



REGULAR CITY COUNCIL MEETING AGENDA

City Hall - Council Chambers
4381 Broadway St., Suite 201, American Canyon
January 17, 2023
6:30 PM

Mayor: Leon Garcia
Vice Mayor: Pierre Washington
Councilmembers: Mariam Aboudamous, Mark Joseph, David Oro

Consistent with Government Code Section 54953 and the American Canyon City Council Resolution Declaring the Existence of a Local Emergency due to the COVID-19 Pandemic, City Council and other public meetings will be conducted both in person at City Hall, 4381 Broadway, Suite 201, and also via Zoom Teleconferencing to promote local, state, and federal guidelines and social distancing recommendations for the containment of the coronavirus. City officials and members of the public are invited to attend the meeting either in person or via teleconference. This meeting will be broadcast live to residents on Napa Valley TV, on our website [here](#) and on YouTube [here](#).

PUBLIC PARTICIPATION

Oral comments, during the meeting: Oral comments can be made in person during the meeting. A Zoom Webinar has been established for public comments made via zoom. To give your public comment via zoom, use the Register to Speak feature of eComments, connect via the below Zoom link and use the “raise your hand” tool, or call into the zoom meeting at 408-638-0968 and press *9 to “raise your hand” when the item is called. To avoid confusion, all hands raised outside of Public Comment periods will be lowered.

Written comments, via eComments: Please submit written comments through the eComments link, located on the Meetings & Agendas page of our website [here](#). Comments will be available to council members in real time. eComments will remain open throughout the meeting. All comments received will be posted online and become part of the meeting record.

Zoom Meeting Link: [Click here](#)
Webinar ID: 852 5117 7763 **Passcode:** 123456

The above-identified measures exceed all legal requirements for participation in public comment, including those imposed by the Ralph M. Brown Act. For more information, please call the Office of the City Clerk at (707) 647-4369 or email cityclerk@cityofamericancanyon.org.

AGENDA MATERIALS: City Council agenda materials are published 72 hours prior to the meeting and are available to the public via the City’s website at www.cityofamericancanyon.org.

AMERICANS WITH DISABILITIES ACT: The City Council will provide materials in appropriate alternative formats to comply with the Americans with Disabilities Act. Please send a written request to City Clerk at 4381 Broadway, Suite 201, American Canyon, CA 94503 or by email to cityclerk@cityofamericancanyon.org. Include your name, address, phone number and brief description of the requested materials, as well as your preferred alternative format or auxiliary aid, at least three calendar days before the meeting.

PUBLIC ADDRESS – CLOSED SESSION 5:30 P.M.

The Mayor will call the meeting to order and conduct roll call. Council will immediately convene into Closed Session after hearing any public comment on Closed Session items. At 6:30 p.m. the Council will reconvene into Open Session and then resume Closed Session at the end of the meeting to address outstanding items, if necessary.

5:30 P.M. CLOSED SESSION

- 1. Conference with Legal Counsel – Anticipated Litigation**
Authorized pursuant to Government Code Section 54956.9 (d)(2).
Three Matters.
- 2. Matters Relating to Public Employment Public Employee Performance Evaluations**
Pursuant to Gov. Code Section 54957.
Positions: Jason Holley, City Manager and William D. Ross, City Attorney

6:30 P.M. OPEN SESSION - REGULAR MEETING

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

REPORT ON CLOSED SESSION/CONFIRMATION OF REPORTABLE ACTION

PROCLAMATIONS AND PRESENTATIONS

- 3. Administer Oath of Office to Finance Director Juan Gomez**

PUBLIC COMMENTS - ITEMS NOT ON THE AGENDA

*This time is reserved for members of the public to address the City Council on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the City Council. Comments are limited to 3 minutes. Comments for items on the Agenda will be taken when the item is called. The City Council is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the City Council does not respond to public comment at this time. Speakers are asked to please speak clearly, and provide their name. Any handouts for distribution to the City Council must be emailed by 3:00 p.m. on meeting day. To comment via zoom during the meeting: click the “raise your hand” button if joining by computer, or press *9 if joining by phone, when the item is called. To avoid confusion, hands raised outside of Public Comment periods will be lowered.*

AGENDA CHANGES

The Mayor and Council may change the order of the Agenda or request discussion of a Consent Item. A member of the Public may request discussion of a Consent Item by making that request during Public Comment.

