

REPORT TO THE GUADALUPE CITY COUNCIL
City Council Agenda of October 8, 2019

151

Prepared by:
Philip F. Sinco, City Attorney



Approved by:
Robert Perrault, Interim City Administrator

SUBJECT: PROPOSED ORDINANCE REGULATING, AND REQUIRING A CONDITIONAL USE PERMIT FOR, EMPLOYEE HOUSING OF SEVEN (7) OR MORE PERSONS IN A DWELLING UNIT

RECOMMENDATION:

That the City Council introduce, on the first reading, Ordinance 2019-482 regarding regulating, and requiring a conditional use permit for, employee housing of seven (7) or more persons in a dwelling unit, and continue to the meeting of October 22, 2019, for second reading and adoption.

BACKGROUND:

On September 23, 2014, the City of Guadalupe passed an urgency ordinance to prohibit the establishment of any new boardinghouses on any properties in the R-3 residential zoning district in the City in response to a pending sale of the Olivera Street Apartments to a farm labor supply contractor who was considering purchasing the apartments to house H-2A workers. "H-2A" refers to the federal temporary visa program that allows nonresident agricultural workers to reside in the United States and work for a temporary, usually seasonal, period of time. Under this program, agricultural employers must provide housing to workers at no cost in addition to paying a wage and providing transportation to and from the work site. The potential purchaser of the Olivera Street Apartments had communicated to City staff an interest to use the property as a boardinghouse and to house as many workers as would be permitted under federal regulations. Although the number of workers that can be legally housed under federal H-2A regulations is more than the number of occupants that would be permitted under the City's Municipal Code (due to a density requirement of no more than one person per 500 square feet per parcel), the City decided to adopt the urgency ordinance since a boardinghouse was a permitted use in the R-3 residential zoning district to ensure that a conditional use permit would be required before this use could commence.

Less than 30 days after the passage of the urgency ordinance, the City introduced a permanent ordinance on October 28, 2014, requiring a conditional use permit for boardinghouses in the R-3 zone; however, as a result of the passage of the urgency ordinance, the potential purchaser declined to purchase the property, and this resulted in the property owner filing a lawsuit against the City. The property owner was successful in the trial court and obtained a jury verdict against the City; however, this litigation ultimately ended favorably for the City earlier this year when the appellate court reversed the jury verdict and found that the City had acted in compliance with the law in passing the urgency and permanent ordinances. The ultimate result of the appellate court's decision is that the City is able to require a conditional use permit for any use of a residential property as a boardinghouse in the R-3 residential zoning district.

However, under the California Employee Housing Act ("the Act") (Health and Safety Code sections 17000 – 17062.5), housing of six (6) or fewer persons in a dwelling unit is considered a residential use of a property just like any other permitted residential use, and local jurisdictions are not permitted to regulate housing of six (6) or fewer employees as a boardinghouse use. The Act was not part of the Olivera Street Apartments litigation due to the unique facts of the case; however, the Act is the primary state law concerning housing of employees, including temporary H-2A workers, and the City's existing housing regulations do not fully conform with the provisions in the Act. Furthermore, although the City's existing boardinghouse regulations would probably still require a conditional use permit for housing of seven (7) or more employees in a dwelling unit, these regulations only apply in residential zoning districts. Some other zoning districts in the City permit residential uses such as the mixed-use district, the neighborhood commercial district, and the general commercial district, and the City's boardinghouse regulations do not apply in those districts. Accordingly, the City's boardinghouse regulations are not sufficient to fully regulate all employee housing in the City.

DISCUSSION:

The proposed ordinance before the City Council is based on a similar ordinance recently passed by the City of Santa Maria. As the Council is well aware, the City of Santa Maria spent over a year holding townhall type meetings to obtain input from City residents, agricultural interests, and other stakeholders as part of its process in preparing an ordinance to address housing of H-2A workers in the City of Santa Maria. The impetus and main focus of the ordinance in Santa Maria was the issue of housing H-2A workers in the City's R-1 (low density) residential zoning district, and ultimately, the City Council decided to permit employee housing as a matter of right in all residential zoning districts except for the R-1 district. The City of Santa Maria's ordinance did not address the issue of employee housing in commercial or other zoning districts. With respect to the R-1 district, the City of Santa Maria required an administrative use permit (called a "zoning administrator permit" under the ordinance) for any employee housing facility that house seven (7) or more employees in a dwelling unit.

The impact of housing H-2A workers in the City of Guadalupe has been less than in the City of Santa Maria, and the potential issues concerning housing of H-2A workers in Guadalupe are

different than in Santa Maria, but the City of Santa Maria's ordinance is nevertheless a good one for the City of Guadalupe to emulate because it also includes provisions concerning how an employee housing facility should be maintained and operated. These regulations will be beneficial to the H-2A workers who are housed as well as neighboring residents and the City as a whole.

In the City of Guadalupe, there have been only a few single-family dwellings used to house H-2A workers to date, and there have not been any significant complaints from City residents. An application for a conditional use permit to house H-2A workers was filed for the Pioneer Apartments project that was placed on the City Council's agenda for its meeting on January 8, 2019; however, the applicant withdrew the request after the release of the staff report, but before the day of the meeting. Staff had recommended against granting a conditional use permit for this use, in part, because it did not have an ordinance that regulated employee housing and did not have a clear basis to grant a conditional use permit for this use, but also, because staff did not believe this was an appropriate use for the property.

Should the Council adopt the proposed ordinance, any property owner who thereafter wants to use any structure or building in the City where residential uses are permitted to house more than seven (7) employees in any dwelling unit, would need to apply for and obtain a conditional use permit. City staff does not know what use the owner of the Pioneer Apartments currently intends for the project. The owner has obtained issuance of building permits and is free to start construction on the sites. The approved use is for multi-family apartments and the applicant has paid school fees based on this use; however, in light of the fact that the applicant had previously tried to obtain a conditional use permit for employee housing on the site, it is possible that the applicant still intends to use the property for employee housing.

Even if the City Council approves the proposed ordinance, the applicant can use the Pioneer Apartments project for employee housing provided that no more than six (6) employees are housed in any of the apartments. State law preempts the City from prohibiting that use or requiring a business license, conditional use permit, or other entitlement to house six (6) or fewer employees in any structure that otherwise allows residential occupancy. However, if the applicant wishes to house seven (7) or more employees in the apartments, he will have to apply for and obtain issuance of a conditional use permit and will be subject to the regulations set forth in the proposed ordinance, just as any other property owner would be required to do.

Although there has not been a significant number of H-2A workers being housed in the City to date, that is likely to change. The number of H-2A workers in North Santa Barbara County has increased significantly in recent years and is expected to continue to increase. While agriculture is undoubtedly important for the local economy and there is a need to housing H-2A workers, there is already a limited supply of housing in the City and a lack of affordable housing for local residents. Housing H-2A workers in significant amounts could further reduce the available supply, and therefore, there is a need for the City to be able to regulate housing of H-2A workers in the City.

FISCAL IMPACT:

There would not be any fiscal impacts on the City if the proposed ordinance were adopted as the City's cost would be recovered by the fee imposed for processing conditional use permits, and the City would be able to recover its enforcement cost for violations through administrative code enforcement procedures.

ATTACHMENTS

1. Ordinance No. 2019-482 entitled: "An Ordinance of the City Council of the City of Guadalupe to Regulate and Require a Conditional Use Permit for all Employee Housing Facilities Where Seven (7) or More Employees are House in any Residential Structure in All Zoning Districts Where Residential Uses are Allowed or Conditionally Allowed in the City of Guadalupe."

ORDINANCE NO. 2019-482

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, TO AMEND TITLE 18 OF THE GUADALUPE MUNICIPAL CODE TO REGULATE AND REQUIRE A CONDITIONAL USE PERMIT FOR ALL EMPLOYEE HOUSING FACILITIES WHERE SEVEN (7) OR MORE EMPLOYEES ARE HOUSED IN ANY RESIDENTIAL STRUCTURE IN ALL ZONING DISTRICTS WHERE RESIDENTIAL USES ARE ALLOWED OR CONDITIONALLY ALLOWED IN THE CITY OF GUADALUPE

WHEREAS, the use of single-family residences and other residential units as employee housing for temporary agricultural workers, including the federal H-2A visa program housing, is a matter of concern for the City because of possible adverse impacts to residential neighborhoods and because of the limited supply of available housing for permanent City of Guadalupe residents; and

WHEREAS, the federal H-2A visa program supports local agriculture, and provides a method for local agricultural businesses to secure necessary workers for temporary or seasonal agricultural jobs where there is a shortage of domestic workers; and

WHEREAS, the City Council of the City of Guadalupe supports local agriculture and the federal H-2A visa program, but wishes to regulate employee housing within the City of Guadalupe; and

WHEREAS, a duly noticed public hearing was held for the purpose of considering proposed Ordinance No. 2019-482 to Title 18 of the City of Guadalupe Municipal Code by the City Council of the City of Guadalupe on October 8, 2019; and

WHEREAS, the City Council determined that the proposed ordinance presented at the October 8, 2019, public hearing achieves a balance between the need for housing temporary workers in the City of Guadalupe, supporting local agricultural interests, and providing protections from possible adverse impacts of the use of housing in the City's zoning districts that permit housing, including housing of temporary workers; and

WHEREAS, the City Council finds proposed Ordinance No. 2019-482 to be consistent with applicable goals and policies of the City's General Plan.

NOW, THEREFORE, the City Council of the City of Guadalupe, State of California, does hereby ordain as follows:

SECTION 1. Section 18.08.135 is hereby added to Chapter 18.08 of the Guadalupe Municipal Code as follows:

18.08.328. Employee housing.

"Employee housing" or "employee housing facility" means employee housing as defined in Health and Safety Code Section 17008, when the accommodations consist of a housing type

permitted in the underlying zone district, and of buildings and structures permitted by the City of Guadalupe for occupancy.

SECTION 2. Section 18.20.030 of the Guadalupe Municipal Code is hereby amended as follows:

18.020.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the R-1 district include:

A. A church, public or private elementary school, park, playground, public utility building or public building, along with required parking;

B. Accessory buildings or uses normally incidental to a single-family residence, if constructed or installed prior to the main building on the same lot;

C. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit, or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel.

SECTION 3. Section 18.28.030 of the Guadalupe Municipal Code is hereby amended as follows:

18.028.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the R-2 district include:

A. Group dwellings with more than 6 residents, such as boardinghouses, family care homes, rest homes, convalescent homes, or other similar residential uses, provided that such a group dwelling shall not be located within 300 feet of the boundaries of a parcel containing another group dwelling, unless a conditional use permit is issued on the basis that waiver of such separation requirement would not be materially detrimental or injurious to the property, improvements or uses in the immediate vicinity;

B. A church, public or private elementary school, public utility building or public building, along with required parking;

C. Accessory buildings or uses normally incidental to a single-family residence, if constructed or installed prior to the main building on the same lot;

D. A home occupation;

E. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit, or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel.

