag, and no other flag shall be larger than the United States Flag. Other flags may be flown at the same height and in the same size according to this policy. Where both the United States Flag and the California State Flags are flown, they shall be of the same size.

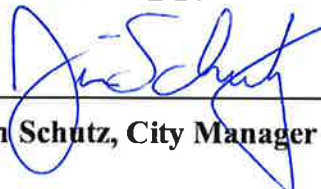
Flag Protocol Policy

2. When flags are displayed on a single pole, the order from top to bottom shall be; the United States Flag, the California State Flag, and if displayed, the City of San Rafael Flag.
3. Flags shall be displayed during operating hours on all days the City is open for business, and on national and state holidays, at a minimum. Flags may be displayed twenty-four (24) hours a day if they are illuminated during darkness.
4. Only the U.S. President, Governor of California, Mayor of San Rafael, or a majority vote of the San Rafael City Council can order the United States, California State, or City of San Rafael Flags to fly at half-staff. It shall be City custom to follow the lead of the federal and state governments when the President and/or Governor orders the flags to be flown at half-staff. Whenever the U.S. Flag is flown at half-staff, all displayed flags shall also be flown at half-staff.

B. Commemorative Flags

1. The City's flag displays are not intended to serve as a forum for free expression by the public. The City shall display commemorative flags only if authorized by the City Council to express the City's official sentiments. Any such authorization shall be given at a duly noticed meeting of the City Council.
2. The City Council shall only consider a request to display a commemorative flag if the request is made by a member of the San Rafael City Council.
3. Commemorative flags shall be displayed for a reasonable or customary period for the subject that is to be commemorated, but no longer than thirty-one (31) continuous days.
4. Commemorative flags shall be displayed exclusively on San Rafael City Hall flagpoles.
5. A commemorative Tree City USA – Arbor Day Foundation flag shall be the only commemorative flag to be displayed at the flag poles located at the Central San Rafael Northbound US Highway 101 Exit at Irwin Street and Second Street.
6. Commemorative flags displayed on the San Rafael City Hall flagpoles shall be displayed in the last position of honor unless otherwise directed by the City Council. To the extent, such display does not conflict with federal law, state law, or this policy.

APPROVED BY:



Jim Schutz, City Manager

10-7-21

Date



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development

**Prepared by: Chris Hess, Assistant Director
Alexis Captanian, Housing Analyst**

City Manager Approval: _____

A handwritten signature in blue ink, appearing to be 'CH', written over a horizontal line.

TOPIC: COOPERATION AGREEMENT WITH COUNTY OF MARIN FOR GRANT PROGRAMS

**SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
AUTHORIZING EXECUTION OF A THREE-YEAR AMENDMENT TO THE
CITY'S COOPERATION AGREEMENT WITH THE COUNTY OF MARIN FOR
THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME
PROGRAMS**

RECOMMENDATION: Adopt resolution authorizing amendment to the City's Cooperation agreement with the County of Marin for the Community Development Block Grant (CDBG) and HOME programs.

BACKGROUND:

The Community Development Block Grant Program (CDBG) provides grants from the U.S. Department of Housing and Urban Development (HUD) to local governments for housing, community facility, and public service programs serving lower-income people. The Home Investment Partnerships Program (HOME) provides additional assistance for affordable housing activities.

Marin County's Federal Grants Team, part of its Community Development Agency (CDA), is asking all Marin County cities and towns to renew existing three-year Cooperation Agreements to participate in a single joint countywide program for HOME and CDBG allocations. The current CDBG cooperation agreement (Attachment 2) will expire this year, and for the County to continue receiving maximum funds for federal fiscal years 2024-2026 (on the October 1 – September 30 funding calendar), and subsequent three-year periods thereafter, it is necessary for each city and the county to renew their joint participation by formally executing an amendment by June 30, 2023. See Attachment 3 for the City of San Rafael's proposed amendment.

Prior three-year cooperation agreements signed by the City since 2008, have provided efficiencies in application and administration of funding to the city and other Marin County jurisdictions. By applying jointly, Marin County jurisdictions can collectively qualify as a HUD "urban county," enabling Marin to receive annual CDBG and HOME grant allocations established by formula. The urban county designation allows the jurisdictions to jointly apply for, claim, administer and report on their funding under the umbrella of the County's Federal Grants Division of its CDA.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

Funding recommendations are overseen by a Countywide Priority Setting Committee (PSC) made up of City and Town Council members, a County Supervisor, and community residents representing members of the protected classes (race, color, national origin, religion, sex, familial status, or disability) under fair housing laws. Under the cooperative agreement, the City is responsible for allocating CDBG funding for projects serving the San Rafael planning area. The City Council provides its recommendations to the PSC, which in turn provides San Rafael's recommendations, along with recommendations for the two other planning areas to the Board of Supervisors (BOS).

Additionally, by designating the County of Marin as the entitlement jurisdiction, the County is taking on the responsibilities of managing and administering the CDBG and HOME programs. These responsibilities include disseminating program funds, Davis-Bacon Compliance, NEPA reviews, development and updating of consolidated plans and annual action plans, and all CDBG and HOME related monitoring and reporting.

In the proposed First Amendment to the Cooperation Agreement, County staff made minor changes to the language as required to comply with the latest HUD guidelines for the urban county qualification. This language reflects new requirements to conduct the grant process in ways that affirmatively further fair housing.

For the 2023 federal fiscal year the City's funding portion brought \$265,000 to housing project funding, \$150,000 to capital projects, and \$70,000 to public services. HOME funding County-wide totaled more than \$2.9 million in 2023, which was awarded through the County's March 2023 Affordable Housing NOFA. The County takes approximately twenty percent (20%) of the CDBG funds that are awarded annually, and 15% of HOME funds annually, to cover administrative expenses.

ANALYSIS:

Changes from 2020 Cooperation Agreement

The 2020 Cooperation Agreement (Attachment 2) was set to automatically be renewed for three years, unless the City provides notice of its intent to discontinue the agreement, and unless programmatic changes require the County to replace or amend the agreement. In this case, the County sees the need to update the agreement to reflect grantee responsibilities to affirmatively further fair housing, and updates the dates to fiscal years 2024-2026..

In addition to agreeing to required textual changes, the City will execute a HUD 424-B form "Applicant and Recipient Assurances and Certifications" (Attachment 4). In executing form 424-B, the City will commit to comply with relevant portions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the American Disabilities Act, the Age Discrimination Act of 1975, the Fair Housing Act as amended, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the Housing and Community Development Act of 1974, the National Environmental Policy Act, and the prohibition of use of federal funds for lobbying.

Finally, the City will send a letter to HUD (Attachment 5) indicating its desire to defer its "metropolitan city" status and remain part of the CDBG urban county for an additional three fiscal years.

The City's Status in Absence of a Cooperation Agreement

With a population over 50,000, San Rafael meets the criteria to establish itself as an "entitlement jurisdiction" as a "metropolitan city," which would allow the City to receive its proportion of CDBG and HOME funding independently of other Marin jurisdictions. By entering into this Cooperation Agreement, San Rafael is relinquishing this authority and designating the County of Marin as the entitlement jurisdiction through the "urban county" HUD qualification.

Failure to renew would mean that the City would not be considered part of the urban county for fiscal years 2024-2026. The City would need to apply for and administer its own funding independently, while obtaining an administrative fee that could be too small to cover the costs of operating the program. Furthermore, without the City of San Rafael's participation, the collaborative would lack a sufficient population to meet the urban county designation, causing other qualified jurisdictions to lose the benefits and efficiencies of the collaborative.

Staff Recommendation

Staff recommends that City Council adopt the Resolution to approve and authorize the Mayor to execute on behalf of the City, a three-year amendment to its Community Development Block Grant Cooperation Agreement with the County of Marin, to execute the required HUD 424-B Assurance and Certifications form for CDBG grantees, and to send HUD a letter stating its intention to participate in a collaborative process.

FISCAL IMPACT:

There is no fiscal impact associated with continuing the CDBG Cooperation Agreement with the County of Marin.

It is important to note that in return for managing the CDBG and HOME programs, the County of Marin does take approximately twenty percent (20%) of the CDBG funds that are awarded annually to cover administrative expenses. This practice is allowed per Section 3 of the cooperation agreement. County of Marin staff have indicated that these funds do not fully recuperate their CDBG and HOME-related administrative expenses.

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. Reject resolution and direct staff to renegotiate Cooperation Agreement.

RECOMMENDED ACTION:

Adopt Resolution

ATTACHMENTS:

1. Resolution
2. 2020 Cooperation Agreement
3. Proposed Amendment to 2020 Cooperation Agreement
4. HUD 424-B Assurances and Certifications
5. Letter to HUD to defer "metropolitan city" status

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AUTHORIZING EXECUTION OF A THREE-YEAR AMENDMENT TO THE CITY'S COOPERATION AGREEMENT WITH THE COUNTY OF MARIN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAMS

WHEREAS, it is mutually desired by the City of San Rafael and the County of Marin that they may amend and extent their existing Cooperation Agreement, in accordance with the Housing and Community Development Act of 1974, as amended, in order to jointly undertake community renewal and lower income housing assistance activities; and

WHEREAS, as a result of the Cooperation Agreement between the Marin cities and towns and the County of Marin, Marin has received over \$79 million in CDBG and HOME funding for housing and community facilities and public service projects benefitting lower income persons since 1975;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of San Rafael approves and authorizes the Mayor, on behalf of the City, to execute an amendment to the Cooperation Agreement with the County of Marin for the Community Development Block Grant Program, the HOME Investment Partnerships Program and the Emergency Solutions Grants Program. The three-year period shall be for the federal Fiscal Years 2024, 2025, and 2026.

BE IT FURTHER RESOLVED, that the City hereby adopts the policies included in the Cooperation Agreement, including by authorizing the Mayor, on behalf of the City, to execute the City's HUD 424-B Assurances and Certifications form.

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 of said City held on the 5th day of June, 2023 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

**COMMUNITY DEVELOPMENT BLOCK
GRANT AND HOME INVESTMENT
PARTNERSHIPS PROGRAM
COOPERATION AGREEMENT**

THIS AGREEMENT, entered into this 24th day of June, 2020, by and between the CITY OF SAN RAFAEL, hereinafter referred to as "City" and COUNTY OF MARIN, hereinafter referred to as "County."

W I T N E S S E T H

WHEREAS, the City of San Rafael _____ is a duly constituted municipal corporation under the laws of the State of California, and is empowered thereby to undertake essential community renewal and lower-income housing assistance activities; and

WHEREAS, COUNTY OF MARIN is a duly constituted subdivision of the State of California, and is also empowered by State law to undertake essential community renewal and lower-income housing assistance activities; and

WHEREAS, Government Code Sections 6500, et seq., authorize two or more public agencies to jointly exercise any power common to both; and

WHEREAS, it is mutually desired by the parties hereto to enter into a Cooperation Agreement, in accord with the Housing and Community Development Act of 1974, as amended, and applicable Federal rules and regulations adopted pursuant thereto, whereby the parties shall jointly undertake community renewal and lower-income housing assistance activities, including those funded by the Community Development Block Grant Entitlement Program (CDBG), the HOME Investment Partnerships Program (HOME), and the Emergency Solutions Grants Program (ESG).

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. The parties hereto agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities, pursuant to the Housing and Community Development Act of 1974, as amended, the HOME Investment Partnerships Act, as amended, and the Stewart B. McKinney Homeless Assistance Act, as amended. City agrees to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities. This Cooperation Agreement shall become effective for an initial three-year term on October 1, 2020, and be in effect through, and shall not be terminated prior to, September 30, 2023, after which the term shall be automatically renewed unless action is taken by the County or City prior to the end of the term electing not to participate in a new qualification period. This Cooperation Agreement shall automatically renew for participation in successive three-year qualification periods upon expiration of each qualification period, unless the County or the City provides written notice to the other party at by the date specified in HUD's urban county qualification notice for the next qualification period that it is electing to discontinue its participation in this Cooperation Agreement for the successive qualification period. A copy of that notice shall be sent to the other party and to the local Housing and Urban Development (HUD) Field Office, to the designated contacts detailed in Section 16 below. County shall provide City with written notice by the date specified in HUD's urban county qualification notice for the next qualification period of its right not to participate in the urban county for a successive three- year term with a copy of the notification sent to the

HUD Field Office City may discontinue its participation by taking those actions set forth by Section 6 of this agreement, in conjunction with notification to the County and HUD as specified herein. In the event that the County proposes to enter into an agreement on terms that would replace or amend the terms of this agreement for any subsequent qualification period then County shall notify City of the terms being proposed as soon as County becomes aware of the need to replace or amend this agreement, but in any event by no later than the date specified in HUD's urban county qualification notice for election to discontinue its participation in this Cooperation Agreement for the next qualification period. Thereafter, City shall notify County as to whether it shall accept the proposed terms by no later than the time required to notify the County of its intent to elect to discontinue participation as specified in HUD's urban county qualification notice for the next qualification period. The parties stipulate and agree to adopt any changes necessary to meet the requirements for a cooperation agreement set forth in an urban county qualification notice applicable to a subsequent three-year urban county qualification period. The parties shall submit such amendment to HUD as provided in the urban county qualification notice. Failure to do so shall result in the automatic renewal for such qualification period being void. This agreement shall remain in effect until the Community Development Block Grant, HOME Investment Partnership Program, and Emergency Solutions Grants Program funds from appropriations for federal fiscal years 2021, 2022, 2023, and any program income received with respect to activities carried out during the three-year qualification period are expended and the funded activities completed, or until such time as it is replaced by a fully executed agreement of the parties. Neither County nor City may terminate or withdraw from this Cooperation Agreement while it remains in effect.

2. Upon certification of Marin County, including all or a portion of the incorporated cities within the County, as an "urban county" for federal fiscal years 2021, 2022, and 2023, and subsequent three-year periods thereafter, under the Housing and Community Development Act of 1974, as amended, and applicable rules and regulations adopted pursuant thereto, a Priority Setting Committee shall be formed consisting of one (1) representative designated by each of the cities with a population over 50,000 and one (1) representative designated by the Board of Supervisors. All other participating cities and towns may each designate up to one representative. With mutual consent of the Board of Supervisors and each of the participating cities, the Priority Setting Committee may be expanded to include one or more additional community member(s) who represent the interests of racial and ethnic minorities, individuals with disabilities, and/or other protected classes. Each representative shall have equal voting rights on the Committee. The Committee shall prepare a proposed budget for the use of funds, and any other documentation required by the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant Program, the HOME Investment Partnerships Program, and the Emergency Solutions Grants Program, including, but not limited to, a list of specific projects to be undertaken and priorities for implementation for both housing and community development projects.

In preparing its proposed plans, project priorities, proposed budget, and other documentation, the Committee shall disseminate complete information to citizens of Marin County concerning its proposals and alternatives; shall conduct public hearings to obtain the views of citizens on community development and housing needs; and shall provide citizens with adequate opportunity to participate in the development of programs and priorities.

To ensure adequate participation in the planning process, three planning areas will be designated which will include the cooperating incorporated cities as well as adjacent

unincorporated areas. These will be the Novato Planning Area, the San Rafael Planning Area, and the County Other Planning Area, which consists of rural and small communities.

3. After deduction of administrative expenses and public service allocations consistent with HUD regulations, forty percent (40%) of the net Community Development Block Grant monies and one hundred percent (100%) of the net HOME Investment Partnerships Program monies allocated annually to the County of Marin as an "urban county" under the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnerships Act, as amended, shall be allocated for housing purposes on a countywide basis. The portion of CDBG funds described in the immediately preceding sentence shall be known as "CDBG Countywide Housing funds." Distribution of such funds will be made by the Board of Supervisors, on recommendation of the Priority Setting Committee. Such distribution will be consistent with HUD guidelines and evaluation criteria developed by participating cities and the county, to ensure consistency and facilitate implementation of countywide housing goals.
 - a. The Priority Setting Committee will seek to allocate funds based on the principles of geographic equity and the general Community Development Block Grant funding distribution formula used by HUD to determine Marin County's allocation, the latest available countywide data on population, the extent of poverty, and the extent of housing overcrowding, with the provision that the extent of poverty be counted twice. However, a different distribution formula is hereby expressly authorized if and when necessary to comply with Title I of the Housing and Community Development Act of 1974, as amended. Recommendations for the use of funds shall be made by the Priority Setting Committee, as described above in Section 2, and then referred to the Marin County Board of Supervisors. The Marin County Board of Supervisors will make the final funding decisions. If any project submitted by County as a portion of the Community Development Block Grant documentation is found to be ineligible by HUD, the proposed project shall not be funded. In such an event, the County, acting in concert with the Priority Setting Committee may submit an alternative priority project which is within the original cost and in line with the stated needs and objectives of County, provided such a resubmission conforms with the rules and regulations of the Department of Housing and Urban Development for the administration of Title I of the Housing and Community Development Act of 1974, as amended.
4. Upon completion of Priority Setting Committee deliberations, the proposed budget and other documentation shall be submitted to the Marin County Board of Supervisors for review and approval. The Marin County Board of Supervisors will have final responsibility for selecting Community Development Block Grant (CDBG), HOME, and ESG activities and submitting the Consolidated Plan and other documentation to HUD.
5. For any Planning Area with a population of 50,000 or more (according to population estimates issued by the U.S. Department of Housing and Urban Development), the system described in Section 3 of this Agreement for allocation of Community Development Block Grant funds will, at the option of the largest city in the Planning Area be modified as follows:

The City Council of the largest city in the Planning Area will prepare the proposed list of projects for the use of (a) that Planning Area's funds, and (b) that Planning Area's "proportional share" of

CDBG Countywide Housing funds allocated according to the formula described in Section 3 of this Agreement. The City Council will establish its own system for setting local funding priorities, but its process for selecting projects must include a public hearing and consistency with all regulations. The City Council must consider the needs of all eligible persons who reside within census tracts associated with the City, including those residing outside the city limits, but will not be subject to any quotas with regard to the type or location of projects. The resulting recommendations will be referred to the full Priority Setting Committee and then to the Marin County Board of Supervisors for review and approval. The Priority Setting Committee will recommend allocation of HOME and ESG funds on a countywide basis, but may restrict the CDBG Countywide Housing funds remaining under its jurisdiction to geographic areas not implementing the provisions of this paragraph.

This Section 5 shall not be applied in any year that the total Community Development Block Grant monies allocated to Marin County is less than \$500,000. In any year that the total Community Development Block Grant monies allocated to Marin County is less than \$500,000, the Priority Setting Committee will make all funding recommendations pursuant to the system described in Section 3.

6. To exercise its rights under Section 1 to discontinue its participation in this agreement City may terminate its participation in this Cooperation Agreement and membership on the Priority Setting Committee by a single majority vote of its governing body. Such termination shall take effect only at the end of the federal three-year urban county qualification period in which the action is taken and following notice to the County and HUD as specified in Section 1. The first qualification period to which this agreement shall apply will end September 30, 2023. Subsequent urban county qualification periods will end September 30 on every third year following that date.
7. This Cooperation Agreement shall not exempt any project from the required local government planning approval process. Community Development Block Grant, HOME, and ESG funds received by County may be allocated to projects only through the process described in this Cooperation Agreement.
8. Pursuant to the Cooperation Agreement, County, acting through the Board of Supervisors, shall be the primary general-purpose local governmental unit under the Housing and Community Development Act of 1974, as amended. It shall be the responsibility of County to apply for grants, to administer all funds received, and to undertake or assist in undertaking essential community renewal and lower income housing assistance activities. County shall have the authority to carry out activities which will be funded from annual Community Development Block Grants, from HOME Investment Partnerships Program funds, and from Emergency Solutions Grants Program funds from Federal Fiscal Years 2021, 2022, and 2023, and subsequent three-year periods thereafter, appropriations and from any program income generated from the expenditure of such funds. Records shall be kept by County in accordance with approved accounting procedures, and said records shall be available for public inspection at all times.

9. County, City, and all other cooperating cities shall take all actions necessary to assure compliance with the urban county's certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. County, City, and all other cooperating cities shall also take all actions necessary to assure compliance with Section 109 of Title I of the Housing and Community Development Act of 1974 (which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975), and other applicable laws.

Use of urban county funds for activities in, or in support of, any cooperating city that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification shall be prohibited.

Pursuant to 24 CFR 570.501(b), City is subject to the same requirements applicable to sub recipients, including the requirement of a written agreement as described in 24 CFR 570.503.

County, City, all other cooperating cities, metropolitan cities, urban counties, units of general local government, Indian tribes, and insular areas that directly or indirectly receive funds provided under Title I of the Housing and Community Development Act of 1974, as amended, may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits, or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.

10. City shall inform County of any income generated by the expenditure of Community Development Block Grant funds, HOME Investment Partnerships Program funds, or ESG funds received by City. Any such program income shall be paid to County for use for eligible activities in accordance with all Community Development Block Grant, HOME Investment Partnerships Program, and ESG requirements as may then apply. County has the responsibility for monitoring and reporting to HUD on the use of any such program income, thereby requiring appropriate recordkeeping and reporting by City as may be needed for this purpose. In the event of close-out or change in status of City, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to County.
11. The following standards shall apply to real property acquired or improved in whole or in part using Community Development Block Grant, HOME, or ESG funds that is within the control of a participating City.
 - a. City shall give County timely notification of any modification or change in the use of the real property from that planned at the time of acquisition or improvement including disposition.
 - b. City shall reimburse County in an amount equal to the current fair market value (less any portion thereof attributable to expenditures of funds other than Community Development Block Grant, HOME, or ESG) of property acquired or improved with Community Development Block Grant, HOME, or ESG funds

that is sold or transferred for a use which does not qualify under the Community Development Block Grant, HOME, or ESG regulations.

- c. City shall pay to County any program income generated from the disposition or transfer of property prior to or subsequent to the close-out, change of status or termination of the cooperation agreement between County and City. Any program income shall be allocated by County for eligible activities in accordance with all Community Development Block Grant, HOME, or ESG requirements as may then apply.
12. The parties hereto agree that the final responsibility for analyzing needs, setting objectives, developing plans, selecting projects for community development and housing assistance, selecting Community Development Block Grant, HOME, and ESG activities, and filing the Consolidated Plan and other required documentation rests with County, as required by the Housing and Community Development Act of 1974, as amended.
13. The City shall defend, save, hold harmless and indemnify the County, its officers, agents and employees from all liabilities and claims for any fines, penalties, bodily injury, death, sickness or damages of any type from any cause whatsoever that arises from or is connected with (i) the City's failure to comply with any requirement of the CDBG Act and the HOME Act or the regulations, guidelines, bulletins or circulars that are issued pursuant thereto, and (ii) any City activity that is financed by funds granted hereunder pursuant to the CDBG Act and the HOME Act. Without limiting the foregoing, the provisions of this paragraph apply fully in the event the City participates in the Section 312 Federal Rehabilitation Loan Program in conjunction with the Community Development Block Grant and HOME Investment Partnerships Act programs.
14. By executing this Community Development Block Grant Program Cooperation Agreement, City understands that it may not apply for grants under the State Community Development Block Grant Program from appropriations for fiscal years during the period in which it participates in the urban county's Community Development Block Grant Program; that it will be part of the urban county for the HOME Program and ESG if the urban county receives HOME and ESG funding, respectively; that it may receive formula allocations under the HOME Program and ESG only through the urban county; and that, even if County does not receive a HOME formula allocation, City cannot form a HOME consortium with other local governments except through the urban county. This does not preclude City or County from applying to the State for HOME or ESG funds, if the State allows.
15. The cooperating unit of general local government has adopted and is enforcing:
 - a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - b. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.

The phrase "cooperating unit of general local government" has the same meaning in this Cooperation Agreement as it does in HUD Notice #CPD-13-04.

16. All notices under this agreement shall be in writing (unless otherwise specified) delivered to the parties by hand, by commercial courier service, electronic mail, or by United States mail, postage prepaid, addressed to the parties at the addresses set forth below or such other addresses as the parties may designate by notice.
17. Nothing contained in this agreement shall be construed to create, and the parties do not intend to create, any rights in third parties.
18. Except as otherwise provided herein, this agreement may not be changed, modified or rescinded except in writing, signed by all parties hereto, and any attempt at oral modification of this agreement shall be void and of no effect.
19. This agreement may be executed in multiple originals, each of which is deemed to be an original, and may be signed in counterparts

IN WITNESS WHEREOF, the parties have executed the above instrument on the day and year first above written.

COUNTY OF MARIN

CITY OF SAN RAFAEL

By: 
 Katie Rice, President
 Board of Supervisors

By: 
 Gary O. Phillips,
 Mayor

ATTEST:

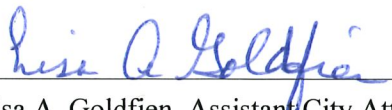
ATTEST:


 Deputy Clerk of the Board


 for Lindsay Lara,
 City Clerk

MASTER FORM APPROVED AS TO FORM:

 Tarisha Bal
 Deputy County Counsel
 County of Marin


 Lisa A. Goldfien, Assistant City Attorney

FIRST AMENDMENT TO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF MARIN AND CITY OF SAN RAFAEL FOR A COMMUNITY DEVELOPMENT PROGRAM

This FIRST AMENDMENT (“First Amendment”) to that certain Community Development Block Grant and Home Investment Partnerships Program Cooperation Agreement between the County of Marin, a political subdivision of the State of California, hereinafter called "County," and City of San Rafael, a municipal corporation of the State of California, located in the County of Marin, hereinafter called "City," collectively referred to as “Parties,” dated on or about June 24, 2020 (“Cooperation Agreement”), is hereby entered into between the Parties, effective July 25, 2023.

The purpose of this First Amendment is to renew the Cooperation Agreement for federal fiscal years 2024-2026 and to incorporate into the Cooperation Agreement language as required by the U.S. Department of Housing and Urban Development (HUD), Office of Community Planning and Development (CPD) Notice 23-02.

Accordingly, the County of Marin and the City hereby agree as follows:

1. Amendment to Paragraph 9. Paragraph 9 of the Cooperation Agreement is hereby amended as follows:

County, City, and all other cooperating cities shall take all actions necessary to assure compliance with the urban county’s certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, and that the grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and the implementing regulations at 24 CFR part 100, and will affirmatively further fair housing. See 24 CFR § 91.225(a) and Affirmatively Furthering Fair Housing Definitions and Certifications (86 FR 30779, June 10, 2021), to be codified at 24 CFR 5.151 and 5.152. County, City, and all other cooperating cities shall also take all actions necessary to assure compliance with Section 109 of Title I of the Housing and Community Development Act of 1974 (which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975), and the implementing regulations at 24 CFR part 6, which incorporates Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 24 CFR part 8, Title II of the Americans with Disabilities Act, and the implementing regulations at 28 CFR part 35, the Age Discrimination Act of 1975, and the implementing regulation at 24 CFR part 146, and Section 3 of the Housing and Urban Development Act of 1968, and other applicable laws.

Use of urban county funds for activities in, or in support of, any cooperating city that does not affirmatively further fair housing within its own jurisdiction or that impedes the county’s actions to comply with the county’s fair housing certification shall be prohibited. The City must also sign the assurances and certifications in the HUD 424-B, attached hereto.

Pursuant to 24 CFR 570.501(b), City is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement as described in 24 CFR 570.503.

County, City, all other cooperating cities, metropolitan cities, urban counties, units of general local government, Indian tribes, and insular areas that directly or indirectly receive funds provided under Title I of the Housing and Community Development Act of 1974, as amended, may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits, or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.

2. Amendment to Fiscal Year References. All references in the Cooperation Agreement to “federal fiscal years 2021, 2022, and 2023” are hereby amended to refer to “federal fiscal years 2021, 2022, 2023, 2024, 2025, and 2026.”
3. All Other Provisions Unchanged. All provisions of the Cooperation Agreement not explicitly amended through this First Amendment remain in full force and effect.
4. Authority to Execute Amendment. The person signing on behalf of the City of San Rafael certifies to the County that he/she/they has the authority to execute this First Amendment, and that execution of this First Amendment on behalf of the City is in accord with all City processes for obtaining such signature. The person executing this First Amendment on behalf of the City recognizes that the County will rely on this certification in order to procure funds from HUD for use by the City.

IN WITNESS WHEREOF, the Parties have executed the above instrument on the day and year first above written.

COUNTY OF MARIN

CITY OF SAN RAFAEL

By: _____
Stephanie Moulton-Peters, President
Board of Supervisors

By: _____
Mayor Kate Colin

ATTEST:

ATTEST:

Deputy Clerk of the Board

Clerk

MASTER FORM APPROVED AS TO FORM:

Brandon Halter
Deputy County Counsel
County of Marin

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Accordingly, the County of Marin and the City hereby agree as follows:

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County, City, and all other cooperating cities shall take all actions necessary to assure compliance with the urban county’s certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, **and that the grant will be conducted and administered in conformity with** ~~regarding~~ Title VI of the Civil Rights Act of 1964, the Fair Housing Act, ~~affirmatively furthering fair housing~~ **and the implementing regulations at 24 CFR part 100, and will affirmatively further fair housing. See 24 CFR § 91.225(a) and Affirmatively Furthering Fair Housing Definitions and Certifications (86 FR 30779, June 10, 2021), to be codified at 24 CFR 5.151 and 5.152.** County, City, and all other cooperating cities shall also take all actions necessary to assure compliance with Section 109 of Title I of the Housing and Community Development Act of 1974 (which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975), **and the implementing regulations at 24 CFR part 6, which incorporates Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 24 CFR part 8, Title II of the Americans with Disabilities Act, and the implementing regulations at 28 CFR part 35, the Age Discrimination Act of 1975, and the implementing regulation at 24 CFR part 146, and Section 3 of the Housing and Urban Development Act of 1968, and other applicable laws.**

Use of urban county funds for activities in, or in support of, any cooperating city that does not affirmatively further fair housing within its own jurisdiction or that impedes the county’s actions to comply with the county’s fair housing certification shall be prohibited. **The City must also sign the assurances and certifications in the HUD 424-B, attached hereto.**

Pursuant to 24 CFR 570.501(b), City is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement as described in 24 CFR 570.503.

County, City, all other cooperating cities, metropolitan cities, urban counties, units of general local government, Indian tribes, and insular areas that directly or indirectly receive funds provided under Title I of the Housing and Community Development Act of 1974, as amended, may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits, or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.

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IN WITNESS WHEREOF, the Parties have executed the above instrument on the day and year first above written.

COUNTY OF MARIN

CITY OF SAN RAFAEL

By: _____
Stephanie Moulton-Peters, President
Board of Supervisors

By: _____
Mayor

ATTEST:

ATTEST:

Deputy Clerk of the Board

Clerk

MASTER FORM APPROVED AS TO FORM:

Brandon Halter
Deputy County Counsel
County of Marin

Instructions for the HUD 424-B Assurances and Certifications

As part of your application for HUD funding, you, as the official authorized to sign on behalf of your organization or as an individual, must provide the following assurances and certifications. The Responsible Civil Rights Official has specified this form for use for purposes of general compliance with 24 CFR §§ 1.5, 3.115, 8.50, and 146.25, as applicable. The Responsible Civil Rights Official may require specific civil rights assurances to be furnished consistent with those authorities and will specify the form on which such assurances must be made. A failure to furnish or comply with the civil rights assurances contained in this form may result in the procedures to effect compliance at 24 CFR §§ 1.8, 3.115, 8.57, or 146.39.

By submitting this form, you are stating that all assertions made in this form are true, accurate, and correct.

As the duly representative of the applicant, I certify that the applicant: [Insert below the Name and title of the Authorized Representative, name of Organization and the date of signature]:

*Authorized Representative Name:

*Title:

*Applicant/Recipient Organization:

1. Has the legal authority to apply for Federal assistance, has the institutional, managerial and financial capability (including funds to pay the non-Federal share of program costs) to plan, manage and complete the program as described in the application and the governing body has duly authorized the submission of the application, including these assurances and certifications, and authorized me as the official representative of the application to act in connection with the application and to provide any additional information as may be required.

2. Will administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C 2000(d)) and implementing regulations (24 CFR part 1), which provide that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity that receives Federal financial assistance OR if the applicant is a Federally recognized Indian tribe or its tribally designated housing entity, is subject to the Indian Civil Rights Act (25 U.S.C. 1301-1303).

3. Will administer the grant in compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and implementing regulations at 24 CFR part 8, the American Disabilities Act (42 U.S.C. §§ 12101 et.seq.), and implementing regulations at 28 CFR part 35 or 36, as applicable, and the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) as amended, and implementing regulations at 24 CFR part 146 which together provide that no person in the United States shall, on the grounds of disability or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance; except if the grant program authorizes or limits participation to designated populations, then the applicant will comply with the nondiscrimination requirements within the designated population.

4. Will comply with the Fair Housing Act (42 U.S.C. 3601-19), as amended, and the implementing regulations at 24 CFR part 100, which prohibit discrimination in housing on the basis of race, color, religion sex (including gender identity and sexual orientation), disability, familial status, or national origin and will affirmatively further fair housing; except an

applicant which is an Indian tribe or its instrumentality which is excluded by statute from coverage does not make this certification; and further except if the grant program authorizes or limits participation to designated populations, then the applicant will comply with the nondiscrimination requirements within the designated population.

5. Will comply with all applicable Federal nondiscrimination requirements, including those listed at 24 CFR §§ 5.105(a) and 5.106 as applicable.

6. Will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601) and implementing regulations at 49 CFR part 24 and, as applicable, Section 104(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(d)) and implementing regulations at 24 CFR part 42, subpart A.

7. Will comply with the environmental requirements of the National Environmental Policy Act (42 U.S.C. 4321 et.seq.) and related Federal authorities prior to the commitment or expenditure of funds for property.

8. That no Federal appropriated funds have been paid, or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of this Federal grant or its extension, renewal, amendment or modification. If funds other than Federal appropriated funds have or will be paid for influencing or attempting to influence the persons listed above, I shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying. I certify that I shall require all subawards at all tiers (including sub-grants and contracts) to similarly certify and disclose accordingly. Federally recognized Indian Tribes and tribally designated housing entities (TDHEs) established by Federally-recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage by the Byrd Amendment, but State-recognized Indian tribes and TDHs established under State law are not excluded from the statute's coverage.

I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§287, 1001, 1010, 1012, 1014; 31 U.S.C. §3729, 3802).

* Signature:

* Date: (mm/dd/yyyy):

Public Reporting Burden Statement: The public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to: U.S. Department of Housing and Urban Development, Office of the Chief Data Officer, R, 451 7th St SW, Room 4176, Washington, DC 20410-5000. **Do not send completed HUD-424B forms to this address.** This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid OMB control number. The Department of Housing and Urban Development is authorized to collect this information under the authority cited in the Notice of Funding Opportunity for this grant program. The information collected provides assurances and certifications for legal requirements related to the administration of this grant program. HUD will use this information to ensure compliance of its grantees. This information is required to obtain the benefit sought in the grant program. This information will not be held confidential and may be made available to the public in accordance with the Freedom of Information Act (5 U.S.C. §552).

June 30, 2023

Angelo Tom
Community Planning and Development Division
US Department of Housing and Urban Development
One Sansome Street
3rd Floor, Suite 1200
San Francisco, CA 94104

Dear Angelo:

In 2008, the City of San Rafael chose to defer its “metropolitan city” status for the Community Development Block Grant Program (“CDBG”) and remain part of the CDBG urban county for the three-year qualification period for appropriations for federal fiscal years 2009-2011.