CONSENT CALENDAR

- 4. [Minutes of Regular City Council Meeting of December 6, 2022](#)**

Recommendation: Approve the minutes of Regular City Council meeting held on December 6, 2022

5. **Minutes of Regular City Council Meeting of December 20, 2022**

Recommendation: Approve the minutes of Regular City Council meeting held on December 20, 2022

6. **Report Upon Return from Closed Session**

Recommendation: Approve the Report Upon Return from Closed Session from the Regular City Council Meeting of December 20, 2022.

7. **AB361 In Person and Remote Teleconferenced Meetings - December 20, 2022 - January 19, 2022**

Recommendation: Adopt a Resolution reaffirming that, due to the continuing COVID-19 Pandemic, a local emergency exists, re-ratifying the Proclamation of a State of Emergency by Governor Newsom on March 4, 2020, and authorizing in-person and remote teleconferenced meetings of legislative and advisory bodies of the City of American Canyon for the period of December 20, 2022 - January 17, 2023, pursuant to the Ralph M. Brown Act.

8. **Measure T MOE Certification for FY 2021-22**

Recommendation: Adopt a Resolution approving the Maintenance of Effort (MOE) certification of \$370,015 as required under Measure "T" (The Napa Countywide Road Maintenance Act).

9. **Green Valley Consulting Engineers - Amendment #6**

Recommendation: Adopt a Resolution authorizing the City Manager to execute Amendment #6 to Agreement #2019-A167 with Green Valley Consulting Engineers, in the amount of \$107,000, for a total contract amount not to exceed \$705,000, for ongoing construction inspection services.

10. **Annual Cannabis Business Permit Status Report**

Recommendation: Receive and file the Annual Cannabis Business Permit Status Report.

11. **Prohousing Designation Program Application**

Recommendation: Adopt a Resolution of the City Council of the City of American Canyon authorizing an application to and participation in the Prohousing Designation Program.

12. **City Conflict of Interest Code Amendment - Adding Senior Planner**

Recommendation: Adopt a Resolution taking the following actions in conjunction with the City's Conflict of Interest Code:

1. Approving the 2022 Conflict of Interest Code as amended to add the title of Senior Planner; and
2. Authorizing future updates by Resolution; and
3. Authorizing the City Clerk to Complete and file the Amended 2022 Local Biennial Notice.

PUBLIC HEARINGS

13. **Confirm Participation in the Statewide Community Infrastructure Program ("SCIP")**
Recommendation: Adopt an Amended and Restated Resolution to Confirm Participation in the California Statewide Communities Development Authority's ("CSCDA") Statewide Community Infrastructure Program ("SCIP").
14. **The addition of Chapter 2.30 to the American Canyon Municipal Code creating the Open Space, Active Transportation, and Sustainability Commission First Reading.**
Recommendation: Waive first reading, read by title only, and introduce an Ordinance of the City of American Canyon adding Chapter 2.30 to the American Canyon Municipal Code and creating the Open Space, Active Transportation, and Sustainability Commission.

BUSINESS

15. **Local Agency Formation Commission (LAFCO) Representative**
Recommendation: Appoint by minute order a representative to the Local Agency Formation Commission.
16. **MCE Clean Energy Representative**
Recommendation: Adopt a minute order to confirm continued representation for MCE Clean Energy by the Napa County Representative or appointing an American Canyon Representative and Alternate.
17. **Metropolitan Transportation Commission (MTC) Napa County Appointment**
Recommendation: Adopt a minute order supporting Supervisor Alfredo Pedroza's continued representation on the Metropolitan Transportation Commission (MTC) or submitting a nomination that would be forwarded to the Napa County City Selection Committee and ultimately the Board of Supervisors.
18. **Maintenance and Utilities Department, Parks, Building Maintenance, Fleet Update**
Recommendation: Receive a Presentation on Maintenance and Utilities Department, Parks, Building Maintenance, and Fleet Update.
19. **Parks and Recreation Department Quarterly Update**
Recommendation: Receive a Presentation on the Parks and Recreation Department Quarterly Update.