SECTION 4. Section 18.32.030 of the Guadalupe Municipal Code is hereby amended as follows:

18.032.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the R-3 district include:

A. Mobile home parks or recreational vehicle parks;

- B. Mortuaries;
- C. A home occupation;
- D. Group dwellings with more than 6 occupants, such as hotels, motels, boardinghouses, family care homes, rest homes, convalescent homes or other similar residential uses, provided that such a group dwelling shall not be located within 300 feet of the boundaries of a parcel containing another group dwelling, unless a conditional use permit is issued on the basis that waiver of such separation requirement would not be materially detrimental or injurious to the property, improvements or uses in the immediate vicinity;
- E. Accessory buildings or uses normally incidental to one of the uses permitted above, if constructed or installed prior to the main building on the same lot;
- F. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit, or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel.

SECTION 5. Section 18.35.030 of the Guadalupe Municipal Code is hereby amended as follows:

18.35.030 Conditional uses.

- A. Uses permitted subject to obtaining a conditional use permit, including:
 - 1. Dwellings at a density of 6 dwellings per gross acre, and on the upper floors only;
 - 2. Theaters;
 - 3. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit.
- B. The following uses are allowed by a conditional use permit provided that: (1) the gross floor area of each establishment shall not exceed 2,000 square feet; and (2) the combined floor area of such establishments within a shopping center shall not exceed 25% of the total floor area:
 - 1. Bars and taverns;
 - 2. Professional offices;
 - 3. Restaurants;
 - 4. Retail sale and rentals of specialty items, such as video rental, clothing stores, books, records, toys and stationery;
 - 5. Retail sale of groceries and liquor (<2,000 square feet).

SECTION 6. Section 18.36.030 of the Guadalupe Municipal Code is hereby amended as follows:

18.036.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the G-C district include:

- A. Dwellings which are not on a floor above a permitted use;
- B. Hospitals, convalescent homes, boardinghouses, and family care homes or other group dwellings;
- C. Outdoor sales, including drive-in food and drive-through banking facilities;

- D. Recreation vehicle park;
- E. Auto repair and parking garages;

F. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit.

SECTION 7. Section 18.38.030 of the Guadalupe Municipal Code is hereby amended as follows:

18.38.030 Conditional uses.

A. Uses permitted subject to obtaining a conditional use permit, including:

- 1. Amusement arcades;
- 2. Athletic and health clubs;
- 3. Dwellings at a density of 4 dwellings per gross acre;
- 4. Homeless shelters;
- 5. Repair services;
- 6. Residential care facilities providing care for 6 or more persons;
- 7. Service stations;

8. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit.

B. The following uses are allowed by a conditional use permit provided that (1) the gross floor area of each establishment shall not exceed 2,000 square feet and (2) the combined floor area of such establishments within a shopping center shall not exceed 25% of the total floor area:

- 1. Bars and taverns;
- 2. Professional offices;
- 3. Restaurants;
- 4. Retail sale and rentals of specialty items, such as video rental, clothing stores, books, records, toys and stationery;
- 5. Retail sale of groceries and liquor (<2,000 square feet);
- 6. Theaters.

SECTION 8. Chapter 18.75 of the Guadalupe Municipal Code is hereby added to the Guadalupe Municipal Code as follows:

18.75.010 Intent.

This Chapter is intended to identify employee housing facilities consisting of seven (7) or more persons as primarily a business use that may be compatible with residential uses subject to a conditional use permit, and to establish additional zoning regulations on this use consistent with the public health and safety and good planning practices.

18.75.020 Definition.

For purposes of this Chapter, "employee housing" means employee housing as defined in Section 18.08.328 of this Title when seven (7) or more employees are housed in a dwelling unit

or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel.

18.75.030 Applicability of requirements.

A. The requirements set out in this Chapter apply to and are conditions of all employee housing facilities within the City. Failure of an operator of an employee housing facility to comply with the provisions of this Chapter is a public nuisance and is subject to the administrative penalties, citations, fines and hearing procedures of the City of Guadalupe.

B. Frequent or an unusual number of calls for service or public complaints for an employee housing facility, as determined by the Director of Public Safety, may lead to review and imposition of additional conditions or revocation of the conditional use permit issued for the facility.

C. Pursuant to California Health and Safety Code Section 17021.5, employee housing providing accommodations for six or fewer employees in a dwelling unit (or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel) is a residential use of property, and therefore, is not subject to the provisions of this Chapter.

D. All employee housing facilities shall comply with the processing procedures for a conditional use permit as provided in Chapter 18.72.

18.75.040 Development of New Residential Units.

Development of new residential units shall conform to the density, development standards, permit requirements and other regulations of the underlying zone district and shall be processed in the manner specified by this Title.

18.75.050 Performance Standards.

A. In order to prevent the operation of employee housing from creating situations or impacts beyond that which is normal, expected, and consistent with the general welfare, owners and operators of an employee housing facility shall ensure continued compliance with the following criteria:

1. As required by state law, no employee housing facility shall be allowed to be operated without first obtaining certification by the state workforce agency that the employee housing facility complies with federal and state program standards. Prior to use of a property for employee housing, the owner or operator of the employee housing facility shall provide the City with proof of certification by the California Employment Development Department and/or California Department of Housing and Community Development acting as the state workforce agency.

2. The owner and operator of a dwelling used for employee housing shall consistently maintain the dwelling and property, including maintaining landscape, so as not to create a public nuisance. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner and adhere to the requirements of the Guadalupe Municipal Code. Any graffiti on the property shall be promptly removed or painted

out. All landscaping areas on the property shall be permanently maintained with healthy, growing plant material, free from weeds. Dead or dying plant material shall be replaced within one month of plant deterioration.

3. Employee housing shall comply with all applicable residential development standards of the underlying zone district and the per-unit parking requirements of Title 18.

4. Garages (detached or attached) or other accessory buildings not permitted as dwelling units shall not be used to house employees.

5. Common living areas (kitchens, dining rooms, living rooms, family rooms, etc.) within existing units shall not be converted to, or used for, additional sleeping areas.

6. The appearance of the dwelling or property shall not be modified (either by color, materials, construction, signs, lighting, sounds, etc.) so as to be recognized as serving as an employee housing use.

7. No commercial signs shall be permitted on the property or on vehicles parked at the property.

8. Any vehicles associated with the operation of an employee housing facility, including but not limited to employee transportation, deliveries and company vehicles, shall not impede vehicular or pedestrian traffic or block any driveway or sidewalk.

9. Vehicles, sixteen (16) passenger capacity and larger, shall not be parked on the property or on adjacent streets, other than in the active process of picking up or dropping off employees.

10. The operator shall establish a 24-hour emergency contact phone number.

B. An operator of a proposed employee housing facility may request modifications to the above criteria through the conditional use permit application and process.

SECTION 9. SEVERABILITY. Should any provision, section, paragraph, sentence or word of this Ordinance be declared invalid by any court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

SECTION 10. ENVIRONMENTAL DETERMINATION. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, in accordance with the City of Guadalupe's procedures, and has been found to be exempt per CEQA Section 15061(b)(3) (General Rule) of the Guidelines for the California Environmental Quality Act (CEQA), because the City Council hereby finds with certainty based on substantial evidence in light of the entire record, there is no possibility that the proposed amendment to the zoning code will have a significant effect on the environment. The Planning Director is directed to file a notice of exemption with the Santa Barbara County Clerk.

SECTION 11. The City Clerk is hereby authorized to make minor changes herein to address

clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council held the 8th day of October 2019, by the following roll call vote: **Motion**

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Phillip F. Sinco, City Attorney

**REPORT TO THE GUADALUPE CITY COUNCIL
City Council Agenda of October 8, 2019**



Prepared by:
Robert Perrault, Interim City Administrator

SUBJECT:

LETTER TO THE DEPARTMENT OF PARKS AND RECREATION RESOURCES IN SUPPORT OF THE PALACE HOTEL/ FAR WESTERN TAVERN'S NOMINATION TO THE CALIFORNIA REGISTER OF HISTORICAL PLACES

RECOMMENDATION:

It is recommended the Council by motion approve the transmission of the attached letter to the Historical Resources Commission and authorize the Mayor's signature on behalf of the Council.

BACKGROUND:

The City has been notified by the State Department of Parks and Recreation Office of Historic Preservation that the Palace Hotel/ Far Western Tavern building has been nominated for placement on the California Register of Historical Resources (California Register). The State Historical Resources Commission will consider this nomination at its next quarterly meeting scheduled for November 7, 2019. Interested parties may submit comments regarding the nomination to the Commission. The Guadalupe – Nipomo Dune Center, current owner of the building is encouraging the Council consider submitting a letter of support

The Palace Hotel/ Far Western Tavern was built in 1912 and is located at 895 Guadalupe St in the heart of the downtown district. During its use as a hotel and restaurant for a century, the building served as an important meeting and socializing location for both local residents and visitors. Built in the Mission Revival Style, the brick building is a dominant and important historic structure in the City's central core.

The attached letter in support of the nomination has been drafted for your review.

FISCAL IMPACT:

There is no fiscal impact to the City resulting from submitting a letter of support.

ATTACHMENTS

1. Letter in support of the nomination.



October 8, 2019

Julianne Polanco, State Historic Preservation Officer
State of California Natural Resources Agency
Department of Parks and Recreation
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

RE: Letter in Support of the Nomination of the Palace Hotel for Placement on the California Register of Historical Resources:

It is our understanding the State Historical Commission will consider the nomination of the Palace Hotel (Far Western Tavern) for placement on the California Register of Historical Resources at the Commission meeting to be held on November 7th. The Council discussed this nomination during the Council meeting held on October 8th. As a result of this discussion the Council would like to go on record as wholly supporting this nomination.

Constructed in 1912 and located in the very heart of Guadalupe's downtown, this building has played a significant role in our City's history for the past 107 years.

As noted in the application, the two- story building was designed and constructed in the Mission Revival Style popular in its day. The building literally set the standard for many of the buildings constructed on Guadalupe Street during this period. Equipped with a full kitchen and bar the Palace Hotel served as a communal gathering spot for local residents and visitors alike. In the early Twentieth Century the hotel served as a mecca for the local Swiss- Italian immigrant population who were drawn to this area and prominent in the development of the local dairy industry. Under the ownership of Mr. Ercolina Forni patrons taking advantage of the hospitable surroundings made decisions that were critical to the health and well- being of this community in its formative days.

In 1958 the building was purchased by the Maretti and Minetti families and rechristened the "Far Western Tavern". Until its relocation in 2012 the Tavern continued to serve the needs of the ranching and Northern Santa Barbara County business communities. Additionally, the Far Western Tavern served as a destination point for out of town visitors from throughout the State. It is not uncommon to this day to hear about the many family and personal celebrations that took place within these historical walls.

Today, the building is owned by the Guadalupe Dune Center, a non- profit organization dedicated to preserving the culture and history of our region. The Center plans to historically rehabilitate this grand structure. Once the rehabilitation is complete the building will be used to display the elements of art, culture and history so important to the community

It is for all the reasons noted above we encourage you to place this historic building on the California Register,

Sincerely

Ariston Julian
Mayor, City of Guadalupe

REPORT TO THE GUADALUPE CITY COUNCIL
City Council Agenda of October 8, 2019



Prepared by:
Robert Perrault, Interim City Administrator

SUBJECT:

ADOPTION OF A RESOLUTION APPOINTING MR. TODD BODEM AS CITY ADMINISTRATOR AND APPROVING THE EMPLOYMENT AGREEMENT BETWEEN THE CITY AND MR. BODEM.