The City of San Rafael chose to continue to defer its “metropolitan city” status for the CDBG program and remain part of the CDBG urban county for fiscal years 2012-2023.

The City of San Rafael wishes to continue to defer its “metropolitan city” status, maintain its current relationship with the County of Marin, and remain part of the CDBG urban county for the three-year qualification period for appropriations for federal fiscal years 2024, 2025, and 2026. This action was approved by the City Council of the City of San Rafael on June 5, 2023.

Sincerely,

Kate Colin, Mayor
City of San Rafael

CC: Leelee Thomas, Deputy Director, Marin County CDA
Eli Hill, Priority Setting Committee Member
Alicia Giudice, Community Development Director
Chris Hess, Assistant Community Development Director



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Administrative Services/Library & Recreation

Prepared by:
Claire Coleman, Senior Management Analyst
Jill Tokutomi, Assistant Director,
Library & Recreation

City Manager Approval: _____

TOPIC: ANNUAL ADJUSTMENT TO THE LIBRARY PARCEL TAX

SUBJECT: REPORT CONCERNING THE ANNUAL CONSUMER PRICE INDEX (CPI) RATE ADJUSTMENT FOR THE SPECIAL LIBRARY SERVICES PARCEL TAX FOR THE FISCAL YEAR JULY 1, 2023 THROUGH JUNE 30, 2024 AS SPECIFIED IN VOTER-APPROVED MEASURE D (SAN RAFAEL MUNICIPAL CODE CHAPTER 3.36)

RECOMMENDATION: Accept report concerning the San Rafael Special Library Services Parcel Tax rate adjustment for Fiscal Year 2023-24, from July 1, 2023 through June 30, 2024, based upon the Consumer Price Index (CPI) as authorized by Section 3.36.030 of the San Rafael Municipal Code.

BACKGROUND: On June 7, 2016 the San Rafael community voted in favor of Measure D, amending SRMC Chapter 3.36 by extending, revising and increasing the existing Special Library Services Parcel Tax ("Tax") as adopted in Ordinance No. 1942 on [July 18, 2016](#). The approved Measure D tax rates were first assessed for the fiscal year July 1, 2017 through June 30, 2018 and levied for a period of nine (9) years. SRMC section 3.36.030, Imposition of the Tax, provides for an annual CPI adjustment commencing with the second year of the Tax.

ANALYSIS: SRMC section 3.36.030, "Imposition of the Tax" stipulates that an annual adjustment to the Tax rate shall be applied commencing in the second year based on the annual percentage increase, if any, in the previous fiscal year to the San Francisco-Oakland-Hayward Price Index for All Urban Consumers ("CPI"). The rate increase cannot exceed three percent annually and the rate cannot be adjusted downward.

Utilizing the Bureau of Labor Statistics - Western CPI Summaries (BLS-WS) for the San Francisco-Oakland-Hayward, CA, All Urban Consumers Index, the April 2022 Index was 324.878 and the April 2023 Index was 338.496 resulting in a twelve (12) month composite Index of 4.19 percent increase over the previous year's index. The Measure D CPI adjustment cannot exceed 3 percent.

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Adjusting the Library Tax Rate by 3 percent for the upcoming fiscal year 2023-24 will increase annual Measure D Tax Revenue from \$1,139,177 (FY 2022-23) to \$1,173,352 (FY 2023-24), an increase of \$34,175.

Section 3.36.030 Imposition of Tax:

Parcel Rate Types	FY 21-22 Rates	FY 22-23 Rates with CPI Adjustment
Single Family Residential Parcel	\$67.06	\$69.06
Multi-Family Residential or Other Residential Parcel	\$67.06 + \$11.36 per Living unit, in excess of one, up to a maximum of \$1,137.44 per year per parcel	\$69.06 + \$11.70 per Living unit, in excess of one, up to a maximum of \$1,171.56 per year per parcel
Non-Residential Parcel	\$67.06	\$69.06

Any additional funds will be used in accordance with the language of Measure D, to “maintain library hours, equipment, materials, and services for children, teens, and adults.” Additionally, any increase in revenue will help to offset the decrease in revenue seen annually due to the increasing number of senior exemptions filed for the tax.

FISCAL IMPACT: The application of the 3 percent increase will generate an additional \$34,175 in Measure D revenue for the fiscal year 2023-24. These revenues will be recorded in the Measure D special revenue fund.

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

1. Accept the report.
2. Direct staff to return with more information.
3. Take no action.

RECOMMENDED ACTION:

Accept report concerning the San Rafael Special Library Services Parcel Tax rate adjustment for Fiscal Year 2023-24, from July 1, 2023 through June 30, 2024, based upon the Consumer Price Index (CPI) as authorized by Section 3.36.030 of the San Rafael Municipal Code.



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Fire

Prepared by: Darin White, Fire Chief
Thomas Wong, Senior
Management Analyst

City Manager Approval: _____

A handwritten signature in blue ink, appearing to be 'CJ'.

TOPIC: AGREEMENT TO PARTICIPATE IN PUBLIC PROVIDER GROUND EMERGENCY MEDICAL TRANSPORTATION INTERGOVERNMENTAL TRANSFER PROGRAM (PP-GEMT)

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CERTIFICATION FORM FOR THE SAN RAFAEL FIRE DEPARTMENT TO PARTICIPATE IN AN INTERGOVERNMENTAL TRANSFER (IGT) WITH THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS) FOR REIMBURSEMENT OF PUBLIC PROVIDER GROUND EMERGENCY MEDICAL TRANSPORTATION (PP-GEMT) SERVICES FOR THE SERVICE PERIOD OF JANUARY 1, 2023, THROUGH DECEMBER 31, 2023, AND TRANSFERS TO DHCS NOT TO EXCEED \$910,000

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to execute a certification form for the San Rafael Fire Department to participate in a Medi-Cal Intergovernmental Transfer (IGT) program with the California Department of Health Care Services (DHCS) for reimbursement of PP-GEMT services for the service period of January 1, 2023, through December 31, 2023, and make transfers not to exceed \$910,000.

BACKGROUND:

In accordance with California Assembly Bill 1705 (Chapter 544, Statutes of 2019), the Department of Health Care Services developed the Public Provider Ground Emergency Medical Transportation Intergovernmental Transfer Program (PP-GEMT) program to provide reimbursements, by application of an add-on increase, to emergency medical transports provided by eligible public GEMT providers. This program starts on January 1, 2023, and replaces the Ground Emergency Medical Transportation Program (GEMT), which ended on December 31, 2022. The City previously participated in the GEMT annually, since 2009.

Both the former GEMT and the newer PP-GEMT are programs to assist the City in recovering costs associated with the provision of Emergency Medical Services (EMS) to individuals who are covered by Medi-Cal. While PP-GEMT and the former GEMT share a name, the funding sources that support each program are not the same. GEMT relied on State revenue, while PP-GEMT relies on Federal revenues.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

This change in funding structure allows PP-GEMT to increase revenues, resulting in additional annual funding for the City.

ANALYSIS:

Participation in the PP-GEMT program is mandatory for public provider agencies and provides an important opportunity for the City to collect additional ambulance transport fees that would otherwise be unavailable. Mandatory participation requires the City to collect and receive these additional ambulance transport fees for each Medi-Cal transport the City provides.

While the PP-GEMT program is mandatory, cities, counties, and other public providers in the State may optionally transfer funds to the State to support the program. This optional transfer, also referred to as an Intergovernmental Transfer (IGT), allows the PP-GEMT program to secure Federal matching funds that are the basis for providing additional add-on revenues for each Medi-Cal patient transported. Without these matching funds from public providers, the State would not have adequate funds to receive the Federal match. If the State does not receive adequate matching funds, the program would cease to exist. While the IGT is optional, staff recommends the City provide the IGT to ensure ongoing revenues associated with PP-GEMT continue.

DHCS has been working with the San Rafael Fire Department on estimating the benefits of the new PP-GEMT since the fall of 2022. This estimating process has been challenging as DHCS cannot legally mandate that government agencies participate in the IGT portion of the program. Since the IGT is optional, the revenue that DHCS collects from providers to use as a federal match is solely dependent on the number of agencies that choose to make the transfer. If there is a lack of participants, agencies that do participate may be required to pay a higher rate, and the program may not have enough funding to continue, jeopardizing this critical source of EMS funding.

Due to the uncertainty of the number of agencies opting to make optional IGTs, the California Fire Chiefs Association (CFCA) has taken an active role in ensuring that all eligible agencies participate in the IGT. Thus far, the outreach done at the State level has dramatically increased the number of participants that have committed to providing the optional IGT. This increase in participation has decreased the amount the City is currently estimated to owe versus earlier estimates. Currently, only a handful of smaller agencies have yet to commit to providing their annual IGT, according to information from CFCA. The broad support of public providers committing to making these transfers is in recognition of the importance of the additional net benefit the program provides to agencies.

FISCAL IMPACT:

Yearly costs and benefits from the program to the City are dependent on the number of Medi-Cal transports the City provides in a calendar year. Using last year's Medi-Cal transport data, it is estimated that the City's 2023 IGT to the State will be \$828,536. The City estimates that the revenues from the PP-GEMT program will total \$1,539,822 in increased Medi-Cal payments for each Medi-Cal transport that the City provides. This includes additional new revenues of \$711,285. The proposed funds to be transferred to the State will be allocated from the Department's Paramedic Tax Service Fund (210).

Time Period	Funding Source	Estimated Transfer Amount to DHCS	Estimated Additional New Funds	Estimated Funds Returned to City
2023 Calendar Year	Fund 210	\$828,536	\$711,285	\$1,539,822

The PP-GEMT Certification Form lists an initial transfer of \$200,433, which is the first of three transfers this calendar year totaling an estimated \$828,536. Staff recommends the Council authorize total

transfers not to exceed \$910,000 which would account for a 10% contingency in the event that fewer agencies participate or the Fire Department transports additional Medi-Cal patients, both of which could lead to higher transfers than expected.

OPTIONS:

1. Adopt the resolution as presented.
2. Direct staff to return with more information.
3. Take no action.

RECOMMENDED ACTION:

Adopt a resolution authorizing the City Manager to execute a certification form for the San Rafael Fire Department to participate in a Medi-Cal Intergovernmental Transfer program with the California Department of Health Care Services (DHCS) for reimbursement of PP-GEMT services for the service period of January 1, 2023, through December 31, 2023, and make transfers not to exceed \$910,000.

ATTACHMENTS:

1. Resolution
2. PP-GEMT Certification Form

RESOLUTION NO.

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CERTIFICATION FORM FOR THE SAN RAFAEL FIRE DEPARTMENT TO PARTICIPATE IN AN INTERGOVERNMENTAL TRANSFER (IGT) WITH THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS) FOR REIMBURSEMENT OF PUBLIC PROVIDER GROUND EMERGENCY MEDICAL TRANSPORTATION (PP-GEMT) SERVICES FOR THE SERVICE PERIOD OF JANUARY 1, 2023, THROUGH DECEMBER 31, 2023, AND TRANSFERS TO DHCS NOT TO EXCEED \$910,000

WHEREAS, the City of San Rafael, through its Fire Department, regularly provides emergency ambulance transport to persons who are Medi-Cal patients enrolled in managed care and fee-for-service plans; and

WHEREAS, the City participates in various governmental programs that provide reimbursement of costs incurred in providing such emergency services to Medi-Cal patients; and

WHEREAS, pursuant to California Assembly Bill 1705 (Chapter 544, Statutes of 2019), the Department of Health Care Services (DHCS) developed the Public Provider Ground Emergency Medical Transportation (PP-GEMT) Intergovernmental Transfer Program to provide reimbursements, by application of an add-on increase, to emergency medical transports provided by eligible PP-GEMT providers; and

WHEREAS, by participating in the Intergovernmental Transfer Program, the City will receive reimbursements for a larger proportion of its actual costs for providing emergency ambulance transport to Medi-Cal patients enrolled in managed care and fee-for-service plans; and

WHEREAS, under the Intergovernmental Transfer Program certification form, the funds shall be transferred in accordance with a mutually agreed-upon schedule between the City of San Rafael and DHCS.

NOW, THEREFORE, BE IT RESOLVED, by the San Rafael City Council as follows:

1. The San Rafael Fire Department is hereby authorized to participate in a voluntary Intergovernmental Transfer (IGT) with the California Department of Health Care Services (DHCS) for the service period of January 1, 2023 through December 31, 2023.
2. The City Manager is hereby authorized to execute the Intergovernmental Transfer Certification Form, for the transfer of public funds to the DHCS, included in the staff report for this resolution.
3. The City Council hereby authorizes the transfer of funds to DHCS, in an amount not to exceed \$910,000, approved by the City Manager and in accordance with a mutually agreed upon schedule, to be used solely as a portion of the non-federal share of funds that qualify for federal financial participation for the period of January 1, 2023 through December 31, 2023.

DEPARTMENT OF HEALTH CARE SERVICES
PUBLIC PROVIDER INTERGOVERNMENTAL TRANSFER PROGRAM FOR
GROUND EMERGENCY MEDICAL TRANSPORTATION SERVICES
CERTIFICATION FORM FOR STATE CALENDAR YEAR 2023

I, the undersigned, hereby declare and certify on behalf of (the "Public Entity") as follows:

1. As a public administrator, a public officer, or other public individual, I am duly authorized to make this certification.
2. The Public Entity elects to make this intergovernmental transfer (IGT) to the Department of Health Care Service (DHCS) as a voluntary contribution to the non-federal share of Medi-Cal expenditures for purposes of Assembly Bill 1705 (2019) pursuant to Sections 14105.94, 14105.945, 14129, 14129.3, and 14164 of the Welfare and Institutions (W&I) Code. All funds transferred pursuant to this certification qualify for federal financial participation (FFP) pursuant to Section 1903(w) of the Social Security Act and Title 42 of the Code of Federal Regulations, Section 433 Subpart B, and are not derived from impermissible sources such as recycled Medicaid payments, federal money excluded from use as the non-federal share, impermissible health care-related taxes, or non-bona fide provider-related donations.
3. Voluntary contributions attributable to the period of January 1, 2023, through December 31, 2023, will be made via recurring transfers as indicated on the invoices provided to the Public Entity by DHCS. The Public Entity acknowledges that any transfers made pursuant to this certification during this time period are considered an elective IGT made pursuant to W&I Code sections 14105.945 and 14164, to be used by DHCS, subject to paragraph four herein, exclusively as the source for the non-federal share of ground emergency medical transport public provider supplemental payments in both Medi-Cal fee-for-service payments and the portion of the risk-based capitation rate to Medi-Cal managed care health plans associated with reimbursement made in accordance with Section 14105.945, subdivision (h)(1) (hereafter, the AB 1705 Public Provider (PP) Ground Emergency Medical Transportation (GEMT) Intergovernmental Transfer (IGT) Program, or the PP-GEMT IGT Program), and DHCS costs associated with administering the PP-GEMT IGT Program.
4. DHCS may accept this voluntary contribution to the extent it is able to obtain FFP for the PP-GEMT IGT Program as permitted by federal law. In the event DHCS is unable to obtain FFP for the PP-GEMT IGT Program, or the full payments cannot otherwise be made to and retained by eligible public providers, and, therefore, all or a portion of the transferred amount cannot be used as the non-federal share of payments, DHCS will notify the Public Entity via e-mail and return the applicable portion of the unused IGT amount, no later than 90 days after such notification.
5. The Public Entity acknowledges that, in accordance with W&I Code section 14105.945, subdivision (h)(2), upon CMS approval, DHCS shall assess a ten percent (10%) fee on each transfer of public funds to the state to pay for health care

DEPARTMENT OF HEALTH CARE SERVICES
PUBLIC PROVIDER INTERGOVERNMENTAL TRANSFER PROGRAM FOR
GROUND EMERGENCY MEDICAL TRANSPORTATION SERVICES
CERTIFICATION FORM FOR STATE CALENDAR YEAR 2023

coverage and to reimburse DHCS its costs associated with administering the PP-GEMT IGT Program.

6. The Public Entity acknowledges that the IGT is to be used by DHCS for the filing of a claim with the federal government for federal funds and understands that any misrepresentation regarding the IGT may violate federal and state law.
7. The Public Entity acknowledges that all records of funds transferred are subject to review and audit upon DHCS' request. The Public Entity will maintain documentation supporting the allowable funding source of the IGTs.
8. Upon notice from the federal government of a disallowance or deferral related to this IGT, the Public Entity responsible for this IGT shall be the entity responsible for the federal portion of that expenditure.

I hereby declare under penalty of perjury under the law of the United States that the foregoing is true and correct to the best of my knowledge. I further understand that the known filing of a false or fraudulent claim, or making false statements in support of a claim, may violate the Federal False Claims Act or other applicable statute and federal law and may be punishable thereunder.

Executed on this _____ day of _____, 20XX at _____, California.

Signature of Authorized Person: _____

Name of Authorized Person: _____

Title of Authorized Person: _____

Name of Public Entity: _____

NPI of Public Entity: _____

Amount of IGT: \$200,433.00

#



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Finance

Prepared by: Claire Coleman,
Senior Management Analyst
Shawn Plate, Finance Manager
April Miller, Public Works Director
Craig Veramay, Assistant Library
and Recreation Director

City Manager Approval: _____

A handwritten signature in blue ink, appearing to be 'CJ', written over a horizontal line.

TOPIC: FINAL CITYWIDE PROPOSED BUDGET FOR FISCAL YEAR 2023-24, CAPITAL IMPROVEMENT PROGRAM, MEASURE A WORK PLAN, AND LEGAL SPENDING LIMIT

- SUBJECT:**
- 1. RESOLUTION APPROVING THE CITYWIDE BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR THE FISCAL YEAR 2023-24; PROVIDING FOR THE APPROPRIATIONS AND EXPENDITURE OF ALL SUMS SET FORTH IN THE BUDGET IN THE AMOUNT OF \$171,699,035**
 - 2. RESOLUTION APPROVING THE MEASURE A WORK PLAN FOR PROPOSED EXPENDITURE OF MEASURE A FUNDS FOR FY 2023-24**
 - 3. RESOLUTION APPROVING FISCAL YEAR 2023-24 GANN APPROPRIATIONS LIMIT AT \$179,385,992**
 - 4. RESOLUTION AMENDING RESOLUTION 14956 ESTABLISHING THE COMPENSATION FOR THE ELECTED CITY CLERK EFFECTIVE JULY 1, 2023**

RECOMMENDATION:

1. Adopt a resolution approving the Citywide Budget and Capital Improvement Program for the Fiscal Year 2023-24, providing for the appropriations and expenditure of all sums set forth in the budget in the amount of \$171,699,035.
2. Adopt a resolution approving the Measure A Work Plan for Fiscal Year 2023-24.
3. Adopt a resolution approving the Fiscal Year 2023-24 Gann Appropriations Limit.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

4. Adopt a resolution Amending Resolution No. 14956 establishing the Compensation for the elected City Clerk effective July 1, 2023.

SUMMARY:

This report presents the final proposed citywide budget for Fiscal Year (FY) 2023-24, beginning July 1, 2023, and ending June 30, 2024. This item is the culmination of a collaborative budget process that included considerable cross-departmental deliberations and discussions of the assumptions underlying the proposed budget. The process included a City Council study session on [May 8, 2023](#) to discuss the draft Goals and Objectives for FY 2023-24 and FY 2024-25. The Council members made recommendations to staff across various components of the report. At the [May 15, 2023](#) City Council meeting, the City Council accepted the updated Goals and Objectives report presented by staff.

The budget is both a spending plan for the City's available financial resources and the legal authority for City departments to spend these resources for public purposes. Through these resources, services are provided to meet the needs of the community. The City Council and City staff respond to the community's needs in part through the budget, which is intended to balance not only revenues and costs, but also community priorities.

For the FY 2023-24 budget, ongoing General Fund operational expenditures are supported by current period revenues. The spending plans of all other funds are supported by projected revenues and accumulated resources in their respective funds. Proposed appropriations citywide total \$171,699,035 and are within the legal spending limit.

This report includes the three-year Capital Improvement Program (CIP) for FY 2023-24 through FY 2025-26 and Measure A Work Plan for approval. The CIP is formalized in a full, detailed report and incorporated into the proposed citywide budget for FY 2023-24.

This report also includes an overview of the calculated spending limit, known as the Gann Limit. Article XIII B of the California Constitution (enacted with the passage of Proposition 4 in 1979 – the Gann initiative – with modifications under Proposition 111 passed in June 1990, and implemented by California Government Code sections 7900, and following) provides the basis for the Gann appropriation limitation. The City's appropriation growth rate is limited to changes in population and either the change in California per capita income or the change in the local assessment roll due to new, non-residential construction.

ANALYSIS:

UPDATE ON CURRENT BUDGET/FISCAL YEAR 2022-23

General Fund

Revenues: The original FY 2022-23 budget, adopted on [June 21, 2022](#), projected \$95,870,730 in revenues. The City worked with two revenue consulting companies (HdL and Baker Tilly, formerly Management Partners) to project FY 2022-23 revenues. In spite of complex economic conditions and rising interest rates, revenues have outpaced projections. The mid-year budget review (updated budget) presented on [February 6, 2023](#), estimated an increase in revenues of \$1,500,000 for a projected balance of \$97,370,730 based on higher than anticipated sales and use tax receipts. Current revenues are projected to be \$97,684,030, which is \$313,300, or 0.3 percent above the updated budget, based on activity through April, which is the most up-to-date information available. While sales and use tax

increases did not materialize at the previously projected levels, property tax distributions and transient occupancy taxes outpaced projections and are expected to result in higher than projected total General Fund revenues.

Expenditures: As part of the approved FY 2022-23 budget, expenses were projected to be \$95,250,644. During the fiscal year, additional appropriations were approved by the Council totaling \$2,125,059 for support of additional capital projects and to ensure adequate funding for public safety overtime costs. Like many local government agencies, the City has experienced challenges with recruitment and retention since the COVID-19 pandemic. As a result, staff are projecting one-time salary savings of approximately \$4 to 5 million for FY 2022-23. The City also continues to experience and projects continued increases in workers’ compensation and liability costs, continuing the trend of declining total claims with rising severity on a per claim basis. As a result, staff have identified the need to transfer approximately \$3 million to the Liability and Workers’ Compensation Funds and approximately \$2 million to support immediate critical infrastructure needs. Staff plan to formally request the aforementioned adjustments be made to the FY 2022-23 budget along with other adjustments, if necessary, in Fall 2023 when the year-end update is presented to the City Council.

Operating results: The projected increase to General Fund revenues of \$313,300 and the transfers to internal service funds and core infrastructure projects change the estimated positive net result of \$1,765,099 to \$1,078,399 for FY 2022-23. With the replenishment of the Emergency Reserve Fund in the amount of \$322,570 (to maintain the 10 percent reserve level per City Council policy), net unassigned funds are forecasted to be \$755,829 at year-end. See Table 1 for additional details.

Table 1: FY 2022-23 General Fund Estimated Overview

General Fund	Adopted Budget FY 2022-23	Approved Changes	Current Budget	Projected Changes	Estimated Budget
Revenues	95,870,730	1,500,000	97,370,730	313,300	97,684,030
Transfers in	1,770,072		1,770,072	-	1,770,072
Total Resources	97,640,802	1,500,000	99,140,802	313,300	99,454,102
Expenditures	91,943,644	1,475,859	93,419,503	(4,000,000)	89,419,503
Operating Transfer out	3,307,000	649,200	3,956,200	-	3,956,200
Project Transfer out		-	-	5,000,000	5,000,000
Total Appropriations	95,250,644	2,125,059	97,375,703	1,000,000	98,375,703
Net Result	2,390,158	(625,059)	1,765,099	(686,700)	1,078,399
Allocations					
Use/(Source) of Emergency Reserves	(165,454)	(157,116)	(322,570)	-	(322,570)
Use of Prior Period funds	-	-	-	-	-
Unassigned Funds Available	2,224,704	(782,175)	1,442,529	(686,700)	755,829

Other Funds

The evaluation of other funds will continue with the year-end close. Any required adjustments will be presented to the City Council as part of the year-end update, presented in September 2023.

GOALS AND OBJECTIVES

The City Council regularly establishes a set of goals, objectives, and key implementation tasks (Goals and Objectives) that guide decision-making. The City created four Policy Focus Areas to highlight

overarching policy priorities while retaining five City Service Areas to highlight operational efforts that are of particular focus. The four Policy Focus areas and five City Service Areas are listed below:

Policy Focus Areas

- **Economic Growth:** Building our economy to be stronger and more resilient.
- **Housing & Homelessness:** Creating new housing, keeping people in their homes, and using a “Housing First” model.
- **Diversity, Equity, Inclusion & Belonging (DEIB):** Working to create equitable outcomes for all, while addressing systemic racial injustices.
- **Sustainability, Climate Change & Disaster Preparedness:** Reducing greenhouse gas emissions while mitigating and adapting to climate change.

City Service Areas

- Neighborhood and Economic Vitality:** Create and preserve a healthy economy and sustain vibrant neighborhoods, Downtown, and other business areas.
- Quality of Life:** Serve and strengthen community relationships by providing literary, artistic, recreational, and cultural experiences for all residents and improving resident engagement and governmental transparency.
- Public Safety:** Prevent and respond to emergencies through essential facility improvements and community and organizational emergency readiness.
- Public Assets:** Improve and preserve public assets by sustaining effective levels of core infrastructure while reducing traffic congestion by expanding bicycle, pedestrian, and transit options.
- Foundational Services:** Sustain organizational viability and exemplary service through short and long-term financial success, organizational excellence and succession planning, and technology to improve efficiency and service levels.

Each Policy Focus and City Service Area has a set of objectives which provide a basis for making resource allocation decisions during the budget process and serve as a focal point for assessing and coordinating the City’s short- and long-term strategic planning. The resources required to perform each objective and task are summarized in the time and intensity graphic within the Goals and Objectives staff report presented to the City Council on [May 15, 2023](#).

PROPOSED FISCAL YEAR 2023-24 CITYWIDE BUDGET

HIGHLIGHTS

- ❖ **Citywide Budget:** The total proposed FY 2023-24 expenditure budget for the City is \$171,699,035 (Attachment 2, Exhibit I). This sum reflects all funds and operations for the City, including active capital projects. The Capital Improvement Program has planned expenditures for which staff reports will be submitted for approval of major projects and their associated funding source. Appropriations are supported by FY 2023-24 revenue and other sources projected at 145,551,239, as well as by fund balances retained from previous periods for capital projects.
- ❖ **General Fund Budget:** The proposed General Fund expenditure budget comprises \$100,041,140 for operations, an increase of approximately \$2.7 million over the prior year’s projected budget, supported by revenues, transfers in, and available fund balance.
- ❖ **State Budget Impacts:** On May 12, 2023, Governor Gavin Newsom released the May Revision to the FY 2023-24 state budget, totaling approximately \$306.5 billion in spending. The May Revision projects a \$31.5 billion deficit, contrasting against a projected \$97 billion surplus during

the May Revision of the FY 2022-23 budget. The revision assumes continued but slowing economic growth and does not include withdrawals from the state's reserve funds.

While the Governor's proposal does not include major cuts in existing appropriations to cities, the revised budget does not include significant funding for core initiatives like housing and homelessness. As a result, staff expect less funding support from the state during the next fiscal year than in the prior two fiscal years. Due to the postponement of the 2022 tax filing deadline to October, staff expect further revisions to the state budget in the coming months. City staff will seek opportunities to pursue additional assistance and available funding.

- ❖ **American Rescue Plan Act:** On March 11, 2021, President Biden signed into law the American Rescue Plan Act (ARPA). The ARPA provided \$65.1 billion in direct aid to every city, town, and village across the country to help stabilize communities. The City of San Rafael received a total of \$16,088,886, all of which met the eligibility requirements under the revenue loss provision. The funds were designated to support the City's policy focus areas of Economic Recovery, Housing & Homelessness, Racial Equity and Sustainability, Climate Change & Disasters as well as infrastructure projects. As of May 2023, the City has utilized or encumbered approximately \$10.4 million (65 percent) of these monies for support of housing and homelessness programs, racial equity initiatives, economic development, the Pickleweed Park renovation, and the San Quentin Pump Station. Staff will continue to identify opportunities for utilizing the remaining funds for the City Council's consideration.

General Fund

The City's General Fund supports most of the major services to residents and businesses (such as police, fire suppression and prevention, planning, building, library, parks, streets, engineering, traffic enforcement and management, and cultural programs). The General Fund operating-related appropriations for FY 2023-24 total approximately \$100 million. These appropriations comprise \$96.7 million of operating expenditures, \$2.2 million of transfers to community services in support of the Recreation Fund, and \$1.1 million to the building maintenance and workers compensation internal service funds.

The appropriations are supported by \$98.1 million in projected revenues and \$1.8 million of transfers from other funds. The transfers include a \$650,000 reimbursement from Gas Tax revenues for support of street maintenance salaries; \$680,313 from the Employee Retirement Fund for debt service on the outstanding pension obligation bonds; and \$497,148 from the Parking Services Enterprise Fund for administrative support.

Table 2 summarizes the information provided in Exhibit II and presents the proposed FY 2023-24 budget with a comparison to the projected FY 2022-23 budget. The table presents the year-over-year change in revenues and expenses, as these are key performance metrics.

Revenues available for operations are projected to be \$818,869 higher than those of the FY 2022-23 year, an increase of 0.8 percent. This is mainly due to conservative projected growth in major revenue items such as property tax and transient occupancy tax, and a small projected decrease in sales and use taxes.

Expenditures are projected to increase by \$2.7 million, or 2.7 percent over those of the FY 2022-23 budget. Increases to the FY 2023-24 expense budget include approximately \$1.2 million in personnel expenses related to negotiated pay increases and \$1.2 million in non-personnel expenses related to

inflation and increasing contractual costs. There is also a budgeted increase of \$137,700 in one-time start-up costs and \$130,000 in ongoing annual costs due to the change in the fire dispatch contract, offset by a decrease in transfers to several internal service funds that were deemed fully funded for their intended purposes.

Table 2: Comparison of FY 2022-23 Projected Year End and FY 2023-24 Budget

General Fund	Adjusted Budget FY 2022-23	Proposed Budget FY 2023-24	\$ Change from previous year	% Change from previous year
Revenues	\$ 97,370,730	\$ 98,189,599	\$ 818,869	0.8%
Transfers in	1,770,072	1,827,461		
Total Resources	\$ 99,140,802	\$ 100,017,060	\$ 876,258	0.9%
Expenditures	\$ 93,419,503	\$ 96,734,140	\$ 3,314,637	3.5%
Transfers out – operating	3,956,200	3,307,000		
Total Operating Uses	\$ 97,375,703	\$ 100,041,140	\$ 2,665,437	2.7%
Net Results before Allocations	\$ 1,765,099	\$ (24,080)		
(Source) / Use of reserved funds				
Emergency reserve	(322,570)	(266,544)		
Use of prior period funds		290,624		
Total Results	\$ 1,442,529	\$ 0		

Revenue Trends and Assumptions:

Sales and Transaction & Use Tax:

The economy is in an uncertain period, with high interest rates and high (but declining) inflation coupled with low unemployment and a strong labor market. The economy is cooling from the high inflation and economic activity seen in the immediate post-COVID period, and some economists expect a recession in the next 18 months. Sales and use taxes are projected to remain mostly stable with a small decrease during the fiscal year. Areas of Auto & Transportation are expected to decrease in FY 2023-24 by 3.3 percent due to supply chain disruptions and high costs to lease vehicles, while Building and Construction areas are projected to stagnate at 0.7 percent. Meanwhile, Restaurants and Hotels are expected to continue their recovery with a 3.6 percent growth estimate for next fiscal year.

With the assistance of HdL Companies, the City’s sales tax consultant, staff are projecting recurring sales tax revenues to decrease from \$26.6 million as currently projected in the FY 2022-23 budget, to \$25.4 million in FY 2023-24, a decrease of approximately 4 percent. Sales taxes account for approximately 25 percent of the City’s General Fund revenues.

Revenues from the Measure E Transactions & Use Tax, which applies to most local retail sales, are estimated to decrease from \$14.7 million in the FY 2022-23 budget, to \$14.5 million in the proposed FY 2023-24 budget, a decrease of 1.4 percent. Consistent with the direction provided by the City Council in [May of 2014](#), the additional one-quarter percent sales tax revenues provided by Measure E, effective

April 1, 2014 through March 31, 2034, are dedicated to funding major construction and improvements to public safety facilities (also referred to as the [San Rafael Essential Facilities](#) project).

Measure E revenues account for about 14 percent of the City's General Fund revenues. Revenues from the Measure R Transactions & Use Tax are projected to generate \$4.8 million and represent about 4 percent of the City's General Fund revenues. Altogether, sales and use taxes comprise 45 percent of the City's General Fund revenues.

Property Tax:

Property taxes are currently projected to increase by 3 percent over projected FY 2022-23 results for a total of \$30.6 million. The increase is primarily due to a minor increase in excess Educational Revenue Augmentation Fund (ERAF) payments and growth of \$800 thousand in the overall property tax roll. Property taxes make up 30 percent of the City's General Fund revenues.

Other General Fund Revenues:

Other revenues (including Business Tax, Transient Occupancy Tax, development fees, permits, and charges for services) are projected to show a modest increase of 2.8 percent when compared to the prior year's budget. This includes a projected decrease in Property Transfer Tax revenues due to slow real estate markets and high interest rates, which are offset by an increase in Transient Occupancy Tax revenues due to the continuing recovery of hotels after the pandemic. These revenues account for 25 percent of the City's General Fund revenues.

Expenditure Trends and Assumptions:

The expenditure growth incorporates inflationary increases and increases in personnel costs as the City increases compensation based on collective bargaining contract commitments. General Fund budgeted contributions to the Marin County Employees Retirement Association (MCERA) are projected to increase by \$483,956, or 2.7 percent, compared to the previous year. While the City's overall MCERA rates are decreasing due to continued strong asset gains during the actuary's measurement period, rates for public safety bargaining groups are increasing while non-safety units are decreasing. Due to the City's negotiated pay increases and to the relative balance of safety to non-safety employees in the City, the total impact is a slight increase overall. In FY 2022-23, the City Council approved a one-time transfer of \$1.1 million to the Employee Retirement Internal Service Fund to ensure continuity of programs over the long-term. Staff feel that the fund is adequately supported at this time and are not proposing an additional transfer for FY 2023-24. Pension expenses across all funds represent approximately 13.8 percent of total citywide expenditures, and approximately \$18.4 million, or 18.4 percent, of the \$100 million General Fund budget.

Capital Spending and Other Funds

Capital Improvement Program (CIP):

The CIP is a multi-year planning tool used to identify and implement the City's capital needs over the upcoming three-year period: FY 2023-24 through FY 2025-26. The CIP document summarizes the City's planned capital and infrastructure improvement projects, including their funding sources, and prioritizes projects after analysis and coordination with other City departments to ensure that all department needs are represented. Project selection and priority is based on recommendations by a working group representing various City departments and existing planning documents to accommodate high priority

needs, which focused on life/safety, maintenance and repair, equity, public and City Council input, and other factors. The CIP is intended to provide a comprehensive three-year project list for the City’s known capital and infrastructure needs.