MANAGEMENT AND STAFF ORAL REPORTS

MAYOR/COUNCIL COMMENTS, COMMITTEE REPORTS, AND FUTURE AGENDA ITEMS

The Mayor and Council may comment on matters of public concern and announce matters of public interest; no collective council action will be taken.

20. **Council Committee Report - Councilmember Mark Joseph**
Recommendation: Receive and file the Council Committee Report from Councilmember Mark Joseph.

21. Future Agenda Items of Note:

January 31, 2023

Housing Element

February 3, 2023

Strategic planning retreat

February 7, 2023

Black History Month

Auditors Report

Upgrades to playgrounds, skateboard park and former Napa Junction Elem.

February 21, 2023

Giovannoni Project

Recreation and Facility Fee Schedule

American Canyon Fire Protection District Fee Schedule

PG&E Traffic Impact Fee Reduction

Mid-Year Budget

March 7, 2023

Women's History Month

Utility Rate Study

Public Works Quarterly Update

MUD Sewer/Wastewater Presentation

ADJOURNMENT

CERTIFICATION

I, Taresa Geilfuss, CMC, City Clerk for the City of American Canyon, do hereby declare that the foregoing agenda of the City Council was posted in compliance with the Brown Act prior to the meeting date.

Taresa Geilfuss, CMC, City Clerk

**CITY OF AMERICAN CANYON
REGULAR CITY COUNCIL MEETING**

ACTION MINUTES
December 6, 2022

AMENDED AGENDA

PUBLIC ADDRESS – CLOSED SESSION 5:30 P.M.

5:00 P.M. CLOSED SESSION

1. Conference with Legal Counsel – Anticipated Litigation Authorized pursuant to Government Code Section 54956.9 (d)(2). One Matter.

2. Conference with Legal Counsel - Existing Litigation (2 matters). Authorized pursuant to Government Code Section 54956.9(d)(1):

**City of American Canyon v. City of Vallejo, et al. (Napa Superior Court Case No. 22CV000772)
City of American Canyon v. Leon Dale Schmidt (Napa Superior Court Case No. 22CV001041)**

3. Conference with Real Property Negotiators - Authorized pursuant to Government Code section 54956.8. Property: APN 059-030-037 and 059-030-007 (No situs address). Agency negotiator(s): City Manager Jason B. Holley.

Negotiating Parties: City of American Canyon. Under negotiation: Terms of Acquisition of Property.

6:30 P.M. OPEN SESSION - REGULAR MEETING

CALL TO ORDER

The meeting was called to order at 6:42 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present: Mayor Leon Garcia, Councilmember Mark Joseph, Councilmember David Oro, Councilmember Pierre Washington

Absent: Vice Mayor Mariam Aboudamous

Excused: Vice Mayor Mariam Aboudamous

REPORT ON CLOSED SESSION/CONFIRMATION OF REPORTABLE ACTION

City Attorney William Ross provided an oral report upon return from closed session. Closed session commenced at 5:03 p.m. Closed session concluded at 6:28 p.m. A written report will be provided.

SPECIAL BUSINESS

4. Declaration of the Result of the General Election of November 8, 2022

City Manager Jason Holley reported on the election results.

Written Comments: None Oral Comments: Justin Hamilton-Hole was called to speak; Karen Fritz was called to speak; Beverly Saxton Leonard was called to speak; Yvonne Banginski was called to speak.

Action: Motion to Adopt Resolution 2022-R103 of the City Council of the City of American Canyon reciting the fact of the general election held on November 8, 2022, declaring the result and such other matters as provided by law and directing City Attorney William Ross to administer Oaths of Office for two new City Council members made by Councilmember Pierre Washington, seconded by Mayor Leon Garcia and CARRIED by a roll call vote.