RECOMMENDATION:

It is recommended the Council adopt the attached Resolution No. 2019-63 appointing Mr. Todd Bodem as City Administrator and approving the Employment Agreement between the City and Mr. Bodem.

BACKGROUND:

The City initiated the recruitment process to select a new City Administrator in February. The recruitment was broad based and resulted in attracting candidates throughout the western United States. In late July the Council interviewed the most qualified Candidates and in August completed a second interview with two of the top three candidates. At the conclusion of this lengthy process, staff is recommending the Council enter into an employment agreement with Mr. Todd Bodem, M. A.

Mr. Bodem has nearly twenty years of municipal management experience. Most recently he was the City Administrator for the City of Sand City, CA. Prior to coming to Sand City he worked for a number of jurisdictions in Minnesota. During his career he has specialized in small town management. He received a Bachelor of Arts Degree in Local and Urban Affairs from St. Cloud State University and a Master of Arts in Urban and Regional Studies, Minnesota State University.

In summary, the attached agreement with Mr. Bodem contains the following terms:

- A term of three years with the recognition that the city administrator position serves at the will of the Council. Should the agreement be terminated prior to the end of the term, without cause, severance in the amount of six months of salary and employee only health benefits would be payable to Mr. Bodem.

- Salary is set at \$137,500 per year. Health and vacation/ sick leave benefits match the benefit level offered to other management employees. Mr. Bodem will be entitled to City paid premiums for life insurance with a benefit value of \$105,000.
- Mr. Bodem will be entitled to a reimbursement of up to \$3,000 in moving expenses based on the City's receipt of paid invoices.
- Mr. Bodem will also receive an allowance of \$50.00 for the use of his cell phone for City business.
- Mr. Bodem's start date has been identified as November 1, 2019.

FISCAL IMPACT:

The impact to the City's combined budget will be as outlined in this staff report. There are sufficient funds in the budget to meet the obligations of this agreement without further modification. Salary savings are accruing as a result of having an interim City Administrator employed since the beginning of the current fiscal year.

ATTACHMENTS

1. Resolution No. 2019-63
2. Proposed Employment Agreement.

RESOLUTION NO. 2019-63

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY GUADALUPE APPOINTING
TODD BODEM AS CITY ADMINISTRATOR AND APPROVING THE EMPLOYMENT AGREEMENT
BETWEEN THE CITY AND MR. BODEM**

WHEREAS, Guadalupe Municipal Code Section 2.04.020 creates the office of City Administrator in order to more expeditiously, efficiently and satisfactorily carry out the administrative affairs of the City, and;

WHEREAS, the permanent City Administrator position has been vacant since March 1, 2019

WHEREAS, the City completed an extensive recruitment to fill the vacancy and;

WHEREAS, the recruitment resulted in the City receiving a number of applications from throughout the western United States, and;

WHEREAS, the Council conducted two interview sessions with the most qualified of the applicants, and;

WHEREAS, during the interview process Mr. Todd Bodem distinguished himself as the most qualified candidate having served as an Administrator for a number of jurisdictions over a 20-year period in both California and Minnesota, and;

WHEREAS, Mr. Bodem has indicated he is ready and available to take on the duties of City Administrator for the City of Guadalupe effective November 1, 2019

WHEREAS, Mr. Bodem and the City have reached agreement on the terms of an employment agreement.

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

SECTION 1. the City Council does hereby appoint Mr. Todd Bodem as City Administrator effective as of November 1, 2019.

SECTION 2 . The City Council does hereby approves the employment agreement between the City and Mr. Todd Bodem attached hereto as Exhibit 1 and further authorizes the Mayor to sign the employment agreement on behalf of the City of Guadalupe.

PASSED, APPROVED AND ADOPTED at a regular meeting on the 8th day of October, 2019,by the following vote:

Motion:
AYES:
NOES:
ABSENT:
ABSTAIN:

I, Joice Earleen Raguz, City Clerk of the City of Guadalupe DO HEREBY CERTIFY that the foregoing Resolution, being C.C. **Resolution No. 2019-63** has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held October 8 , 2019, and that same was approved and adopted.

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip Sinco, City Attorney

EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF GUADALUPE
&
TODD BODEM

This Agreement is made and entered into this 8th day of October of 2019 by and between the City of Guadalupe, a municipal corporation, (hereinafter called "Employer" or "City" and Todd Bodem, (hereinafter called "Employee") an individual, both of whom agree as follows:

Section 1: Term:

The term of this agreement shall be for a period of three (3) years, from November 1, 2019 to and including October 31, 2022. Not later than June 30, 2022, Council shall either negotiate an extension to this agreement or vote to not extend this agreement. Notwithstanding the term of the agreement, Employee acknowledges that this position with the City is an "at-will" position, and Employer need not provide advance notification, sufficient or just cause, or a right of appeal from a decision to terminate Employee. Employee shall be entitled to only such benefits upon termination as are explicitly set forth in this Agreement. Employee is exempt from City's Personnel System and holds no property right in his employment with the City.

Employee agrees that no representative of City has made or can make any promises, statements, or representations which state or imply that Employee is hired or retained under any terms other than at-will and with exemption from City's Personnel System, as set forth above. Employee agrees that no agreement can impliedly arise that Employee is employed under any terms other than at-will and with exemption from City's Personnel System, as set forth above. Employee's status as at-will and exemption from City's Personnel System may only be changed, revoked, amended, or superseded by a written document, signed by Employee and the Mayor following approval by the City Council.

Section 2: Duties and Authority

Employer agrees to employ Employee as City Administrator to perform the functions and duties specified for that position under the California Government Code and Guadalupe Municipal Code Chapter 2.04 and to perform other legally permissible and proper duties and functions. Employee agrees to devote all of his business time, skill, attention, and best efforts to the discharge of the duties and responsibilities assigned to him by the City Council during the term of his employment.

Section 3: Compensation

A. During the term of this Agreement, Employer agrees to pay Employee an annual base salary of one hundred thirty-seven thousand five hundred and 00/100 Dollars (\$137,500.00), payable in installments at the time that other management employees of the employees of the Employer are paid, less any applicable deductions required for taxes

or other legally required amounts. During the term of this Agreement, should any employee of the City receive a cost of living or other increase in the base salary that equals or exceeds Employee's base salary set forth in this paragraph, Employer agrees to increase Employee's base salary to one dollar more than the base salary of the next-highest paid employee of the City. For purposes of this section, "base salary" shall not include those amounts paid to employees for overtime payment.

B. Employee shall be entitled to receive up to a maximum of \$3,000 in moving expenses subject to Employee providing receipts to City for such expenses and City approval of these expenses.

C. Employee shall be entitled to participate in a deferred compensation program pursuant to IRS Code Section 9457(b) administered by Mass Mutual. Should Employee choose to participate in this program, the City will not contribute any additional funds to Employee aside from the compensation stated above in Section A.

Section 4: Health Insurance Benefits

A. The Employer agrees to provide and to pay the premiums for insurance programs for the Employee and his dependents equal to those provided to other non-safety department heads of the City of Guadalupe. In the event Employee does not wish to enroll in such insurance programs, Employee may elect to receive the cash equivalent of such benefits by payment into a deferred compensation program.

B. The Employer agrees to provide and pay the premiums for term life insurance in the amount of \$105,000 on Employee's life, the beneficiary of which shall be selected by Employee. With respect to this insurance benefit only, Employee may not elect to receive the cash equivalent of such benefit.

Section 5: Vacation, Sick, Administrative and Holiday Leave

Employee shall be credited with vacation, holiday and sick leave in an amount equal to that of other non-safety employees of the City of equal tenure. A vacation accrual cap of 240 hours shall apply – Employee will not earn additional vacation hours in excess of that cap. Employee shall be credited with 20 hours of administrative leave upon commencement of employment, due to the irregular hours and additional hours needed to meet the needs of the City. Thereafter, Employee shall be credited with 80 hours of administrative leave each calendar year of this Agreement. Administrative leave shall be replenished annually on January 1 but unused leave shall not be cashed out at the end of each calendar year, contract year, or upon termination or separation from the City. In addition, should Employee resigned from his employment as provided in Section 10 of this Agreement, administrative leave shall be prorated from January 1 of such year

Employee resigns and Employee's final day of employment (at 20 hours per month) and if Employee has used more administrative leave than the prorated amount, such excess will be withheld from Employee's final paycheck.

Section 6: Retirement

The Employer agrees to enroll the Employee into the applicable State PERS retirement system or plan using the 2% @ 62 base formula. The Employer agrees to make the appropriate Employer contributions on the Employee's behalf as required by PERS and approved by Council. Employee shall pay the full employee member contribution.

Section 7: General Business Expenses

- A. Employer recognizes that certain expenses of a non-personal but job related nature are incurred by Employee, and agrees to reimburse or to pay said general expenses. The Finance Director is authorized to disburse such moneys upon receipt of duly executed receipts, pursuant to the City's Travel and Expense Reimbursement Policy.
- B. The Employer acknowledges the value of Employee being immediately accessible to Council members and staff via electronic mail and mobile telephone at all hours, whether Employee is present at City Hall or not. As such, the Employer shall pay Employee a monthly mobile telephone allowance of \$50, which shall cover all expenses of whatever nature incurred in the use of a mobile telephone for his duties for Employer.
- C. Employer shall budget for and pay reasonable professional dues, subscriptions, and expenses related to annual conference attendance and occasional training seminars, on behalf of Employee for purposes of allowing his continued and full participation in direct job-related professional organizations for the good of the City at the national, regional, state, and local levels, up to a maximum cost of \$2,500 annually. Such organizations shall include membership in the International City/County Manager's Association and the California League of Cities. Employee will be expected to provide reasonable notice to the City of any planned absences to attend such activities.
- D. City shall make available to Employee a City vehicle for his use on City business. In the event the City vehicle is unavailable, and Employee uses his personal vehicle for City business, City shall reimburse Employee for such use at the then-current IRS mileage rate, which reimbursement shall be deemed to cover all costs and expenses of such use, including but not limited

to the cost of insurance, insurance deductibles, fuel, maintenance, and any other expense of whatever description.

Section 8: Termination

- A. For the purpose of this agreement, termination shall occur when at least three (3) out of five (5) members of the City Council vote to terminate the Employee at a duly authorized public meeting, when Employee is otherwise ready, willing and able to perform the duties of his position.
- B. If Employee is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health, with or without a reasonable accommodation, for a period of four (4) successive weeks beyond any accumulated leave, or for twenty (20) working days over a thirty (30) working day period, Employer shall have the option to terminate this Agreement, subject to the severance pay requirements of Section 9.
- C. If the Employer reduces the base salary, compensation or any other financial benefit of the employee in a percentage greater than the average reduction applicable to all department heads, Employee shall have the right to declare that such reduction constitutes termination entitling Employee to severance under Section 9.
- D. If the Employee resigns following an offer by Employer to accept resignation, or following a suggestion by Employer to resign, whether formal or informal, then the Employee shall have the right to declare such resignation a termination under this Agreement.
- E. If Employee is terminated for cause, Employee will not be entitled to severance pay as provided in Section 9. Cause for termination shall include, but not be limited to: insubordination (defined as direction given to Employee by at least three (3) out of (5) City Councilmembers that is not followed), unethical conduct (as defined under the Political Reform Act), commitment of a criminal act, dereliction of duties as specified in Section 2 of the Agreement, and malfeasance.