The general categories within the CIP are as follows:

- **City-Owned Properties:** City facilities including buildings, parking garages and lots.
- **Drainage:** Stormwater systems including roadway drainage and the City’s 12 stormwater pump stations.
- **Parks:** Park infrastructure and facilities including playgrounds, recreation equipment, and restrooms.
- **Streets/Transportation:** Roadway improvements including construction, resurfacing, and maintenance of existing bicycle and pedestrian facilities including sidewalks and bike lanes.
- **Transportation:** Transportation projects are separated out from streets/transportation projects. Transportation projects include traffic and signal improvements that increase traffic flow and capacity, as well as any circulation improvements that expand bicycle/pedestrian thoroughfare beyond the existing facilities in place. For example, new multi-use pathways and the expansion of existing sidewalks.

Major projects/studies identified in the FY 2023-24 to FY 2025-26 CIP include:

- Canal Active Transportation Experience Improvements
- Lincoln Avenue Rehabilitation
- Fourth St/Second Street at Miracle Mile Improvements
- Southern Heights at Courtright Retaining Wall
- Storm Drainage Master Plan
- Building Maintenance Master Plan
- Marin Countywide Stormwater Pollution Prevention Program Trash Capture Design Projects
- Pump Station Generators (Portable)
- San Rafael Canal Crossing

There are currently five major annual funding sources for the CIP:

Table 3: CIP Funding Sources

Fund #	Fund Name	Description
205	Stormwater Fund	Established to fund stormwater maintenance, programs, and improvements throughout the City. Fund #205 receives annual revenues from the City’s Stormwater Activity Fee (Municipal Code Chapter 9.40).
206	Gas Tax; Measure AA; Senate Bill 1 Funds	The Gas Tax is revenue collected and subsequently distributed by the State of California based on a percentage tax on each gallon of gas purchased in San Rafael. Gas Tax may be used for capital projects or maintenance on local streets, roads, traffic, and bicycle/pedestrian facilities. Additionally, local sales tax, passed by voters in 2018 as Measure AA, contributes to a portion of this fund for roadway improvement projects. This fund also includes revenue from the Refuse Regulatory Fee and Construction Impact Fee.

Fund #	Fund Name	Description
241	Measure A	Measure A is a nine-year ¼ percent Transactions and Use Tax managed by the County of Marin and re-approved by voters in June 2022. The tax is restricted to care for parks and open spaces. The Department of Library and Recreation prepared the Measure A work plan for FY 2023-24 based on the recommendations provided in the 2023 Citywide Parks and Recreation Master Plan and through consultation with the Parks and Recreation Commission.
246	Traffic Mitigation Fee	Traffic Mitigation Fees are charged to a developer in connection with the approval of a private land development project with the purpose of offsetting or subsidizing public improvements made necessary by the private development. The City utilizes Traffic Mitigation Fees for circulation-related projects identified in the General Plan.
603	Building Maintenance	The Building Maintenance Fund supports routine maintenance and capital projects associated with the City’s buildings, parks and other facilities. The Building Maintenance Fund is an internal revenue fund, which means General Fund monies are the sole source of revenue.

While some CIP projects are grant-funded, most are not and are paid for through Funds 205 (Stormwater), 206 (Gas Tax), 246 (Traffic Mitigation), and 603 (Building Maintenance). Each of these funds has an operating budget which consists of expenses related to maintenance of infrastructure, equipment purchasing, miscellaneous contractual services, annual programs, and other non-project related work. After deducting the operating budget from the total available funding in Funds 206, 246, and 603, staff include a contingency of 15 percent of the remaining fund balance to provide a buffer for unanticipated expenses which may arise mid-year. The Stormwater Fund (205) does not include a contingency for FY 2023-24 as the estimated revenue for this fund is not sufficient to cover the actual project needs.

As has been noted in prior year CIPs, the long-term capital and infrastructure improvement needs for City-owned property, parks, and drainage far exceed the available revenues each year. Therefore, a considerable number of projects are identified as real capital and infrastructure needs (and maintained on the CIP project list) but are categorized as “unfunded”. City staff continue to actively pursue grant funding, congressional earmarks, and other infrastructure funding sources. Many of these funding sources require a local funding match.

The project funding tables in the CIP outline projects that would require grant funding to move forward. These are designated by “grant: unsecured” and the local match is listed in the associated fund category. If the City’s effort to obtain grant funding is unsuccessful, the available funding identified as the local match will be reevaluated during the next fiscal year as part of the CIP planning process to determine if the City should continue to seek grant funding for the specific projects or if the funding should be reallocated towards other projects in the same fund category.

Due to the substantial amount of infrastructure needs and changing variables, such as the potential need to provide matching funds for unsecured grants, staff do not currently have sufficient information to project funding for FY 2024-25 (Year 2) and FY 2025-26 (Year 3) in the Gas Tax Fund 206. Only funds that have been previously committed or earmarked have been included in the proposed CIP for FY 2023-24. City staff will re-evaluate the prioritization of projects in Fund 206 during the upcoming fiscal year to prepare for the next CIP update.

As a part of the annual CIP, the Department of Public Works also recaps major projects completed in the prior fiscal year, including but not limited to:

- FY 2021-22 and FY 2022-23 Slurry Seal
- Bungalow and Woodland Resurfacing
- Fire Station 54 & 55 Remodels
- Freitas Parkway Sidewalk Replacement
- Citywide Parks and Recreation Master Plan
- Spinnaker Point Drive Parking Modification
- Sun Valley Park Playground Improvements

Projects currently under construction or underway:

- San Quentin Pump Station Reconstruction
- Third Street Rehabilitation
- Third Street Safety Improvements
- B Street Culvert Replacement

Capital Project Funds

These funds are dedicated to the tracking and reporting of capital projects. The most significant capital project activity is the Public Safety Essential Facilities program, in which in the last few years projects such as the construction of the new Public Safety Center and Fire Stations 52 and 57 were completed. These projects have been funded from the following sources: (1) direct use of designated Measure E general tax funds; (2) Lease Revenue Bonds, Series 2018, which is being repaid from designated Measure E general tax funds; and (3) allocations from the Paramedic Tax used to fund capital projects.

Special Revenue and Grant Funds

These funds have restricted uses based on their respective sources. One significant fund in this group is the Emergency Medical Services/Paramedic Fund (EMS). This fund has planned expenditures of \$9.7 million for the upcoming fiscal year, supported by \$8.9 million in revenues of which \$5.3 million, or 59 percent, comes from the Paramedic Tax. The balance of the funding of this activity comes primarily from third-party recovery for emergency medical response and transport services. As of [April 17, 2023](#), tax rates have reached their tax ceiling for all participating areas impacted by the Paramedic Services Special Tax. Revenues are insufficient to cover the long-term operating costs of paramedic services, and staff plan to pursue grant funding and other new revenue sources to improve the fund's performance.

The EMS Fund is projected to retain \$492,373 in unallocated fund balance on June 30, 2024. This balance serves as an operational reserve. Funds not needed for the operations reserve are used to fund capital improvements that directly support the delivery of emergency medical transport services. However, no transfers are expected to take place in FY 2023-24.

The City's Cannabis Business Tax is also reported in a special revenue fund. San Rafael has several licensees in active commerce. The City anticipates the receipt of \$225,000 in cannabis business tax revenues for the FY 2023-24, of which the fund will incur \$180,245 in qualifying expenses. Revenues are projected to decrease from the prior year budget due to challenging market conditions for cannabis businesses and the temporary two-year decrease in the local cannabis tax rate for delivery retail permits from 4 percent to 2 percent enacted by the City Council on [November 7, 2022](#). The fund has historically carried a fund balance of prior year savings to allocate to new projects. On [January 17, 2023](#), the City

Council approved the use of cannabis tax revenues to support the pilot of the City's Specialized Assistance for Everyone (SAFE) team.

The Measure A Open Space Program was renewed by voters in June 2022. Funding for this program is primarily provided by a nine-year, county-wide sales tax that is managed by the County of Marin, with the City providing discretionary contributions as needed. A total of \$665,000 is being proposed to be expended during the year to fund project initiatives, which would include the following projects:

- \$130,000 to design new play areas at Peacock Gap Park. Construction would follow completion of the design process and would likely occur in FY 2024-25.
- \$150,000 to develop a new Master Plan for the Terra Linda Park and Community Center. This plan was identified through the Park and Recreation Master Plan as a high priority project due to the high volume of use at this park, the existing conditions of the facilities, and the expected future demand due to population increases in the next ten years.
- \$285,000 to improve the fencing at Albert Park Field.
- \$100,000 to fund the creation of a Trails Existing Condition & Feasibility Study as part of a proposed Open Space and Trails Master Plan.

The proposed expenditures are summarized in the attached Measure A Work Plan for July 1, 2023, through June 30, 2024. These projects are included in the FY 2023-24 Capital Improvement Program and the FY 2023-24 budget.

Measure D, the successor library parcel tax to Measure C, is entering its seventh year. This special revenue source has successfully expanded service levels relative to those established under Measure C (the previous library parcel tax). The purpose of the tax is to "augment the capacity of the City of San Rafael to provide quality library services to its residents." Measure D provides for expanded book and periodical purchases, including e-books; funds events and classes for all ages, and provides supplementary technology supplies. Capital reserves were established under Measure C (previous library parcel tax) for facility-related uses.

The Recreation and Childcare Funds anticipate spending plans of \$4.5 million and \$3.3 million, respectively. Revenue projections will depend on demand as programs slowly return to levels closer to pre-COVID activity. The Childcare Fund is operating at cost, meaning that revenues equal expenditures, due to both increasing program enrollment and fee increases approved by the City Council, most recently on [December 19, 2022](#).

Measure C, a historic wildfire prevention measure is entering its fourth year. Funding for this activity is provided by a ten-year parcel tax and is managed by the Marin Wildfire Prevention Authority, a Joint Powers Authority. The City of San Rafael is expected to receive \$2 million in revenues to support coordinated wildfire prevention including early detection, warning and alerts; reducing vegetation; ensuring defensible space around homes, neighborhoods and critical infrastructure; and improving disaster evacuation routes/procedures.

Other significant funds in this category include Gas Tax and Storm Water Funds. The spending plans for these funds were developed in conjunction with the Capital Improvement Program. Appropriations for new CIP projects are not included in the budget until they are brought to the City Council for approval at time of commencement.

Parking Fund

The Parking Fund is a self-sustaining enterprise fund whose revenues are dedicated to parking services. Currently, parking operations are funded via parking fees and fines, and fund balance is the only resource with which to cover capital improvements. The parking structures and lots have deferred maintenance issues that will need to be addressed in the coming years. In 2014, the Public Works Department engaged an engineering firm to evaluate current conditions of the garage structures and provide recommendations for repair and maintenance items. The study determined that the four city-owned structures (Third/Lootens, Third /A, Third /C, Fifth/C parking structures) require significant structural repairs due to deferred maintenance.

The FY 2023-24 operating budget for this fund is \$5.0 million, inclusive of operating transfers, supported by \$4.6 million in revenues. The Parking Fund continues to endure the negative effects of the pandemic and changes in workforce patterns. In [December 2022](#), the City Council approved increases in some parking citation rates that have positively impacted the department's fiscal sustainability. For FY 2023-24, the Parking Fund is projected to incur a deficit of \$400,000. Staff are in the process of analyzing department operations and identifying ways to change parking operations to improve the sustainability of the Parking Fund. Staff will keep the City Council apprised of any events affecting the performance of this fund throughout the year.

Internal Service Funds and Capital Replacement Funds

These funds are used to manage services that are delivered within the organization. For example, computer replacement, employee benefits, workers compensation, general liability, capital replacement, technology replacement and vehicle replacement are funded via internal charges to the funds that utilize these respective services.

Successor Agency

Prior to the state-initiated dissolution of the Redevelopment Agency in January 2012, the City Council met as the Redevelopment Agency and approved its annual budget as part of the citywide budget process. Under the current legislation, the Successor Agency is not required to prepare an annual budget. Funding for the Successor Agency follows a different process specified by law: funding must be approved by the Successor Agency's Oversight Board and the California Department of Finance for six-month periods. The economic development-related functions of the former Redevelopment Agency have been fully transferred to the City Manager's Office.

Status of Pension Funding

The City's [Pension Funding Policy](#) requires that the Finance Director and City Manager report on the status of pension funding as part of the annual budget adoption process.

The most recent pension actuarial valuation was prepared as of June 30, 2022, and approved by the MCERA Board in February 2023. This valuation was used to determine the contribution rates for FY 2023-24. The composite rate for the City of San Rafael will be 56.76 percent, a 2.15 percent decrease from the current rate of 58.91 percent. The budgeted pension contribution for FY 2023-24 provides full funding for the required contribution. The rate for public safety employees increased from 67.68 percent to 69.44 percent, an increase of 1.76 percent. The rate for miscellaneous employees decreased from

49.23 percent to 44.37 percent, a decrease of 4.86 percent. The valuation also reported an unfunded actuarial liability of \$108 million for the City, representing a funded ratio of 83.5 percent.

MCERA's investment target (discount rate) remained at 6.75 percent during the measurement period. The City has dedicated a portion of its employee retirement reserve to buffer the impact of any unexpected increases. This reserve, which is projected to total \$1.7 million at the end of FY 2023-24, is also used to accumulate payments for debt service on the \$4.5 million pension obligation bonds issued in 2010 and for optional, supplementary payments to MCERA.

Status of Other Postemployment Benefit (OPEB) Funding (Retiree Healthcare)

The City's OPEB Funding Policy was adopted on [September 18, 2017](#). The policy cites the City's goal of fully funding the Actuarially Determined Contribution (ADC) each year. The budgeted OPEB contribution for FY 2023-24 provides full funding for the required contribution. The contribution is based on an investment target (discount rate) of 6.75 percent. The most recent actuarial valuation, as of June 30, 2022, reports \$26 million in plan assets offset by \$48.2 million in actuarially accrued liabilities, leaving an unfunded actuarial liability of \$22.2 million. The City's ADC for FY 2023-24 is \$2.6 million.

General Fund Balance and Reserves

Under the proposed FY 2023-24 budget, all funds are projected to have a positive fund balance as of July 1, 2023, as well as of June 30, 2024. General Fund Emergency Reserves are projected to increase from \$9.7 million to \$10 million, or 10 percent of General Fund expenditures, maintaining the minimum target emergency reserve levels.

GANN APPROPRIATIONS LIMIT

The Appropriations Limit for each year is based on the prior year Appropriations Limit, adjusted by factors that incorporate changes in cost of living and population. For FY 2023-24, the City is using a 6.02 percent increase in San Rafael's assessment roll for nonresidential construction (this figure is provided by the County of Marin). For the change in population, the City is using negative 0.92 percent – representing the change in population for San Rafael, which is higher than Marin County's figure of negative 1.06 percent for the period January 1, 2022 to January 1, 2023 (provided by the State of California Department of Finance).

Attachment 6, Exhibit A establishes the new Appropriations Limit for FY 2023-24, which has been calculated to be \$179,385,992. The actual budget subject to the limitation excludes self-supporting funds, capital improvement funds, capital outlay grant funds, and specific exclusions such as the Gas Tax Fund. The FY 2023-24 appropriations subject to the Gann Limit are \$102,494,532 (Attachment 6, Exhibit B). Therefore, the portion of the City's budget appropriation that is restricted by the Gann Limit is \$76,891,460 under the legal limit.

STAFFING

For the current fiscal year, all departments are focused on continuing to find ways to maximize the capacity of our current staff by re-examining the way our teams are currently organized, and by creatively implementing process improvements cross-departmentally. The City's current approved level of staffing

for FY 2022-23 of 424.76 is 4.5 percent below the peak of 445 FTE that was supported in FY 2007-08. The proposed budget for FY 2023-24 includes the same staffing level as the prior year of 424.76.

For FY 2023-24, staff are recommending staffing adjustments (see below) to ensure that staff can serve the community and achieve the City Council's goals and objectives. None of the proposed staffing changes add new headcount for the City of San Rafael. However, since the San Rafael Sanitation District Board approved an additional FTE position in their budget and the City includes SRSD's budget in our financial reporting, the City's FY 2023-24 budget reflects a proposed increase of one FTE to 425.76 to include the increase in SRSD's staffing.

Proposed Staff Changes:

- 1) The Community Development Department has experienced significant staff turnover, hiring more than half of their current staff over the past two years. In assessing their staffing needs, and to support succession planning in the Building Division, the department has determined that there is a need for a Deputy Building Official classification as a step between Building Inspector and the highly specialized Chief Building Official classification. This change will provide an internal promotional opportunity.
- 2) The Human Resources Department will experience a staffing change with the departure of the HR Operations Manager later this calendar year. In anticipation of this staffing change and in preparation of upcoming labor negotiations in 2024, the department proposes renaming the classification to Principal Human Resources Analyst. The position will have an increased focus on employee relations, labor relations and negotiations, performance management, and benefits administration.
- 3) The City Clerk's office consists of the Deputy City Clerk and the Elected City Clerk. The Elected City Clerk is a full-time position serving in the same capacity as all Executive Management staff. The current salary for the City Clerk position does not align with other department directors and, in a recent review, Bryce Consulting determined that the salary is significantly below market in relation to comparator agencies. Staff recommends that the City Clerk salary range be aligned with the compensation of the Executive Management group. Additionally, Bryce Consulting recently conducted a review and analysis of the Deputy City Clerk position which included areas such as decision-making responsibility and degree of independence, breadth and difficulty of the assigned function or program responsibility, level of supervision received, and types of contacts and interactions required for this single-position classification. Over the years, the duties and responsibilities for this position have evolved requiring an advanced level. Staff recommends the creation of a Deputy City Clerk I/II series, which will create an internal promotional opportunity. The SEIU bargaining unit has been notified of this intent to create the Deputy City Clerk I/II series and staff will meet all requirements of the Meyers-Milias Brown Act (MMBA) prior to implementing this change.
- 4) In addition, staff recommend that the budget resolution include an administrative cleanup item for the Unrepresented Executive Management and Mid-Management employees. Like the Temporary, Seasonal and Fixed Term employees, these groups of employees also serve in an at-will capacity. This cleanup language does not change the terms and conditions of their employment in any way. This action will simply clarify the current at-will employment status for these positions.

- 5) The San Rafael Sanitation District is currently supported by one full-time Administrative Analyst position, which is responsible for more technical and professional level duties and serves as the Clerk to the Board, and one temp/seasonal Administrative Assistant who performs general administrative work. Municipal Resource Group (MRG) conducted a review of the staffing needs for the division and, in collaboration with the District Manager, determined that having two full-time administrative staff members would provide consistency and the support required to maintain efficient and productive service to the public and staff, as well as ensure phone and over-the-counter coverage for the public and sewer spill calls. The Administrative Assistant classification currently exists within the SEIU bargaining group. The SRSD Board approved the funding for the additional position at their April 21, 2023 Board meeting and City staff recommends increasing the authorized budgeted positions for SRSD by 1.0 FTE.

The history and details for the 425.76 FTE/positions being proposed for FY 2023-24 are presented in Attachment 2, Exhibit III.

FISCAL IMPACT: The preliminary fiscal year 2023-24 budget has been prepared for all funds. Funding sources are sufficient to support the preliminary spending plans presented.

OPTIONS: The City Council can choose to either:

- (1) Accept the report, recommendations and resolutions as presented; or
- (2) Make modifications to the recommendations and/or resolutions.

RECOMMENDATION: Accept the report and:

1. Adopt a resolution approving the Fiscal Year 2023-24 Operating Budget, providing for the appropriations and expenditure of all sums set forth in the budget in the amount of \$171,699,035.
2. Adopt a resolution approving the Measure A Work Plan for FY 2023-24.
3. Adopt the Resolution Approving Fiscal Year 2023-24 Gann Appropriations Limit.
4. Adopt a resolution Amending Resolution No. 14956 establishing the compensation for the elected City Clerk effective July 1, 2023.

ATTACHMENTS:

1. Resolution Approving the Citywide Budget for the Fiscal Year 2023-24 and Providing for the Appropriations and Expenditure of All Sums Set Forth in the Budget, and Exhibits I, II, and III
2. City Council Goals and Objectives for FY 2023-24 and FY 2024-25
3. Capital Improvement Program: FY 2023-24 through 2025-26
4. Resolution Approving the Measure A Work Plan for Proposed Expenditure of Measure A Funds for FY 2023-24
5. Measure A Work Plan for Fiscal Year 2023-24

6. Resolution Approving Fiscal Year 2023-24 Gann Appropriations Limit, and Exhibits A and B
7. Resolution Amending Resolution No. 14956 establishing the Compensation for the elected City Clerk effective July 1, 2023
8. Correspondence

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING THE CITYWIDE BUDGET AND CAPITAL IMPROVEMENT
PROGRAM FOR THE FISCAL YEAR 2023-24 AND PROVIDING FOR THE
APPROPRIATIONS AND EXPENDITURE OF ALL SUMS SET FORTH IN
THE BUDGET IN THE AMOUNT OF \$171,699,035**

WHEREAS, on June 5, 2023, City staff presented to the San Rafael City Council at its regular meeting the proposed City-wide Operating budget and a Capital Improvement Program for the fiscal year July 1, 2023 – June 30, 2024; and

WHEREAS, after examination, deliberation and due consideration of the Goals and Objectives, Capital Improvement Program, City-wide Operating Budget and corresponding staff recommendations, the San Rafael City Council provided direction to the City Manager, and the City Manager has submitted a Final Proposed Budget; and

WHEREAS, it is the intention of this Council to adopt the Proposed Budget submitted by the City Manager as the approved budget for the fiscal year 2023-2024; and

WHEREAS, it is the intention of this Council to carry forward unspent capital projects resources funded in fiscal year 2022-2023 to complete the balance of these projects in the 2023-2024 fiscal year; and

WHEREAS, it is the intention of this Council to carry forward unspent operational funds from fiscal year 2022-2023 encumbered through approved, active purchase orders to complete the balance of these purchases in the 2023-2024 fiscal year;

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

1. The City Manager's proposed one-year budget for the City of San Rafael for the fiscal year July 1, 2023 through June 30, 2024, is hereby adopted, with net appropriations of \$171,699,035. General Fund operational uses total \$100,041,140 as presented in Exhibit II attached hereto and incorporated herein. A total of \$2,344,820 is appropriated for General Plan support, \$57,774,613 is appropriated for special revenue and grant activities, \$ 4,391,306 for the parking enterprise, \$2,550,000 for capital projects, and \$24,625,474 for internal service funds and asset replacement as presented in Exhibit I attached hereto and incorporated herein.
2. The sums of money therein set forth are hereby appropriated from the revenues of the City to the departments, functions, programs and funds therein set forth for expenditure during the fiscal year 2023-2024.
3. The Capital Improvement Program and projects presented for implementation in fiscal

year 2023-2024 are hereby approved.

4. The budget recommends maintaining headcount at 425.76 full-time equivalent authorized positions, as presented in Exhibit III, attached hereto and incorporated herein.
5. The Unrepresented Mid-Management and Executive Management positions, covered by Resolutions 14955 and 14954, are at-will and as such serve at the pleasure of the appointing authority and may be removed at any time without cause and without right of appeal.
6. The City of San Rafael will carry forward unspent capital project funds from fiscal year 2022-2023 and reappropriate these funds in fiscal year 2023-2024 to be used solely to pay for the remaining portion of City Council authorized expenditures for street, facility, storm drain, traffic mitigation, park and other long-term capital projects started in the 2022-2023 or prior fiscal years.
7. Transfers are authorized from the General Fund to the San Rafael Essential Facilities capital project from Measure E revenues for the purpose of funding the San Rafael Essential Facilities projects.
8. Funds set aside in the Emergency Medical Services Fund balance for the purpose of funding future capital expenditures necessary to support the facilities used to deliver emergency medical transportation and related paramedic services will be made available to qualifying capital projects.

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 Council of said City on Monday, the 5th day of June 2023, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

CITY OF SAN RAFAEL
CONSOLIDATED FUNDS

FY 2023-24 PROJECTED BUDGET		Est. Actual	Total			Total			June 30, 2024
FUND NAME		June 30, 2023 Balance	Operating and Capital Revenue	Transfers In	Total Resources	Operating and Capital Budget	Transfers to Other Funds	Total Appropriations	Projected Balance
GENERAL OPERATING FUNDS:									
001	General Fund Available Balance	\$2,224,704	\$98,189,599	\$1,827,461	\$100,017,059	97,834,140	\$2,207,000	\$100,041,140	\$2,200,623
218	General Plan Special Revenue Fund	1,054,748	2,611,969		2,611,969	2,344,820		2,344,820	1,321,897
SPECIAL REVENUE & GRANT FUNDS:									
205	Storm Water Fund	7,890,546	830,000		830,000	8,699,777		8,699,777	20,769
206	Gas Tax	7,388,488	12,896,327		12,896,327	19,140,000	650,000	19,790,000	494,815
207	Development Services	1,285			-			-	1,285
208	Child Care	19,639	3,261,400		3,261,400	3,254,963		3,254,963	26,076
210	Paramedic/EMS	1,235,785	8,949,660		8,949,660	9,693,072		9,693,072	492,373
216	Cannabis	703,541	225,000		225,000	180,245		180,245	748,296
217	State Lands Fund	335,815	39,000		39,000	-		-	374,815
222	Recreation Revolving	196,249	2,141,345	2,207,000	4,348,345	4,523,006		4,523,006	21,588
223	Household Haz. Waste Fund	398,110	-		-	119,103		119,103	279,007
228	Hazardous Materials Fund	55,251	-		-	-		-	55,251
234	Pt. San Pedro A.D. Maintenance Portion	88,713	158,000		158,000	183,186		183,186	63,527
235	Baypoint Lagoons L & L Assessment District	200,692	25,368		25,368	212,700		212,700	13,360
236	Loch Lomond CFD #10	762,873	25,000		25,000	18,855		18,855	769,018
237	Loch Lomond Marina CFD #2	402,244	223,119		223,119	135,030		135,030	490,333
240	Parkland Dedication	-	-		-	-		-	-
241	Measure A Open Space	305,000	549,878		549,878	665,000		665,000	189,878
242	Measure C Wildfire Prevention	902,260	1,956,238		1,956,238	2,449,469		2,449,469	409,029
495	Low and moderate Income Housing Fund	1,145,304	-		-	95,760		95,760	1,049,544
LIBRARY AND FALKIRK:									
214	Library Revolving	1,462,290	1,024,814	1,910,100	2,934,914	4,120,000		4,120,000	277,204
215	Library Special Assessment Fund	998,165	1,167,507		1,167,507	1,628,626		1,628,626	537,046
	Library Fund	2,460,455	2,192,321	1,910,100	4,102,421	5,748,626	-	5,748,626	814,250
PUBLIC SAFETY:									
200	Abandoned Vehicle	21,569	80,000	85,000	165,000	175,720		175,720	10,849
202	Asset Seizure	1,637			-			-	1,637
204	Crime Prevention	5,573			-			-	5,573
230	Youth Services - Police	80,609	15,000		15,000	40,005		40,005	55,604
	Public Safety Fund	109,388	95,000	85,000	180,000	215,725	-	215,725	73,663
TRAFFIC AND HOUSING:									
243	Affordable Housing in lieu	3,799,032	866,051		866,051	302,000		302,000	4,363,083
245	Housing & Parking In-lieu	362,558			-			-	362,558
246	East S.R. Traffic Mitigation	2,366,484	575,000		575,000	725,000		725,000	2,216,484
	Traffic & Housing Mitigation Funds	6,528,075	1,441,051	-	1,441,051	1,027,000	-	1,027,000	6,942,126
GRANT:									
201	A.D.A.. Access Projects	-	-		-	-		-	-
260	Pickleweed Childcare Grant	128,942	598,207		598,207	674,495		674,495	52,654
281	Public Safety Grants	513,037	538,000		538,000	595,395		595,395	455,642
283	Grant-Other	75,146	842,952		842,952	143,206		143,206	774,892
	Grant Funds	717,124	1,979,159	-	1,979,159	1,413,096	-	1,413,096	1,283,187
SPECIAL REVENUE & GRANT FUND TOTAL		31,846,837	36,987,866	4,202,100	41,189,966	57,774,613	650,000	58,424,613	14,612,190

CITY OF SAN RAFAEL
CONSOLIDATED FUNDS

FY 2023-24 PROJECTED BUDGET		Est. Actual June 30, 2023 Balance	Total Operating and Capital Revenue	Transfers In	Total Resources	Total Operating and Capital Budget	Transfers to Other Funds	Total Appropriations	June 30, 2024 Projected Balance
FUND NAME									
ASSESSMENT DISTRICTS:									
Var. Assessment District Projects		305,088			-			-	305,088
ASSESSMENT DISTRICT TOTAL		305,088	-	-	-	-	-	-	305,088
CAPITAL PROJECT FUNDS:									
401 Capital Improvement		1,317,492			-	300,000		300,000	1,017,492
405 Open Space Acquisition		116,842			-		-	-	116,842
406 Bedroom Tax		103,275			-			-	103,275
407 Parks Capital Projects		14,809			-			-	14,809
420 Measure E - Public Safety Facilities		8,100,559		-	-	2,250,000		2,250,000	5,850,559
CAPITAL PROJECT FUND TOTAL		9,652,978	-	-	-	2,550,000	-	2,550,000	7,102,978
ENTERPRISE FUND:									
501 Parking Services		7,613,312	4,600,010		4,600,010	4,391,306	582,148	4,973,454	7,239,868
ENTERPRISE FUND TOTAL		7,613,312	4,600,010	-	4,600,010	4,391,306	582,148	4,973,454	7,239,868
INTERNAL SERVICE FUNDS:									
227 Sewer Maintenance		-	3,152,947		3,152,947	3,152,947		3,152,947	-
600 Vehicle Replacement		5,770,787	1,024,336		1,024,336	3,531,000		3,531,000	3,264,123
601 Technology Replacement		3,073,327	2,369,933		2,369,933	3,459,183		3,459,183	1,984,077
602 Fire Equipment Replacement		1,054,187	131,000		131,000	131,000		131,000	1,054,187
603 Building Improvement		3,594,948	2,000,000		2,000,000	800,000		800,000	4,794,948
604 Employee Benefits		855,550	1,000,000		1,000,000	1,181,309		1,181,309	674,241
605 Liability Insurance		1,016,699	2,364,880		2,364,880	3,373,816		3,373,816	7,763
606 Workers Compensation Insurance		326,132	3,676,730		3,676,730	3,523,455		3,523,455	479,407
607 Dental Insurance		449,526	548,690		548,690	495,000		495,000	503,216
608 Radio Replacement		532,424	450,001		450,001	410,000		410,000	572,425
609 Telephone/Internet		179,863	773,763		773,763	773,764		773,764	179,862
611 Employee Retirement		2,428,159	-		-	4,000	680,313	684,313	1,743,846
612 Retiree Health Benefit OPEB		838,627	3,450,833		3,450,833	3,660,000		3,660,000	629,460
613 Police Equipment Replacement		450,330	40,000		40,000	130,000		130,000	360,330
INTERNAL SERVICE FUND TOTAL		20,570,558	20,983,113	-	20,983,113	24,625,474	680,313	25,305,787	16,247,884
TRUST AND AGENCY FUNDS:									
712 Library Fiduciary		2,407,165	-		-	-	1,910,100	1,910,100	497,065
TRUST & AGENCY FUND TOTAL		2,407,165	-	-	-	-	1,910,100	1,910,100	497,065
COMBINED FUNDS TOTAL									
		75,675,391	163,372,557	6,029,561	169,402,117	189,520,353	6,029,561	195,549,914	49,527,594
LESS: INTERFUND TRANSFER				(6,029,561)	(6,029,561)		(6,029,561)	(6,029,561)	
LESS: INTERNAL SERVICE CHARGES			(17,821,318)		(17,821,318)	(17,821,318)		(17,821,318)	
NET TOTALS FY 2023-2024		75,675,391	145,551,239	-	145,551,239	171,699,035	-	171,699,035	49,527,594

**GENERAL FUND
PROPOSED BUDGET FY 2023-24**

EXHIBIT II

REVENUES & OTHER OPERATIONAL SOURCES

Taxes

Property Tax and related	\$	25,351,496
Sales Tax		25,414,990
Sales Tax -Measure E		14,487,000
Sales Tax -Measure R		4,829,000
Franchise Tax		4,270,000
Business Tax		2,602,000
Transient Occupancy Tax		3,100,000

Other Agencies

CSA #19 Fire Service		2,515,788
VLF Backfill		7,000,000
Other Agencies (Prop 172, Owner Prop Tax, State Mandate, Other agencies)		1,853,633

Other Revenues

Permits & Licenses (building, electrical, encroachment, use, alarm)		2,855,788
Fine & Forfeitures (traffic, vehicle, etc.)		212,740
Interest & Rents (investment earnings, rents, etc.)		456,900
Charges for Services (includes dev't fees and plan review)		2,645,764
Other Revenue (damage reimbursements, misc income)		594,500

Sub-total: Revenues	\$	98,189,599
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TRANSFERS IN

from Gas Tax		650,000
from Parking Services Fund - Admin. cost		497,148
from Employee Retirement Fund - POB debt payment		680,313

Sub-total: Transfers In	\$	1,827,461
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TOTAL SOURCES	\$	100,017,060
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EXPENDITURES AND OTHER OPERATIONAL USES

Expenditures by Department

Finance		3,033,755
Non-Departmental		9,578,384
City Manager/City Council		3,247,605
City Clerk		581,169
Digital Service		1,949,021
Human Resources		724,561
City Attorney		1,211,301
Community Development		6,686,645
Police		26,818,491
Fire		23,570,766
Public Works		15,125,015
Library		3,392,971
Economic Development		814,456

Sub-total: Expenditures	\$	96,734,140
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OPERATIONAL TRANSFERS OUT

to Recreation Fund - Operating support		2,207,000
to Internal Service Funds		1,100,000

Sub-total: Transfers Out	\$	3,307,000
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TOTAL USES	\$	100,041,140
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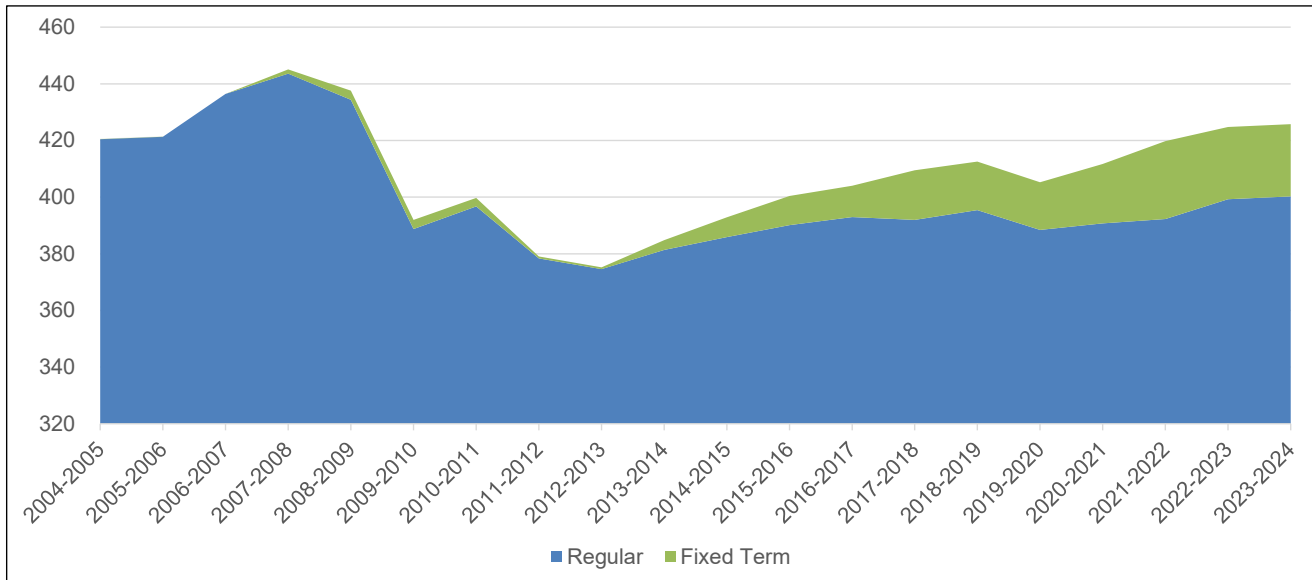
NET OPERATING RESULTS	\$	(24,080)
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Departments	Final 2014-2015	Final 2015-2016	Final 2016-2017	Final 2017-2018	Final 2018-2019	Final 2019-2020	Final 2020-2021	Final 2021-2022	Final 2022-2023	Proposed Budget 2023-2024
Community Development	17.80	19.80	20.00	21.00	21.00	20.75	20.75	22.00	23.00	23.00
Community Services	59.31	59.33	59.43	59.43	60.90	54.90	54.90	54.90	56.90	56.90
City Attorney	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50
City Clerk	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
City Manager/Council	14.56	14.56	14.56	15.56	11.56	11.56	11.56	10.56	11.56	11.56
Economic Development (former RDA)	-	-	-	-	2.00	2.00	2.00	1.00	1.00	1.00
Finance	11.00	11.72	11.72	9.72	9.72	9.72	9.72	11.00	11.00	11.00
Fire	79.00	79.00	79.00	78.00	78.00	78.00	78.00	80.00	82.00	82.00
Library	23.41	23.41	23.41	23.41	23.41	21.66	21.66	21.66	21.66	21.66
Human Resources	3.00	3.50	4.00	4.00	4.00	4.00	4.00	3.00	4.00	4.00
Digital Services (Formerly IT)	5.70	5.70	6.70	6.70	9.70	8.70	8.00	8.00	8.00	8.00
Parking Services	16.63	16.63	16.63	16.63	16.63	16.63	16.63	16.63	16.63	16.63
Police	88.00	89.00	90.00	90.00	92.00	92.00	94.00	93.00	93.00	93.00
Public Works	62.00	62.00	62.00	62.00	61.00	63.00	64.00	65.00	65.00	66.00
Fixed-Term	7.98	12.26	13.06	18.53	17.16	16.81	21.01	27.51	25.51	25.51
Citywide Positions	393.89	402.41	406.01	410.48	412.58	405.23	411.73	419.76	424.76	425.76

General Notes:

The above-authorized positions are presented as full-time equivalent employees (FTE's) based on various workweek hours as negotiated in employee agreements. The totals by department reflect a combination of full-time or permanent part-time, or fixed term positions that are entitled to all or pro-rated benefits in accordance with the negotiated agreements for employees or individuals who are under contract. The totals reflected above, or in the detail department program sections, do not include temporary or seasonal employees that are utilized for short-term or specific reasons during the year.