Ayes: Mayor Leon Garcia, Councilmember Mark Joseph, Councilmember David Oro, Councilmember Pierre Washington

Nays: None

Abstain: None

Excused: Vice Mayor Mariam Aboudamous

Action: City Attorney William Ross administered the oath of office for Councilmember Mark Joseph and for Councilmember David Oro

Council recessed to enjoy cake in celebration of Council Members Joseph and Oro's reelection at 6:56 PM. Council reconvened at 7:11 p.m.

PROCLAMATIONS AND PRESENTATIONS

5. Section 115 Trust

Maria Ojeda introduced Mitch Barker, executive Vice President of PARS. Mr. Barker shared a PowerPoint presentation. Council discussed the item.

PUBLIC COMMENTS - ITEMS NOT ON THE AGENDA

Mayor Garcia called for public comments. Written comments: none. Oral comments: Fran Lemos was called to speak; Albert Liff was called to speak; Eve was called to speak. The public comments period was closed.

AGENDA CHANGES

There were no agenda changes

CONSENT CALENDAR

Action: Motion to adopt CONSENT CALENDAR made by Councilmember Mark Joseph, seconded by Councilmember David Oro, and CARRIED by roll call vote.

Ayes: Mayor Leon Garcia, Councilmember Mark Joseph, Councilmember David Oro, Councilmember Pierre Washington

Nays: None

Abstain: None

Absent: Vice Mayor Mariam Aboudamous

Excused: Vice Mayor Mariam Aboudamous

6. Minutes of Regular City Council Meeting of November 15, 2022

Action: Approved the minutes of Regular City Council meeting held on November 15, 2022

7. Minutes of Special City Council Meeting - Planning Commission Interviews of November 29, 2022

Action: Approved the minutes of the Special City Council Meeting - Planning Commission Interviews of November 29, 2022.

8. Report Upon Return from Closed Session

Action: Approved the Report Upon Return from Closed Session from the Regular City Council Meeting of November 15, 2022.

9. City Council Meeting Calendar for 2023

Action: Approved the Regular City Council Meeting Calendar for 2023.

10. Annual Impact Fee Inflation Adjustment

Action: Adopted Resolution 2022—R104 of the City Council of the City of American Canyon adopting the annual Inflation-adjustment to the Traffic Impact Fee, Water Capacity Fee, Wastewater Capacity Fee, Parks and Recreation Fee, Civic Facilities Fee, General Plan Update Fee, and Affordable Housing Nexus Fee.

11. Partial Acceptance of the Public Improvements associated with the Canyon Estates Project

Action: Adopted Resolution 2022-R105 for partial acceptance of the public improvements associated with the Canyon Estates Project.

12. Award Contract for Storm Drain Master Plan (PW22-0100)

Action: Adopted Resolution 2022-R106 amending the FY22/23 Capital Budget to increase project budget and authorizing the City Manager to enter into Agreement 2022-A174 with Coastland for the Storm Drain Master Plan (PW22-0100) for an amount not to exceed \$196,397.

13. Contract award for 189 Theresa Avenue Demolition (CF23-0200)

Action: Adopted Resolution 2022-R107 authorizing the City Manager to enter into an agreement with Cal, Inc. for the 189 Theresa Avenue Demolition Project (CF23-0200) for an amount not to exceed \$100,000.

14. Water Conservation Plan Update Municipal Code Second Reading

Action: Wave second reading and adopt Ordinance 2022-06 of the City Council of the City of American Canyon modifying Chapter 13.14.01 through 13.14.140 of the American Canyon Municipal Code Water Conservation Plan.

PUBLIC HEARINGS

15. Summary Vacation of Easement

City Manager Jason Holley reported on the item on behalf of Public Works Director Erica Smithies, who was on the phone to take questions. Mayor Garcia opened Public Comments. Oral Comments: None Written Comments: None

Action: Motion to Adopt Resolution 2022-R108 of the City Council of the City of American Canyon, authorizing the City Manager to summarily vacate the 20-foot-wide easement described in the Grant of Easement, recorded May 23, 1978, Volume 1082 Page 109 to 111 of Napa County Official Records made by Councilmember David Oro, Seconded by Councilmember Mark Joseph and CARRIED by roll call vote.