Section 9: Severance

- A. Except as set forth in subsection E. above, and under Government Code Section 53260, if the Employee is terminated under Section 8, the Employer shall provide a severance payment equal to six (6) months base salary at the current rate of pay and health insurance benefits at the employee-only level.

The severance shall be paid in a lump sum. Notwithstanding anything to the contrary in this subsection, pursuant to Government Code Section 53243.2, regardless of the term of this Agreement, if the Agreement is terminated, any cash settlement related to the termination that Employee may receive from City shall be fully reimbursed to City if Employee is subsequently convicted of a crime involving an abuse of his office or position.

- B. Whether or not the City is required to pay a severance payment to Employee on termination of Employee, Employee shall be paid for all accrued and unused vacation leave to date of termination then payable under the terms of this Agreement. No payment shall be made upon termination or separation from the City for accrued and unused sick or administrative leave.
- C. Employee shall not be entitled to the severance payment set forth in subsection A in the event he is terminated following a conviction of a felony, or of a misdemeanor involving abuse of office or position by Employee, as that term is defined in Government Code Section 53243.4.
- D. This Section in no way changes or modifies Employee's status as an at-will employee.

Section 10: Resignation

In the event that the Employee voluntarily resigns his position with the Employer, the Employee shall provide a minimum of sixty (60) days notice unless the parties agree otherwise. If Employee voluntarily resigns his position with the Employer, Employee shall not be entitled to the severance payment set forth in Section 9.

Section 11: Hours of Work

It is recognized that the Employee must devote a great deal of time outside the normal office hours on business for the Employer, including but not limited to City Council and other meetings occurring during evening and night hours, and on days when City Hall is closed to the public. Employer is retaining Employee to perform the duties of City Administrator, and not for any particular working hours or schedule. Employee shall be entitled to no additional compensation for hours worked outside the Employer's normal office hours.

Section 12: Indemnification

- A. Employer shall provide Employee defense and indemnification as set forth in Part 7, Division 3.6, Title 1 of the Government Code, specifically Government Code Sections 995 et seq.
- B. Employee recognizes that Employer shall have the right to compromise and settle all actions or proceedings in which Employer is providing Employee a defense, even if Employee objects to such compromise or settlement.

Section 13: Other Terms and Conditions of Employment

A. The Employer shall fix any such other terms and conditions of employment as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City of Guadalupe municipal code or any other California law.

B. During the first year of employment, Employer shall review Employee's job performance after three (3) months, after six (6) months, and at the end of the Employee's first year of employment. Thereafter, Employer shall review Employee's job performance not less frequently than annually during the month of October of each year unless the parties agree otherwise. Interim reviews may be scheduled at any time upon direction of the City Council, with such notice as is required by law. The annual performance reviews and evaluations shall be in writing and in accordance with criteria and format developed jointly by Employer and Employee. The three (3) and six (6) month evaluations during the first year of Employee's employment may be less formal as determined by the City Council. Employer shall provide Employee a reasonable and adequate opportunity to discuss Employee's evaluation with the Employer. The annual performance reviews and evaluations shall be reasonably related to the Employee's duties under Chapter 2.04 of the Municipal Code and shall be based, in whole or in part, on goals for Employee's performance that are jointly developed and adopted by the Employer and Employee.

Section 14: General Provisions

- A. **Effective Date:** This Agreement shall become effective on approval by the City Council at a regular meeting.
- B. **Arbitration:** Any and all controversies or claims arising out of or relating to Employee's employment with City or the termination of Employee's employment with City shall be settled by binding arbitration in accordance with the Employment Arbitration Rules and Mediation Procedures of the

American Arbitration Association and judgment on the award rendered by the Arbitrator may be entered in any court having jurisdiction thereof.

- C. Severability: The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

- D. Miscellaneous: Employee's duties and obligations under this Agreement are personal and not assignable. The Agreement shall be binding on the Employer and the Employee as well as their heirs, assigns, executors, personal representatives and successors in interest. Paragraph headings used in this Agreement are for convenience only and shall not be considered part of the terms of the Agreement. No interpretation or construction of any provision or provisions of this Agreement will be influenced by the identity of the party drafting the Agreement. This Agreement will be governed by and construed in accordance with the laws of the State of California.

- E. Integration: This Agreement sets forth and establishes the entire understanding between the Employer and the Employee related to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this agreement during the life of the agreement. Such amendments shall be incorporated and made a part of this agreement.

CITY OF GUADALUPE
("EMPLOYER")

TODD BODEM
("EMPLOYEE")

By: _____
Ariston Julian, Mayor

By: _____
Todd Bodem

**REPORT TO THE GUADALUPE CITY COUNCIL
City Council Agenda of October 8, 2019**



**Prepared by:
Robert Perrault, Interim City Administrator**

SUBJECT:

CONSIDERATION OF A RESOLUTION FOR THE CALPERS EXCEPTION TO THE 180 DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTION 7522.56 (F) AND 21221 (h) FOR APPOINTMENT OF AMELIA VILLEGAS AS INTERIM HUMAN RESOURCES MANAGER

RECOMMENDATION:

It is recommended that the City Council adopt a resolution approving an exception to the CALPERS 180-day wait period pursuant to Government Code Sections 7522.56 (f) and Government Code Section 21221(h) for the appointment of Amelia Villegas as Interim Human Resources Manager.

BACKGROUND:

Ms. Amelia Villegas retired from her position of Human Resources Manager with the City effective October 1, 2019. In anticipation of the vacancy the City initiated a recruitment to fill this position in late July. The City completed the recruitment and interviewed candidates but at the completion of the process was unable to secure a suitable replacement. The City has re-opened the recruitment and recruitment will remain open until filled. The City is also in the process of reviewing its market options to attract qualified candidates. Since the position will remain open until filled it is difficult to determine the ultimate length of the vacancy.

Currently, there are a number of personnel related critical activities underway that need the attention of a qualified Human Resources staff person to complete. These activities include recruitments for a position in Utilities, several positions in Public Safety, the completion of negotiations with the Police Officers Association and the Firefighters Association, ongoing administration of the City's Worker's Compensation Program and the filling of the permanent City Administrator position. Ms. Villegas has spent her long career working in the Human Resources field and has spent the last 13 years with the City Guadalupe. Additionally, she was working on several of the items needing completion and facilitating her temporary part-time return to the City is important to the short-term operations of the City.

In January of 2013 The Employees' Pension Reform Act (PEPRA) went into effect. One of the provisions of PEPRA governs post-retirement employment for retirees. Specifically, all CalPERS retirees working in any capacity for CalPERS employers are subject to the following requirements:

- A 180-day wait period between the retirement date and the date employment begins unless an exception is approved;
- The work is of limited duration in a retired annuitant designated position (i.e., not a permanent part time position);
- The compensation paid is an hourly pay rate that is within the salary schedule for the position;
- The time worked is 960 hours or less in a fiscal year (July 1- June 30)
- No additional compensation or benefits are paid.

As defined above, retirees are generally prohibited from being employed in any capacity by a CalPERS covered employer for a period of 180 -days following the date of retirement. However, one of the exceptions to this 180- day wait period allows a public employer to employ a recent CalPERS retiree before the expiration of the 180-day wait period if the governing body certifies through the adoption of a resolution that the appointment is necessary to fill a critical need, prior to the expiration of the 180-day wait period. As noted, the employment of Ms. Villegas will assist with the completion of personnel related activities are essential to efficient operation of the City. Ms. Villegas will be employed as temporary employee with limited hours per week until suitable replacement is found.

FISCAL IMPACT:

The position of the Human Resources Manager has been budgeted at \$39.00 per hr. as a permanent part- time position with correlating benefits. Ms. Villegas will be retained at this hourly rate with no benefits, as a result there is more than sufficient funds in the budget to cover this action.

Alternatives

The Council has the following available options:

1. The Council could adopt the attached resolution;
2. The Council could take no action on the resolution presented; or
3. The Council could provide staff with additional direction

ATTACHMENTS

- 1. Resolution No. 2019-64**
- 2. Job Description**
- 3. Recruitment Flyer**
- 4. Letter Offer to Ms. Villegas**

RESOLUTION NO. 2019-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA APPROVING A RESOLUTION FOR THE CALPERS EXCEPTION TO THE 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTION 7522.56(f) AND GOVERNMENT CODE SECTION 21221(h) FOR APPOINTMENT OF AMELIA VILLEGAS AS INTERIM HUMAN RESOURCES MANAGER

WHEREAS, Amelia Villegas retired from the City of Guadalupe as its Human Resources Manager on October 1, 2019; and

WHEREAS, in preparation for Ms. Villegas' retirement, the City of Guadalupe had opened a recruitment for a Human Resources Manager in July 2019, but which recruitment was unsuccessful in securing a suitable candidate; and

WHEREAS, the City of Guadalupe currently has a vacant position for Human Resources Manager for which a recruitment has been re-opened; and

WHEREAS, in compliance with Government Code section 7522.56(f), the City Council must provide CalPERS this certification resolution when hiring a CalPERS retired annuitant before 180 days has passed since his or her retirement date; and

WHEREAS, Government Code section 7522.56(f) requires that post-retirement employment for CalPERS retired annuitants commence no earlier than 180 days after the retirement date, which is March 30, 2020 without this certification resolution; and

WHEREAS, section 7522.56(f) provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, Amelia Villegas did not and will not receive a Golden Handshake or any other retirement-related incentive from the City of Guadalupe; and

WHEREAS, the City Council desires to appoint Amelia Villegas as the Interim Human Resources Manager for the City of Guadalupe to perform the duties of the Human Resources Manager for the City of Guadalupe under Government Code section 21221(h), effective October 9, 2019; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, pursuant to Government Code section 21221(h), the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the minimum base salary for this position is \$5,054.74 per month, and the hourly equivalent is \$29.16 per hour, and the maximum base salary for this position is \$6,772.13 a month and the hourly equivalent is \$39.07 per hour; and

WHEREAS, the hourly rate that will be paid to Amelia Villegas will be \$39.07 per hour, which is equal to the maximum base hourly rate for the position; and

WHEREAS, Amelia Villegas will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

WHEREAS, an appointment under Government Code section 21221(h) requires an active, publicly posted recruitment for a permanent replacement; and

WHEREAS, the current status of this recruitment is open, and a job flyer has been prepared and released to the public a copy of which was attached to the staff report for this item; and

WHEREAS, this interim appointment of Amelia Villegas shall only be made once and will end after a permanent Human Resources Manager has been hired; and

WHEREAS, the Offer Letter to Amelia Villegas from the City of Guadalupe is attached to the staff report for this item and has been reviewed by the City Council; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar.