Figure 1: Graph of Regular and Fixed-Term Staff, 2004 to 2024



Note: Growth in Fixed-Term employees largely due to new Fire Department staff supported by Measure C funding.

**City of San Rafael
Job Class Specification**

Job Title: *Deputy Building Official*

SUMMARY

Under direct supervision of the Chief Building Official/~~Fire Marshal~~: assigns, coordinates, supervises and participates in the daily operations of the Building Division, performs inspection of buildings, examines plans and specifications in the enforcement of laws regulating the construction of buildings in the City of San Rafael, issues building permits, determines and collects fees.

DISTINGUISHING CHARACTERISTICS:

This is a single incumbent class. This is a first level working supervisor within the Building Inspector series. Employees within this class are distinguished from the Building Inspector II by the addition of a full range of supervisory duties including planning work, primary contacts with the public including problem resolution, performance of the most complex commercial inspections, plan review, quality assurance, and performance appraisal of the Building Inspectors and Plan Checkers. Provides the Chief Building Official/~~Fire Marshal~~ with advice and consultation on building matters and for the efficient operations of assigned functions within the Building Division.

ESSENTIAL DUTIES AND RESPONSIBILITIES

This list is intended to be illustrative and does not represent an exhaustive list of duties and responsibilities. Incumbents may not perform all duties and responsibilities listed. Other duties may be assigned.

- Analyzes, distributes and monitors the inspection workflow.
- Provides work review, information and training to Building Division personnel as directed.
- Assigns work, including field inspections, to Building Inspectors ~~I & II~~
- Oversees and inspects all major commercial work.
- Serves as the focal point for complaints and dispute resolution.
- Coordinates the work of the department with other City departments and outside agencies.
- Reads and interprets plans and discusses requirements with builders and owners.
- Investigates all disabled access complaints, issues reports and assists with resolution.
- Inspects building construction, plumbing, electrical and gas installations in residential, business, industrial and public buildings.
- Conducts final inspections of newly completed buildings.
- Reviews and investigates violations of building code laws.
- Performs complex plan reviews of residential and commercial projects.
- Provides information to the public regarding building requirements.
- Communicates status of programs and keeps the Chief Building Official informed of pertinent issues.
- Performs related duties as required.
- Checks permit applications for completeness and accuracy before issuing permits.
- Responsible for the efficient and progressive operation of the Inspection Division.
- Serves as technical advisor and assistant to the Chief Building Official/~~Fire Marshal~~ on building related issues; assumes the duties of the Chief Building Official in his/her absence;
- Within procedures prescribed by the Chief Building Official/~~Fire Marshal~~ reviews the content of correspondence, the preparation of reports and the maintenance of records.
- Performs field inspections on the more complex code enforcement assignments.
- Assists in budget preparation and the administration of division budget.

- Develops methods and procedures to ensure efficient and proper operation of computerized permit review process, plan checking, permit issuance, and inspection process.

Knowledge of:

- Principles of supervision, training, and performance evaluation.
- Missions and requirements of other related departments and outside agencies.
- Federal, State and Municipal Codes, ordinances and regulations relating to building construction.
- Building construction safety standards. Principles, techniques of building inspection and engineering mathematics.
- Accepted methods of construction. Building, Plumbing, Electrical, and Mechanical codes and ordinances including State access and energy codes.
- Computer software for daily use and permit administration.

Ability to:

- Plan, organize and supervise the work of the Building Inspectors.
- Resolve disputes concerning code requirements and effect compliance.
- Operate a computer, effectively using the department's permitting software, and operate miscellaneous office equipment.
- Deal effectively with people involved with building construction, particularly contractors, architects, developers, engineers, and property owners.
- Review construction plans and conducting field inspections of buildings, subdivisions, improvements, and site development projects.
- Analyze, interpret and accurately check building plans and specifications.
- Maintain cooperative working relationships with engineers, architects and contractors, officials, employees and the general public.
- Apply building related codes and ordinances, including the California ~~Uniform~~ Building, Electrical, Plumbing, Mechanical Codes, State Title 24 Accessibility and Energy, and zoning codes.
- Establish and maintain effective cooperation and professional relationships with subordinates, public officials, private citizens, and public groups.
- Communicates clearly both orally and in writing, and to write concise and accurate reports
- Independently handle administrative details.

EDUCATION AND EXPERIENCE REQUIREMENTS:

Graduation from high school or equivalent based on courses taken from an accredited educational institution. Associate of Science degree in Building Inspection or related field is preferred. Five (5) years of progressively responsible experience in building inspection, including commercial, of which at least two (2) years must be in a supervisory capacity.

CERTIFICATES, LICENSES, REGISTRATIONS:

Special Requirement: Valid CA driver's license. Must maintain ICC certification in at least three of the following areas: commercial building inspector, combination building inspector, electrical inspector, plumbing inspector or mechanical inspector. These ~~cBuilding Inspector~~ certifications are from ICC is required at time of hire. In addition, -Plans Examiner certification from ICC is required, but may be obtained within 6 months of hire.

LANGUAGE SKILLS:

Ability to read and interpret documents such as rules, operating and maintenance instructions and procedure manuals. Ability to prepare clear and comprehensive written reports and correspondence. Ability to communicate effectively, both verbally and in writing.

MATHEMATICAL SKILLS:

Ability to calculate figures and amounts such as discounts, interest, commissions, proportions, and percentages. Ability to apply concepts of basic algebra.

REASONING ABILITY:

Ability to solve practical problems and deal with a variety of concrete variables in situations where standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

PHYSICAL DEMANDS:

While performing the duties of this job, the employee is regularly required to stand; walk; use hands to finger, handle, or feel; reach with hands and arms; and talk or hear. The employee frequently is required to climb or balance and stoop, kneel, crouch, or crawl. The employee must regularly lift and/or move up to 25 pounds and occasionally lift and/or move up to ~~100~~50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly exposed to outdoors weather conditions and regularly works in inside environmental conditions. The employee is occasionally exposed to moving mechanical parts. The noise level in the work environment is usually moderate but occasionally loud.

The nature of the work requires the employee to climb ladders or scaffolding in order to access and walk on rooftops. A sense of balance is required to walk on pitched rooftops. The job also requires the ability to access and enter cramped quarters such as crawl spaces located under homes, or spaces such as attic areas. Working within the crawl space may bring the employee into contact with reptiles, insects and/or rodents. While conducting an inspection, it may require the employee to walk over rough, uneven, and rock surfaces.

FLSA Status: Nonexempt
Prepared By: Leslie Loomis, Thomas Ahrens
Prepared Date: January 2008
Approved By: City of San Rafael
Revised Date: March 2023
Revised By: Alicia Giudice

SAN RAFAEL UNREPRESENTED MID-MANAGEMENT

SALARY SCHEDULE

Effective July 1, 2023

Grade	Position	A	B	C	D	E
7315	Accounting Manager	\$ 10,080	\$ 10,584	\$ 11,113	\$ 11,668	\$ 12,252
2303	Assistant Community Development Director	\$ 12,646	\$ 13,278	\$ 13,942	\$ 14,639	\$ 15,371
2400	Assistant Library and Recreation Director	\$ 11,355	\$ 11,923	\$ 12,519	\$ 13,145	\$ 13,802
2202	Assistant Public Works Director	\$ 12,886	\$ 13,530	\$ 14,207	\$ 14,917	\$ 15,663
2302	Chief Building Official	\$ 11,975	\$ 12,574	\$ 13,202	\$ 13,863	\$ 14,556
4203	Civic Design Manager	\$ 10,229	\$ 10,741	\$ 11,278	\$ 11,842	\$ 12,434
2122	Code Enforcement Supervisor	\$ 7,796	\$ 8,186	\$ 8,595	\$ 9,025	\$ 9,477
4204	Data & Infrastructure Manager	\$ 11,328	\$ 11,894	\$ 12,489	\$ 13,113	\$ 13,769
TBD	Deputy Building Official*	\$ 10,265	\$ 10,778	\$ 11,317	\$ 11,883	\$ 12,477
1105	Deputy City Attorney I	\$ 10,852	\$ 11,395	\$ 11,965	\$ 12,563	\$ 13,191
1109	Deputy City Attorney II	\$ 11,965	\$ 12,564	\$ 13,192	\$ 13,852	\$ 14,544
7125	Deputy Director of Emergency Management	\$ 12,886	\$ 13,530	\$ 14,207	\$ 14,917	\$ 15,663
7127	Deputy Fire Chief	\$ 14,663	\$ 15,396	\$ 16,166	\$ 16,974	\$ 17,823
2120	Deputy Fire Marshall	\$ 10,193	\$ 10,702	\$ 11,237	\$ 11,799	\$ 12,389
2135	Deputy Public Works Director	\$ 11,707	\$ 12,292	\$ 12,907	\$ 13,552	\$ 14,230
7313	Economic Development Coordinator	\$ 9,834	\$ 10,326	\$ 10,842	\$ 11,385	\$ 11,954
2128	Economic Development Manager	\$ 10,814	\$ 11,355	\$ 11,923	\$ 12,519	\$ 13,145
7117	Emergency Services Manager	\$ 9,595	\$ 10,075	\$ 10,579	\$ 11,108	\$ 11,663
2138	Housing Manager	\$ 11,173	\$ 11,732	\$ 12,318	\$ 12,934	\$ 13,581
2107	Human Resources Operations Manager*	\$ 9,779	\$ 10,268	\$ 10,781	\$ 11,320	\$ 11,886
2208	Operations and Maintenance Manager	\$ 10,661	\$ 11,194	\$ 11,754	\$ 12,341	\$ 12,958
2208	Operations and Maintenance Manager (SRSD)	\$ 10,661	\$ 11,194	\$ 11,754	\$ 12,341	\$ 12,958
2703	Parking Services Manager	\$ 9,834	\$ 10,326	\$ 10,842	\$ 11,385	\$ 11,954
7312	Parks Superintendent	\$ 9,735	\$ 10,222	\$ 10,733	\$ 11,269	\$ 11,833
2116	Planning Manager	\$ 11,173	\$ 11,732	\$ 12,318	\$ 12,934	\$ 13,581
TBD	Principal HR Analyst	\$ 9,779	\$ 10,268	\$ 10,781	\$ 11,320	\$ 11,886
4206	Product Manager	\$ 10,229	\$ 10,741	\$ 11,278	\$ 11,842	\$ 12,434
8103	Recreation Supervisor	\$ 8,242	\$ 8,654	\$ 9,087	\$ 9,541	\$ 10,019
2206	Senior Civil Engineer (SRSD)	\$ 11,397	\$ 11,966	\$ 12,565	\$ 13,193	\$ 13,853
7317	Senior Code Enforcement Supervisor	\$ 8,605	\$ 9,036	\$ 9,487	\$ 9,962	\$ 10,460
2101	Senior Management Analyst I	\$ 7,985	\$ 8,384	\$ 8,803	\$ 9,243	\$ 9,705
2105	Senior Management Analyst II	\$ 9,507	\$ 9,982	\$ 10,481	\$ 11,005	\$ 11,555
2203	Senior Project Manager	\$ 9,729	\$ 10,216	\$ 10,726	\$ 11,263	\$ 11,826
8102	Senior Recreation Supervisor	\$ 9,097	\$ 9,552	\$ 10,030	\$ 10,531	\$ 11,058
7310	Sewer Maintenance Superintendent	\$ 9,735	\$ 10,222	\$ 10,733	\$ 11,269	\$ 11,833
7311	Street Maintenance Superintendent	\$ 9,735	\$ 10,222	\$ 10,733	\$ 11,269	\$ 11,833
7245	Supervising Librarian	\$ 8,242	\$ 8,654	\$ 9,087	\$ 9,541	\$ 10,019
2150	Sustainability Program Manager	\$ 8,013	\$ 8,413	\$ 8,834	\$ 9,275	\$ 9,739

*Position to be reclassified to Principal HR Analyst

**City of San Rafael
Job Class Specification**

**Job Title: Principal Human Resources Analyst
Operations Manager**

SUMMARY:

~~To perform highly complex and analytical, professional level work in the implementation of the Human Resources functions in the areas of labor and employee relations, workers compensation, risk management, recruitment and retention, classification, compensation, training, and benefits administration; manage and direct Human Resources employee(s); manage and direct a division and/or assist the Human Resources Director in managing the day to day functions of the Human Resources Department in the areas of recruitment and retention, classification, compensation, training, benefits, labor relations and workers' compensation programs; performs highly complex managerial and professional level work in the implementation of the Human Resources goals and objectives; and perform related work as directed.~~

SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from the Human Resources Director. ~~May S~~supervises professional, technical and/or support staff assigned to the department.

CLASS CHARACTERISTICS:

This single position class will ~~maintain be assigned to oversee all day to day Human Resources functions including~~ full responsibility in ~~benefit administration and assistance to the Human Resources Director in~~ Employee and Labor Relations, Risk Management, Workers Compensation and Benefits Administration functions. This class is distinguished from the Human Resources Director in that the latter has the overall management responsibility for all personnel services, activities and functions. ~~It is distinguished from the Management Analyst series, in that the Principal Human Resources Analyst will be responsible for the most complex work in the division and may supervise other Human Resources professionals.~~

EXAMPLES OF RESPONSIBILITIES AND DUTIES responsibilities and duties may include, but are not limited to the following:

- Assists in the development and implementation of goals, objectives, policies, procedures and work standards for the department; assists in administering the department's budget.
- Plans, organizes, administers, reviews and evaluates the activities of professional and technical support staff.
- ~~Assist the Human Resources Director in~~ Responsible for managing and running the City's employee relations and labor negotiations functions, including contract negotiations and meet and confer sessions, grievance responses, and working with department on employee discipline and performance coaching.
- Oversees and manages the Risk Management and Workers Compensation programs for the City.

- Confers with City employees regarding personnel, employee relations, or related activities or problems and may assist the Director in conferring with supervisors and managers on the same matters, as required.
- Prepare complex written reports and make presentations to the City Council as required.
- ~~Assists the Director in managing the training program for the City in assessing training needs and in developing programs to enhance the skill and performance level of employees.~~
- ~~Selects assigned staff and provides for their~~ Develops and deliverddelivered training and professional development; interprets City policies and procedures to employees.
- Directs and conducts analytical studies; develops and reviews reports of findings, alternatives and recommendations.
- Helps in preparing the department's annual operating budget; monitors expenditures to ensure that the department operates within the allocated budget.
- ~~Oversees the recruitment testing and certification program for the City; reviews and approves recruitment and examination plans for open and promotional recruitments using established guidelines and authorities; works with subordinate staff to design and implement appropriate internal procedures to assure that the recruitment, testing and certification meet accepted standards.~~
- Periodically reviews and d evaluates established recruitment and selection procedures and recommends and implements changes when required.
- Manages and directs the City's employee benefits program including leave management programs; negotiates with insurance carriers on rates and coverage; works with insurance brokers to obtain the best rates and coverage for a variety of products; monitors industry trends and recommends strategies to the Human Resources Director dealing with cost and quality.
- ~~Participate in labor relations activities, including contract negotiations, meet and confer sessions and meet and consult sessions.~~
- ~~Serve as HR lead regarding Information Systems/Technological management; explore the application of new human resource technologies to the division's function and programs and recommends the acquisition of technologies when appropriate.~~
- May be required to conduct investigations into discrimination complaints and make recommendations for resolving complaints; coordinates City response to state and federal enforcement agencies when required.

KNOWLEDGE OF:

- Principles and practices of labor relations and employee relations in a labor represented organization.
- Laws, policies, contracts including MMBA, and MOU's governing the relationship between the City of San Rafael and its employees.
- The principles, practices and techniques of personnel assessment and employment testing including, but not limited to the Uniform Guidelines on Employee Selection Procedures; the Standards for Educational and Psychological Testing and other authorities.
- ~~The principles, practices and techniques of position classification and compensation management.~~
- Principles, practices and technique of program analysis.

- Pertinent Federal, State and local laws, codes and regulations dealing with the employment process.
- The principles, practices and techniques of employment benefit management.
- The principles, practices and techniques of employee evaluation, ~~and~~ performance management programs, ~~and~~ employee counseling.

ABILITY TO:

- Resolve complex personnel management issues in a constructive manner.
- Plan, direct and supervise the work of professional, technical and support staff; develop work plans and monitor job performance; conduct performance reviews.
- Prepare complex written reports in a clear and precise manner.
- Analyze data and develop appropriate conclusions.
- Make public presentations before the City Council and other authorities.
- Maintain cooperative and constructive relationships with the position's stakeholders.
- Negotiate agreements on behalf of the City of San Rafael
- Apply rules, regulations, labor agreements, state and federal laws to complex personnel management problems.
- Use a variety of computer applications to manage information.

MINIMUM QUALIFICATIONS:

Sufficient education, training and/or work experience to demonstrate possession of the **following required** knowledge, skills and abilities, ~~which would typically be acquired through:~~

Possession of a bachelor's degree with major course work in business or public administration, industrial relations, human resources management or a closely related ~~field~~ and five years of professional experience in ~~public administration~~ Human Resources required, including two years of ~~direct supervision preferably in a public agency~~ increasingly responsible work in the areas of labor and employee relations and/or Workers Compensation. A Master's degree in Human Resources Management, Public Administration or a related field is preferred.

FLSA Status: Exempt
 Prepared By: MRG Consulting / City of San Rafael
 Prepared Date: ~~February 2020~~ May 2023
 Approved Date:

**City of San Rafael
Job Class Specification**

Job Title: Deputy City Clerk III

SUMMARY

Under general supervision, performs a variety of highly responsible and complex technical, administrative and clerical activities in support of the City Clerk's office. This position reports to the City Clerk and is responsible for maintenance of the City's official records, for recording and producing the minutes of City Council meetings; providing administrative support to the City Clerk; and performing related work as required.

DISTINGUISHING CHARACTERISTICS:

~~This is a single position classification in the City Clerk's Office.~~ This class series is distinguished from other classes by responsibility for maintenance of official City records and other prescribed activities.

Deputy City Clerk I - This position works under general supervision while progressing in their assignment of more complex tasks as procedures and processes of duties are learned.

The Deputy City Clerk II position is distinguished from the Deputy City Clerk I position by a higher level of administrative knowledge and experience required for successful performance of the full range of assigned duties; a greater complexity of work assignments; a higher level of independent judgment and initiative exercised in the performance of assignments with only occasional instruction or assistance as unusual or unique situations arise; and a potential for greater impact of erroneous decisions on operating costs and schedules of a City department. Incumbents in this classification are expected to exercise a high degree of initiative and independent judgment in performing confidential and complex tasks.

These positions are not flexibly staffed, and advancement is not automatic from one level to the next.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

- In the absence of the City Clerk, functions as the City Clerk, attends City Council meetings and perform all of the duties of holding a public meeting, including facilitating public comment, calling roll for Council votes, etc. ~~and records actions by using information technology.~~
- Ensures adherence to established Council meeting procedures and rules; processes Council actions in the form of resolutions and ordinances; performs research, data gathering and analysis for written reports to the City Clerk.
- Prepares Council Chambers- or other rooms for meetings
- Generates Action Agendas and finalizes official minutes.
- Processes and responds to Public Records Act (PRA) requests.
- Plans, organizes, develops, implements and administers the City-wide records management system.
- ~~Maintains, updates and enforces records retention schedules, policies and procedures~~
- Assists in the development and implementation of goals, objectives, policies, procedures and work standards for the department.
- Participates in the development and administration of the department's budget.
- Maintains current knowledge of new trends and innovations in the field of records management
- Answers telephone calls, responds to email, researches records and retrieves information for general public, City Council and City staff
- Prepares agenda packets, hard copy and electronically, for Council meetings.
- Files and indexes official City records as prescribed.
- Maintains other City and departmental records and files.

- Processes newly adopted resolutions and ordinances for incorporation to City records and for codification
- In the absence of the City Clerk administers oaths of office, acts as Notary Public and certifies official City records
- When necessary, affixes the City seal to certify official documents.
- Receives new liability claims in the City Clerk's office or other City Hall departments as needed.
- Assists the City Clerk with organization and conduct of municipal elections
- Responsible for ensuring elected and appointed officials and designated City employees comply with the filing obligations of the Fair Political Practices Commission (FPPC)
- Assists the City Clerk in the preparation and execution of municipal elections.
- May be required to work evenings and/or irregular work hours
- Makes recommendations regarding office procedures and processes, including technology, to improve workflow and implements improvements subsequent to approval.
- Performs other related duties as assigned

KNOWLEDGE OF:

- Principles and practices of municipal government administration, the Brown Act, the Public Records Act, the Political Reform Act and other legal and administrative procedures relating to municipal records management
- Principles and practices of records management
- Applicable federal, state and municipal laws, including those related to elections, agendas, meeting procedures, statements of economic interests and campaign statement filings
- Modern office procedures, methods and equipment.

ABILITY TO:

- Effectively run a records management and retention program, including computer applications and equipment
- Ability to effectively utilize computer applications and technology related to the work
- Compose routine correspondence independently.
- Use initiative and sound independent judgement within established guidelines.
- Communicate tactfully and effectively with the public.
- On occasion attend City Council and related meetings outside of normal business hours.
- Operate modern office equipment and related software including web publishing, document imaging, Excel, Access and PowerPoint.
- Be proactive in investigating new technology trends for implementation where possible
- Prioritize own work, completing assigned tasks in a timely, accurate manner; and using sound, independent judgment within policy and procedural guidelines

EDUCATION and/or EXPERIENCE:

Deputy City Clerk I: A typical way of gaining the knowledge, skill and ability outlined above is:
Equivalent to AA degree and three years of progressively responsible experience using state of the art technology in a local government agency, preferably in a City Clerk's Office.

Deputy City Clerk II: in addition to the requirements for the Deputy City Clerk I, this level requires at least 4 years of experience as a Deputy City Clerk I with the City of San Rafael or demonstrated ability to successfully complete the essential duties and responsibilities at the full journey level with a high degree of autonomy. Bachelor's Degree preferred. Certified Municipal Clerk designation preferred.

LANGUAGE SKILLS:

Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write routine reports and correspondence. Ability to speak effectively before groups.

MATHEMATICAL SKILLS:

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to create and interpret graphs.

CERTIFICATES:

Commission as a Notary Public in the State of California within six months of appointment

REASONING ABILITY:

Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form. Ability to deal with problems involving several concrete variables in standardized situations.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit; use hands to finger, handle, or feel; and talk or hear. The employee frequently is required to reach with hands and arms. The employee is occasionally required to stand and walk. The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, and ability to adjust focus.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee regularly works in indoor conditions and regularly works near video display. The noise level in the work environment is usually moderate.

FLSA Status: Non-exempt
Prepared Date: August 2017
Approved By: City of San Rafael
Approved Date: September 5, 2017
Revised: May 2023

City of San Rafael
SEIU - SALARY SCHEDULE
Effective July 1, 2023

Grade	Position	A	B	C	D	E
7241	Accountant I	\$ 6,400	\$ 6,720	\$ 7,056	\$ 7,409	\$ 7,779
7240	Accountant II	\$ 6,720	\$ 7,057	\$ 7,409	\$ 7,780	\$ 8,169
7200	Accounting Assistant I	\$ 4,661	\$ 4,895	\$ 5,139	\$ 5,396	\$ 5,666
7201	Accounting Assistant II	\$ 5,134	\$ 5,391	\$ 5,661	\$ 5,944	\$ 6,241
7300	Senior Accounting Assistant	\$ 5,661	\$ 5,944	\$ 6,241	\$ 6,553	\$ 6,881
7299	Accounting Technician	\$ 6,402	\$ 6,722	\$ 7,058	\$ 7,411	\$ 7,782
7205	Administrative Analyst	\$ 6,050	\$ 6,352	\$ 6,670	\$ 7,003	\$ 7,353
7211	Administrative Assistant I	\$ 4,832	\$ 5,073	\$ 5,327	\$ 5,593	\$ 5,873
7212	Administrative Assistant II	\$ 5,327	\$ 5,594	\$ 5,873	\$ 6,167	\$ 6,475
7295	Senior Administrative Assistant	\$ 5,736	\$ 6,023	\$ 6,324	\$ 6,640	\$ 6,972
7216	Administrative Assistant to the City Clerk	\$ 5,736	\$ 6,023	\$ 6,324	\$ 6,640	\$ 6,972
7210	Assistant Planner	\$ 6,842	\$ 7,184	\$ 7,544	\$ 7,921	\$ 8,317
7208	Associate Planner	\$ 7,551	\$ 7,929	\$ 8,325	\$ 8,741	\$ 9,179
7217	Building Inspector I	\$ 6,200	\$ 6,510	\$ 6,836	\$ 7,178	\$ 7,536
7218	Building Inspector II	\$ 6,842	\$ 7,184	\$ 7,544	\$ 7,921	\$ 8,317
7220	Business License Examiner	\$ 5,390	\$ 5,660	\$ 5,943	\$ 6,240	\$ 6,552
7222	Code Enforcement Official I	\$ 4,967	\$ 5,215	\$ 5,476	\$ 5,750	\$ 6,038
7223	Code Enforcement Official II	\$ 5,481	\$ 5,755	\$ 6,043	\$ 6,345	\$ 6,662
7380	Code Enforcement Official III	\$ 6,509	\$ 6,835	\$ 7,176	\$ 7,535	\$ 7,912
2119	Construction Inspector - SRSD	\$ 6,739	\$ 7,076	\$ 7,430	\$ 7,802	\$ 8,192
7224	Custodian	\$ 4,626	\$ 4,857	\$ 5,100	\$ 5,355	\$ 5,623
4210	Data Analyst I	\$ 6,989	\$ 7,339	\$ 7,706	\$ 8,091	\$ 8,496
4211	Data Analyst II	\$ 7,688	\$ 8,073	\$ 8,476	\$ 8,900	\$ 9,345
4212	Data Analyst III	\$ 8,457	\$ 8,880	\$ 9,324	\$ 9,790	\$ 10,280
7226	Deputy City Clerk I	\$ 5,880	\$ 6,174	\$ 6,483	\$ 6,807	\$ 7,147
TBD	Deputy City Clerk II*	\$ 7,147	\$ 7,504	\$ 7,880	\$ 8,274	\$ 8,687
7120	Emergency Management Coordinator	\$ 5,603	\$ 5,883	\$ 6,177	\$ 6,486	\$ 6,810
7121	Environmental Management Coordinator	\$ 5,603	\$ 5,883	\$ 6,177	\$ 6,486	\$ 6,810
7232	Facility Repair Supervisor	\$ 7,365	\$ 7,733	\$ 8,119	\$ 8,525	\$ 8,952
7291	Facility Repair Worker I	\$ 5,226	\$ 5,487	\$ 5,762	\$ 6,050	\$ 6,352
7233	Facility Repair Worker II	\$ 5,764	\$ 6,052	\$ 6,354	\$ 6,672	\$ 7,006
7294	Facility Repair Worker III	\$ 6,203	\$ 6,513	\$ 6,838	\$ 7,180	\$ 7,539
7108	Fire Prevention Inspector I	\$ 7,835	\$ 8,226	\$ 8,638	\$ 9,070	\$ 9,523
7107	Fire Prevention Inspector II	\$ 8,637	\$ 9,069	\$ 9,522	\$ 9,998	\$ 10,498
7298	IT Help Desk Supervisor	\$ 7,688	\$ 8,073	\$ 8,476	\$ 8,900	\$ 9,345
7243	Librarian I	\$ 5,996	\$ 6,296	\$ 6,611	\$ 6,942	\$ 7,289
7244	Librarian II	\$ 6,299	\$ 6,614	\$ 6,945	\$ 7,292	\$ 7,656
2404	Library Aide	\$ 2,874	\$ 3,018	\$ 3,169	\$ 3,327	\$ 3,494
7246	Library Assistant I	\$ 3,948	\$ 4,146	\$ 4,353	\$ 4,571	\$ 4,799
7247	Library Assistant II	\$ 4,465	\$ 4,688	\$ 4,923	\$ 5,169	\$ 5,427
2405	Library Tech Services Supervisor	\$ 5,709	\$ 5,994	\$ 6,294	\$ 6,609	\$ 6,939
7292	Literacy Program Supervisor	\$ 6,949	\$ 7,297	\$ 7,662	\$ 8,045	\$ 8,447
7249	Mail and Stores Clerk	\$ 4,175	\$ 4,384	\$ 4,603	\$ 4,833	\$ 5,075
7255	Network Analyst	\$ 6,991	\$ 7,340	\$ 7,707	\$ 8,092	\$ 8,497
7274	Network Support Technician	\$ 5,347	\$ 5,614	\$ 5,895	\$ 6,190	\$ 6,499

7285	Office Assistant I	\$ 3,976	\$ 4,175	\$ 4,383	\$ 4,603	\$ 4,833
7284	Office Assistant II	\$ 4,491	\$ 4,716	\$ 4,952	\$ 5,199	\$ 5,459
7256	Park Equipment Mechanic	\$ 6,054	\$ 6,356	\$ 6,674	\$ 7,008	\$ 7,358
7257	Parking Attendant I	\$ 2,276	\$ 2,390	\$ 2,509	\$ 2,635	\$ 2,767
7275	Parking Attendant II	\$ 2,507	\$ 2,632	\$ 2,764	\$ 2,902	\$ 3,047
6208	Parking Enforcement Officer	\$ 5,553	\$ 5,830	\$ 6,122	\$ 6,428	\$ 6,749
6212	Parking Equipment Technician	\$ 5,357	\$ 5,625	\$ 5,906	\$ 6,201	\$ 6,512
6209	Parking Maintenance & Collections	\$ 5,357	\$ 5,625	\$ 5,906	\$ 6,201	\$ 6,511
6211	Parking Operations Supervisor	\$ 7,364	\$ 7,733	\$ 8,119	\$ 8,525	\$ 8,951
7258	Parks & Graffiti Worker	\$ 4,859	\$ 5,102	\$ 5,357	\$ 5,625	\$ 5,906
2123	Parks Lead Maintenance Worker	\$ 6,203	\$ 6,513	\$ 6,838	\$ 7,180	\$ 7,539
7271	Parks Maintenance Supervisor	\$ 7,365	\$ 7,733	\$ 8,119	\$ 8,525	\$ 8,952
7236	Parks Maintenance Worker I	\$ 5,102	\$ 5,357	\$ 5,625	\$ 5,906	\$ 6,202
7238	Parks Maintenance Worker II	\$ 5,357	\$ 5,625	\$ 5,906	\$ 6,202	\$ 6,512
7296	Permit Services Coordinator	\$ 7,386	\$ 7,755	\$ 8,143	\$ 8,550	\$ 8,978
7396	Permit Services Supervisor	\$ 8,310	\$ 8,725	\$ 9,161	\$ 9,620	\$ 10,101
7196	Permit Technician I	\$ 5,125	\$ 5,381	\$ 5,650	\$ 5,933	\$ 6,229
7197	Permit Technician II	\$ 5,637	\$ 5,919	\$ 6,215	\$ 6,525	\$ 6,852
7198	Permit Technician III	\$ 6,201	\$ 6,511	\$ 6,836	\$ 7,178	\$ 7,537
7261	Planning Technician	\$ 5,347	\$ 5,614	\$ 5,895	\$ 6,190	\$ 6,499
9453	Principal Planner	\$ 9,884	\$ 10,378	\$ 10,897	\$ 11,442	\$ 12,014
7234	Printing Press Operator	\$ 5,199	\$ 5,459	\$ 5,732	\$ 6,018	\$ 6,319
TBD	Program Analyst	\$ 6,635	\$ 6,966	\$ 7,315	\$ 7,681	\$ 8,065
1201	Program Coordinator	\$ 5,619	\$ 5,900	\$ 6,195	\$ 6,505	\$ 6,830
7290	Public Works Dispatcher	\$ 5,357	\$ 5,625	\$ 5,906	\$ 6,202	\$ 6,512
7253	Public Works Inspector	\$ 6,127	\$ 6,433	\$ 6,755	\$ 7,092	\$ 7,447
7263	Revenue Supervisor	\$ 8,166	\$ 8,574	\$ 9,002	\$ 9,453	\$ 9,925
2309	Senior Building Inspector	\$ 8,122	\$ 8,528	\$ 8,955	\$ 9,403	\$ 9,873
7265	Senior Library Assistant	\$ 4,689	\$ 4,923	\$ 5,170	\$ 5,428	\$ 5,700
7264	Senior Planner	\$ 8,545	\$ 8,972	\$ 9,421	\$ 9,892	\$ 10,387
2204	Sewer Lead Maintenance Worker	\$ 6,840	\$ 7,182	\$ 7,541	\$ 7,918	\$ 8,314
7266	Sewer Maintenance Worker I	\$ 5,489	\$ 5,764	\$ 6,052	\$ 6,355	\$ 6,672
7267	Sewer Maintenance Worker II	\$ 5,907	\$ 6,203	\$ 6,513	\$ 6,839	\$ 7,180
7281	Sewers Supervisor	\$ 7,732	\$ 8,118	\$ 8,524	\$ 8,950	\$ 9,398
7269	Shop & Equipment Supervisor	\$ 7,365	\$ 7,733	\$ 8,120	\$ 8,525	\$ 8,952
7280	Street Lead Maintenance Worker	\$ 6,203	\$ 6,513	\$ 6,838	\$ 7,180	\$ 7,539
7209	Street Maintenance Supervisor	\$ 7,365	\$ 7,733	\$ 8,119	\$ 8,525	\$ 8,952
7250	Street Maintenance Worker I	\$ 5,102	\$ 5,357	\$ 5,625	\$ 5,906	\$ 6,202
7251	Street Maintenance Worker II	\$ 5,357	\$ 5,625	\$ 5,906	\$ 6,202	\$ 6,512
7283	Street Sweeper Operator	\$ 5,625	\$ 5,906	\$ 6,202	\$ 6,512	\$ 6,837
8523	Supervising Parking Enforcement Officer	\$ 6,245	\$ 6,557	\$ 6,885	\$ 7,229	\$ 7,590
7288	Supervising Vehicle/Equipment Mechanic	\$ 6,515	\$ 6,841	\$ 7,183	\$ 7,542	\$ 7,919
7286	Vehicle/Equipment Mechanic I	\$ 5,490	\$ 5,764	\$ 6,052	\$ 6,355	\$ 6,673
7287	Vehicle/Equipment Mechanic II	\$ 6,054	\$ 6,356	\$ 6,674	\$ 7,008	\$ 7,358
2131	Volunteer Program Assistant	\$ 5,418	\$ 5,689	\$ 5,973	\$ 6,272	\$ 6,586

**New Classification*

GOALS & OBJECTIVES FY 23-24 AND FY 24-25



SAN RAFAEL

THE CITY WITH A MISSION

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ABOUT OUR CITY

We are a 21st century government,
making City services easy to use
and work for everyone.