Ayes: Mayor Leon Garcia, Councilmember Mark Joseph, Councilmember David Oro, Councilmember Pierre Washington

Nays: None

Abstain: None

Absent: Vice Mayor Mariam Aboudamous

Excused: Vice Mayor Mariam Aboudamous

16. Rio Del Mar Tentative Parcel Map and Design Permit Extension

Senior Planner William He shared a PowerPoint Presentation. Mayor Garcia opened public comments. Written Comments: None Oral Comments: Justin Hamilton Hole was called to speak Mayor Garcia Closed Public Comment.

Action: Motion to Adopt Resolution 2022-R109 of the City Council of the City of American Canyon, California, approving a twelve-month extension to the Rio Del Mar Tentative

Parcel Map and Design Permit from December 17, 2022, to December 17, 2023; located at the northeast intersection of West Carolyn Drive and Rio Del Mar, APNs 058-162-012 and 058-162-013 (File No. PL22-0030) made by Councilmember Oro, seconded by Councilmember Washington and CARRIED by a roll call vote.

Ayes: Mayor Leon Garcia, Councilmember David Oro, Councilmember Pierre Washington

Nays: Councilmember Mark Joseph

Abstain: None

Excused: Vice Mayor Mariam Aboudamous

17. Giovannoni Logistics Center Warehouse Project

City attorney William Ross, joined by the applicant recommended that the Public Hearing for the Giovannoni Logistics Center project be continued to the City Council Meeting of February 21, 2023, and that the Center for Biological Diversity be allowed until January 16, 2023, to comment on the proposed draft project EIR.

Mayor Garcia Opened Public Comments. Written Comments: Steve Pipekorn, Golden State Environmental Justice Alliance, Hallie Kutak, Staff Attorney, Center for Biological Diversity, Valerie Zizak-Morais, President/CEO, American Canyon Chamber of Commerce, Erin Chappell, Regional Manager, State of California Department of Fish and Wildlife, Richard Franco, Adams Broadwell, Joseph & Cardozo. Oral Comments: James Ashoff was called to speak; Jason Lindsey was called to speak; Rick Franco of Adams Broadwell was called to speak; Hallie Kutak, Center for Environmental Equality was called to speak. Mayor Garcia Closed Public Comments.

Action: Motion to continue Item 17, the Public Hearing for the Giovannoni Logistics Center project to the City Council Meeting of February 21, 2023, and that the Center for Biological Diversity be allowed until January 16, 2023 17 to comment on the proposed draft project EIR made by Councilmember Mark Joseph, seconded by Councilmember David Oro and CARRIED by roll call vote.

Ayes: Mayor Leon Garcia, Councilmember Mark Joseph, Councilmember David Oro, Councilmember Pierre Washington

Nays: None

Abstain: None

Excused: Vice Mayor Mariam Aboudamous

18. 106 Wilson Way - Special Assessment Lien Continued from November 15, 2022

City Attorney William Ross noted that a written request from the property owner for a continuance based on medical issues has been received; the letter also made reference to other property that could be used and would be relevant to City costs in this matter. City Attorney Ross recommended that this item be continued until the December 20, 2022, City Council meeting.

Mayor Garcia opened Public Comments. Written Comments: Lee Schmidt Oral Comments: None. Mayor Garcia closed Public Comments.

Action: Motion to continue Item 18, the Public Hearing for the 106 Wilson Way – Special Assessment Lien to the December 20, 2022, City Council meeting made by Councilmember Pierre Washington, seconded by Councilmember David Oro and CARRIED by a roll call vote.