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

1. The City Council of the City of Guadalupe hereby certifies the nature of the appointment of Amelia Villegas as Interim Human Resources Manager as described in the staff report and Offer Letter attached thereto, and that this appointment is necessary to fill the critically needed position of Human Resources Manager for the City of Guadalupe as soon as possible because of significant issues concerning personnel projects and processes pending in the City of Guadalupe that require immediate attention by someone with Ms. Villegas's knowledge, experience, and specialized skills.
2. The City Council of the City of Guadalupe does hereby appoint Amelia Villegas as Interim Human Resources Manager effective October 9, 2019, to perform specialized work for a limited duration until a regular, Human Resources Manager can be hired.
3. Mr. Villegas, actual start date will be negotiated between City staff and Ms. Villegas, once all required documents have reviewed and approved by CalPERS.

PASSED AND ADOPTED at a regular meeting on the 8th day of October 2019, by the following vote:

Motion:

AYES:

NOES:

ABSENT:
ABSTAIN:

I, **Joice Earleen Raguz, City Clerk of the City of Guadalupe** DO HEREBY CERTIFY that the foregoing Resolution, being **Resolution No. 2019-64**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held October 8, 2019, and that same was approved and adopted.

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney



HUMAN RESOURCES MANAGER

October 2019

DEFINITION:

Under the direction of the City Administrator, this position is responsible for the development, execution, and management of human resources policies, procedures and programs to ensure compliance with all governmental and legal bodies.

ESSENTIAL FUNCTIONS:

- Plans, organizes and oversees daily functions, and activities of human resources programs, including recruitment and selection, job analysis and classification, compensation, employee training and development, benefits administration, workers' compensation and labor and employee relations.
- Performs job analysis and classification studies of new and existing positions; designs and writes new and modifies existing classification specifications as appropriate; conducts compensation studies for new and existing jobs to determine internal and external equity.
- Administers the City's employee benefit programs, including plans such as retirement, health, dental, vision, life, employee assistance program, Consolidated Omnibus Budget Reconciliation Act (COBRA); acts as liaison with brokers and health carriers.
- Coordinates the City's training activities; identifies training needs and ensures that the City's needs and expectations are addressed.
- Administers the workers' compensation claims management function.
- Assists the City Administrator with labor contract negotiations; prepares labor relations documents and contract language; may represent the City in meetings with bargaining units. Develops and participates in employee relation activities. Provides personnel support to all levels of staff relative to interpretation of laws, rules, regulations, policies
- Works closely with management on issues that require resolution or contract interpretation; conducts workplace investigations as needed.
- Develops and participates in employee relations activities; provides advice and counsel to all levels of staff in the interpretation of human resources laws, rules, regulations, policies, as it relates to personnel

Human Resources Manager

October 2019

Page 2 of 3

- **Monitors changes in law, regulations, and technology that may affect City or human resources operations; implements policy and procedure changes, as required; participates in the development and implementation of policies and procedural changes as required, ensuring compliance with applicable Federal and State laws and regulations.**

KNOWLEDGE/SKILLS

- **Principles, practices, and techniques of human resources in a public setting**
- **Applicable Federal, State and local laws, regulatory codes, ordinances, and procedures relevant to human resources**
- **Techniques for effectively representing the City in contact with governmental agencies, community groups, and various business, professional and educational, regulatory and legislative organizations**
- **Excellent written, verbal and interpersonal skills dealing with all levels of management and staff**
- **Principles and practices of exemplary customer service**
- **Strong organizational and prioritization skills**
- **Ability to maintain confidentiality of sensitive personal information of applicants, current and former employees, and other matters affecting employee relations**

EDUCATION & EXPERIENCE:

- **Graduation from an accredited four-year college or university with major coursework in human resources management, business or public administration, or a related field, or equivalent experience, AND**
- **Minimum of three (3) years of professional experience in human resources administration are required.**
- **Experience in a public agency is highly desirable;**
- **Possession of a valid California Driver's License, Class C, with a satisfactory (clean) driving record is required.**

PHYSICAL REQUIREMENTS:

- Frequently sits for extended periods of time. Occasionally stands for short durations of time and walks short distances.
- Occasionally reaches above, at and below shoulder level.
- Selection lifts, carries, pushes and pulls materials and objects up to 10-15 pounds.
- Occasionally bends, stoops, kneels, handles, grips, grasps, extends neck upward, downward, or side-to-side.
- Visual acuity which could be corrected sufficiently to perform the essential functions of the position; average depth perception needed.
- Ability to effectively verbally communicate to exchange information and to effectively hear and comprehend oral instructions and communications in an office environment.
- Frequently uses a computer and telecommunications equipment.

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.

- Primarily works indoors with no exposures to inclement weather, conditions or hazards.

The noise level in the work environment is usually quiet in the office.

This job description is not intended to be all-inclusive. The employee may also perform other reasonably related duties as assigned.

SALARY RANGE & BENEFITS

- **Hourly Salary Range:** \$29.162 to \$39.079 (This is a part-time position – 30 hours per week)
- Health, dental and vision insurance – costs are shared. City pays life insurance. 13 fixed paid holidays and one floating holiday per calendar year. Vacation and Sick Leave. IRS 457 Deferred Compensation Plan. Credit Union. City participates in Social Security.
- PERS Retirement Benefits: 2% @ 55 for “Classic” employees; 2% @ 62 for “PEPRA” employees

HOW TO APPLY

Go to our website at www.ci.guadalupe.ca.us and download our employment application. Please send, email, or fax completed City application to:

City of Guadalupe
Human Resources
P.O. Box 908
Guadalupe, CA 93434

Email: villegas@ci.guadalupe.ca.us

Fax: 805-343-5512

DEADLINE TO APPLY: OPEN UNTIL FILLED

EQUAL OPPORTUNITY EMPLOYER



October 2019 (revised)

**CITY OF GUADALUPE
HUMAN RESOURCES MANAGER
(Part-time: 30 hours per week)**

POSITION SUMMARY:

Under the direction of the City Administrator, this position is responsible for the development, execution, and management of human resources policies, procedures and programs to ensure compliance with all governmental and legal bodies.

HOURLY SALARY: \$29.162 - \$39.079, plus benefits

To review the full Human Resources Manager job description and benefit summary, please visit our website at:

www.ci.guadalupe.ca.us

APPLICATION PROCESS: Our employment application can be downloaded directly from the City's website shown above. Completed applications can be sent, faxed or emailed to:

City of Guadalupe
Attention: HR
P.O. Box 908
Guadalupe, CA 93434
Fax: 805-343-5512
Email: villegas@ci.guadalupe.ca.us

DEADLINE TO APPLY: OPEN UNTIL FILLED

Equal Opportunity Employer



Via Hand Delivery

October 8, 2019
Ms. Amelia Villegas
Guadalupe, CA 93434

RE: OFFER OF TEMPORARY EMPLOYMENT

Dear Ms. Villegas:

I am pleased to offer you the temporary position of Human Resources Manager with the City of Guadalupe. This offer is contingent upon the adoption of a resolution by the City Council at its meeting on October 8, 2019, for the CalPERS exception to the 180- day wait period pursuant to Government Code Section 7522.56 (f) and appointment of a retired annuitant to a one time interim position. The offer is also contingent upon the review and approval of the adopted resolution by CalPERS. The following are the details of the offer:

1. Preferred start date: Specific date to be determined (as soon as possible after October 8. 2019);
2. Salary: 39.07 per hour;
3. Schedule: This is a temporary, part- time position. The specific schedule will be determined at time of hire;
4. Payday; You will be paid on Fridays on a bi- weekly basis; and
5. This temporary position is not eligible for City-provided benefits, except for sick leave accrual per AB 1522, "Healthy Workplaces/Healthy Families Act".

Two originals of this offer are enclosed, Should you accept our offer of temporary assignment in the position of Interim Human Resources Management, Please sign and date both in the space provided below. Return one of these and retain the other for your records.

Sincerely,

Robert Perrault
Interim city Administrator

Acceptance:

I fully understand the parameters of this temporary assignment as Interim Human Resources Manager and hereby accept this offer of Temporary employment with the City of Guadalupe.

Amelia Villegas, Signature

Date

Amelia Villegas, Print

**REPORT TO THE GUADALUPE CITY COUNCIL
City Council Agenda of October 8, 2019**



Prepared by:
Robert Perrault, Interim City Administrator

SUBJECT:

DISCUSSION AND DIRECTION REGARDING RESOLUTIONS TO BE PRESENTED AT THE LEAGUE OF CALIFORNIA CITIES' ANNUAL MEETING

RECOMMENDATION:

It is recommended the Council review the Resolutions and by consensus provide direction to the City's Delegate to the League of California Cities' annual meeting.

BACKGROUND:

As a part of the City's budget deliberations the Council authorized the City to join the League of California Cities. The majority of California Cities are members of the League. The organization advocates to the State and Federal Governments on behalf of its membership and provides a variety of training programs to assist municipalities. The League conducts an annual meeting and asks Cities to select a delegate to attend and participate in the General Assembly held at the meeting. This year the Mayor Pro Tem will represent the City at the annual meeting and will participate in the General Assembly.

During the General Assembly delegates will be asked to vote on resolutions proposed by member cities. Once adopted, these resolutions will often result in the League making official requests of the State and Federal Government and or result in the formation of policy to guide the Leagues activities. This year two resolutions will be presented to the General Assembly for consideration:

- Resolution 1- Amendment to Rule 20 A – Calls upon the California Public Utilities Commission (CPUC) to expand its Rule 20A program for undergrounding overhead utilities to include projects in high hazard severity zones.

- Resolution 2- International Transboundary Pollution Flows – Calls upon the state and the federal governments of the US and Mexico to address water quality issues resulting from transboundary flows from Mexico’s Tijuana River into the United States.

In the attachment from the League the Council will find drafts of the proposed resolutions, an analysis of the issue developed by League staff and letters from supporting jurisdictions. Staff suggests the Council review the material provided by the league and then by consensus provide direction to the City’s delegate to use during deliberations in the General Assembly.

FISCAL IMPACT:

There is no fiscal impact on the City resulting from the Council providing direction to the City’s delegate regarding the pending resolutions.

ATTACHED:

1. League of California Cities Annual Conference Resolutions Packet



*Annual Conference
Resolutions Packet*

2019 Annual Conference Resolutions



Long Beach, California

October 16 – 18, 2019

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials

Cities: City of Hidden Hills, City of La Cañada Flintridge, City of Laguna Beach, City of Lakeport, City of Malibu, City of Moorpark, City of Nevada City, City of Palos Verdes Estates, City of Rolling Hills Estates, City of Rolling Hills, City of Ventura

Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, expanding Rule 20A criteria to include Very High Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires; and

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for Rule 20A projects would lead to more undergrounding in Very High Fire Hazard Severity Zones; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility and to increase funding allocations for Rule 20A projects.

Background Information on Resolution No. 1

Source: City of Rancho Palos Verdes

Background:

Rancho Palos Verdes is the most populated California city to have 90 percent or more of residents living in a Cal Fire-designated Very High Fire Hazard Severity Zone. Over the years, the Palos Verdes Peninsula has seen numerous brush fires that were determined to be caused by electrical utility equipment.