OUR PURPOSE

INTRODUCTION

The City of San Rafael Goals and Objectives FY 23-24 and FY 24-25 document outlines the City's strategic priorities and initiatives for the upcoming two fiscal years. The document is divided into four key policy focus areas: Economic Growth; Diversity, Equity, Inclusion and Belonging; Sustainability, Climate Change, & Disaster Preparedness; and Housing and Homelessness. Goals are further broken down into City Service Areas.

While each of these areas represents a distinct policy focus, they are interrelated and affect each other in significant ways, so although we have categorized them, some goals have the potential to fall into several areas. By recognizing the potential overlap between goals and policy areas, the City can develop more integrated and effective strategies to achieve our objectives. This approach helps to avoid siloed thinking and encourages collaboration across City departments and community stakeholders to achieve identified goals.

The City of San Rafael is committed to its work implementing environmentally sustainable practices, promoting affordable housing, supporting local businesses, improving public safety, livable neighborhoods, efficient and effective City services, transportation, recreational opportunities, responsive governance, and leadership, and ensuring equitable access to all City services.

The City of San Rafael provides a comprehensive range of municipal services in-house, making it a "full service" City. Since our services are primarily provided by people, 75% of our overall expenditures go towards City staff. Our employees perform a wide variety of tasks, including emergency response, community programming, streets and parks maintenance, safety inspections, and more.

The City's primary limitation is financial resources. Sales and property taxes are our biggest revenue source. However, the bulk of these taxes are allocated to entities such as the State of California, the County of Marin, schools, and transit agencies. As a result, our goals and aspirations must be balanced against our financial responsibilities.

The City recognizes that these goals cannot be achieved in a vacuum. The City will continue to partner and engage with residents, business owners, community groups, and other stakeholders to ensure that its priorities reflect the needs and aspirations of the community. Partnering to achieve the best outcomes for our residents.



HOW DO I GET MY SERVICES?

STATE OF CALIFORNIA
 Freeways & bridges (Caltrans)
 Department of Motor Vehicles (DMV)
 Income tax and corporate tax collection
 Unemployment

COUNTY OF MARIN
 Health and Human Services
 Homelessness and Mental Health
 Tax assessments
 Birth & marriage certificates
 Registrar of Voters
 County Courts & Jail
 County open space & parks

PG&E / MCE
 Electricity & gas service

CITY OF SAN RAFAEL
 Planning & building approvals
 Libraries & Community Centers
 Homelessness assistance
 Business retention & expansion
 City parks & playgrounds
 Sustainability programs



MARIN SANITARY SERVICE
 Refuse & recycling

SAN RAFAEL, LAS GALLINAS VALLEY, & CENTRAL MARIN SANITATION DISTRICTS
 Sewer & sewerage treatment

CITY OF SAN RAFAEL
 Police Department
 Fire Department
 Parking services
 Traffic signals
 Street maintenance
 Drain and Creek maintenance

MARIN TRANSIT & GOLDEN GATE TRANSIT
 Bus services

SMART
 Sonoma Marin Area Rapid Transit

MARIN MUNICIPAL WATER DISTRICT
 Local water supply, watersheds & reservoirs

SRCS, MILLER CREEK SCHOOL DISTRICT
 K-12 Public Education

POLICY FOCUS AREAS

ECONOMIC GROWTH

Building our economy to be stronger and more resilient.

SUSTAINABILITY, CLIMATE CHANGE & DISASTER PREPAREDNESS

Reducing greenhouse gas emissions while mitigating and adapting to climate change.

DIVERSITY, EQUITY, INCLUSION & BELONGING (DEIB)

Working to create equitable outcomes for all, while addressing systemic racial injustices.

HOUSING & HOMELESSNESS

Creating new housing, keeping people in their homes, and use a “Housing First” model.





ECONOMIC GROWTH

- Implement initiatives from the Economic Development Strategic Plan that will reinvigorate commerce across the city, find innovative strategies to attract and retain businesses, attract high-tech and other emerging market users, and ensure that growth is not only sustainable, but also equitable.
- Create an environment that is conducive to business growth and job creation, encouraging investment and innovation, developing infrastructure and human capital, and promoting trade and commerce.
- Conduct a feasibility study for the creation of Property Based Improvement Districts (PBIDs) that enhance the appearance and vitality of public spaces through such things as: improving safety, cleanliness, marketing, and physical upgrades.
- Work with community partners such as the Chamber of Commerce, Business Improvement District (BID), Small Business Development Center, Marin County Office of Education, Canal Alliance, and Hispanic Chamber of Commerce on economic recovery initiatives and workforce development programs.
- Explore new revenues to fund economic development, such as a tourism-based improvement assessment or an increased Transit Occupancy Tax.



DIVERSITY, EQUITY, INCLUSION & BELONGING (DEIB)

- Continue and expand training for all City staff, elected officials, and boards and commissions members around Diversity, Equity, Inclusion and Belonging (DEIB) principles to ensure that equity considerations are integrated into the City's policies and practices.
- Develop a strategic roadmap to guide the City's DEIB internally-facing efforts, including implementing the human resources equity audit and continuing to evaluate policies and practices for alignment with DEIB principles.
- Continue inclusive resident engagement practices that find opportunities to partner with underserved community members to build capacity for meaningful civic engagement and lift up traditionally marginalized voices.
- Hold community meetings in Spanish with English interpretation and analyze best practices for increasing inclusivity by offering daycare, food, and stipends to participants.
- Increase police accountability and promote transparency with law enforcement, and develop a community accountability advisory committee who will evaluate options such as, engaging an independent auditor and providing feedback on policing policies and practices.
- Develop a Language Resource Access Plan to support multilingual engagement practices across the City, and explore best practices for interpretation for all publicly noticed meetings.
- Implement strategies to increase the diversity of public safety recruitments to attract and hire qualified candidates from diverse backgrounds,



HOUSING & HOMELESSNESS

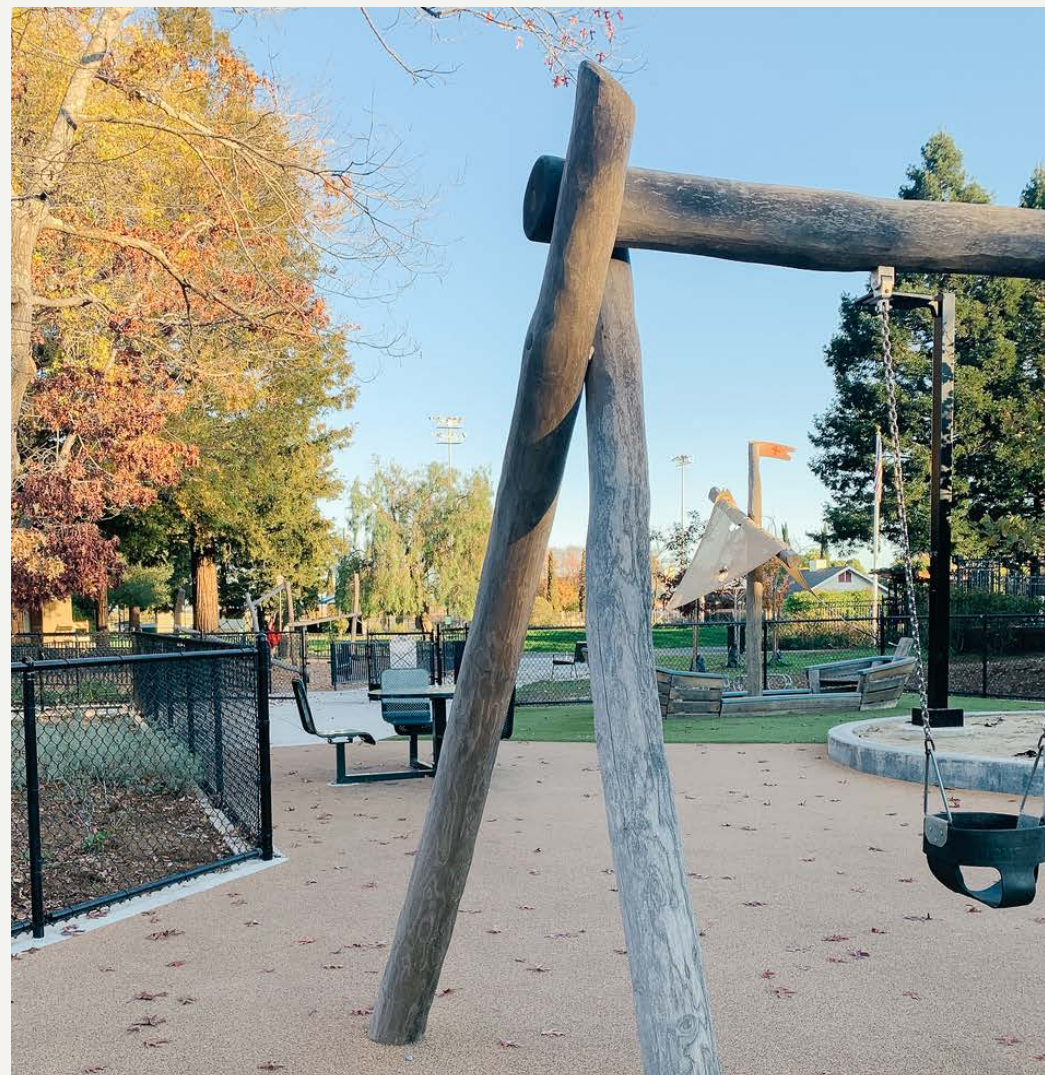
- Evaluate existing tenant protection policies to determine their effectiveness and consider the implementation of revised policies to expand housing choices for all residents, as outlined in the 2023-2031 Housing Element, to ensure habitability, create fair housing, and end homelessness.
- Partner with community stakeholders to develop policies to protect renters and low-income earners from increasing housing prices and uncertain economic conditions. Support maintaining and improving our housing base and reduce the likelihood of homelessness.
- Continue evaluating Housing-Focused Shelter (Interim Housing), fortified with strong case management services to help transition unhoused community members into permanent supportive housing.
- Explore options for establishing a standardized process to regularly issue Notices of Funding Availability (NOFAs) to facilitate development of new affordable housing using the City's Affordable Housing Trust Fund.
- Continue to take a leadership role to support the countywide coordinated entry system and Project Homekey-type efforts to end chronic and veteran homelessness.



SUSTAINABILITY, CLIMATE CHANGE, & DISASTER PREPAREDNESS

- Develop a comprehensive adaptation plan that addresses the challenges and risks posed by wildfires, sea level rise, and other disasters to San Rafael and its residents using strategies and data from community partnerships and past planning efforts to provide a roadmap for disaster prevention and mitigation.
- Build a more resilient community in the face of disasters, able to recover more quickly and effectively, including evacuation planning for residents in the event of emergencies. Increase disaster preparedness outreach so all residents, regardless of income, language, physical ability, digital access, or any limiting factor have knowledge and resources to be prepared to respond to disasters.
- Implement SB 1383 and reduce short-lived climate pollutants from organic waste. Promote voluntary compliance, protect the environment, and contribute to the City's overall sustainability goals.
- Continue to do outreach and partner with the County to implement the Reusable Foodware Ordinance to reduce waste, litter, and contamination in composting streams.
- Collaborate with the Transportation Authority of Marin and other community partners to develop an electric vehicle (EV) strategy for San Rafael, including increasing EV's and EV charging infrastructure at City facilities and in the community.
- Collaborate with the County of Marin to develop and implement a comprehensive Building Electrification Plan

CITY SERVICE AREAS



Services provided by
the City of San Rafael

GOAL A: NEIGHBORHOOD AND ECONOMIC VITALITY

Create and preserve a healthy economy and sustain vibrant neighborhoods, Downtown, and other business areas

The City provides a range of ongoing services in this area such as: the development entitlement process, retaining and attracting businesses, facilitating new housing units, reducing homelessness, conducting building/safety inspections and permitting, and implementing climate change and sustainability programs.

- Prioritize the implementation of key General Plan 2040 programs, including neighborhood planning, economic vitality, tree inventory, and improving and preserving public assets.
- Where discretion is allowed under State housing laws, create standards to guide new developments to best fit into San Rafael through implementing the Downtown Precise Plan and additional policies, as needed.
- Establish a By-Right Neighborhood Affordable Housing Overlay Zone to streamline the review and approval of affordable housing projects in high-density residential zoning districts. Develop a comprehensive plan for the Priority Development Areas (PDA) in the North and Southeast San Rafael neighborhoods addressing future development, mobility, sea level rise, and other community priorities.
- As development projects arise, create development agreements as necessary and facilitate community engagement efforts to inform and solicit input from the community throughout the process, such as the Northgate project.
- Using results from the 2022-23 day laborer survey, work with governmental and community partners to facilitate a Feasibility Study of a Day Laborer Center/Hiring Hall in San Rafael.
- Consider revisions to the Cannabis program, such as reviewing quantities and types of licenses, evaluating revisions for hemp products, and addressing products targeting youth.
- Continue to develop, improve and implement a comprehensive plan to address the issue of illegal dumping in areas of denser multifamily housing, with a focus on improving access to legal disposal options for tenants.
- Assess feasibility and revise the City's current residential parking permit program to address overcrowding of neighborhood parking in a cost-neutral and equitable manner.



GOAL B: QUALITY OF LIFE

Serve and strengthen community relationships by providing literary, artistic, recreational and cultural experiences for all residents and improving resident engagement and governmental transparency

The City provides a variety of ongoing services in this area, such as: operating the three libraries and three community centers, childcare services, Falkirk Cultural Center, and operating network of parks.

- Use Parks and Recreation Master Plan to guide the development, enhancement, and maintenance of parks, recreational facilities, and programs for the City.
- Enhance recreational opportunities and user experience at Pickleweed Park by adding new amenities, enhancing existing facilities, and installing all-weather turf on the field to provide a safe, sustainable, and inclusive community space.
- Redesign interior space at Pickleweed Branch Library and improve the Downtown Library's critical and life safety infrastructure, operations, and services to provide safe, functional, and innovative learning spaces.
- Replace the playground at Peacock Gap Park with a new, modern structure.
- Continue process to assess the feasibility of constructing a new library facility that meets the current and future needs of the community, including identifying potential funding sources and partnerships.
- Amend the smoking ordinance to bring it up to the latest standards, such as allowing the general public to bring a civil action against any person who has multiple violations.
- Continue to implement the Age-Friendly Strategic Plan, including working with the Age-Friendly Task Force to support ageism trainings and activities to address social isolation.
- Develop a comprehensive Master Plan for the Terra Linda Park and Community Center that will guide future site improvements and enhance the park and community center's role as a community resource.



GOAL C: PUBLIC SAFETY

Prevent and respond to emergencies through essential facility improvements and community and organizational emergency readiness

The City provides a variety of ongoing services in this area, such as: emergency response, advanced life support care, wildfire and structure fire prevention, traffic enforcement, crime prevention, mental health outreach, disaster preparedness, community education, and vegetation management.

- Analyze the results and effectiveness of the Specialized Assistance for Everyone (SAFE) team three-year pilot and determine if/how it should be adjusted (e.g. hours of operation) to have the greatest impact on community members and develop funding feasibility to extend beyond the pilot program period of time.
- Improve service to the community by reducing emergency response times of priority 1 police calls to average of less than six minutes.
- Continue community conversations about how the police department can improve residents' feelings of safety in their neighborhoods and improve trust with the community.
- Conduct a comprehensive evaluation of the Advanced License Plate Reader (ALPR) technology to assess its effectiveness in reducing auto thefts and Part 1 crimes while ensuring privacy and equity considerations are addressed. Analyze crime trend data to measure the impact of ALPR technology on investigations and explore ways to mitigate potential biases and protect sensitive personal information.
- Conduct a detailed fire deployment study to ensure that the current needs of the community are being met and to prepare for future growth.
- Examine emergency medical services delivery in San Rafael to ensure the highest-quality care is provided and the appropriate resources are provided in a responsible and effective manner for increasing demands for service.
- Evaluate the financial feasibility of the paramedic tax revenues to address future needs, including an increase in elder care facilities.

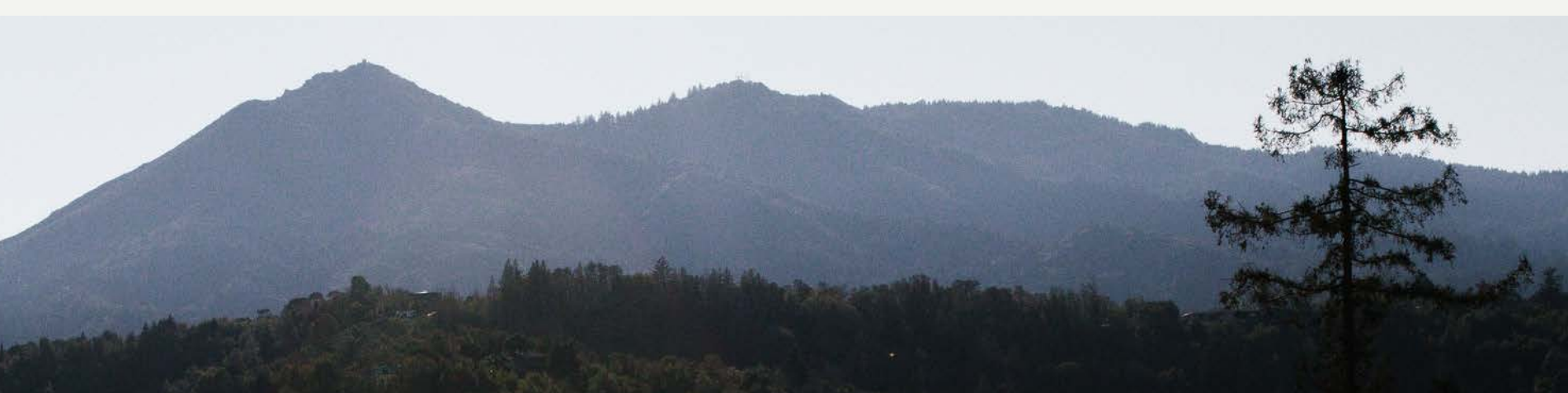


GOAL D: PUBLIC ASSETS

Improve and preserve public assets by sustaining effective levels of core infrastructure while reducing traffic congestion by expanding bicycle, pedestrian, and transit options

The City provides a variety of ongoing services in this area, such as: road paving, park upkeep, drain clearing to prevent flooding, safe transportation options including biking, walking, and public transit, traffic signals, streetlights, and building maintenance to ensure functionality, safety, and accessibility.

- Evaluate and prioritize the Capital Improvement Program annually, including initiating grant-funded projects in 2023 (e.g. improvements to the Second Street and Fourth Street intersection).
- Improve transportation and safety in the Canal neighborhood by conducting a feasibility study of the Canal Multi-modal experience and Canal swing bridge incorporating recommendations from the Canal Community Based Transportation Plan.
- Actively participate in the decision-making process with the Golden Gate Bridge, Highway and Transportation District in relocating the San Rafael (Bettini) Transit Center.
- Coordinate with the TAM and the County of Marin in the analysis and implementation of Vision Zero, or equivalent, to eliminate all traffic fatalities and severe injuries while increasing safe, healthy, equitable mobility for pedestrians, cyclists, and all modes of traffic.
- Actively participate in the decision-making process with Transportation Authority of Marin (TAM), other agencies, and the community on the US 101/I-580 Multimodal and Local Access Improvement Project.
- Develop a comprehensive Storm Drain Master Plan that will include network upgrades, maintenance schedules, sea level rise planning, and requirements for new developments.
- Develop an inventory of City assets, including buildings, infrastructure, parks, lighting, open space and trees, and develop a strategic plan for asset management to identify and quantify unfunded liabilities and deferred maintenance costs. Engage community volunteers to support this effort.
- Reduce the City's greenhouse gas emissions by transitioning, where feasible, diesel and gasoline-powered vehicles to electric vehicles.
- Develop and adopt an updated Pedestrian and Bicycle Master Plan to improve connectivity, safety, and accessibility for pedestrians and cyclists.



GOAL E: FOUNDATIONAL SERVICES

Maintain world-class/award-winning organizational viability and exemplary service through short and long-term financial success, organizational excellence and succession planning, and technology to improve efficiency and service levels

The City provides a variety of ongoing services, such as: managing budgets, supporting local elections, maintaining public records, issuing business licenses, support for boards and commissions, professional services such as human resources, legal, finance, and digital services.

- Develop a civic engagement strategy and reestablish the City's Communications Team including coordination and strategy around Citywide communications, website content strategy, and best practices.
- Improve the user experience for the public by implementing a new, modern permit management system which will streamline processes for applicants and improve coordination of permit services across all City departments.
- Make recommendations to bring to the ballot the Municipal Code and San Rafael's Charter focusing on updating any outdated, confusing, or inaccurate language, and make them more accessible, understandable, and gender-inclusive.
- Enhance Performance Measurement through the co-development of dashboards and data tools for the Council policy focus areas, provide easy access to performance metrics, and enable data-driven decision-making by City departments. Evaluate which data sets can be added to our open data portal to increase transparency.
- Continue next phases of internal "Together San Rafael" efforts including improvements to: employee recognition, employee experience including onboarding and mentoring, and DEIB projects and trainings.
- Review and revise, as necessary, the City's notification and communication standards for projects going through the entitlement process, and consider different standards depending on the potential impact of the project on the community.
- Analyze new revenue alternatives and opportunities for future needs, including aggressively seeking grant funding.



MEASURING PROGRESS

The City is implementing a performance measurement approach to track progress towards the priorities stated in this document. The goals of our performance measurement program are to:

- Track the City's progress on targets set in key policy areas
- Track the outcomes of activities conducted by the City
- Use the metrics and relevant data to help inform decision-making, progress towards our goals and objectives, and improve outcomes.

In 2022, the City Council approved 15 key metrics to track the City's progress towards the goals and objectives within the policy focus areas.

In FY 2022-2023, the City collected data related to each metric, established a baseline for the metric, and trendlines. Performance measurement dashboards were created and presented to Council through the budget and goal setting process. Summary findings and public dashboards are available on the City website.

www.cityofsanrafael.org/performance-metrics

Over the course of the next year we will continue to align metrics, targets, and goal setting to make sure the City is measuring the right things that show progress in key policy areas. Over the course of the next few years the City will:

- **Revise Metrics:** Evaluate and revise the current set of metrics to better capture the City's priorities, and develop a mapping of department goals and objectives to these metrics.
- **Choose targets:** Assign targets for each metric based on the estimated budget and staff time spent on related projects, and the relative importance of each of the goals and objectives
- **Integrate Performance Measurement into existing processes:** Leverage performance metrics and additional data to support staff, department directors, and Council in their decision-making to ultimately improve outcomes.



INTENSITY - COST AND PEOPLE

Goal A: Neighborhood and Economic Vitality

Goals	\$	👤
Create By-Right Affordable Housing Overlay Zone	\$\$	Ω
General Plan Implementation	\$\$\$	ΩΩΩ
Day Laborer Center Study	\$	Ω
Cannabis Program	\$	ΩΩ
Illegal Dumping Program	\$\$	ΩΩ
Downtown Precise Plan	\$\$	ΩΩ
Evaluate Residential Parking Permit Program	\$\$	ΩΩ

Goal B: Quality of Life

Goals	\$	👤
Evaluate Residential Parking Permit Program	\$\$	ΩΩ
Pickleweed Park Enhancements	\$\$	ΩΩ
Park and Rec Master Plan	\$\$\$	ΩΩΩ
Pickleweed Branch Library	\$\$\$\$	ΩΩ
Replace playground at Peacock Gap Park	\$\$\$	ΩΩ
Update Smoking Ordinance	\$	Ω
Age-Friendly Strategic Plan	\$\$	ΩΩ
Terra Linda Park and Community Center Master Plan	\$\$	ΩΩ
Explore Construction of New Library	\$\$\$\$	ΩΩΩ

Goal C: Public Safety

Goals	\$	👤
Analyze SAFE Pilot	\$\$	ΩΩ
Improve response times of police calls for service	\$\$	Ω
Evaluate alternative ambulance delivery models	\$	Ω
Evaluate License Plate Reader Tech	\$\$	ΩΩ
Auto Theft	\$	Ω
Conduct Fire Deployment Study	\$	Ω
Evaluate Paramedic Program	\$\$	ΩΩ

Goal D: Public Assets

Goals	\$	👤
Canal Swing Bridge	\$\$\$	ΩΩ
Transit Center Relocation	\$\$	ΩΩ
101/580 Multimodal Project	\$\$	ΩΩ
Asset Inventory and Strategic Management Plan	\$\$\$	ΩΩ
Vision Zero	\$\$	ΩΩ
Storm Drain Master Plan	\$\$\$	ΩΩ
Building out electric fleet	\$\$\$	ΩΩ
Capitol Improvement Program	\$\$\$	ΩΩ
Pedestrian and Bike Master Plan	\$\$	ΩΩ

Goal E: Foundational Services

Goals	\$	👤
Permit Management System Implementation	\$\$	ΩΩ
Civic Engagement Strategy	\$\$	ΩΩΩ
Municipal Code Update/City Charter Update	\$	Ω
Performance Measurement and Open Data	\$	Ω
Entitlement Process Standards	\$\$	Ω
Continue Together San Rafael Culture Work	\$	Ω

Key

Description	Symbol
Under 50K	\$
51K to 150K	\$\$
151K to 300K	\$\$\$
Over 300K	\$\$\$\$
One department and/or low time intensity	Ω
Two departments and/or medium time intensity	ΩΩ
Three departments and/or high time intensity	ΩΩΩ
Several departments and/or very high time intensity	ΩΩΩΩ

Economic Growth

Goals	\$	👤
Continue Together San Rafael Culture Work	\$	Ω
Economic Development Strategic Plan	\$\$\$	ΩΩΩ
Property Based Improvement Districts (PBID)	\$\$	Ω
Economic Recovery Initiatives	\$	Ω

Diversity, Equity, Inclusion & Belonging (DEIB)

Goals	\$	👤
Additional Economic Development Revenue	\$	Ω
DEIB Training	\$\$\$	ΩΩΩ
Diversity, Equity, Inclusion & Belonging (DEIB) Strategic Plan	\$\$	ΩΩ
Resident Engagement Practices	\$\$	Ω
Police Department Independent Auditor	\$\$\$	ΩΩΩ
Language Resource Access Plan	\$\$	Ω
Equitable Public Safety Recruitment	\$	Ω
Interpretation for Meetings	\$\$	ΩΩ

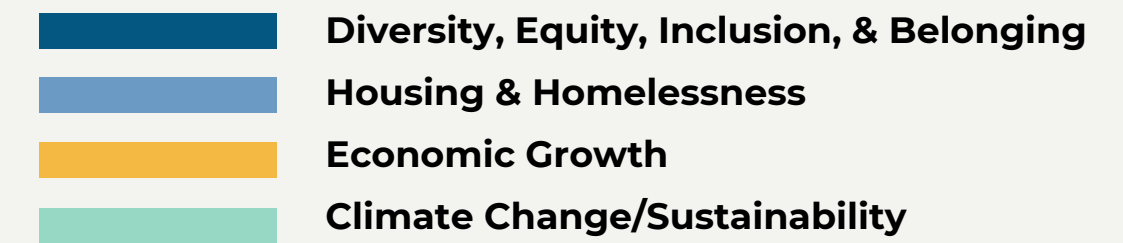
Housing & Homelessness

Goals	\$	👤
Implement the Housing Element	\$\$\$\$	ΩΩ
Renter Protections	\$\$\$\$	ΩΩΩΩ
Housing-Focused Shelter	\$\$\$\$	ΩΩΩΩ
Notices of Funding Availability (NOFA)	\$\$\$	Ω
Support Coordinated Entry	\$\$\$	ΩΩΩ

Sustainability, Climate Change, & Disaster Preparedness

Goals	\$	👤
Adaptation Planning	\$\$\$\$	ΩΩΩΩ
Disaster Preparedness	\$\$	ΩΩ
SB1383 Implementation	\$\$\$\$	ΩΩ
Foodware Ordinance	\$	Ω
Electric Vehicle Strategy	\$\$\$	ΩΩ

ACCOMPLISHMENT HIGHLIGHTS 2021-2023



San Rafael was named one of the three best cities in the United States to work for by Engaging Local Government Leaders (ELGL). Recognized as a top-performing city and having a great workplace culture.

Completed Fire Station 54 replacement and Fire Station 55 renovation projects to increase response times with modern equipment and enhance public safety and public assets.

Developed its first-ever Parks & Recreation Master Plan, which outlines a comprehensive and strategic approach to the development and maintenance of its parks and recreation facilities.

Opened a satellite parking services office at the Al Boro Community Center. Providing parking and code enforcement services helps to ensure that City services are accessible to a wider group of community members.

Replaced playground equipment and made ADA updates to Sun Valley Park, pursued grants for Pickleweed Park Enhancement project, and implemented new park bench/picnic table donation program.

Secured grant funding for the improvement of the Downtown and Pickleweed Branch libraries and launched the Library Modernization Project to enhance the libraries' infrastructure and services.

The Police Department and City conducted hybrid community meetings on policing in San Rafael with simultaneous Spanish and English interpretation to ensure all community members can participate. Creating a platform for open dialogue between law enforcement and the community to foster trust and understanding

Worked with community groups and students to map need and develop a lighting plan in the Canal neighborhood that has resulted in the addition of new lights and safer streets.

Launched the SAFE (Specialized Assistance for Everyone) Team, a new crisis response, prevention, and intervention program for the City's most vulnerable community members.

Approved funding and permits for affordable housing projects resulting in about 140 new affordable units, issued building permits for 147 new residential units, and approved 316 residential units through the planning entitlement process.

Created new policy to ensure that tenants, would receive relocation assistance following an emergency and also ensured all tenants were provided with the necessary relocation assistance as per the city's existing regulations.

Submitted the Housing Element to the Housing and Community Development Department for review and approval. The Housing Element, is a planning document that guides the city's approach to housing development and affordability.

Developed its first-ever Economic Development Strategic Plan to guide economic recovery policy and strategic initiatives to promote economic vitality.

Transformed the COVID-19 Temporary Emergency Parklet Program into the adoption and implementation of the Streetary Program, which improves public spaces and supports local businesses and restaurants.

Supported the formation and launch of the City's Public Art Review Board and partnered with the Downtown San Rafael Arts District to recertify Downtown as a California Cultural Art District.

Completed the Federal and non-Federal Dredging of San Rafael Canal to support emergency response during natural disasters and to benefit hundreds of local businesses that depend upon recreational activities, shopping, and economic vitality.

Developed a comprehensive emergency management plan to ensure the safety and wellbeing of the residents of San Rafael through the creation of the Emergency Operations Plan, EOC Handbook, and Hazard specific playbook.




















Secured \$762,000 in grant funds for a community-driven sea level rise feasibility assessment project. Collaborated with County, Canal Alliance, and Multicultural Center of Marin to begin work on sea level rise feasibility assessment.

Developed a climate adaptation plan as part of the General Plan-related efforts, outlined policy recommendations and adaptation strategies to build resilience and reduce the risk of climate-related disasters.

Made significant progress in drawing down wildfire risk in San Rafael through the Wildfire Action Plan Implementation and Marin Wildfire Prevention Authority (MWPA) participation.

The City demonstrated exceptional resilience in the face of the COVID-19 pandemic. With a swift and coordinated crisis response, the City acted as an emergency/crisis response team, expanded healthcare infrastructure, and prioritized widespread testing and vaccination campaigns. Additionally, the City provided crucial support to vulnerable communities, aided in business and economic recovery, ensured uninterrupted City services through the utilization of technology.












GOALS

Goal A: Neighborhood and Economic Vitality	Economic Growth	Diversity, Equity, Inclusion & Belonging (DEIB)	Sustainability, Climate Change & Disaster Preparedness	Housing & Homelessness
Create By-Right Affordable Housing Overlay Zone				
General Plan Implementation				
Day Laborer Center Study				
Cannabis Program				
Illegal Dumping Program				
Downtown Precise Plan				
Evaluate Residential Parking Program				

















GOALS

Goal B: Quality of Life	Economic Growth	Diversity, Equity, Inclusion & Belonging (DEIB)	Sustainability, Climate Change & Disaster Preparedness	Housing & Homelessness
Pickleweed Park Enhancements		✓	✓	
Park and Recreation Master Plan		✓	✓	
Pickleweed & Downtown Branch Library Improvements		✓	✓	
Replace Playground at Peacock Gap Park		✓		
Update Smoking Ordinance		✓	✓	
Age-Friendly Strategic Plan		✓	✓	
Terra Linda Park and Community Center Master Plan		✓	✓	

























GOALS

Goal C: Public Safety	Economic Growth	Diversity, Equity, Inclusion & Belonging (DEIB)	Sustainability, Climate Change & Disaster Preparedness	Housing & Homelessness
Analyze SAFE Pilot				
Improve Response Times of Police Calls for Service				
Evaluate Alternative Ambulance Delivery Models				
Evaluate License Plate Reader Technology				
Auto Theft				
Conduct Fire Deployment Study				
Evaluate Paramedic Program				

GOALS

Goal D: Public Assets	Economic Growth	Diversity, Equity, Inclusion & Belonging (DEIB)	Sustainability, Climate Change & Disaster Preparedness	Housing & Homelessness
Canal Swing Bridge				
Transit Center Relocation				
101/580 Multimodal Project				
Asset Inventory and Strategic Management Plan				
Vision Zero				
Storm Drain Master Plan				
Building Out Electric Fleet				
Capital Improvement Program				
Pedestrian and Bike Master Plan				

GOALS

Goal E: Foundational Services	Economic Growth	Diversity, Equity, Inclusion & Belonging (DEIB)	Sustainability, Climate Change & Disaster Preparedness	Housing & Homelessness
Permit Management System Implementation				
Civic Engagement Strategy				
Municipal Code Update/City Charter Update				
Performance Measurement and Open Data				
Entitlement Process Standards				
Continue Together San Rafael Culture Work				
Analyze New Revenue Opportunities				



SAN RAFAEL
THE CITY WITH A MISSION

CAPITAL IMPROVEMENT PROGRAM

FY 23/24 - 25/26

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SAN RAFAEL

THE CITY WITH A MISSION

Capital Improvement Program
FY 2023-24 to FY 2025-26

City Council

Kate Colin, Mayor

Maika Llorens Gulati, District 1 Councilmember

Eli Hill, District 2 Councilmember

Maribeth Bushey, District 3 Councilmember

Rachel Kertz, District 4 Councilmember

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Section I. Overview

Background

Marin County's oldest and largest City, San Rafael lies between San Francisco and California's famous wine country. The City is in central Marin County and, while serving as the County seat, is the economic, financial, cultural, and service center of the region. With a history dating back almost 150 years, the public infrastructure includes miles of streets and sidewalks, numerous public buildings, acres of medians and open space, and many other assets.