Ayes: Mayor Leon Garcia, Councilmember Mark Joseph, Councilmember David Oro, Councilmember Pierre Washington

Nays: None

Abstain: None

Excused: Vice Mayor Mariam Aboudamous

BUSINESS

19. Maintenance and Utilities Department, Environmental Services Division Update

Maintenance and Utilities Director, Felix Hernandez introduced Environmental Services Manager Pam Phillips, who shared a PowerPoint Presentation. Mayor Garcia opened Public Comment. Written Comment: None Oral Comment: None. Mayor Garcia closed Public Comment.

MANAGEMENT AND STAFF ORAL REPORTS

Parks & Recreation Director Alexandra Ikeda provided an update on upcoming Parks and Recreation activities

MAYOR/COUNCIL COMMENTS, COMMITTEE REPORTS, AND FUTURE AGENDA ITEMS

20. Napa Council Climate Action Committee (Councilmembers Joseph/Washington)

Councilmember Joseph provided a report on the Climate Action Committee

21. Future Agenda Items of Note:

December 20, 2022

Local Appointments List - Maddy Act Compliance Human Resources Presentation OSATS Resolution and Work Plan selection of Vice Mayor and 2023 City Council Committee Assignments

January 17, 2023

Measure T Maintenance of Effort MUD - Sewer/Wastewater Presentation Parks & Recreation Quarterly Update Public Works Quarterly Update Annual Cannabis Business Permit Status Report

ADJOURNMENT

The meeting was adjourned at 8:43 PM

CERTIFICATION

Respectfully Submitted,

Nicolle Hall, Administrative Technician

**CITY OF AMERICAN CANYON
REGULAR CITY COUNCIL MEETING**

ACTION MINUTES
December 20, 2022

AMENDED AGENDA

PUBLIC ADDRESS – CLOSED SESSION

4:00 P.M. CLOSED SESSION

1. Matters Relating to Public Employment Public Employee Performance Evaluations Pursuant to Gov. Code Section 54957.

Position: Jason Holley, City Manager

6:30 P.M. OPEN SESSION - REGULAR MEETING

CALL TO ORDER

The meeting was called to order at 6:34 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present: Mayor Leon Garcia, Vice Mayor Mariam Aboudamous, Councilmember Mark Joseph, Councilmember David Oro, Councilmember Pierre Washington

Absent: None

Excused: None

REPORT ON CLOSED SESSION/CONFIRMATION OF REPORTABLE ACTION

City Attorney William Ross provided an oral report upon return from closed session. Closed session commenced at 4:00 p.m. Closed session adjourned at 6:15 p.m. A written report will be provided.

PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations. Police Chief Rich Greenberg introduced the new Police Lieutenant Nicolle Dudley.

PUBLIC COMMENTS - ITEMS NOT ON THE AGENDA

Mayor Garcia called for public comments. Justin Hamilton Hole was called to speak; Yvonne Baginski was called to speak. The public comments period was closed.

AGENDA CHANGES

There were no agenda changes.

CONSENT CALENDAR

Action: Motion to adopt CONSENT CALENDAR made by Councilmember David Oro, seconded by Councilmember Pierre Washington, and CARRIED by roll call vote.

Ayes: Mayor Leon Garcia, Vice Mayor Mariam Aboudamous, Councilmember Mark Joseph, Councilmember David Oro, Councilmember Pierre Washington

Nays: None

Abstain: None

Absent: None

Excused: None

2. Report Upon Return from Closed Session

Action: Approved the Report Upon Return from Closed Session from the Regular City Council Meeting of December 6, 2022.

3. AB361 In Person and Remote Teleconferenced Meetings - December 20, 2022 - January 19, 2022

Action: Adopted Resolution 2022-R110 reaffirming that, due to the continuing COVID-19 Pandemic, a local emergency exists, re-ratifying the Proclamation of a State of Emergency by Governor Newsom on March 4, 2020 and authorizing in-person and remote teleconferenced meetings of legislative and advisory bodies of the City of American Canyon for the period of December 20, 2022 - January 17, 2023, pursuant to the Ralph M. Brown Act.

4. Quarterly Investment Report for City and Fire District Fiscal Year 2022-23 Quarter 1

Action: Received and filed the City and Fire District's Treasurer's Report for the month ended September 30, 2022.