Across the state, some of the most destructive and deadly wildfires were sparked by power equipment. But when it comes to undergrounding overhead utilities, fire safety is not taken into account when considering using ratepayer funds to pay for these projects under California's Electric Tariff Rule 20 program. The program was largely intended to address visual blight when it was implemented in 1967. Under Rule 20A, utilities must allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit and meet one or more of the following criteria:

- Eliminate an unusually heavy concentration of overhead lines;
- Involve a street or road with a high volume of public traffic;
- Benefit a civic or public recreation area or area of unusual scenic interest; and,
- Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

As we know, brush fires are not restricted to erupting in these limited areas. California's fire season has worsened in severity in recent years, claiming dozens of lives and destroying tens of thousands of structures in 2018 alone.

Excluding fire safety from Rule 20A eligibility criteria puts the task of undergrounding power lines in Very High Fire Hazard Severity Zones squarely on property owners who are proactive, willing and able to foot the bill.

The proposed resolution calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the proposed resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

If adopted, utilities will be incentivized to prioritize undergrounding projects that could potentially save millions of dollars and many lives.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Rony Berdugo, Legislative Representative, Derek Dolfie, Legislative Representative, Caroline Cirrincione, Legislative Policy Analyst
Committees: Environmental Quality; Transportation, Communications, and Public Works

Summary:

This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

Background

California Wildfires and Utilities

Over the last several years, the increasing severity and frequency of California's wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to recent catastrophic wildfires, Governor Newsom established a Strike Force tasked with developing a "comprehensive roadmap" to address issues related to wildfires, climate change, and utilities. The Strike Force report acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom's Wildfire Strike Force program report concludes, "It's not a question of "if" wildfire will strike, but "when."

Very High Fire Hazard Severity Zones

This Resolution seeks to expand the undergrounding of overhead utility lines in VHFHSZ. California Government Code Section 51178 requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found here.¹

¹ <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state's population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire's maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

CPUC Rule 20 Program

The CPUC's Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

Rule 20A

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around \$95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At the last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government's Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities' service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E's Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E's annual allocations for Rule 20A have been around \$41.3 million annually, which is between two and three percent of their total revenue.

Criteria for Rule 20A Projects

For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

Rule 20A Credit System Imbalance Threatens Program Effectiveness

Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total \$95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over \$1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found [here](#).²

² Program Review, California Overhead Conversion Program, Rule 20A for Years 2011-2015, "The Billion Dollar Risk," California Public Utilities Commission.
[https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_\(2014_forward\)\(1\)/PPD_Rule_20-A.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_(2014_forward)(1)/PPD_Rule_20-A.pdf)

Note: The existing credit allocation formulas do not consider a municipality's need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

Rule 20B

Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

Rule 20C

Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

Rule 20D--Wildfire Mitigation Undergrounding Program

Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program. According to SDG&E, the objective of the Rule 20D undergrounding is exclusively for fire hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E's Fire Threat Zone (now referred to as the High Fire Threat District or HFTD). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The

Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

The Committee may want to consider whether Rule 20D should instead be expanded, adapted, or further utilized to support funding for overhead conversions within VHFHSZ throughout the state.

Fiscal Impact:

The costs to the State associated with this Resolution will be related to the staff and programmatic costs to the CPUC to take the necessary measures to consider and adopt changes to Rule 20A to include projects in VHFHSZ to the list of criteria for eligibility.

This Resolution calls for an unspecified increase in funding for Rule 20A projects, inferring that portions of increased funds will go towards newly eligible high fire hazard zones. While the Resolution does not request a specific amount be allocated, it can be assumed that these increased costs will be supported by utility ratepayers. According to the CPUC, the annual allocations towards Rule 20A are \$95.7 million.

The CPUC currently reports a cumulative credit surplus valued at roughly \$1 billion that in various regions, given the approval of expanded eligibility called for by this Resolution, could be used to supplement and reduce the level of new dollars needed to make a significant impact in VHFHSZ. The CPUC follows that overhead conversion projects range from \$93,000 per mile for rural construction to \$5 million per mile for urban construction.

The Resolution states that “California is experiencing fire seasons of worsening severity” which is supported by not only the tremendous loss of property and life from recent wildfires, but also in the rising costs associated with clean up, recovery, and other economic losses with high estimates in the hundreds of billions of dollars.

The Committee may wish to consider the costs associated with undergrounding utility lines in relation to the costs associated with past wildfires and wildfires to come.

Comments:

CPUC Currently Exploring Revisions to Rule 20

In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

Beyond Rule 20A: Additional Options for Funding Undergrounding Projects

There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

Rule 20D Expansion

The City of Berkeley in a 2018 study titled "Conceptual Study for Undergrounding Utility Wires in Berkeley." found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.

One of the study's recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley's city limits.

As an alternative to changing the criteria for Rule 20A, the Committee may wish to consider whether there is the opportunity to advocate for the expansion of Rule 20D funding more broadly, expanding its reach to all IOU territories.

Franchise Surcharge Fees

Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E's revenue projections, the increase would result in an additional surcharge revenue amount of approximately \$36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately \$3.00 to a typical residential customer's electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

Utility Bankruptcy and Undergrounding Funding

In considering this Resolution, it is important to understand that Rule 20A allocations have been more substantial in the past. As mentioned earlier, prior to 2011, PG&E was allocating approximately 5% to 6% of its revenue to the Rule 20A program. Therefore, it is not unreasonable to encourage an increase in Rule 20A allocations as history shows that utilities had the capacity to do so in the past.

However, in a time where IOUs such as PG&E are facing bankruptcy as the result of utility caused wildfires, there is the possibility that expanding rule 20A funding will generate more costs for the ratepayers.

Questions to Consider:

- 1) Is Rule 20A or Rule 20D the more appropriate program to advocate for such an expansion?
- 2) Are there any wildfire risks outside of VHFHSZ that could be mitigated by undergrounding projects?

Existing League Policy:

Public Safety:

The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions. (pg. 43)

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities. (pg. 43)

Transportation, Communication, and Public Works:

Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding. (pg. 54)

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. (pg. 51)

The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding. (pg. 52)

Environmental Quality

The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund. (pg. 9)

Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises. (pg. 9)

The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community. (pg. 10)

2019 Strategic Goals

Improve Disaster Preparedness, Recovery and Climate Resiliency.

- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

Support:

The following letters of concurrence were received:

The City of Hidden Hills

The City of La Cañada Flintridge

The City of Laguna Beach

The City of Lakeport

The City of Malibu

The City of Moorpark

The City of Nevada City

The City of Palos Verdes Estates

The City of Rolling Hills Estates

The City of Rolling Hills

The City of Ventura

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Rule 20A



City of Hidden Hills

6165 Spring Valley Road * Hidden Hills, California 91302
(818) 888-9281 * Fax (818) 719-0083

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

Dear President Arbuckle:

The City of Hidden Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Larry G. Weber
Mayor



City Council
Leonard Pieroni, Mayor
Gregory C. Brown, Mayor Pro Tem
Jonathan C. Curtis
Michael T. Davitt
Terry M. Walker

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of La Cañada Flintridge supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of La Cañada Flintridge is one of the few Southern California cities in which 100% of the community within a Very High Fire Hazard Severity Zone. The City, in 1987, committed 100% of its 20A allocation for forty-five years from this year for a major downtown undergrounding project. Therefore, the only way our City can directly benefit from this Resolution is if there is an additional annual increased allocation for this purpose. Due to the extreme threat the City experienced at the time of the Station Fire, the City is keenly aware of the damage a fire may potentially cause, whether from utility issues or from natural causes. The City strongly supports any effort, including this Resolution, to reduce fire danger for the City's residents.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly with the City of La Cañada Flintridge in support.

Sincerely,

A handwritten signature in black ink, appearing to read "Leonard Pieroni", is written over a horizontal line.

Leonard Pieroni
Mayor



July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Laguna Beach supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. Ten to the Top 20 most destructive fires in California were caused by electrical sources. The California's Rule 20A program, which allows local governments to pay for undergrounding of utilities costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it. We also believe that this program should redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. The City of Laguna Beach recommends that the resolution also be amended to call on the CPUC to redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

Nearly 90% of the City of Laguna Beach land area is designated under State Law and local ordinance as Very High Fire Hazard Severity Zone. While the City has used Rule 20A and 20B funding in the past to underground more than half of its overhead utilities, sufficient funding is not available to underground the remaining parts of the City.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

July 25, 2019
Page 2

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Whalen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bob Whalen
Mayor

CITY OF LAKEPORT

*Over 125 years of community
pride, progress and service*



August 7, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Lakeport supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Tim Barnes
Mayor
City of Lakeport



City of Malibu

Jefferson Wagner, Mayor

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: City of Rancho Palos Verdes Proposed Resolution to Amend California Public Utilities Commission Rule 20A – SUPPORT

Dear Ms. Arbuckle:

At its Regular meeting on August 12, 2019, the Malibu City Council unanimously voted to support the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state, but California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, as well as willing and able to foot the bill. The City of Malibu agrees with Rancho Palos Verdes that Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. As a recent series of news stories on wildfire preparedness in California pointed out, there are more than 75 communities across the state with populations over 1,000, including Rancho Palos Verdes and Malibu, where at least 90 percent of residents live in a Cal Fire-designated Very High Fire Hazard Severity Zone.

It is well-known that electric utility equipment is a common fire source, and has sparked some of the most destructive blazes in our state's history. Moving power lines underground is, therefore, a critical tool in preventing them. Currently, Rule 20A primarily addresses visual blight, but with fire seasons worsening, it is key that fire safety also be considered when local governments pursue Rule 20A projects, and that annual funding allocations for the program be expanded.

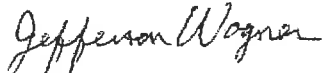
It is worth noting that the State does have a program, Rule 20D, that factors in fire safety for funding undergrounding projects. However, this is limited to San Diego Gas & Electric Company projects in certain areas only. This needs to be expanded to include projects in all projects within designated Very High Fire Hazard Severity Zones.

Rancho PV League Resolution
Amend Rule 20A
August 15, 2019
Page 2 of 2

The proposed resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, the City of Malibu strongly concurs that the resolution should go before the General Assembly.

Sincerely,


Jefferson Wagner
Mayor

Cc: Honorable Members of the Malibu City Council
Reva Feldman, City Manager
Megan Barnes, City of Rancho Palos Verdes, mbarnes@rpvca.gov



CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021
Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 24, 2019

SUBMITTED ELECTRONICALLY

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: SUPPORT FOR RANCHO PALOS VERDES RESOLUTION RE: POWER LINE UNDERGROUNDING

Dear President Arbuckle:

The City of Moorpark supports the City of Rancho Palos Verdes effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

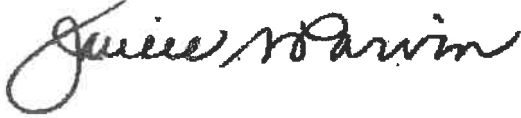
The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

All cities in Ventura County, including Moorpark, have wildfire prevention fresh in our memories following the highly destructive 2017-2018 Thomas Fire, which was caused by above-ground power lines. The 2018 Woolsey Fire similarly affected Ventura County, and lawsuits have been filed alleging it was also caused by above-ground power lines. Each of these fires caused billions of dollars in damages and highlight the importance of undergrounding power lines.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in black ink that reads "Janice Parvin". The signature is written in a cursive, flowing style.