The City has a tradition of prudent financial management, including maintaining public assets in good condition to minimize lifecycle costs. Residents and business owners greatly value the beauty of the community's built and natural environment and have high expectations regarding the upkeep of public facilities. These factors have led the City to engage in active planning of capital improvements.

The City of San Rafael's Capital Improvement Program (CIP) is a comprehensive, multi-year planning tool used to guide the City's decision-making process for construction, repair, and replacement of City assets such as roadways, storm drain systems, parks, City buildings, and public safety facilities. The CIP document summarizes projects, including their funding sources, and prioritizes projects after analysis and coordination with other City departments to ensure a comprehensive and equitable approach is achieved. In the City of San Rafael, a new CIP budget is developed every year outlining proposed improvements for the next three years. When the City's annual budget is adopted, the CIP for that year is also adopted.

The CIP seeks to balance the need to repair and replace existing assets and to deliver new assets where they are most needed considering available resources. The CIP reflects a process to identify and prioritize community values utilizing the core principles of *Together San Rafael*.

Incorporated in 1874, San Rafael has an aging infrastructure and backlog of deferred maintenance of City-owned facilities and assets. With the development of the CIP each year, more projects are identified and requested than available resources can accomplish. To this end, staff developed a model to prioritize and select projects to move forward for consideration.

CIP Process and Project Selection

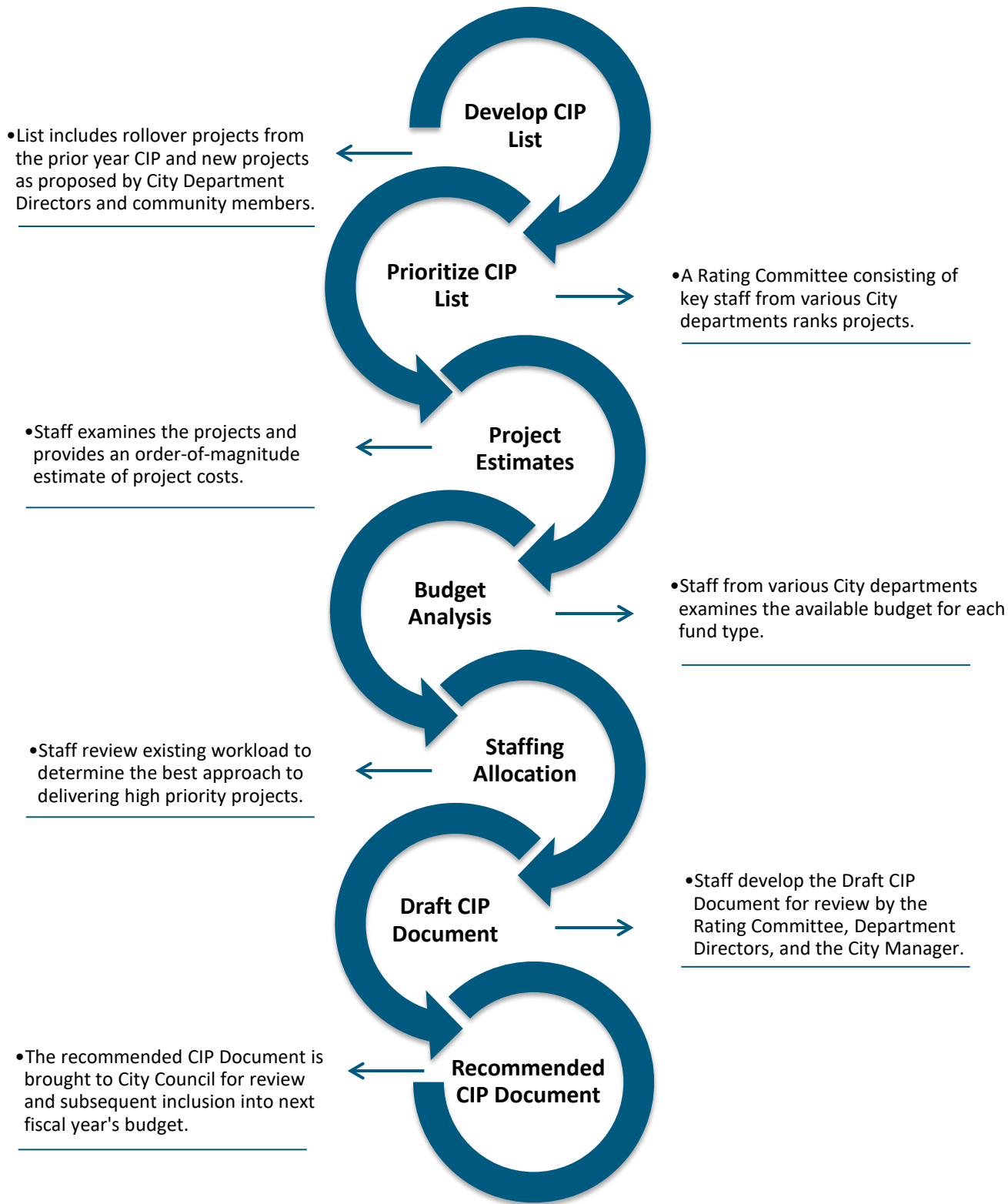
Projects identified in the CIP are primarily driven by staff evaluation or engineering studies, public comments, and reports such as the 2040 General Plan, 2018 Bicycle and Pedestrian Master Plan (BPMP), the Facility Assessment Study, and the 2021 Downtown Precise Plan. City staff also receive input from community members, the City Council, Department Directors, and commissions such as the Parks and Recreation Commission to identify and include new projects.

Project selection and priority is based on recommendations by a Rating Committee consisting of key staff from various City departments. When rating projects, the Committee considers health/safety/liability, priority initiatives, time sensitivity of funds involved, and the ability of a project to maintain or enhance functionality. These four criteria, which are weighted factors shown as percentages, are further defined as follows:

1. Health/Safety/Liability (35%) – Projects that are critical to public health and safety or significantly reduce the City’s risk of liability will receive a higher rating.
2. Priority Initiatives (20%) – This category assigns priority to projects based on the City’s goals, including projects that advance equity in the community, the guiding principles of Together San Rafael, the General Plan, and City Council/community supported projects.
3. Time Sensitive Funds (25%) – CIP projects funded by state or federal grants often have funding deadlines or project milestones. As such, grant-funded projects will be rated higher to accommodate timely-use-of-fund requirements from the granting agency.
4. Maintain/Enhance Functionality (20%) – This category rates projects according to the importance and urgency of the proposed repair, rehabilitation, or replacement. Proposed maintenance that can be deferred will be rated lower than a pressing maintenance item associated with a critical City asset.

Once the Rating Committee has prioritized projects, staff reviews available funding and allocates an order-of-magnitude budget for the highest ranked projects from each category. Staff also recommends retaining a contingency budget in each category as opposed to allocating all available funding to projects. This will ensure, that should unanticipated needs surface mid-year, staff have available funds to address this without impacting planned projects. Should contingency funds remain at the end of the fiscal year, they will be allocated to a project during the next fiscal year.

Section V of this document provides a table of the rating criteria above as well as a summary of the final ratings based on the Rating Committee’s ranking. The following flowchart outlines the process staff follow during the development of the CIP.



Section II. Project Funding

Fund Types

Capital Improvement Program projects are paid for through a variety of different funds. Each fund type has its own source of revenue as well as restrictions governing its use. The table below summarizes the primary funding sources.

Fund #	Fund Name	Description
205	Stormwater Fund	Established to fund stormwater maintenance, programs, and improvements throughout the City. Fund #205 receives annual revenues from the City’s Stormwater Activity fee (Municipal Code Chapter 9.40).
206	Gas Tax; Measure AA; Senate Bill 1 Funds	The Gas Tax is revenue collected and subsequently distributed by the State of California based on a percentage tax on each gallon of gas purchased in San Rafael. Gas Tax may be used for capital projects or maintenance on local streets, roads, traffic, and bicycle/pedestrian facilities. Additionally, local sales tax, passed by voters in 2018 as Measure AA (distributed by Transportation Authority of Marin), contributes to a portion of this fund for roadway improvement projects. This fund also includes revenue from the Refuse Regulatory Fee and Construction Impact Fee.
208	Childcare Fund	Projects identified in the CIP as utilizing Childcare Funds are restricted to facility improvements at the City’s childcare centers.
235	Baypoint Lagoon Assessment District	The Baypoint Lagoons Lighting and Landscape District was formed to protect and enhance wildlife habitat and water quality in Baypoint (Spinnaker) Lagoon and the adjacent diked salt marsh.
236	Loch Lomond Assessment District	The Loch Lomond (Melo-Roos) Assessment District was established in 1992 to pay for the repair and maintenance of the stormwater system infrastructure in the District.
240	Parkland Dedication	This fund was established to account for long-term developer deposits used to acquire and increase capacity of the City’s park infrastructure.
241	Measure A	Measure A is a nine-year ¼ percent retail transactions and use tax that was passed in 2012 and renewed in June 2022. This tax is managed by the County of Marin. The purpose of the tax is to care for existing parks and open spaces, support regional community parks, projects, and programs and to further farmland restoration. The Department of Library and Recreation prepared the Measure A work plan for FY 23-24 based on the recommendations provided in the 2023 Citywide Parks and Recreation Master Plan and through consultant with the Parks and Recreation Commission.

246	Traffic Mitigation Fee	Traffic Mitigation Fees are an impact fee charged to a developer in connection with the approval of a private land development project with the purpose of offsetting or subsidizing public improvements made necessary by the private development. The City utilizes Traffic Mitigation Fees for circulation-related projects identified in the 2040 General Plan. Fund 246 is a subset of Fund 206 projects. Due to limited available funds in Fund 246, projects that are eligible for both Fund 246 and Fund 206 have been ranked together under Fund 206 until additional funding is collected for Fund 246.
420	Measure E	Measure E was passed by San Rafael voters in November 2013 extending an existing 0.5% sales tax for 20 years and adding 0.25% (25 cents on a \$100 purchase). In February 2014, the City Council directed staff to set aside the revenues from the added quarter percent to fund public safety facilities improvements.
501	Parking Services	Projects identified in the CIP as utilizing Parking Services Funds are restricted to parking-related projects, including maintenance and upgrades at City parking garages and parking lots.
603	Building Maintenance	The Building Maintenance Fund supports routine maintenance and capital projects associated with the City's buildings, parks and other facilities. The Building Maintenance Fund is an internal revenue fund, which means General Fund monies are the sole source of revenue.
	Grants (various)	The City actively seeks grant funding for capital projects and programs. Grant funding is available from regional, state, and federal agencies for safety, transportation, emergency response, and other types of projects.

Fiscal Year 2023-24 Funding and Revenue Update

While some CIP projects are grant-funded, most are not and are paid for through Funds 205 (Stormwater), 206 (Gas Tax), 246 (Traffic Mitigation), and 603 (Building Maintenance). Within each of these fund types is an Operating Budget which consists of expenses related to maintenance of infrastructure, equipment purchasing, miscellaneous contractual services, Annual Programs, and other non-project related work. After deducting the Operating Budget from the total available funding in Funds 206, 246, and 603, staff allocated a 15-percent contingency of the remaining funds to provide a buffer for unanticipated expenses which may arise mid-year. Fund 205 does not include a contingency for FY 2023-24 as the estimated revenue for this fund may only be sufficient to cover the projected annual operating expenses.

In anticipation of the federal infrastructure funding distribution and several grant funding opportunities arising this next fiscal year, the City has set aside money in Fund 206 (Gas Tax) for priority projects in the funding tables. This money would be used for the city's financial match for unsecured grants.

Measure A Open Space Program was renewed by voters in June 2022; however, collection of revenue did not begin until October 1, 2022. The Measure A allocation for FY 2022-23 was lower than average, but the FY 2023-24 allocations are expected to return to historical levels.

Measure E has funded the improvements for several of City's aging essential facilities, including the construction of the Public Safety building and remodel of Fire Station 54 and 55. The Facilities Subcommittee and City staff will reconvene in FY 2023-24 to discuss and allocate funding for future essential facilities projects.

FY 2022-23 Grant Activities

Grants are a critical component of the City's capital project funding. While some grant applications can be completed by a single staff member in a few days, others take months of cross-departmental coordination, extensive public outreach, and consulted expertise. Below is a list of the applications Public Works submitted during this past fiscal year:

Federal

- **Community Block Development Grant (CDBG)** – CDBG is a program providing annual funding through the federal Housing and Urban Development Department (HUD) on a formula basis to states, cities, and counties for development and improvement projects in low and moderate-income neighborhoods. Each year Public Works receives around \$100,000 in CDBG funds to utilize towards capital improvement projects in regions of the City that meet the program's income eligibility. Funds have historically been used for capital projects which specifically benefit the Canal neighborhood.
- **One Bay Area Grant 3 (OBAG 3)** – OBAG 3 is the third round of federal transportation funding through the Federal Highway Administration. Metropolitan Transportation Commission (MTC) manages the OBAG 3 program and distributes funding to projects and programs that improve safety, spur economic development, and help meet climate change and air quality improvement goals. City staff applied for this grant to improve the Second Street and Fourth Street intersection, make transportation enhancements in the Canal Neighborhood, and to conduct Priority Development Area (PDA) studies in North San Rafael within the Northgate area and Southeast San Rafael within the Canal Neighborhood. In January 2023, MTC approved programming of funds towards the Second and Fourth Street Intersection Improvements project and the North San Rafael/Northgate and Southeast San Rafael/Canal PDA studies, totaling to approximately \$4.6 million in funding.

State

- **Land Water Conservation Fund (LWCF)** – After not receiving the State Park Program Round 4 grant during fall 2021 and spending six months of cross-departmental coordination and eight public outreach events, Public Works and Library and Recreation staff used data and findings from this extensive work to apply for the LWCF application for the Pickleweed Park Enhancement Project early in 2022. LWCF is a matching assistance program that grants agencies 50% of the cost of acquisition and/or development of outdoor recreation sites or facilities. The grant focuses on park access, multi-use parks for all age groups, public health, safety, beautification, and preservation. This application seeks about 45% of approximately \$9.2 million to convert the natural grass soccer fields to all-weather turf and install new recreation amenities. As of July 2022, California State Parks has recommended the Pickleweed Park Enhancement Project to the National Park Service for \$4,240,000 in LWCF grant funding. City anticipates hearing if the grant funding is approved by Summer/Fall 2023.
- **California State Library State Funded Grant** – The State Library fund is a targeted grant opportunity for the design of the San Rafael Downtown Carnegie Library Preservation,

Renovation, and Expansion. The original 1909 Carnegie Library and 1959 expansion need upgrades to meet current seismic, accessibility, and building code standards. In addition, the library will be expanded to account for a space for children's storytime, community programs, expanded collections, and public learning and discovery space for the benefit of the entire community. The city applied for this grant in the spring 2022 requesting \$1 million for the Downtown Carnegie Library and \$1 million for the Pickleweed Library. In October 2022, staff was informed that both grant applications were successful.

- **Active Transportation Program (ATP)** – ATP is a highly competitive statewide program created to increase and/or enhance biking and walking, user safety and mobility, public health, and reduce greenhouse emissions. In 2022 ATP released a request for projects that covered a four-year cycle, when past ATP cycles have been two years. The program also ensures that disadvantaged communities fully share in the benefits. In June 2022, staff applied for two ATP applications. After being unsuccessful for ATP in 2020, staff met with the granting agency to review the application for a pedestrian and bicycle bridge crossing the San Rafael Canal between Harbor Street and the Third Street/Embarcadero Way intersection. After this meeting the application was revised to request \$1,575,000 to fund the Project Approval and Environmental Document (PA&ED) phase. In addition, City staff applied for \$4,000,000 for the Canal Active Transportation Experience Improvements project which includes street lighting, sidewalk gap closures, curb ramp improvements, bicycle boulevard treatments, and secure bicycle parking. Both the San Rafael Canal Crossing and Canal Neighborhood Active Transportation Enhancements projects were recommended by MTC staff for funding in the 2023 Regional ATP which allocates funds over the next five fiscal years.

Local

- **Clean California Local Grant Program (Clean CA)** – The Clean CA program provides funding to local communities to beautify and improve local streets and roads, tribal lands, parks, pathways, and transit centers. In May 2023, staff applied for about \$4 million to fund the improvements proposed as part of the Pickleweed Park Enhancements project. Caltrans will notify applicants of the funding award in September 2023.
- **San Francisco Bay Trail Project** – The Association of Bay Area Governments, having received funding from the State Coastal Conservancy, issued a call for applications for trail planning and construction projects that will complete gaps in the San Francisco Bay Trail. In April 2021, staff applied for \$225,000 in funds to subsidize the installation of bicycle facilities on Grand Avenue between Second and Third Streets, a segment that constitutes the upper reaches of the designated Bay Trail. The Bay Trail Steering Committee approved this project in October 2021. The City entered into a Construction Grant Agreement with the Association of Bay Area Governments for this project in August 2022.
- **Transportation Fund for Clean Air (TFCA) Grant:** The Transportation Authority of Marin (TAM) is the local administrator of the TFCA funds. In April 2021, TAM put out a call for projects. TFCA funds the implementation of ridesharing programs, purchasing clean fuel vehicles for transit operators, implementation and maintenance of local arterial traffic management,

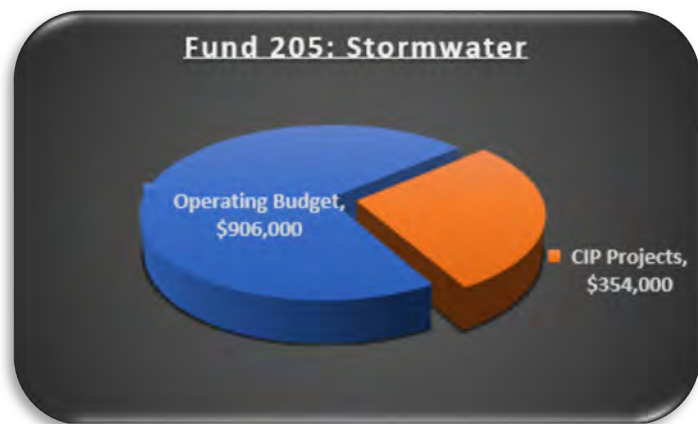
congestion pricing, construction of bicycle facility improvement projects, and construction of projects that result in motor vehicle emission reductions. In April 2021, City staff applied for funding to extend the Grand Avenue cycle track north to Fourth Street and in Fall 2021, the City was notified they received \$335,000. The City is in the process of executing a grant funding agreement with the Transportation Authority of Marin for this project.

Note Regarding “Unsecured Grant” in Funding Tables

The Project Funding Tables, found in Section VII of this document, illustrate which projects are planned to be completed with available funds within the next three fiscal years and include design/construction estimates for most projects. In some cases, a high-ranking project cannot be completed with available City funds thus necessitating that City staff secure additional funding through grants. Many factors govern whether sufficient grant funding can be obtained such as project eligibility, required local City matching funds, timely-spending requirements, maximum available grant funding, overall project competitiveness, etc. The note “Unsecured Grant” is used when a project cannot be completed with available City funds and staff is either actively pursuing grant funding or is seeking applicable grant opportunities that may become available in the future.

Fund 205: Stormwater

Fund 205 Total Available	\$1,260,000
Operating Budget	\$906,000
CIP Projects	\$354,000
CIP Contingency	\$0



Total Available Funds

The 205 Stormwater Fund receives approximately \$830,000 in annual revenues from the City's Stormwater Activity fee. The remaining funds from last fiscal year's operating budget and CIP projects will be carried over into FY 2023-24.

Operating Budget

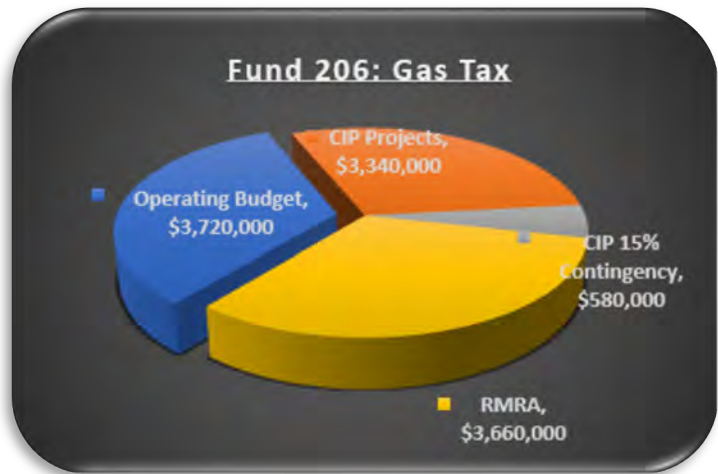
The Operating Budget for Fund 205 covers expenses incurred for the maintenance of the City's drainage system and primarily its stormwater pump stations. Expenses include pump and motor replacement at various stations, generator rentals, utilities, CMP pipe replacement, etc. Due to the past heavy rainy season, the operating expenses are anticipated to be greater than last fiscal year.

CIP Projects and Contingency

The 205 Stormwater Fund pays for CIP projects that involve the improvement of the City's drainage infrastructure including storm drains, drainage basins, levees, and pump stations. Fund 205 does not include a contingency for FY 2023-24 as the projected operating expenses exceed the estimated annual revenue for this fund.

Fund 206: Gas Tax

Fund 206 Total Available	\$11,300,000
Operating Budget	\$3,720,000
CIP Projects	\$3,340,000
CIP 15% Contingency	\$580,000
RMRA	\$3,660,000



Total Available Funds

The 206 Gas Tax Fund receives annual revenues from a variety of sources, including the State Gas Tax, the City's Refuse Regulatory Fee, Construction Impact Fee, Senate Bill 1: Road Maintenance and Rehabilitation Account (RMRA), and local gas tax funds through voter-approved initiatives such as Measures A and AA.

Operating Budget

The Operating Budget for Fund 206 covers the costs of the City's CIP Annual Programs including the Sidewalk Repair Program, Sidewalk Remove & Replacement, and Pavement Management Program. Additionally, funds are also earmarked for the maintenance of local streets, traffic signals, miscellaneous contractual services, and partially cover the salaries of street maintenance staff.

As part of the Sidewalk Repair Program, the City shares a portion of the construction costs with property owners seeking to repair damaged sidewalks. The City also performs additional maintenance to repair sidewalks each year as part of the Sidewalk Remove & Replacement program. These repairs ensure pedestrian safety as well as compliance with ADA requirements.

CIP Projects and 15% Contingency

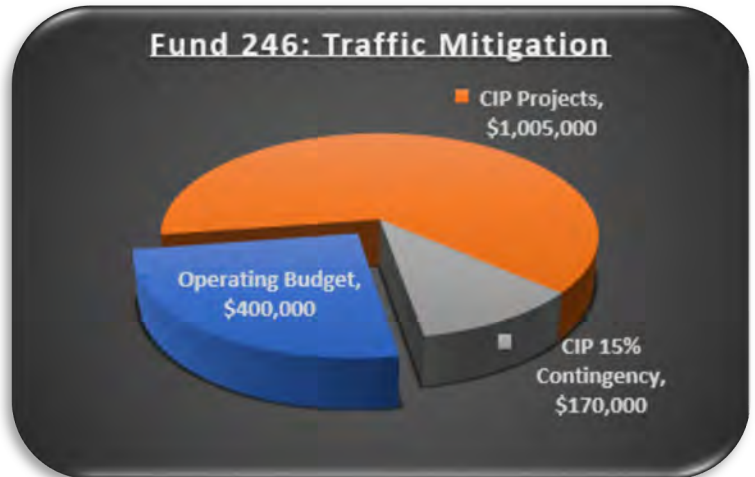
Eligible CIP projects for the 206 Gas Tax Fund include a variety of projects within the public right-of-way such as street resurfacing/restriping, curb ramp installation, pedestrian and bicycle improvements, bridge repair, storm drain improvements, etc. Fifteen percent of the non-operating budget funding is reserved to account for any small, unanticipated expenses not identified in the CIP document.

Senate Bill 1: Road Maintenance and Rehabilitation Account (RMRA)

Senate Bill 1 generates additional revenues that become part of the 206 Gas Tax Fund. These restricted funds are reserved for specific projects, and their use is audited at the end of every fiscal year. Project eligibility is the same as other 206 projects.

Fund 246: Traffic Mitigation Fee

Fund 246 Total Available	\$1,575,000
Operating Budget	\$400,000
CIP Projects	\$1,005,000
CIP 15% Contingency	\$170,000



Total Available Funds

The 246 Traffic Mitigation Fund receives revenues from the Traffic Mitigation Fee charged to developers in connection with the approval of private land development projects. Designed as an impact fee, revenues aim to offset additional vehicular trips associated with a development by providing funding for high priority circulation improvements throughout the City identified in the General Plan. Since the fee is dependent on approved development, annual revenues vary widely from year to year and future revenues are largely unpredictable during the development of the CIP each Spring. Staff has estimated that \$350,000 in annual revenues are anticipated in each of the upcoming three years.

Operating Budget

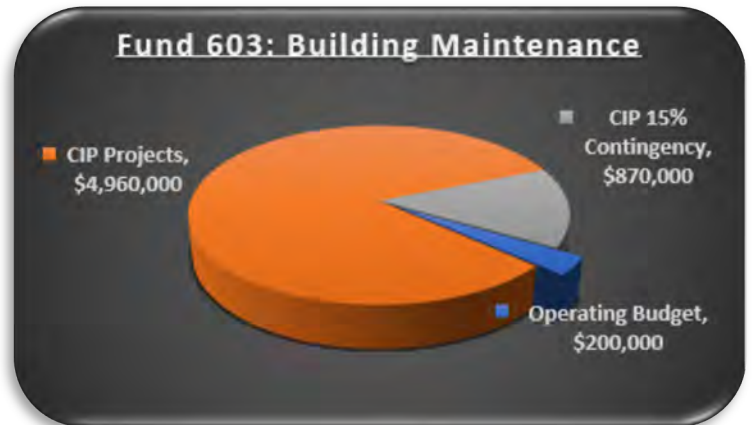
The Operating Budget for Fund 246 covers the cost of implementing the striping and pavement markings, citywide crosswalk improvements, Smart City implementation, traffic signal battery backups, and miscellaneous contractual costs associated with citywide signalization improvements.

CIP Projects and 15% Contingency

Eligible projects for 246 funds are those specifically identified as circulation improvements in Exhibit 21A of the 2020 General Plan, etc. Fifteen percent of the non-operating budget funding is reserved to account for any small, unanticipated expenses not identified in the CIP document.

Fund 603: Building Maintenance

Fund 603 Total Available	\$6,030,000
Operating Budget	\$200,000
CIP Projects	\$4,960,000
CIP 15% Contingency	\$870,000



Total Available Funds

The 603 Building Maintenance Fund is an internal revenue fund supported by the City's General Fund. The budget for this fund is set at \$1,000,000 for FY 2023-24. Additional funding from prior year CIP projects has augmented the budget for this next fiscal year.

Operating Budget

The Operating Budget for Fund 603 covers the costs of various upkeep projects completed by the Building Maintenance staff. Smaller scale maintenance such as replacement of failed lighting fixtures, repairs to HVAC systems, and replacement of worn carpet are examples of operating budget expenses.

CIP Projects and 15% Contingency

The 603 Building Maintenance Fund pays for improvement projects to City-owned property, including the community centers, library, City Hall, City park infrastructure, etc. Fifteen percent of the non-operating budget funding is reserved to account for any small, unanticipated expenses not identified in the CIP document.

Section III. FY 22/23 Completed Projects

2021/22 and 2022/23 Slurry Seal

The 2021/22 Slurry Seal project focused on roadways in the Glenwood, Loch Lomond, and Dominican neighborhoods. The 2022/23 Slurry Seal project focused on the Bret Harte and Canal neighborhoods as well as portions of Fourth Street and C Street. The two pavement preservation projects resurfaced over 20 miles of roadway in total with 330,000+ square yards of slurry seal and included restriping of pavement markings. Both projects were completed in Fall 2022.



Bungalow and Woodland Resurfacing

The project included resurfacing Woodland Avenue from Bayview Street to Lindaro Avenue, concrete spot repairs for portions of Bungalow Avenue, and widening and resurfacing of Bungalow Avenue between Woodland Avenue to Picnic Avenue. Other project improvements included installation of curb ramps, striping crosswalks, and drainage improvements. This project was completed in Spring 2023.

Fire Stations 54 & 55

As part of Phase II of the strategic plan approved in July 2015 for Measure E essential public safety facilities, Fire Stations 54 and 55 were replaced and remodeled to meet current state and local codes for the safety of the firefighters and the residents they serve, and to increase response times through upgrades to modern equipment. Both fire stations are equipped with an emergency generator to maintain uninterrupted operations during a major emergency. Additionally, a fueling pump was installed at Fire Station 55 to refuel vehicles on site.





Manuel T Freitas Parkway Sidewalk Replacement

Large segments of sidewalk on the south side of Freitas Parkway between Montecillo Road and Las Gallinas Avenue were severely damaged due to uplift of tree roots. These sidewalk areas were identified for removal and replaced with approximately 4,300 square feet of new ADA-compliant, concrete sidewalk. Tree roots were removed as needed to prevent future uplifts in the sidewalk. This work was completed in Spring 2023 as part of the City's annual Sidewalk Remove and Replacement program.

Parks and Recreation Master Plan

The Citywide Parks and Recreation Master Plan (CPRMP) is a critical tool for identifying community and infrastructure needs, prioritizing projects and funding allocation, developing parks and recreational programs, and creating a vision for the future. It also provides a foundation for the future development and maintenance of parks, recreation facilities, programs, and amenities. The CPRMP was completed and adopted in April 2023.



Spinnaker Point Drive Parking Modification

The existing parallel parking on the north side of Spinnaker Point Drive between Bahia Way and the crosswalk west of Portsmouth Cove were converted to angled parking by reconfiguring the roadway, narrowing the median, and realigning the sidewalk. The conversion resulted in 42 angled parking spaces, two of which are accessible parking spaces. Other improvements include new curb and gutter, widened sidewalk to enhance the pedestrian experience, and streetlights to improve visibility and safety of the area.



Sun Valley Park Playground Improvements

New playground equipment and engineered wood fiber surfacing were installed to replace and enhance the outdated playground facilities at Sun Valley Park with funding received through Proposition 68 Per Capita grant. ADA improvements, such as repaved walkways, ramp installations, and an on-street accessible parking space, were also constructed to improve accessibility to the playground.



Other Completed Projects

- **Bellam and Catalina Boulevard Stop Sign Installation**
A stop sign was installed at the west leg of Bellam Boulevard and Catalina Boulevard intersection to provide traffic calming by slowing vehicular traffic and increasing pedestrian and bicycle safety. In addition to the stop sign, the maintenance crew also re-landscaped the median along Bellam Boulevard between Kerner Boulevard and Playa Del Rey to help beautify the neighborhood.
- **Canal Neighborhood Sidewalk Repair**
Popular thoroughfares of Canal Street and Kerner Boulevard were identified for sidewalk maintenance repair, such as removing offsets to improve pedestrian safety and for ADA compliance.
- **Canal Neighborhood Street Lighting Improvements**
Based on community feedback during the Canal Transportation Plan outreach discussions, there was a request to add lighting throughout the Canal Neighborhood. This project was completed in collaboration with PG&E and included adding light fixtures to existing electrical poles and replacing light bulbs with brighter LED bulbs.
- **Meyer Road Repair & Retaining Wall**
The project restored a portion of the roadway surface along Meyer Road between Wolfe Grade and Southern Heights Boulevard. A new retaining wall was installed to stabilize the hillside adjacent to the road repair.
- **Mission Avenue Sidewalk Gap Closure**
The project replaced the non-accessible sidewalk on the north side of Mission Avenue between B Street and E Street with over 4,000 square feet of new ADA-compliant, concrete sidewalk and two new accessible curb ramps.
- **Miscellaneous Storm Drain Repair Project**
The city replaced old corrugated metal pipe and performed miscellaneous repairs identified by maintenance crews in a few locations in the city.
- **Stormwater Operations and Maintenance (annual project)**
Maintenance of the City's 12 pump stations.
- **Sidewalk Repair Program 2022-2023**
Working hand-in-hand with community members, buckling and unsafe sidewalks were replaced at many locations across the City. When necessary, trees were removed to accommodate installation of new sidewalks while reducing the possibility of future uplifting from tree roots.
The City performed sidewalk shaving to remove offsets under 1.5 inches.

Section IV. FY 23/24 Projects in Construction

San Quentin Pump Station Reconstruction

The San Quentin Pump Station Reconstruction project is constructing a new station to convey storm drain runoff from low-lying areas into the San Francisco Bay as well as rehabilitate the existing discharge pipe located between the station and the Bay. Construction began in Spring 2023.



2023 Storm Damage Projects

The heavy storm events from the Winter of 2023 damaged several roads within San Rafael. Some of the roads were partially or fully closed due to safety concerns. These projects include work to rehabilitate damaged roads, stabilize slopes and hillsides, and repair culverts. Staff are pursuing supplemental funding to support these projects through FEMA.

Spinnaker Point Drive Post-Construction

The Spinnaker Point Drive Parking Modification project included temporary paving of a portion of sidewalk with asphalt to match the existing utility vault elevations. This post-construction project involves working with AT&T and PG&E to lower their utility vaults to prepare for the installation of the final concrete sidewalk. This project also includes installation of a bioretention area at the northeast corner of the Canal Street and Bahia Way intersection.



Third Street Rehabilitation

The City received major allocation from the Transportation Authority of Marin through the Measure A program to rehabilitate Third Street. In 2019, the City completed a Feasibility Study for Third Street corridor. Since then, the corridor has been subdivided into two City projects with this project covering Miracle Mile to Lindaro Street. The Third Street Safety Improvements project will make roadway improvements from Lindaro to Union. The intent of the improvements is to provide congestion relief and safety improvements along Third Street. Construction began in Winter 2022 and is anticipated to be complete in Summer 2023.