Janice Parvin
Mayor

cc: City Council
City Manager



Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Nevada City supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of Nevada City would also like to add that the local agency be given the power to use private firms to do design, inspect and construct Rule 20A projects in local jurisdiction rather than be required to use the designated local utility. In addition, the City of Nevada City wants the CPUC to allow local jurisdictions to transfer excess funds between agencies to better serve projects in high fire hazard severity zones.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in cursive script that reads "Reinette Senum".

Reinette Senum
Mayor
City of Nevada City



CITY OF
Palos Verdes Estates

July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's current Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Mayor Kenneth J. Kao
City of Palos Verdes Estates

cc: PVE City Council
PVE Interim City Manager Petru
RPV City Manager Willmore



**City of
Rolling Hills Estates**

Judith Mitchell
Mayor

Velveth Schmitz
Mayor Pro Tem

Britt Huff
Council Member

Frank V. Zerunyan
Council Member

Steven Zuckerman
Council Member

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Rolling Hills Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.


Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,


Judith Mitchell
Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear Board of Directors:

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Leah Mirsch
Mayor

July 29, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Ventura supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.


Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,



Alex D. McIntyre
City Manager

2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Source: San Diego County Division

Concurrence of five or more cities/city officials

Cities: Calexico; Coronado; Imperial Beach; San Diego

Individual City Officials: City of Brawley: Mayor Pro Tem Norma Kastner-Jauregui; Council Members Sam Couchman, Luke Hamby, and George Nava. City of Escondido: Deputy Mayor Consuelo Martinez. City of La Mesa: Council Member Bill Baber. City of Santee: Mayor John Minto, City of Vista: Mayor Judy Ritter and Council Member Amanda Young Rigby

Referred to: Environmental Quality Policy Committee

WHEREAS, international transboundary rivers that carry water across the border from Mexico into Southern California are a major source of sewage, trash, chemicals, heavy metals and toxins; and

WHEREAS, transboundary flows threaten the health of residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, adversely impact the South San Diego County and Imperial County economy; compromise border security, and directly affect U.S. military readiness; and

WHEREAS, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have been entering southern California through both the Tijuana River Watershed (75 percent of which is within Mexico) and New River flowing into southern California's coastal waterways and residential and agricultural communities in Imperial County eventually draining into the Salton Sea since the 1930s; and

WHEREAS, in February 2017, an estimated 143 million gallons of raw sewage flowed into the Tijuana River and ran downstream into the Pacific Ocean and similar cross border flows have caused beach closures at Border Field State Park that include 211 days in 2015; 162 days in 2016; 168 days in 2017; 101 days in 2018; and 187 days to date for 2019 as well as closure of a number of other beaches along the Pacific coastline each of those years; and

WHEREAS, approximately 132 million gallons of raw sewage has discharged into the New River flowing into California through communities in Imperial County, with 122 million gallons of it discharged in a 6-day period in early 2017; and

WHEREAS, the presence of pollution on state and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both

sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

WHEREAS, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on trans-border rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

WHEREAS, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, public concerns in response to widespread threats to public health and safety, damage to fish and wildlife resources and degradation to California's environment resulting from transboundary river flow pollution in the southernmost regions of the state requires urgent action by the Federal and State governments, and

WHEREAS, Congress authorized funding under the U.S. Environmental Protection Agency's (EPA) Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program (BWIP) in 1996 to provide grants for high-priority water, wastewater, and storm-water infrastructure projects within 100 kilometers of the southern border; and

WHEREAS, the EPA administers the STAG and BWIP programs, and coordinates with the North American Development Bank (NADB) to allocate BWIP grant funds to projects in the border zone; and

WHEREAS, since its inception, the BWIP program has provided funding for projects in California, Arizona, New Mexico and Texas that would not have been constructed without the grant program; and

WHEREAS, the BWIP program was initially funded at \$100 million per year, but, over the last 20 years, has been continuously reduced to its current level of \$10 million; and

WHEREAS, in its FY 2020 Budget Request, the Administration proposed to eliminate the BWIP program; and

WHEREAS, officials from EPA Region 9, covering California, have identified a multitude of BWIP-eligible projects along the southern border totaling over \$300 million; and

WHEREAS, without federal partnership through the BWIP program and state support to address pollution, cities that are impacted by transboundary sewage and toxic waste flows are

left with limited resources to address a critical pollution and public health issue and limited legal remedies to address the problem; and

WHEREAS, the National Association of Counties, (NACo) at their Annual Conference on July 15, 2019 and the U.S. Conference of Mayors at their Annual Conference on in July 1, 2019 both enacted resolutions calling on the federal and state governments to work together to fund and address this environmental crisis; and

WHEREAS, local governments and the public support the State's primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future residents of California, and

WHEREAS, League of California Cities policy has long supported efforts to ensure water quality and oppose contamination of water resources; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding to the U.S- Mexico Border Water Infrastructure Program (BWIP) and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

Background Information on Resolution No. 2

Source: San Diego County Division

Background:

Along California's southern border with Mexico, the New River in Imperial County and the Tijuana River in San Diego County are a major sources of raw sewage, trash, chemicals, heavy metals, and toxins that pollute local communities. Sewage contaminated flows in the Tijuana River have resulted in significant impacts to beach recreation that includes the closure of Border Field State Beach for more than 800 days over the last 5-years. Similarly, contaminated flows in the New River presents comparable hazards, impacts farm land, and contributes to the ongoing crisis in the Salton Sea. These transboundary flows threaten the health of residents in California and Mexico, harms the ecosystem, force closures at beaches, damage farm land, makes people sick, and adversely affects the economy of border communities. The root cause of this cross border pollution is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs.

The severity of cross border pollution has continued to increase, due in part to the rapid growth of urban centers since the passage of the North American Free Trade Agreement (NAFTA). While economic growth has contributed to greater employment, the environmental infrastructure of the region has not kept pace, which is why Congress authorized the Border Water Infrastructure Program (BWIP) in 1996. The U.S. Environmental Protection Agency (EPA) administers the BWIP and coordinates with the North American Development Bank (NADB) to provide financing and technical support for projects on both sides of the U.S./Mexico border. Unfortunately, the current BWIP funding at \$10 million per year is only a fraction of the initial program budget that shares funding with the entire 2,000 mile Mexican border with California, Arizona, New Mexico and Texas. EPA officials from Region 9 have identified an immediate need for BWIP projects totaling over \$300 million just for California. Without federal partnerships through the BWIP and state support to address cross border pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with limited resources to address a critical pollution and public health issue.

The International Boundary and Water Commission (IBWC) is another important federal stakeholder that, under the Treaty of 1944 with Mexico, must address border sanitation problems. While IBWC currently captures and treats some of the pollution generated in Mexico, it also redirects cross border flows without treatment directly into California.

Improving environmental and public health conditions for communities along the border is essential for maintaining strong border economy with Mexico. The IBWC, EPA, and NADB are the important federal partners with existing bi-national programs that are able to immediately implement solutions on cross border pollution. California is in a unique position to take the lead and work with local and federal partners to implement real solutions that will address the long standing and escalating water quality crisis along the border.

For those reasons, the cities of Imperial Beach and Coronado requested the San Diego County Division to propose a resolution at the 2019 League Annual Conference calling upon the federal

and state governments to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California, San Diego and Imperial Counties and the Pacific Ocean.

On August 12, 2019 at the regularly scheduled meeting of the San Diego County Division, the membership unanimously endorsed submittal of the resolution, with close to 75% membership present and voting.

The Imperial County Division does not have a schedule meeting until after the deadline to submit proposed resolutions. However, the City of Calexico, which is most directly impacted by initial pollution flow of the New River from Mexicali, sent a letter in concurrence of this resolution as well as numerous city official from cities within Imperial County and the Imperial County Board of Supervisors. The League Imperial County Division will place a vote to support this resolution on the agenda of their September 26, 2019 meeting.

League of California Cities Staff Analysis on Resolution No. 2

Staff: Derek Dolfie, Legislative Representative
Carly Shelby, Legislative and Policy Development Assistant
Committees: Environmental Quality

Summary:

This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico’s Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

Background:

The League of California Cities’ San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an “impaired water body” because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

Federal Efforts to Address Pollution Crisis

To remedy the Tijuana River’s low water quality, the United States and Mexico entered into a Treaty in 1944 entitled: *Utilization of Waters of the Colorado River and Tijuana Rivers and of the Rio Grande – the International Boundary and Water Commission (IBWC)*. The IBWC was designed to consist of a United States section and a Mexico section. Both sections were tasked with negotiating and implementing resolutions to address water pollution in the area, which includes overseeing the development of water treatment and diversion infrastructure.

After the formation of the IBWC, the U.S. and Mexico entered into a treaty in 1993 entitled: *Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank*. This agreement established the North American Development Bank (NADB), which certifies and funds infrastructure projects located within 100 kilometers (62 miles) of the border line. The NADB supports federal programs like the Border Water Infrastructure Program (BWIP), which was initially funded at \$100 million, annually.

The degradation of existing water treatment infrastructure along the border coincides with the federal government’s defunding of the BWIP, which has steadily decreased from \$100 million in 1996 to \$10 million today. The Federal FY 2020 Budget proposes eliminating BWIP funding

altogether. EPA's regions 6 and 9 (includes U.S. states that border Mexico) have identified a number of eligible projects that address public health and environmental conditions along the border totaling \$340 million.

The NADB has funded the development of water infrastructure in both the U.S. and Mexico. Water diversion and treatment infrastructure along the U.S – Mexico border includes, but is not limited to, the following facilities:

- *The South Bay International Wastewater Treatment Plant (SBIWTP)*. This facility was constructed by the U.S. in 1990 and is located on the California side of the border and is operated under the jurisdiction of the IBWC. The SBIWTP serves as a diversion and treatment sewage plant to address the flow of untreated sewage from Mexico into the United States.
- *Pump Station CILA*. CILA was constructed by Mexico in 1991 and is located along the border in Mexico. This facility serves as the SBIWTP's Mexican counterpart.

Both the SBIWTP and CILA facilities have had a multitude of overflows containing untreated sewage and toxic waste that spills into the Tijuana River. The cause of overflows can be attributed to flows exceeding the maximum capacity that the infrastructure can accommodate (this is exacerbated during wet and rainy seasons) and failure to properly operate and maintain the facilities. Much of the existing infrastructure has not had updates or repairs for decades, causing overflows to become more frequent and severe. The most notable overflow occurred in February 2017, wherein 143 million gallons of polluting waste discharged into the Tijuana River; affecting the Tijuana Estuary, the Pacific Ocean, and Southern California's waterways.

State Actions

In response to the February 2017 overflow, the San Diego Water Board's Executive Officer sent a letter to the U.S. and Mexican IBWC Commissioners which included recommendations on how to improve existing infrastructure and communications methods between both nations.

In September of 2018, California Attorney General Xavier Becerra submitted a lawsuit against IBWC for Violating the Clean Water Act by allowing flows containing sewage and toxic waste to flow into California's waterways, posing a public health and ecological crisis. The cities of Imperial Beach, San Diego, Chula Vista, the Port of San Diego, and the San Diego Regional Water Quality Board have also filed suit against the IBWC. The suit is awaiting its first settlement conference on October 19, 2019. If parties are unable to reach a settlement, the case will go to trial.

Fiscal Impact:

California's economy is currently the sixth largest in the world, with tourism spending topping \$140.6 billion in 2018. In the past five years, San Diego's Border Field State Park has been closed for over 800 days because of pollution from the Tijuana River. A decline in the State's beach quality and reputation could carry macroeconomic effects that could ripple outside of the San Diego County region and affect coastal communities throughout California.

Existing League Policy

The League of California Cities has extensive language on water in its Summary of Existing Policy and Guiding Principles. Fundamentally, the League recognizes that beneficial water quality is essential to the health and welfare of California and all of its citizens. Additionally, the League advocates for local, state and federal governments to work cooperatively to ensure that water quality is maintained.

The following policy relates to the issue of water quality:

- Surface and groundwater should be protected from contamination.
- Requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported.
- When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.
- Water development projects must be economically, environmentally and scientifically sound.
- The viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
- Protection, maintenance, and restoration of fish and wildlife habitat and resources.

Click here to view the **Summary of Existing Policy and Guiding Principles 2018**.

Comments:

1. Water quality issues are prevalent across California and have been a constant priority of the State's legislature and residents. In 2014, California's voters approved Proposition 1, which authorized \$7.5 billion in general obligation bonds to fund water quality improvement projects. In 2019, the Legislature reached an agreement to allocate \$130 million from the State's Greenhouse Gas Reduction Fund (GGRF) to address failing water infrastructure and bad water qualities for over one million of California's residents in rural communities. Water quality is not an issue unique to the County of San Diego and communities along the border.
2. Tijuana River cross-border pollution has caught national attention. Members of Congress have proposed recent funding solutions to address the pollution crisis, including:
 - In February of 2019, California Congressional Representatives Vargas, Peters, and Davis helped secure \$15 million for the EPA to use as part of its BWIP.
 - *H.R. 3895 (Vargas, Peters, 2019), The North American Development Bank Pollution Solution Act*. This bill seeks to support pollution mitigation efforts along the border by increasing the NADB's capital by \$1.5 billion.
 - *H.R. 4039 (Levin, 2019), The Border Water Infrastructure Improvement Act*. This bill proposes increasing funding to the BWIP from the existing \$10 million to \$150 million as a continuous appropriation until 2025.

Additionally, the National Association of Counties (NACo) and the U.S. Conference of Mayors enacted resolutions in support of increased funding for U.S. – Mexico border water infrastructure to address the environmental crisis in 2019.

3. The border pollution problem has sparked action from local, state, and federal actors. Should this resolution be adopted, League membership should be aware that future action will be adapted by what is explicitly stated in the resolution's language. In current form, the resolution's resolve clause cites the BWIP as the only program that should receive reinstated and proper funding. League staff recommends the language be modified to state:

“NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding *for environmental infrastructure on the U.S. – Mexico Border, including to the U.S.–Mexico Border Water Infrastructure Program (BWIP)*, and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.”

Modifying the language would ensure enough flexibility for the League to support funding mechanisms outside of the prescribed federally-operated BWIP.

4. It remains unclear if there is an appetite in Washington to fund border-related infrastructure projects that address environmental quality. Given the high probability of another overflow containing waste and sewage from the existing infrastructure operated by the IBWC, League membership should consider the outcome if no resolution is reached to address the issue.

Support:

The following letters of concurrence were received:

Cities:

The City of Calexico

The City of Coronado

The City of Imperial Beach

The City of San Diego

In their individual capacity:

Amanda Young Rigby, City of Vista Council Member

Bill Baber, City of La Mesa Council Member

Consuelo Martinez, City of Escondido Deputy Mayor

George A. Nava, City of Brawley Council Member

John Minto, City of Santee Mayor

Judy Ritter, City of Vista Mayor

Luke Hamby, City of Brawley Council Member

Norma Kastner-Jauregui, City of Brawley Mayor Pro-Tempore

Sam Couchman, City of Brawley Council Member

LETTERS OF CONCURRENCE
Resolution No. 2

International Transboundary
Pollution Flows



CITY OF CALEXICO

608 Heber Ave.
Calexico, CA 92231-2840
Tel: 760.768.2110
Fax: 760.768.2103
www.calexico.ca.gov

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The city of Calexico strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Viva Calexico!

If you have any questions or require additional information, please do not hesitate to contact me at 760/768-2110.

Sincerely,

CITY OF CALEXICO

A handwritten signature in cursive script that reads "David Dale".

David Dale
City Manager

Cc: Honorable Mayor Bill Hodge

Viva Calexico!



CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118

OFFICE OF THE CITY MANAGER
(619) 522-7335
FAX (619) 522-7846

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts of International Transboundary River Pollution Flows Resolution

This letter is written on behalf of and with the support of the Coronado City Council. The City of Coronado wholeheartedly supports the resolution adopted by the San Diego County and Imperial County Division of the California League of Cities.

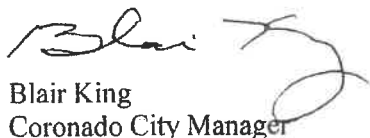
The San Diego County Division's resolution calls upon the federal and state governments to restore and ensure proper funding of the U.S.-Mexico Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

The City has been working closely with the Environmental Protection Agency and other federal partners on the matter since early 2018. City leaders are committed to finding long-term, sustainable solutions to this problem. Through its advocacy and education efforts, the City of Coronado has raised national awareness of the problem among legislators, political appointees and career staff at federal agencies. These efforts have been successful. However, the City along with our coalition partners, look forward to more action to swiftly resolve this issue.

Local government and the public support the state's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, Coronado values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me if you have any questions.

Sincerely,


Blair King
Coronado City Manager

cc: Coronado Mayor and City Council
Bill Baber, President, San Diego County Division
c/o Catherine Hill, Regional Public Affairs Manager, San Diego County Division chill@cacities.org



City of Imperial Beach, California

OFFICE OF THE CITY MANAGER

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St. Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach appreciates and supports the San Diego County Division's effort to submit a resolution for consideration by the full membership of the League of California Cities.

The Division's resolution calls on Federal and State government to address the impacts of transboundary pollution flows into the Southwestern regions of California. The pollution in these areas is an environmental disaster that threatens the health and general welfare of residents near the Mexican border in Imperial and San Diego Counties.

I encourage all voting delegates and elected officials in attendance at the 2019 Annual League of California Cities Conference in Long Beach to support this important resolution as it addresses the critical need for the federal and state government to recommit to work bi-nationally to address the serious contamination issues and to develop and implement long-term solutions.

I am available for any questions or additional information related to this letter of support.

Sincerely,

Andy Hall
City Manger

Cc: Honorable Mayor Serge Dedina
Honorable Mayor Pro Tem Robert Patton
Honorable Councilmember Paloma Aguirre
Honorable Councilmember Ed Spriggs
Honorable Councilmember Mark West



City of Imperial Beach, California

OFFICE OF THE MAYOR

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. If you have any questions or require additional information, please do not hesitate to contact me at 619-423-8303.

Sincerely,

Serge Dedina
Mayor



THE CITY OF SAN DIEGO

KEVIN L. FAULCONER

Mayor

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The City of San Diego supports the San Diego County Division in their effort to submit a resolution to the General Assembly at the League of California Cities' 2019 Annual Conference in Long Beach.

To suppress the flow of pollution between the Mexico and Southern California's water channels, the Division requests for the Federal and State governments to give proper funding to the Border Water Infrastructure Program (BWIP).

The City of San Diego and its citizens have expressed their concerns about untreated sewage, polluted sediment and trash flowing from Mexico, into California, causing health, environmental and safety concerns. The State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. With the Division's resolution, the great need for federal and state governments to reconsider working together, will help in developing a long-term solution to address serious water quality and contamination issues.

As members of the League, our City values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Please contact me at (619)453-9946 if you have any questions.

Sincerely,

Denice Garcia
Director of International Affairs

Cc: Honorable Mayor Kevin L. Faulconer



AMANDA YOUNG RIGBY
CITY COUNCILWOMAN

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Re: Border Sewage Issues

Dear President Arbuckle;

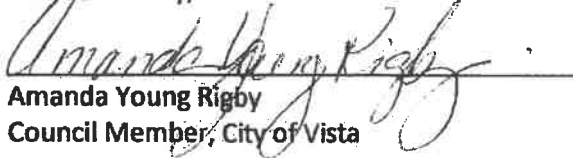
As a Council Member in the City of Vista, and solely in my individual capacity as such, I write in *support* of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the constant sewage pollution issues at the international border with Mexico.

This Resolution requests that the federal and state governments recognize the paramount importance of this issue and address the devastating impacts that this constant contamination has on the southernmost regions of California and the Pacific coastline by requesting the necessary funding to develop and implement effective and long term solutions to the raw sewage contamination coming into San Diego and Imperial Counties from Mexico.

Although I have lived in Vista for 27 years now, I grew up in Imperial Beach and know well the severe health and environmental impact that this situation has had on our border communities for the *decades*.

As a member of the League, I value the League's ability to effectively advocate on behalf of not only our cities but in effect, our citizens, and this is an important issue for our entire state. Should you have any questions or comments, please contact me at the number below. Thank you for your consideration.

Most Sincerely,


Amanda Young Rigby
Council Member, City of Vista

cc: Vista City Council
Vista City Manager
Vista City Attorney
City of Imperial Beach
City of Coronado
City of Calexico
City of San Diego



CITY OF
LA MESA

JEWEL of the HILLS

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flows Resolution

President Arbuckle:

As a Council Member for the City of La Mesa and in my individual capacity, not on behalf of the full La Mesa City Council as a body or the City, I am writing you in support of the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

As San Diego County Division President and a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at 619-667-1106, should you have any questions.

Sincerely,

BILL BABER
COUNCIL MEMBER CITY OF LA MESA
PRESIDENT, LEAGUE SAN DIEGO COUNTY DIVISION



Consuelo Martinez, Deputy Mayor
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4638

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the city of Escondido, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at cmartinez@escondido.org if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Martinez", written over a horizontal line.

Consuelo Martinez
Deputy Mayor

cc: Honorable Mayor and City Council Members
Jeffrey R. Epp, City Manager



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES
383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

George A. Nava
City Council Member
City of Brawley

MAYOR
John W. Minto



CITY OF SANTEE

CITY COUNCIL
Ron Hall
Stephen Houlihan
Laura Koval
Rob McNelis

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Santee, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (JMinto@cityofsanteeca.gov) if you have any questions.

Sincerely,

JOHN W. MINTO
Mayor
City of Santee



JUDY RITTER

MAYOR

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Vista, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at jritter@cityofvista.com if you have any questions.

Sincerely,

Judy Ritter
Mayor
City of Vista



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES
383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Luke Hamby
City Council Member
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES
383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Norma Kastner-Jauregui
Mayor Pro-Tempore
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES
383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Sam Couchman
City Council Member
City of Brawley