Third Street Safety Improvements

Funded in part by a Caltrans Highway Safety Improvement Program grant, this project will install new wheelchair ramps, modify traffic signals, install a new communications network, and rehabilitate the asphalt pavement. Construction began in Spring 2023.





B Street Culvert Replacement

Feeding into the upper reaches of San Rafael Creek is a reinforced concrete box culvert conveying water away from the Gerstle Park neighborhood. A small portion of the ceiling of the culvert requires rehabilitation to provide better structural stability of the system. This project will replace a section of the culvert as well as coordination with utility companies and regulatory environmental agencies. Construction is anticipated for Fall 2023.

Section V: Upcoming Projects; Project Description and Budget Details

FUND 205: STORMWATER FUND

205.1 — Rotary Manor Culvert Replacement

Project Information

The damaged corrugated metal pipe (CMP) culvert located underground at Rotary Manor requires replacement and reestablishment of the community gardens above.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	205 Stormwater	\$175,000			
Construction	605 Liability Fund		\$1,000,000		
	Subtotal	\$175,000	\$1,000,000		
Total Cost Estimate		\$1,175,000			

205.2 — Storm Drain Master Plan

Project Information

The city has aging infrastructure that is replaced on an as needed basis. The city plans to do a storm drain master plan that will identify and assess existing storm water infrastructure. This planning document will also review potential flooding, sea-level rise, development expectations, and potential for new infrastructure in locations where there is not a current system.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	205 Stormwater Special Project One-Time		\$50,000 \$250,000		
	Subtotal		\$300,000		
Total Cost Estimate		\$300,000			

205.3 — Bryn Mawr Drive Storm Drain Replacement

Project Information

The damaged corrugated metal pipe requires replacement and will be realigned within the public right-of-way along Bryn Mawr Drive.

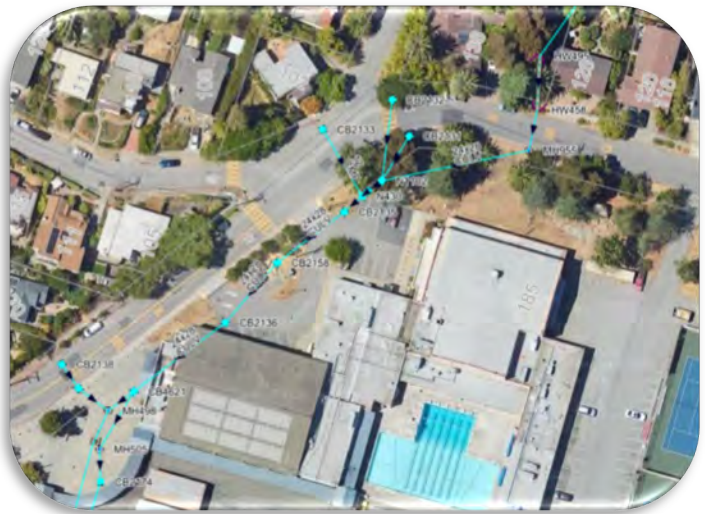


	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	205 Stormwater		\$15,000		
Construction	205 Stormwater		\$170,000		
	Subtotal		\$185,000		
Total Cost Estimate		\$185,000			

205.4 — Mission Avenue Storm Drain Infrastructure

Project Information

A stormwater hydraulic evaluation will be performed to evaluate the capacity of the storm drain system running through/along Mission Avenue and assess the feasibility of realigning the system within the public right-of-way. The evaluation will provide recommendations for improving the storm drain system.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	Special Project One-Time		\$50,000		
Construction	205 Stormwater				
	Subtotal		\$50,000		
Total Cost Estimate		\$50,000			

205.5 — Francisco Boulevard West at Irwin Street Trash Rack

Project Information

In 2018, the Sonoma-Marín Area Rail Transit (SMART) District closed Francisco Boulevard West to reconstruct the roadway in conjunction with installation of railroad tracks. The sidewalk installed at that time has since impacted City maintenance crews' ability to clean the trash rack at the intersection of Irwin Street. This project will implement changes to allow for better maintenance and flow of drainage waters.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	Grant (unsecured)				
Construction	Grant (unsecured)				
	Subtotal				
Total Cost Estimate		\$			

205.6 — MCSTOPPP: Kerner Pump Station Trash Capture Device

Project Information

In recent years, the State of California has mandated that cities comply with requirements to remove trash and debris from waterways by 2030. This project will implement a full trash capture device downstream of the Kerner Pump Station to remove trash before entering the San Francisco Bay. This project is partially funded through an Environmental Protection Agency (EPA) grant awarded to the County of Marin, who is partnering with the City of San Rafael to implement this project.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	205 Stormwater Grant: EPA	\$278,466 \$188,000			
Construction	Special Project One-Time Grant: EPA Grant: Caltrans (unsecured) Grant (unsecured)				\$1,000,000 \$409,000 \$600,000 \$5,441,000
	Subtotal	\$466,466			\$7,450,000
Total Cost Estimate		\$7,916,466			

205.7 — MCSTOPPP: 390 Canal Pump Station Trash Capture Device

Project Information

In recent years, the State of California has mandated that cities comply with requirements to remove trash and debris from waterways by 2030. This project will implement a full trash capture device upstream of the 390 Canal Pump Station to remove trash before entering the San Francisco Bay. City of San Rafael is partnering with the County of Marin to obtain Environmental Protection Agency (EPA) grant funding for implementation of this project.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	205 Stormwater				
Construction	Special Project One-Time		\$1,000,000		
	Subtotal		\$1,000,000		
Total Cost Estimate		\$1,000,000			

FUND 206: GAS TAX

206.1 — Canal Active Transportation Experience Improvements

Project Information

The City has applied for the Active Transportation Program grant to make improvements to the bicycle and pedestrian experience in the Canal neighborhood. Improvements include street lighting, curb ramp upgrades, sidewalk gap closures, pedestrians crossing improvements, bus stop improvements, secure bicycle parking, and bicycle boulevard treatments.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	206 Gas Tax		\$39,000	\$158,000	
	Grant: ATP Cycle 6		\$158,000	\$630,000	
Construction	206 Gas Tax				
	Grant: ATP Cycle 6				
Subtotal			\$197,000	\$788,000	
Total Cost Estimate		\$985,000			

206.2 — Lincoln Avenue Bridge Repairs

Project Information

The Caltrans Highway Bridge Program has designated funds to repair the Lincoln Avenue Bridge across Mahon Creek.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	206 Gas Tax				
Construction	206 Gas Tax				
	Grant: HBP (unsecured)				
Subtotal					
Total Cost Estimate		\$			

206.3 — Fairhills Drive / Bret Harte Slope Stabilization

Project Information

This project consists of monitoring slope movement at Fairhills Drive and Bret Harte Road using inclinometers to determine the depth and rate of subsurface movement. Survey controls have also been placed in Fairhill Drive to measure displacement. The information gathered will be used to design and construct slope stabilization measures.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	206 Gas Tax		\$100,000		
Construction	206 Gas Tax Grant (unsecured)		\$150,000		
	Subtotal		\$250,000		
Total Cost Estimate		\$250,000			

206.4 — Canal Street Powerline Undergrounding

Project Information

The PG&E Rule 20A program funds the undergrounding of overhead powerlines in locations that meet a set of criteria and was originally created to address aesthetic impacts of power lines. Canal Street meets the criteria of this program. The City has accrued over \$5 million in Rule 20A funding over the years. The City and PG&E plan to explore creating an undergrounding district and reviewing the feasibility of undergrounding on Canal Street.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	206 Gas Tax				
Construction	206 Gas Tax PG&E Rule 20A funding				\$500,000 \$5,800,000
	Subtotal				\$6,300,000
Total Cost Estimate		\$6,300,000			

206.5 — First Street at Mahon Creek Wall Repair

Project Information

During a winter storm, a small portion of an existing rock retaining wall washed out. This project includes the repair of the wall, which is located on First Street between D Street and E Street.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	206 Gas Tax	\$16,000			
Construction	206 Gas Tax		\$200,000		
	Subtotal	\$16,000	\$200,000		
Total Cost Estimate		\$216,000			

206.6 — Second Street Multimodal Improvements

Project Information

Second Street is a major thoroughfare through Downtown San Rafael. This project will consider ways to improve critical intersections including but not limited to pavement resurfacing, wheelchair ramps, and traffic signal upgrades with new communication equipment.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	206 Gas Tax	\$50,000			
Construction	206 Gas Tax Grant: HSIP (unsecured)				
	Subtotal	\$50,000			
Total Cost Estimate		\$50,000			

206.7 — Lincoln Avenue Rehabilitation

Project Information

This project includes pavement resurfacing and 35 ADA compliant curb ramps with bulbouts along Lincoln Avenue from Mission Avenue to Prospect Drive where non-compliant ramps exist. In addition, additional streetlights, curb extensions and four rectangular rapid flashing beacons (RRFBs) will be placed at non-signalized pedestrian crossings across Lincoln Avenue at Wilson Court, Grand Avenue, Pacheco Street and Paloma Avenue.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	206 Gas Tax	\$20,000			
	206 Gas Tax: RMRA		\$100,000		
Construction	206 Gas Tax: RMRA			\$250,000	
	Grant: HSIP Grant: HSIP (unsecured)				
	Subtotal	\$20,000	\$100,000	\$250,000	
Total Cost Estimate		\$370,000			

206.8 — Woodland Avenue Pedestrian Improvements

Project Information

Adjacent to 132 Woodland Avenue is a wood retaining wall that supports an asphalt pedestrian sidewalk. The retaining wall has deteriorated and needs replacement to ensure the pedestrian sidewalk is functional. This project will review retaining wall alternatives, construct a concrete sidewalk, curb, gutter, and other safety improvements in this location. Resurfacing of the roadway contiguous with the sidewalk improvements will be considered.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	206 Gas Tax				
Construction	206 Gas Tax				
	Subtotal				
Total Cost Estimate		\$			

206.9 — Fourth Street/Second Street at Miracle Mile Intersection Improvements

Project Information

The intersection improvements at Fourth Street/Second Street and Miracle Mile are a key final connection for west Marin and the two-way cycle track that will be constructed as part of the Third Street Rehabilitation project. This project will improve pedestrian, bicycle, and motor vehicle access through the intersection. The upgrades include a new traffic signal at this intersection and W. Crescent.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	206 Gas Tax	\$135,000			
Construction	206 Gas Tax Grant: (Unsecured)		\$1,800,000 \$3,051,000		
	Subtotal	\$135,000	\$4,851,000		
Total Cost Estimate		\$4,986,000			

206.10 — Southern Heights Boulevard at Courtright Road Retaining Wall

Project Information

Southern Heights Boulevard at the intersection of the private driveway of Courtright Road shows signs of settlement. This project will install a retaining wall system to support the roadway, resurface the roadway, and install storm drain infrastructure.



	Funding Source	Prior Funding	FY 2022-23	FY 2023-24	FY 2024-25
Planning/Design	206 Gas Tax	\$40,000			
Construction	605 Liability Fund		\$1,200,000		
	Subtotal	\$40,000	\$1,200,000		
Total Cost Estimate		\$1,240,000			

206.11 — San Rafael Canal Crossing

Project Information

This project will provide a non-motorized bicycle and pedestrian crossing bridge between the Canal Neighborhood and destinations north of San Rafael Creek. The new crossing would provide connectivity within a highly developed active transportation network in central Marin County, including the Bay Trail and the North-South Greenway, ensuring that residents of the Canal Neighborhood and the broader community are provided with safe access to regional destinations.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	206 Gas Tax	\$50,000			
	Grant: ATP Cycle 6			\$1,575,000	
Construction	Grant (unsecured)				
	Subtotal	\$50,000		\$1,575,000	
Total Cost Estimate		\$1,625,000			

206.12 — Multi-Use Path Civic Center Station

Project Information

This project will provide a safer, more comfortable access route by filling a critical gap under the freeway at the Marin Civic Center SMART station. The creation of a multi-use path in this location would link Rafael Meadows and neighborhoods west of Highway 101 with existing multi-use paths on the east side, creating a route to school that is safe and comfortable for walkers and cyclists of all ages and abilities. This route would bypass busy North San Pedro Road entirely.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	206 Gas Tax				
Construction	206 Gas Tax		\$300,000		
	Grant (unsecured)		\$1,500,000		
	Subtotal		\$1,800,000		
Total Cost Estimate		\$1,800,000			

FUND 241: MEASURE A – PARKS

241.1 — Pickleweed Park Enhancements/Field Renovation

Project Information

One of the most heavily utilized fields in San Rafael is located at Albert J. Boro Community Center. This project proposes to replace the natural field with a synthetic turf requiring less maintenance and allowing sporting activities to be permitted throughout the year. Furthermore, this project would implement additional enhancements and amenities at Pickleweed Park and surrounding grounds. All work on this project is subject to the City receiving grant funding for construction, which is currently being sought after at this time.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	General Fund	\$375,000	\$215,000		
Construction	General Fund			\$2,210,000	
	Grant: LWCF (Unsecured)			\$4,240,000	
	Grant: Clean CA (Unsecured)			\$4,100,000	
	Subtotal	\$375,000	\$215,000	\$10,550,000	
Total Cost Estimate		\$11,140,000			

241.2 — Trails Existing Conditions & Feasibility Study

241.2 Project Information

Walking, hiking, and trails access was identified as a high community priority in the 2023 CPRMP. This Trails Existing Condition & Feasibility Study will be conducted as part of the proposed Open Space and Trails Master Plan to help the City better understand the condition of existing resources.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	241 Measure A - Parks		\$100,000		
Construction	241 Measure A - Parks				
	Subtotal		\$100,000		
Total Cost Estimate		\$100,000			

241.3 — Albert Park Field Fencing

241.3 Project Information

The baseball field at Albert Park is well utilized by many teams. One project at this field is to install additional netting down the first and third base lines to ensure foul balls do not hit parked vehicles or children playing at the Parkside Children’s Center.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	603 Building Maintenance	\$10,000			
Construction	241 Measure A – Parks Additional funds: unsecured		\$285,000 \$200,000		
	Subtotal	\$10,000	\$485,000		
Total Cost Estimate		\$495,000			

241.4 — Peacock Gap Park Improvements

241.4 Project Information

The Peacock Gap Park Improvements project will design and construct updates to the play areas, including replacement of playground structures and sand with fibar surfacing.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	241 Measure A – Parks		\$130,000		
Construction	241 Measure A – Parks Grant (unsecured)			\$500,000 \$200,000	
	Subtotal		\$130,000	\$700,000	
Total Cost Estimate		\$830,000			

241.5 — Terra Linda Park and Community Center Master Plan

241.5 Project Information

The Terra Linda Park and Community Center Master Plan was identified in the 2023 CPRMP as a high priority project due to the high volume of use at this park, the existing conditions of the facilities, and the expected future demand due to population increases in the next ten years. This project will determine future improvements, such as replacement of playground, picnic tables, and benches, based on planning efforts.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	241 Measure A - Parks		\$150,000		
Construction	241 Measure A - Parks				
	Subtotal		\$150,000		
Total Cost Estimate		\$150,000			

FUND 246: TRAFFIC MITIGATION FUND

246.1 – Bicycle and Pedestrian Master Plan Update

Project Information

The heart of bicycle and pedestrian projects is a strong and robust master plan that provides a framework for future facilities. To this end, the City desires to update its 2018 master plan to account for changing conditions and community desires. This plan update will also incorporate a section on trails throughout the City and provide a framework for future trail projects.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	246 Traffic Mitigation Grant: SS4A (unsecured)		\$200,000 \$800,000		
Construction	246 Traffic Mitigation				
	Subtotal		\$1,000,000		
Total Cost Estimate		\$1,000,000			

246.2 — Grand Avenue (Second to Fourth Streets) Class IV Cycle Track

Project Information

The 2018 update to the City’s Bicycle and Pedestrian Master Plan includes the study and installation of a Class IV protected bicycle facility on Grand Avenue between Second Street and Fourth Street. A portion of this corridor is also the upper reaches of the San Francisco Bay Trail alignment between Second and Third Streets and has received Bay Trail funding.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	206 Gas Tax	\$130,000	\$15,000		
Construction	206 Gas Tax		\$575,000		
	246 Traffic Mitigation Grant: SB1 LPP		\$81,000 \$656,000		
	Grant: SF Bay Trail		\$225,000		
	Grant: TFCA		\$335,000		
	Subtotal	\$130,000	\$1,887,000		
Total Cost Estimate		\$2,017,000			

FUND 603: BUILDING MAINTENANCE

603.1 — Childcare Portable Building Replacement (Pickleweed)

603.1 Project Information

The scope of work includes review of City’s module building assets to evaluate options for relocation or replacement of portable buildings used for childcare centers at the Pickleweed Preschool adjacent to the Albert J. Boro Community Center.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	208 Childcare	\$25,000			
	603 Building Maintenance		\$55,000		
Construction	603 Building Maintenance		\$1,200,000		
	Subtotal	\$25,000	\$1,255,000		
Total Cost Estimate		\$1,280,000*			

* Approximate cost for replacement

603.2 – Albert J. Boro Community Center: Fire water lines BFP installation

603.2 Project Information

The Albert J. Boro Community Center has existing fire water laterals without back flow preventers (BFP). This project included the installation of BFPs and replacing the water connection to the building due to settlement over the years.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	603 Building Maintenance				
Construction	603 Building Maintenance		\$100,000		
	Subtotal		\$100,000		
Total Cost Estimate		\$100,000			

603.3 – Building Maintenance Master Plan

603.3 Project Information

The Facility Assessment Study identified deficiencies within several City facilities. The Master Plan would add cost estimates with inflation to existing deficiencies, identify long term maintenance items, and include a building maintenance schedule for all the city facilities, so the City can budget for major planned maintenance.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	603 Building Maintenance		\$200,000		
Construction	603 Building Maintenance				
	Subtotal		\$200,000		
Total Cost Estimate		\$200,000			

603.4 – Albert J. Boro Community Center: Leveling

603.4 Project Information

The Albert J. Boro Community Center was built on softer soils near the San Francisco Bay which have resulted in the building settling over time. The proposed project will level portions of the building that have settled.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	603 Building Maintenance	\$10,000			
Construction	603 Building Maintenance		\$150,000		
	Subtotal	\$10,000	\$150,000		
Total Cost Estimate		\$160,000			

603.5 – Albert J. Boro Community Center: Multipurpose Room Flooring Replacement

603.5 Project Information

Based on building settlement, heavy use, and issues with the method of cleaning the floors, the Albert J. Boro Community Center multi-purpose room flooring, and subflooring needs replacement. This project would be installed after the leveling and jack replacement project.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	603 Building Maintenance				
Construction	603 Building Maintenance		\$200,000		
	Subtotal		\$200,000		
Total Cost Estimate		\$200,000			

603.6 – Albert J. Boro Community Center: HVAC and Roofing

603.6 Project Information

After many years of use, the heating, ventilation, and air conditioning (HVAC) systems within areas of the Albert J. Boro Community Center need to be replaced. In conjunction with replacement of the HVAC roof unit, sections of the existing roof must be replaced to ensure a watertight seal.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	603 Building Maintenance				
Construction	603 Building Maintenance		\$225,000		
	Subtotal		\$225,000		
Total Cost Estimate		\$225,000			

603.7 – City Hall/Library Fire Sprinkler System Feasibility Study

603.7 Project Information

City Hall and the downtown library are older buildings that were built before codes required fire sprinkler systems. This feasibility study would look at what would be required to add fire sprinklers to meet current codes and standards.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	603 Building Maintenance		\$75,000		
Construction	603 Building Maintenance				
	Subtotal		\$75,000		
Total Cost Estimate		\$75,000			

603.8 – City Hall: HVAC Replacement

603.8 Project Information

After many years of use, the heating, ventilation, and air conditioning (HVAC) systems within areas of City Hall need to be replaced, including the main controller.

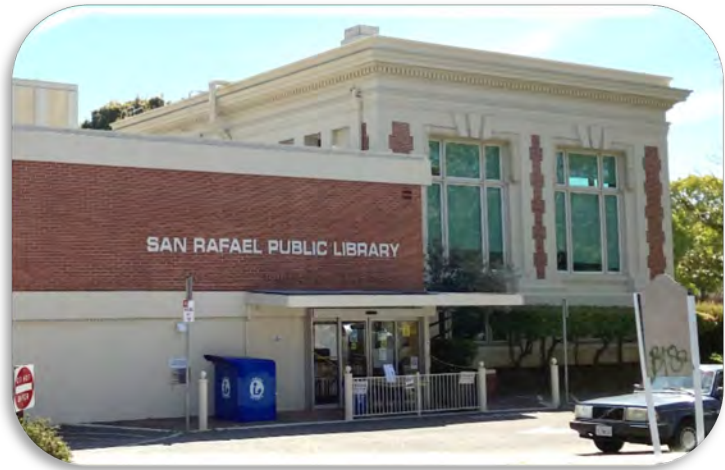


	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	603 Building Maintenance				
Construction	603 Building Maintenance		\$100,000		
	Subtotal		\$100,000		
Total Cost Estimate		\$100,000			

603.9 – Downtown Library Modernization

603.9 Project Information

The Downtown Library Modernization project will include renovations to enhance functionality and usability of the facility for patrons and staff. Project improvements include ADA and life-safety upgrades, adding additional bathrooms, and addressing aging infrastructure. The City’s goal is to creatively utilize the current facility to its best advantage and to create a welcoming environment that promotes life-long learning and facilitates enriching experiences for all patrons.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	Memorial/Donation Funds	\$70,000	\$350,000		
Construction	Grant: State Library		\$1,000,000		
	Grant: Building Forward		\$1,000,000		
	Memorial/Donation Funds		\$580,000		
	Subtotal	\$70,000	\$2,930,000		
Total Cost Estimate		\$3,000,000			

603.10 — Pickleweed Library Improvements

603.10 Project Information

The Pickleweed Library project will redesign and renovate the facility to create accessible staff space, increase public space, create gender neutral restrooms, and improve means of egress.



	Funding Source	Prior Funding	FY 2023-24	FY 2024-25	FY 2025-26
Planning/Design	Memorial/Donation Funds		\$200,000		
Construction	Grant: Building Forward		\$1,000,000		
	Memorial/Donation Funds		\$800,000		
	Subtotal		\$1,000,000		
Total Cost Estimate		\$1,000,000			

Section VI: Rating Categories and Project Rankings

Project Rating System

FUNDING SOURCE	PROJECT NAME	RANK SCORING 1 to 10	Health / Safety / Liability	Priority Initiative	Time- Sensitive Funds	Maintain / Enhance Functionality
			35%	20%	25%	20%
205 Stormwater	East San Rafael Shore Feasibility Assessment	8.8	10	10	5	10
205 Stormwater	Rotary Manor Culvert Replacement	7.5	10	10	0	10
205 Stormwater	Storm Drainage Master Plan	7.5	10	10	0	10
205 Stormwater	City Adaptation Plan	7.5	10	10	0	10
205 Stormwater	San Quentin Pump Station: Reconstruction	7.1	10	8	0	10
205 Stormwater	Bryn Mawr Dr Storm Drain Replacement	6.8	9	8	0	10
205 Stormwater	Mission Ave Storm Drain Infrastructure (SRHS)	6.6	9	8	0	9
205 Stormwater	Francisco Blvd West at Irwin St: Trash Rack	6.4	9	6	0	10
205 Stormwater	MCSTOPPP: Kerner Pump Station Trash Capture	6.3	7	8	5	5
205 Stormwater	Pump Station Generators (portable)	6.0	8	8	0	8
205 Stormwater	Annual Permitting	6.0	8	7	0	9
205 Stormwater	390 Canal Pump Generator Replacement	5.8	6	5	5	7
205 Stormwater	MCSTOPPP: 390 Canal Pump Station Trash Capture	5.8	7	8	3	5
205 Stormwater	MCSTOPPP: N. Francisco Pump Station Trash Capture	5.8	7	8	3	5
205 Stormwater	MCSTOPPP: Rossi Pump Station Trash Capture	5.8	7	8	3	5
205 Stormwater	MCSTOPPP: Redwood Hwy	5.8	7	8	3	5
205 Stormwater	MCSTOPPP: San Quentin Pump Station Trash Capture	5.8	7	8	3	5
205 Stormwater	121 Irwin St Erosion Control	4.4	5	4	0	9
205 Stormwater	Las Casas Drainage Basin Repair	4.2	5	5	0	7
205 Stormwater	Piombo Pump Station: Electrical Panel Replacement	4.0	4	5	0	8
205 Stormwater	Cayes Pump Station Control System	3.4	5	3	0	5
205 Stormwater	Spinnaker Point Salt Marsh Remediation (Conceptual Design)	1.7	2	3	0	2

Project Rating System

FUNDING SOURCE	PROJECT NAME	RANK SCORING 1 to 10	Health / Safety / Liability	Priority Initiative	Time- Sensitive Funds	Maintain / Enhance Functionality
			35%	20%	25%	20%
206 Gas Tax	Canal Active Transportation Experience Improvements	6.8	9	9	0	9
206 Gas Tax	North San Pedro Medians at SMART Railroad Crossing	6.6	9	8	0	9
206 Gas Tax	BPMP Rank-2: Project F-12 Bellam Blvd- Andersen to Baypoint	6.5	10	10	0	5
206 Gas Tax	Canal Transportation Plan Draft: Street lighting	6.4	8	9	0	9
246 Traffic Mitigation	Bike & Ped Master Plan: Update	6.4	8	10	0	8
206 Gas Tax	Lincoln Ave Bridge Repairs	6.2	7	7	3	8
206 Gas Tax	Fairhills Dr / Bret Harte Rd Slope Stabilization	6.2	9	7	0	8
206 Gas Tax	Canal St Powerline Undergrounding	6.1	7	9	0	9
246 Traffic Mitigation	Grand Ave (Second St to Fourth St) Class IV Cycle Track	6.1	6	8	3	8
206 Gas Tax	First St at Mahon Creek Wall Repair	6.0	8	8	0	8
206 Gas Tax	Second St Multimodal Improvements	6.0	8	8	0	8
206 Gas Tax	Lincoln Ave Rehabilitation	6.0	8	8	0	8
206 Gas Tax	Woodland Ave Ped Improvements	5.8	8	8	0	7
206 Gas Tax	Spinnaker Point Dr Parking Modifications	5.7	6	10	0	8
206 Gas Tax	Fourth St/Second St at Miracle Mile & W Crescent	5.6	8	7	0	7
246 Traffic Mitigation	BPMP Rank-1: Project D-1 Downtown East-West connection:	5.6	8	6	0	8
206 Gas Tax	Mission Ave (B St to E St) Sidewalk Gap Closure	5.6	8	7	0	7
246 Traffic Mitigation	BPMP Rank-5: Project B-6 Class I on both sides Freitas from	5.5	7	7	0	8
206 Gas Tax	BPMP Rank-6: Project D-2 West Tamalpais Ave from Second	5.4	8	6	0	7
206 Gas Tax	Southern Heights Blvd at Courtright Rd: Retaining Wall	5.4	8	6	0	7
206 Gas Tax	Drainage Improvements: East St at Jessup St	5.4	8	5	0	8
246 Traffic Mitigation	BPMP Rank-14: Project D-21 Puerto Suello Pathway-	5.4	8	7	0	6
246 Traffic Mitigation	Catalina Blvd Traffic Calming	5.4	8	7	0	6
206 Gas Tax	San Rafael Canal Crossing Project	5.4	7	7	3	4
206 Gas Tax	Fourth St Curb Ramp Replacement	5.3	7	7	0	7
206 Gas Tax	Center St Resurfacing	5.1	5	5	3	8
206 Gas Tax	Drainage Improvements: C St from First St to Second St	5.1	6	6	0	9
206 Gas Tax	Los Gamos Rd at Oleander Dr Flood Warning System	5.0	8	7	0	4
206 Gas Tax	Redwood Hwy & Pro Center Pkwy Resurfacing	4.9	5	5	3	7
206 Gas Tax	Drainage Improvements: Bayview St	4.7	6	6	0	7
246 Traffic Mitigation	Fourth St Signal System Improvements: B St to Cijos St	4.7	6	7	0	6
206 Gas Tax	BPMP Rank-20: Project C-13 Miramar/First Street from Second	4.7	7	7	0	4
246 Traffic Mitigation	Point San Pedro & Loch Lomond mast arms	4.7	7	5	0	6
206 Gas Tax	Drainage Improvements: First St at D St	4.6	5	5	0	9
206 Gas Tax	Las Gallinas Channel Study	4.5	6	7	0	5
206 Gas Tax	Merrydale Rd (Puerto Suello Pathway to North San Pedro Rd)	4.5	6	7	0	5
206 Gas Tax	Embarcadero/Mission/Sea View/Mission/Marina Intersection	4.5	7	6	0	4

Project Rating System

FUNDING SOURCE	PROJECT NAME	RANK SCORING 1 to 10	Health / Safety / Liability	Priority Initiative	Time- Sensitive Funds	Maintain / Enhance Functionality
			35%	20%	25%	20%
206 Gas Tax	BPMP Rank-3: Project C-12 D Street/C Street- feasibility study	4.5	7	5	0	5
206 Gas Tax	Drainage Improvements: Woodland Ave	4.4	5	5	0	8
206 Gas Tax	Bayview Retaining Wall	4.3	6	4	0	7
206 Gas Tax	Intersection Improvements: Irwin St & DuBois St	4.3	7	4	0	5
206 Gas Tax	BPMP Rank-7: Project A-19 Feasibility study: WB Class IV on	4.3	7	6	0	3
206 Gas Tax	BPMP Rank-8: Project A-17 North San Pedro Road Class I South	4.3	7	6	0	3
246 Traffic Mitigation	Intersection Improvements: Bellam Blvd & Andersen Dr	4.3	6	4	0	7
206 Gas Tax	Merrydale Northgate Promenade	4.2	5	7	0	5
206 Gas Tax	Drainage Improvements: Second St between C & E St	4.1	6	4	0	6
246 Traffic Mitigation	B St 2-Way Conversion (transfer to 206 Third St Rehab)	4.1	3	10	0	5
206 Gas Tax	Merrydale Pathway - South Connector Study	4.0	5	8	0	3
206 Gas Tax	Scenic Ave Debris Wall	4.0	5	4	0	7
246 Traffic Mitigation	Safe Routes to School: Davidson Phase 2	4.0	5	5	0	6
246 Traffic Mitigation	Merrydale Rd/Civic Center connection	4.0	5	5	0	6
206 Gas Tax	Fair Dr/Coleman Retaining Wall	3.8	5	3	0	7
206 Gas Tax	Francisco Blvd East Rehabilitation	3.6	5	3	0	6
206 Gas Tax	Riviera Dr Resurfacing	3.2	4	4	0	5
206 Gas Tax	Manderly Rd Medians	2.9	3	5	0	4
206 Gas Tax	BPMP Rank-9: Project D-5 Third Street: Grand Ave to East city	2.8	4	4	0	3
206 Gas Tax	Freitas Pkwy and Montecillo Intersection (K-rail Only)	2.7	6	3	0	0
206 Gas Tax	Drainage Improvements: Ross Valley/Terrace Ave	2.7	3	4	0	4
206 Gas Tax	BPMP Rank-4: Project D-20 Highway 101 undercrossing lighting	2.6	5	2	0	2
246 Traffic Mitigation	Grove Hill Estates Pedestrian Path Connection to Tamal Vista	2.5	3	4	0	3
206 Gas Tax	Drainage Improvements: Corrillo Dr	2.5	3	2	0	5
206 Gas Tax	Canal Bike-Ped Swing Bridge	2.4	1	7	0	3
206 Gas Tax	Intersection Improvements: Courtright Rd & Pearce Rd	2.3	3	3	0	3
206 Gas Tax	BPMP Rank-11: Project C-21 Fifth Ave Study parking occupancy	2.3	3	3	0	3
246 Traffic Mitigation	Ross Valley Drive and Fourth Street Traffic Signal	2.3	3	3	0	3

Project Rating System

FUNDING SOURCE		PROJECT NAME	RANK SCORING 1 to 10	Health / Safety / Liability	Priority Initiative	Time- Sensitive Funds	Maintain / Enhance Functionality
				35%	20%	25%	20%
241	Measure A: Parks	Sun Valley Park Playground Improvements	7.2	7	7	7	8
241	Measure A: Parks	Pickleweed Park Enhancements/Field Renovation	6.4	7	10	3	6
241	Measure A: Parks	Park and Recreation Master Plan	6.2	8	9	0	8
241	Measure A: Parks	Albert Park Field Fencing	6.1	10	5	0	8
241	Measure A: Parks	Montecito Promenade	1.5	2	2	0	2
501	Parking Services	Seismic Upgrades to Parking Structures at Third St/A St and	6.9	10	9	0	8
501	Parking Services	Seismic Upgrades to Parking Structure at Fifth Ave/C St	6.9	10	9	0	8
603	Building Maintenance	Childcare Portable Building Replacement (Pickleweed)	7.7	9	9	3	10
603	Building Maintenance	A.J. Boro Community Center: Fire water lines BFP installation	7.5	10	10	0	10
603	Building Maintenance	Building Maintenance Master Plan	7.1	10	8	0	10
603	Building Maintenance	A.J. Boro Community Center: Leveling & jack replacement &	6.7	10	7	0	9
603	Building Maintenance	A.J. Boro Community Center: HVAC & Roofing Replacement	6.6	8	7	3	8
603	Building Maintenance	A.J. Boro Community Center: Multipurpose Room Flooring	6.6	8	9	0	10
603	Building Maintenance	City Hall/Library Fire Sprinkler System Feasibility Study	6.5	10	8	0	7
603	Building Maintenance	City Hall: HVAC Replacement	6.4	8	8	0	10
603	Building Maintenance	A.J. Boro Community Center: Rear Deck	6.2	8	7	0	10
603	Building Maintenance	Downtown Library: Bathroom Conversion	6.2	8	8	0	9
603	Building Maintenance	Downtown Library Modernization	6.2	7	8	3	7
603	Building Maintenance	Pickleweed Library	6.2	7	8	3	7
603	Building Maintenance	Fifth Ave/Garden Ln Parking Lot Resurfacing	6.0	8	8	0	8
603	Building Maintenance	Falkirk Cultural Center: ADA Improvements	6.0	9	7	0	7
603	Building Maintenance	City Hall Exterior Accessibility	6.0	8	8	0	8
603	Building Maintenance	San Rafael Community Center: Generator Hookup	5.7	7	7	0	9
603	Building Maintenance	Childcare Portable Building Replacement (Silveria/Lucas	5.3	7	7	0	7
603	Building Maintenance	City Hall: Server Room Sewer Repair	5.1	7	7	0	6
603	Building Maintenance	Terra Linda Pool House Electrical Upgrades	4.9	7	5	0	7
603	Building Maintenance	Parkside Preschool Playground Tent Replacement	4.9	7	5	0	7
603	Building Maintenance	Terra Linda Community Center: HVAC Replacement	4.7	6	5	0	8
603	Building Maintenance	San Rafael Community Center: Parking Lot Resurfacing	4.5	7	5	0	5
603	Building Maintenance	Las Gallinas Trail Pavement Rehabilitation	4.2	5	5	0	7
603	Building Maintenance	Court St Plaza Fountain Repair	2.1	2	2	0	5
603	Building Maintenance	Downtown Library: Children's Patio Enclosure	2.1	2	3	0	4

Section VII: Project Funding Tables

Spinnaker Point Salt Marsh Remediation (Conceptual Design Only) Grant: Measure AA (Unsecured)	1.7				
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Fund 206 - Gas Tax

Project Name	Rank Scoring 1 to 10	Prior Funding		FY 2023-24		FY 2024-25		FY 2025-26	
		Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction	Planning / Design	Construction
Freitas Roundabout (funded by Caltrans)	In Construction		\$100,000		\$100,000		\$100,000		\$100,000
2023 Storm Damage Projects (Pearce, Bret Harte culverts) Grant: FEMA (Unsecured)	In Construction		\$70,000		\$300,000				
Spinnaker Point Drive Post-Construction (i.e. bioretention and finish sidewalk) TAM Measure A, AA	In Construction				\$1,200,000				
B St Culvert Replacement SB1: Road Maintenance & Rehab Account (RMRA)	In Construction				\$160,000				
Canal Active Transportation Experience Improvements TAM Measure A, AA Grant: Secured ATP Cycle 6	6.8			\$39,000		\$158,000			
BPMP Rank-2: Project F-12 Bellam Blvd- Andersen to Baypoint Drive feasibility Class IV TAM Funded	6.5			\$158,000					
Bellam Boulevard Off-Ramp Project (Surface Component) TAM Measure A, AA	6.4						\$575,000		
Lincoln Ave Bridge Repairs Grant: Unsecured HBP	6.2								
Fairhills Dr / Bret Harte Rd Slope Stabilization Grant: Unsecured	6.2			\$100,000	\$150,000				
Canal St Powerline Undergrounding Grant: PG&E Rule 20A	6.1								
First St at Mahon Creek Wall Repair	6		\$16,000		\$200,000				
Second St Multimodal Improvements SB1: Road Maintenance & Rehab Account (RMRA) Grant: Unsecured HSIP	6		\$50,000						
Lincoln Ave Rehabilitation SB1: Road Maintenance & Rehab Account (RMRA) Grant: HSIP Grant: Unsecured HSIP	6		\$20,000		\$100,000			\$250,000	
MCSTOPPP: San Quentin Pump Station Trash Capture Grant: EPA (Unsecured) Grant: Caltrans (Unsecured)	5.8								
Woodland Ave Ped Improvements SB1: Road Maintenance & Rehab Account (RMRA) TAM Measure A, AA Grant: Unsecured	5.8								
Fourth St/Second St at Miracle Mile & W Crescent SB1: Road Maintenance & Rehab Account (RMRA) Grant: Secured OBAG	5.6		\$135,000						
BPMP Rank-6: Project D-2 West Tamalpais Ave from Second Street to Mission Ave- Class IV/ Marin Transit Funded Grant: Unsecured	5.4								
Southern Heights Blvd at Courtright Rd: Retaining Wall Fund 605: Liability Fund	5.4		\$40,000		\$1,200,000				
San Rafael Canal Crossing Project Grant: Secured ATP Cycle 6	5.4		\$50,000						
Multi-Use Path Civic Center Station TAM Measure A, AA Grant: Unsecured	5.4				\$300,000				
					\$1,500,000				

Reevaluate Prioritization in FY 23-24

Reevaluate Prioritization in FY 23-24

↓ Unfunded Projects Listed Below ↓

BPMP Rank-14: Project D-21 Puerto Suello Pathway- implement lighting on Hill pathway	5.4				
Drainage Improvements: East St at Jessup St	5.4				
Fourth St Curb Ramp Replacement	5.3				
Drainage Improvements: C St from First St to Second St	5.1				
Los Gamos Rd at Oleander Dr Flood Warning System	5				
Redwood Hwy & Pro Center Pkwy Resurfacing	4.9				
Drainage Improvements: Bayview St	4.7				
Drainage Improvements: First St at D St	4.6				
BPMP Rank-3: Project C-12 D Street/C Street- feasibility study for Class IV or Class III+ north-south from Gerstle Park to downtown	4.5				
Las Gallinas Channel Study	4.5				
Merrydale Rd (Puerto Suello Pathway to North San Pedro Rd) Bicycle Facility Study	4.5	\$25,000			
Embarcadero/Mission/Sea View/Mission/Marina Intersection	4.5				
Drainage Improvements: Woodland Ave	4.4				
Bayview Retaining Wall	4.3				
Intersection Improvements: Irwin St & DuBois St	4.3				
BPMP Rank-7: Project A-19 Feasibility study: WB Class IV on North San Pedro Road from Los Ranchitos to Civic Center Drive	4.3				
BPMP Rank-8: Project A-17 North San Pedro Road Class I South side from Los Ranchitos to Civic Center Drive	4.3				
Merrydale Northgate Promenade	4.2	\$80,000			
Drainage Improvements: Second St between C & E St	4.1				
Merrydale Pathway - South Connector Study	4				
Scenic Ave Debris Wall	4				
Fair Dr/Coleman Retaining Wall	3.8				
Francisco Blvd East Rehabilitation	3.6				
Riviera Dr Resurfacing	3.2				
Manderly Rd Medians	2.9				
Freitas Pkwy and Montecillo Intersection (K-rail Only)	2.7				
Drainage Improvements: Ross Valley/Terrace Ave	2.7				
BPMP Rank-4: Project D-20 Highway 101 undercrossing lighting and public art (3rd, 4th, 5th,	2.6				
Drainage Improvements: Corrillo Dr	2.5				
Canal Bike-Ped Swing Bridge	2.4				
Intersection Improvements: Courtright Rd & Pearce Rd	2.3				

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING THE MEASURE A WORK PLAN FOR PROPOSED EXPENDITURE OF MEASURE A FUNDS FOR FISCAL YEAR 2023-24

WHEREAS, on June 7, 2022, Marin County voters re-approved Measure A, a one-quarter of one percent transactions and use tax, dedicated to parks and open space for the duration of nine years; and

WHEREAS, fifteen percent of the Measure A revenues is earmarked for Marin Cities, Towns, and Applicable Special Districts for the purpose of managing parks, open space preserves, nature preserves, recreation programs and vegetation to promote biodiversity and reduce wildfire risk; and

WHEREAS, the County of Marin is responsible for the administration of the Measure A funds, and has developed a form of agreement and program materials for use by Marin municipalities; and

WHEREAS, the City of San Rafael is eligible to receive Measure A funds, and entered into an agreement with the County of Marin in October of 2013, submitting a Work Plan of Expenditures for the first year of fund disbursement; and

WHEREAS, upon voter reapproval of the Measure in June 2022, the City of San Rafael entered into a new agreement with the County of Marin in October 2022 for disbursement of Measure A Tax Proceeds; and

WHEREAS, the City of San Rafael is projected to receive a total of \$549,878 for FY 2023-2024, to support the Work Plan; and

WHEREAS, the County of Marin requires a Work Plan for the proposed Expenditure of Measure A funds in the amount of \$665,000 for July 1, 2023 – June 30, 2024;

NOW, THEREFORE, BE IT RESOLVED that the San Rafael City Council approves the Measure A Work Plan for Proposed Expenditure of Measure A funds for July 1, 2023 - June 30, 2024, a copy of which is hereby attached and by this reference made a part hereof; and

BE IT FURTHER RESOLVED that the Finance Director is authorized to execute, on behalf of the City of San Rafael, the Work Plan for Proposed Expenditure of Measure A funds for July 1, 2023 to June 30, 2024.

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 5th day of June 2023, by the following vote, to wit:

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

LINDSAY LARA, City Clerk



Work Plan

Measure A City, Town, and Applicable Special District Program Proposed Expenditure of Measure A Funds for July 1, 2023 to June 30, 2024

Timely and accurate completion of this report is a condition of receiving Measure A funds.

Instructions:

- This work plan must be completed by an authorized representative of the recipient.
- Please complete this work plan, then scan and e-mail it to Kevin Wright, Marin County Parks External Affairs Manager (kwright@marincounty.org), by July 1, 2023.
- Contact Mr. Wright by e-mail (kwright@marincounty.org) or phone (415) 497-3553 if you have any questions, or if you have suggestions to improve this form.
- Marin County Parks will review this plan within one month of its receipt to ensure that proposed expenditures are consistent with Marin County Ordinance 3586 (Measure A).
- Recipients must provide Marin County Parks with 30-days prior notice of any project additions or substitutions that are proposed while a work plan is in effect.
- Total actual project expenditures may not exceed recipient's actual Measure A funding for any given fiscal year, plus any balance remaining from previous years.

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A. Name of Recipient (city, town, or special district): City of San Rafael

B. Recipient's representative and contact information:

Name: Cristine Alilovich

Title: City Manager

Address: 1400 Fifth Avenue, Suite 204

City, Zip: San Rafael, CA 94901

Phone: (415) 485-3384

E-mail: cristine.alilovich@cityofsanrafael.org

C. Total estimated funds for Fiscal Year 2022-23:

i. Estimated carry-over balance of recipient's Measure A funds from previous fiscal years	ii. Estimate of recipient's Measure A funds for FY 2022-23. (This information will be provided by Marin County Parks)	iii. Total estimated available funds for FY 22-23 (i + ii).
\$ 191,000	\$ 549,878	\$ 740,878

D. Recipient's Measure A Work Plan for Fiscal Year 2023-24:

Name of work or project:	Primary purpose of work or project. Select only one from list below. **	Description. Be as specific as possible. Include numbers related to square footage of facilities, acreage, etc. If Measure A funds were used for maintenance, use numbers to indicate change from pre-Measure A conditions.	Amount of Measure A funds estimated to be used:	Source(s) and amount(s) of matching funds projected for use. If none, enter "0"	Total expenditures projected for work or project in current reporting year
Park Planning	B	Peacock Gap Play Area Design	\$ 130,000	0	\$ 130,000
Park Planning	B	Terra Linda Park and Community Center Master Plan	\$ 150,000	0	\$ 150,000
Trail Planning	B	Trails Existing Condition & Feasibility Study	\$ 100,000	0	\$ 100,000
Field Improvements	B	Design and Construction for improved fencing at Albert Park Field	\$ 285,000	0	\$ 285,000
Estimated Total					\$665,000

****Select work or project purpose only from the following menu:**

- a) Routine maintenance
- b) Renovation of existing recreational facility, including infrastructure (includes planning, environmental review, permitting, design development, etc.)
- c) Construction of new park or recreation facility (includes planning, environmental review, permitting, design development, etc.)
- d) Parkland acquisition
- e) Fuel reduction - all types of fuel breaks, including primary, ridgeline, etc.
- f) Flashy fuel reduction (ROW, street ends, trail heads, etc.)
- g) Natural resource protection and restoration, and invasive plant control
- h) Maintaining vehicle access
- i) Sudden Oak Death
- j) Hazard tree removal
- k) Inventory and monitoring
- l) Wildlife management monitoring

m) Vegetation and wildlife management - Other-

E. Certification

I certify that the information contained herein is true and accurate, to the best of my knowledge.

Signature

Title

Print Name

Date

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING FISCAL YEAR 2023-24 GANN APPROPRIATIONS LIMIT AT
\$179,385,992**

WHEREAS, California Constitution Article XIII B, which was approved as Proposition 4 by the voters of the State of California on November 6, 1979, imposes on the state and on each local jurisdiction a limitation on the amount of budget appropriations they are permitted to make annually (the “Appropriations Limit”, sometimes referred to as the “Gann Appropriations Limit”) and limits changes in the Appropriations Limit to an annual adjustment for the change in the cost of living and the change in population; and

WHEREAS, California Government Code Section 7910, which implements Article XIII B, requires that the governing body of each local jurisdiction shall establish its Appropriations Limit at a regularly scheduled meeting or noticed special meeting; and

WHEREAS, as permitted by Proposition 111, adopted by the voters in 1990, the City has elected to use the percent change in the population of San Rafael from January 1, 2022 to January 1, 2023, and the percent change in California’s per capita personal income, for the calculation of the annual adjustment to the City’s Appropriations Limit; and

WHEREAS, documentation used in the determination of the City’s Appropriations Limit has been available to the public in the Finance Department as provided by Government Code Section 7910;

NOW, THEREFORE, BE IT RESOLVED that the City Council of San Rafael, pursuant to the provisions of Article XIII B and Government Code Sections 7901 through 7914, does hereby establish the Appropriations Limit for fiscal year 2023-2024 for the City of San Rafael at \$179,385,992 as documented in Exhibit A, and further establishes the 2023-2024 Appropriations Subject to the Gann Appropriations Limit at \$102,494,532 as documented in Exhibit B, which Exhibits are attached hereto and incorporated herein by reference as though fully set forth.

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 on the City Council of said City held on Monday, the 5th day of June 2023, by the following vote to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

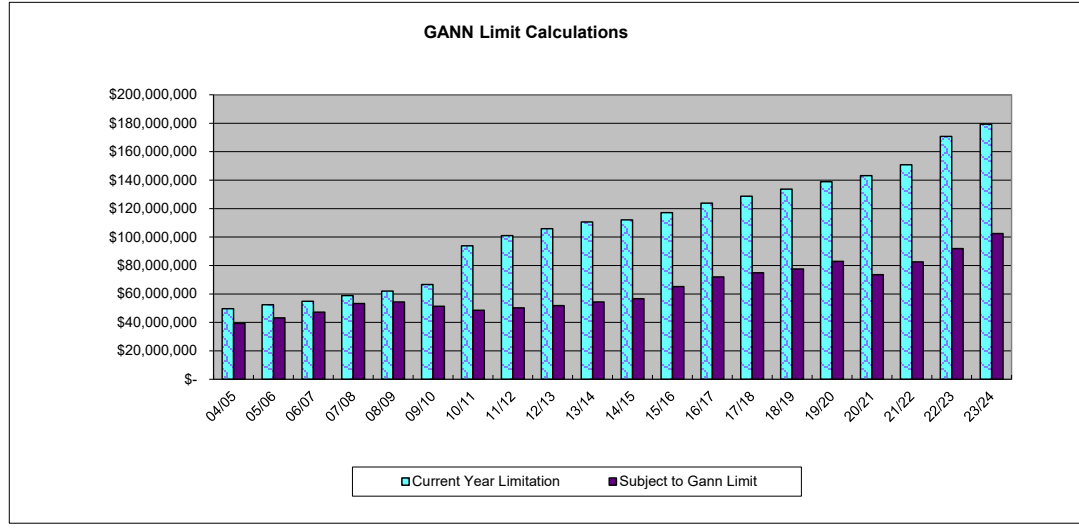
GANN LIMITATION CALCULATION
Fiscal Year 2023-24

Fiscal Year	(A) Cost of Living		(B) Change in Population		Factor (Highest B X Highest A)	Prior Year Limitation	Current Year Limitation	Subject to Gann Limit	Variance Gann 'gap'
	California Personal Income Per Capita (Source: State)	Change in Assessment Roll for Nonresidential Construction (Source: County)	Change in Population for San Rafael (Source: State)	Change in Population for Marin County (Source: State)					
94/95						\$ 24,635,128	\$ 24,635,128		
95/96	4.72		0.60	1.22	1.060000	x \$ 24,635,128 =	\$ 26,113,235		
96/97	4.67	5.50	1.37	1.43	1.070000	x \$ 26,113,235 =	\$ 27,941,557		
97/98	4.67	5.40	2.17	1.64	1.080000	x \$ 27,941,557 =	\$ 30,176,882		
98/99	4.15	6.80	1.42	1.56	1.080000	x \$ 30,176,882 =	\$ 32,591,032		
99/00	4.53	6.26	1.47	1.62	1.079800	x \$ 32,591,032 =	\$ 35,192,257		
00/01	4.91	9.27	1.50	1.82	1.112600	x \$ 35,192,257 =	\$ 39,154,905		
01/02	7.82	6.67	0.53	0.72	1.086000	x \$ 39,154,905 =	\$ 42,522,227		
02/03	-1.27	5.15	0.69	0.81	1.060000	x \$ 42,522,227 =	\$ 45,073,561		
03/04	2.31	2.43	1.45	0.77	1.039152	x \$ 45,073,561 =	\$ 46,838,297		
04/05	3.28	2.06	-0.16	2.53	1.058900	x \$ 46,838,297 =	\$ 49,597,072	\$ 39,274,542	\$ 10,322,530
05/06	5.26	1.59	0.07	0.33	1.056100	x \$ 49,597,072 =	\$ 52,379,468	\$ 43,215,534	\$ 9,163,934
06/07	3.96	0.57	0.49	0.74	1.047300	x \$ 52,379,468 =	\$ 54,857,017	\$ 47,167,477	\$ 7,689,540
07/08	4.42	2.09	0.97	0.97	1.054300	x \$ 54,857,017 =	\$ 58,867,753	\$ 53,279,474	\$ 5,588,279
08/09	4.29	2.63	0.68	0.93	1.052600	x \$ 58,867,753 =	\$ 61,964,197	\$ 54,394,753	\$ 7,569,444
09/10	0.62	6.65	0.57	0.81	1.075100	x \$ 61,964,197 =	\$ 66,617,708	\$ 51,368,817	\$ 15,248,891
10/11	-2.54	39.62	0.79	0.93	1.409200	x \$ 66,617,708 =	\$ 93,877,675	\$ 48,469,424	\$ 45,408,251
11/12	2.51	-34.13	0.81	0.90	1.034300	x \$ 93,877,675 =	\$ 100,987,679	\$ 50,180,413	\$ 50,807,266
12/13	3.77	0.12	0.92	1.05	1.048600	x \$ 100,987,679 =	\$ 105,895,680	\$ 51,825,702	\$ 54,069,978
13/14	5.12	2.09	0.34	0.42	1.055600	x \$ 105,895,680 =	\$ 110,641,157	\$ 54,313,859	\$ 56,327,297
14/15	-0.23	0.85	0.39	0.42	1.012700	x \$ 110,641,157 =	\$ 112,046,300	\$ 56,717,201	\$ 55,329,098
15/16	3.82	7.99	0.60	0.73	1.087800	x \$ 112,046,300 =	\$ 117,140,576	\$ 65,177,999	\$ 51,962,576
16/17	5.37	0.68	0.12	0.33	1.057200	x \$ 117,140,576 =	\$ 123,841,017	\$ 71,967,785	\$ 51,873,231
17/18	3.69	0.11	0.25	0.18	1.039500	x \$ 123,841,017 =	\$ 128,732,737	\$ 74,893,075	\$ 53,839,661
18/19	3.67	0.06	-0.02	0.17	1.038500	x \$ 128,732,737 =	\$ 133,688,947	\$ 77,599,200	\$ 56,089,748
19/20	3.85	0.26	0.04	-0.01	1.038900	x \$ 133,688,947 =	\$ 138,889,447	\$ 82,867,376	\$ 56,022,071
20/21	3.73	1.91	-0.66	-0.60	1.031100	x \$ 138,889,447 =	\$ 143,208,909	\$ 73,554,079	\$ 69,654,830
21/22	5.73	1.00	-0.62	-0.43	1.052800	x \$ 143,208,909 =	\$ 150,770,339	\$ 82,522,271	\$ 68,248,068
22/23	7.55	14.41	-1.01	-1.11	1.132600	x \$ 150,770,339 =	\$ 170,762,486	\$ 91,883,786	\$ 78,878,700
23/24	4.44	6.02	-0.92	-1.06	1.050500	x \$ 170,762,486 =	\$ 179,385,992	\$ 102,494,532	\$ 76,891,460

= Value selected for Factor calculation

- (a) Includes increase for Paramedic Tax Revenue Generated by Measure P
- (b) Includes increase for Paramedic Tax Revenue Generated by Measure I
- (c) Reduce the limit by \$1,142,323 to reflect the amount associated with Measure P at the time the limit was increased in fiscal year 2011-2012 for Measure I
- (d) 2015-16 - The Limit is reduced by \$4,743,389 for the Paramedic Tax - Measure I for the increase of \$3,890,000 added in 2011 - 2012 that "Sunset" or Expired after 4 years at the end of 2015.
- (e) 2020-21 - Appropriations subject to the limit declined due to both the reduction in budgeted revenues as a result of the COVID-19 pandemic as well as the exclusion of debt service on the 2018 bonds beginning in FY21.

Note: County assessment roll factor for FY10/11 is an outlier. Recalculated using State per capita income factor for FY10/11 to ensure that the city falls below the Gann limit under each scenario for conservatism.



**City of San Rafael
Appropriation Limit Analysis
FY 2023-24**

Total Appropriations	Fund #	2023-2024 Proposed Budget	Less Exempt Expenditures	Less Non-Tax Revenues	2023-2024 Appropriations Subject to Gann Limit
General Fund	001	\$ 94,797,412	\$ 930,435	\$ 14,197,952	\$ 79,669,025
Abandoned Vehicle Abatement Fund	200	175,720	1,456	165,000	9,264
Storm Water Fund	205	8,699,777	-	830,000	7,869,777
Emergency Medical Services Fund	210	9,693,072	178,443	3,631,100	5,883,529
Library Fund	214	4,120,000	-	2,934,914	1,185,086
Library Special Assessment Fund	215	1,628,626	14,058	-	1,614,568
Measure G - Cannabis	216	180,245	1,793	-	178,452
General Plan Special Revenue Fund	218	2,344,820	5,688	2,611,969	-
Recreation Revolving Fund	222	4,523,006	42,416	2,141,345	2,339,245
Police Youth Service fund	230	40,005	5	15,000	25,000
Measure A Open Space Fund	241	665,000	-	-	665,000
Measure C Wildfire Prevention Parcel Tax	242	2,449,469	71,696	-	2,377,773
Open Space Fund	405	-	-	-	-
LongTerm Capital Outlay (Excess of \$100K & 10yr Life)	N/A	-	-	-	-
General Fund Debt Service - Capital Outlays	N/A	5,243,728	4,565,915	-	677,813
Total Appropriations		\$ 134,560,880	\$ 5,811,905	\$ 26,527,280	\$ 102,494,532
					\$ 179,385,992
					\$ 76,891,460

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING
RESOLUTION 14956 ESTABLISHING THE COMPENSATION FOR THE ELECTED CITY CLERK
EFFECTIVE JULY 1, 2023**

WHEREAS, Resolution 14956 establishing the terms of compensation for the Elected City Clerk and Elected City Attorney for the period covering July 1, 2021 through June 30, 2024 was approved by City Council on July 19, 2021; and

WHEREAS, the City Clerk classification for the City of San Rafael is a full-time position performing all the duties of and serving in an Executive Director capacity; and

WHEREAS, the salary for this position should be aligned with the Executive Director compensation range;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of San Rafael hereby amends the compensation for the Elected City Clerk as follows:

Effective July 1, 2023:

Step	A	B	C	D	E
City Clerk	\$ 13,677	\$ 14,361	\$ 15,079	\$ 15,833	\$ 16,625

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 the 5th day of June 2023 by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Hill, Kertz & Mayor Kate

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

LINDSAY LARA, CITY CLERK

Mayor Colin, Council members

Cc: Clerk Lindsay Lara, DPW Director April Miller, City Manager Jim Schutz, DPW Analyst Stephen Acker

Bcc: San Rafael Tree Group

May 25, 2023

RE: June 5 Council Meeting FY23-25 Budget Consideration

Dear Mayor Colin and Councilmembers:

The San Rafael Tree Group is a coalition of local community and environmental leaders who have been working with the Department of Public Works for the past two years to improve the City's Street Tree Ordinance and implement other urban forestry programs in General Plan 2040.

We continue to advocate for an additional objective under Goal B of the City's draft Goals & Objectives FY 2023-25:

- **Develop a comprehensive Tree Master Plan and Tree Preservation Procedures implementing General Plan policies to protect, maintain, and expand San Rafael's tree canopy.**

We also recommend these underlined additions to clarify the tree-related objectives in Goals A and D:

Goal A: Neighborhood and Economic Vitality

"Prioritize the implementation of key General Plan 2040 programs, including neighborhood planning, economic vitality, tree inventory to guide other tree programs, and improving and preserving public assets."

Goal D: Public Assets

"Develop an inventory of City assets, including buildings, infrastructure, parks lighting, open space and trees, and develop a strategic plan for asset management to identify and quantify unfunded liabilities and deferred maintenance costs. The inventory of trees shall be sufficiently detailed to guide other General Plan 2040 tree programs."

Our goal is to assist the City in implementing General Plan policies and programs on tree management in a timely and comprehensive manner, which we also believe is the most cost-effective manner. We seek your commitment to proceed seamlessly from 1) a **tree inventory** that provides the necessary data for 2) the **tree ordinance**, 3) **tree preservation**, and 4) a **tree master plan** to guide implementation of 5) the remaining General Plan tree programs.

As always, our group remains ready to assist. Thank you.

Yours truly,

Amy Likover, Convener



May 30, 2023

Mayor Kate Colin and City Council Members
City of San Rafael
1400 Fifth Ave
San Rafael, CA

sent via email

RE: Regular Meeting of the City Council on June 5, 2023, agenda item for FY23-25 Goals and Objectives and Performance Metrics

Mayor Kate and City Council members:

1) Street Tree Inventory

The City has decided to develop an inventory of all assets, including the General Plan Program **CDP-3.5B Street Tree Inventory**, included in Goal A and D. The Street Tree Inventory should include all trees considered to be public assets, including trees located in our parks or publicly owned properties, medians, sidewalks and public right-of-ways.

We understand the reason for obtaining additional data is to determine where our public trees are located, including the size and species of the trees, and the condition of the trees, in order to care for and maintain these assets. General Plan 2040 contains policies for tree management, including tree preservation, removal and replacement. This goal should include the intention to manage our tree assets by advancing our tree management policies previously adopted in the General Plan, with the following suggested wording modifications:

GOAL A: NEIGHBORHOOD AND ECONOMIC VITALITY

- Prioritize the implementation of key General Plan 2040 programs to improve and preserve public assets, including neighborhood planning, economic vitality, and developing a tree inventory to guide and advance tree preservation, removal and replacement polices. ~~and improving and preserving public assets.~~

GOAL D: PUBLIC ASSETS

- Develop an inventory of City assets, including buildings, infrastructure, parks lighting, open space and trees, and develop a strategic plan for asset management to identify and quantify unfunded liabilities and deferred maintenance costs. Data collected from the tree inventory can guide and advance tree management policies described in General Plan 2040 regarding the preservation, removal, and replacement of trees.

2) Current process to remove Trees located in the Public right-of-way

To remove a tree located in the public right-of-way, San Rafael only requires an encroachment permit, which is the same permit required to repair or replace a driveway, sidewalk or sewer lateral. The

encroachment permit does not require a description of the tree(s) being removed nor does it require an arborist's review or any other criteria to remove the tree. However, for property owners wanting to remove and replace a tree located in the public right-of-way as part of the sidewalk repair program, an arborist reviews the application and makes a determination.

All trees within the public right-of-way are public assets and need to be preserved and protected equally. We are suggesting the City adopt the same level of review for removal of all trees in the public right-of-way whether they are part of the sidewalk repair program or not. A case in point, the Valvoline business located at 1524 Second St paid \$246 for an encroachment permit to remove several mature Redwood trees located in the public right-of-way. Without any review by an arborist, the trees were removed, and the business then applied for the sidewalk repair program.

We suggest adding the following wording to:

GOAL D: PUBLIC ASSETS

- Require arborist review for the removal of all trees located in the public right-of-way.

Thank you for your consideration of our comments.

Sincerely,

Victoria DeWitt
Emese Wood
Tom Heinz
Denise Van Horn
Jeff Eader
Maren Degraff
Steve Thomson
Jasmin Thomson
Tim Bowen
Anne Bowen
Indira Guerrieri
Tim Waddy
Linda Lieberman
Susan Bradford
Peter & Leslie Marks
Katherine Hale



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Police Department

Prepared by: D.C. Spiller, Police Chief

City Manager Approval: 

TOPIC: POLICE ADVISORY AND ACCOUNTABILTY COMMITTEE

SUBJECT: ADOPT A RESOLUTION ESTABLISHING THE CITY OF SAN RAFAEL POLICE ADVISORY AND ACCOUNTABILITY COMMITTEE

RECOMMENDATION: Adopt a resolution establishing the City of San Rafael Police Advisory and Accountability Committee (PAAC) and direct staff to facilitate a city-wide call for applications.

BACKGROUND:

Over the past year, Mayor Kate Colin, Councilmember Llorens Gulati, and Police Chief Dave Spiller, along with other leadership representatives from the City of San Rafael, hosted numerous community meetings seeking feedback from residents about policing in San Rafael.

Five major themes emerged from what the community shared, creating opportunities for the city and the police department to address the community's concerns. The five key themes of feedback include:

1. Improve the feeling of safety and security.
2. Increase cultural competencies, empathy, and customer service skills.
3. Build trust and improve relationships with the community.
4. Increase diversity of the police department workforce.
5. Improve transparency, communication, and accountability.

The fifth item listed, specifically as it relates to transparency and accountability, is an area where the city is seeking to create a committee composed of community members to work in collaboration with the police department to improve upon all of the five key themes listed above.

Major themes from community conversations and what city leadership heard from the community can found at the "Policing in San Rafael" website: <https://www.cityofsanrafael.org/policinginsanrafael/> .

FOR CITY CLERK ONLY

Meeting Date:

Disposition:

The primary goals of the PAAC would be to cultivate trust between the police and community, improve transparency and accountability of the San Rafael Police Department (SRPD), and build relationships with the community that will serve to improve policing in San Rafael. Additionally, the PAAC would provide greater community participation as their meetings will be open to the public and they would be making recommendations on police department policies, practices, and procedures.

The PAAC would serve as an advisory committee to the City Council. The PAAC would be comprised of seven members. Selection for membership would be made following a community-wide call for application to participate on the committee. Committee members would be selected based on interviews conducted by the full City Council. Committee members must be City of San Rafael residents at least 18 years old (with the exception of one designated seat for a youth/young adult member between ages of 17-26), who have pledged to be impartial, unbiased and objective. With the intent to ensure the PAAC can serve in perpetuity, the Police Chief and the City Manager would not have the authority to disband or substantively modify the structure of the committee absent a formal resolution or action of the City Council.

The membership of the PAAC should be inclusive and reflective of community members of diverse backgrounds including but not limited to race, ethnicity, age, gender identity, sexual orientation, economic status, and various communities of interest. Community members with lived experiences with law enforcement interactions (specifically the SRPD) would be strongly encouraged to apply. The city would conduct extensive outreach efforts to the community at large, community-based organizations, and civil rights organizations, among others to solicit applications from a wide array of candidates. Applicants would not be required to have any specialty knowledge or particular skills to be eligible to participate.

Staff recommends that there be a co-creation process with the PAAC members to establish the specific work plan and objectives for the committee. Broadly speaking, the advisory role of the committee would be to:

- Act as a sounding board for the City Council, the City Manager, and the Police Department regarding community needs and concerns, as well as provide community feedback to proposed police programs and priorities.
- Make recommendations to the City Council regarding police policy, procedures, and best practices, including those related to community relations, hiring, and training best practices.
- Provide a report (at least annually) to the full City Council regarding the activities of the committee and the SRPD's efforts to strengthen community-police relations and the progress made toward improving upon the five key themes of community feedback.

In addition to the advisory role, an important element of the PAAC would be to engage and participate in training to support their success. Potential training may include topics such as public meeting laws, cultural competency, implicit/explicit bias, police department

operations and policies, police ride-a-longs, etc. Once the committee is formed, staff will work with the PAAC to determine the specific training curriculum.

Next Steps

If establishing the PAAC is approved by the City Council, staff will facilitate a city-wide call for applications beginning no later than July 1st. Staff will conduct extensive community outreach to educate the community about this opportunity and to encourage a diverse pool of candidates to apply. The applicants would be interviewed by the City Council this September, and the inaugural session of the newly formed PAAC would be in the Fall of 2023.

The PAAC would adhere to the established procedures commensurate with the City of San Rafael Boards, Commissions and Committees Rules and Procedures which was adopted by the City Council by formal resolution in March of 2023 (*Resolution 15196 <https://www.cityofsanrafael.org/documents/board-commission-committee-rules-procedures/>*).

The city wishes to work collaboratively with the community as we continue developing the specific scope of work for this committee. Staff are planning more community engagement efforts to seek input regarding the creation of the PAAC's bylaws, which will be brought to the City Council for approval at a future date. The bylaws include specific details regarding the PAAC's responsibilities and its meeting frequencies.

COMMUNITY OUTREACH:

In the Fall of 2022 and early 2023, the city held community meetings of approximately 200 participants, and the diversity of meeting participants represents multiple perspectives across San Rafael. Two of those meetings were held in Spanish (with English interpretation), where residents met in small groups with a community facilitator, to create a safe space for residents to share their experiences and have their voices heard. Following the small groups, the community facilitators shared back the feedback directly to the Police Chief and city leadership. The city met with community groups, high school students, racial justice activists, local non-profits, and residents to hear their concerns and seek input.

FISCAL IMPACT:

All costs for supporting the PAAC, including staff time, will be absorbed by the existing General Fund budget. Staff resources including an assigned Staff Liaison from the Police Department, as well as administrative support to manage meeting minutes and agenda postings will be assigned to current employees. Any potential consultant support necessary to support and facilitate the work of the PAAC will be funded from the proposed FY 2023-24 General Fund Budget.

OPTIONS:

1. Adopt a resolution establishing the Police Advisory and Accountability Committee (PAAC) and direct staff to facilitate a city-wide call for applications.
2. Do not adopt the resolution and provide staff with alternate direction.

RECOMMENDED ACTION: Adopt the resolution establishing the Police Advisory and Accountability Committee and direct staff to facilitate a city-wide call for applications.

ATTACHMENTS:

1. Resolution

RESOLUTION NO.

RESOLUTION ESTABLISHING THE CITY OF SAN RAFAEL POLICE ADVISORY AND ACCOUNTABILITY COMMITTEE

WHEREAS, the City of San Rafael, hosted community meetings which resulted in the feedback on policing in San Rafael; and

WHEREAS, the City of San Rafael seeks to improve transparency, communication, trust, and accountability between the San Rafael Police Department and the community; and

WHEREAS, the creation of a Police Advisory and Accountability Committee will serve to improve public transparency and accountability and community relationships with the San Rafael Police Department and the City; and

WHEREAS, the creation of a Police Advisory and Accountability Committee will purposefully serve as a sounding board for the City Council, the City Manager and the Police Department regarding community needs and concerns.

NOW, THEREFORE, BE IT RESOLVED, by the San Rafael City Council as follows:

1. The City of San Rafael Police Advisory and Accountability Committee is hereby established as an advisory committee to the City Council to improve public transparency and accountability with respect to the San Rafael Police Department and provide greater community participation in making recommendations on police department policies, practices, and procedures.
2. The Committee will be comprised of seven members appointed by the City Council and may include alternate(s). Committee members must be City of San Rafael residents, who have pledged to be impartial, unbiased, and objective. The membership of the Committee should be inclusive and reflective of community members of diverse backgrounds including but not limited to race, ethnicity, age, gender identity, sexual orientation, economic status, and various communities of interest. Committee members must be City of San Rafael residents at least 18 years old (except for one designated seat for a youth member between ages of 17-26) Members are not required to have any specialty knowledge or particular skills to be eligible. The City Council will appoint the Chair and Vice-Chair for the initial first-year term of the Committee.
3. Each Committee member will serve a term of four (4) years, except for certain initial appointments which will be shorter to ensure that the terms are staggered, and not all of the appointments expire in the same year. Members will be limited to two consecutive four-year terms.
4. The City Clerk is hereby authorized to conduct an open, community-wide call for applications for Committee members.
5. The Police Advisory and Accountability Committee shall be governed by the City of San Rafael Boards, Commissions and Committees Rules and Procedures, adopted