5. 2023 Local Commission and Committee Appointments List

Action: Received and filed the "2023 Local Commission and Committee Appointments List" and directed staff to recruit for vacant and expired positions.

PUBLIC HEARINGS

6. 106 Wilson Way - Special Assessment Lien Continued from December 6, 2022

Council received a staff report from City Attorney William Ross. Mayor Garcia opened the public hearing. Written comments: none. Oral comments: none. The Public Hearing was closed.

Action: Motion to adopt Resolution 2022-R111 of the City Council of the City of American Canyon confirming the report of proceedings and accounting for the costs incurred in abating the public nuisance located at 106 Wilson Way and notice of ordering the

imposition of a Special Assessment Lien made by Councilmember David Oro, seconded by Councilmember Pierre Washington, and CARRIED by roll call vote.

Ayes: Mayor Leon Garcia, Vice Mayor Mariam Aboudamous, Councilmember Mark Joseph, Councilmember David Oro, Councilmember Pierre Washington

Nays: None

Abstain: None

Absent: None

Excused: None

BUSINESS

7. New Open Space, Active Transportation, and Sustainability Commission

Council received a staff report from City Manager Jason Holley. Mayor Garcia called for public comments. Written comments: none. Oral comments: Nance Matson was called to speak; Barry Christian was called to speak; Beth Marcus was called to speak. The public comments period was closed.

Action: Motion to adopt Resolution 2022-R122 reconstituting the Open Space Advisory Committee as the Open Space, Active Transportation and Sustainability Commission, and approving the Commission's Fiscal Year 2022/2023 Work Plan as amended made by Councilmember Mark Joseph, seconded by Councilmember Pierre Washington, and CARRIED by roll call vote.

Ayes: Mayor Leon Garcia, Vice Mayor Mariam Aboudamous, Councilmember Mark Joseph, Councilmember David Oro, Councilmember Pierre Washington

Nays: None

Abstain: None

Absent: None

Excused: None

8. Human Resources Annual Presentation

Council received a staff report with a presentation from Assistant City Manager Maria Ojeda with Human Resources Officer II Scott Corey.

Action: Received and filed a report on City workforce trends and demographics from the Human Resources Division.

9. Matters relating to the selection of Vice Mayor and various City Council committee appointments for 2023

Council received a staff report from City Manager Jason Holley. Mayor Garcia called for public comments. Written comments: none. Oral comments: none. The public comments period was closed.

Action: Motion to adopt By Minute Order 2022-09, the selection of Pierre Washington to serve as Vice Mayor for a one-year term, January to December 2023 made by

Councilmember David Oro, seconded by Councilmember Mark Joseph, and CARRIED by roll call vote.

Ayes: Mayor Leon Garcia, Vice Mayor Mariam Aboudamous, Councilmember Mark Joseph, Councilmember David Oro, Councilmember Pierre Washington

Nays: None

Abstain: None

Absent: None

Excused: None

Mayor Garcia called for public comments on City Council committee appointments. Written comments: none. Oral comments: Beth Marcus was called to speak; Fran Lemos was called to speak. The public comments period was closed.

Action: Motion to adopt by Minute Order the "2023 City Council Appointments List" as amended, including LAFCO appointment remaining with Vice Mayor Aboudamous made by Councilmember Mark Joseph, seconded by Vice Mayor Mariam Aboudamous, and FAILED by roll call vote.

Ayes: Vice Mayor Mariam Aboudamous, Councilmember Mark Joseph

Nays: Mayor Leon Garcia, Councilmember David Oro, Councilmember Pierre Washington

Abstain: None

Absent: None

Excused: None

Action: Motion to adopt by Minute Order 2022-10 the approved the "2023 City Council Appointments List" as amended, excluding the LAFCO appointment to be considered at a future meeting, made by Councilmember Pierre Washington, seconded by Councilmember David Oro, and CARRIED by roll call vote.

Ayes: Mayor Leon Garcia, Councilmember Mark Joseph, Councilmember David Oro, Councilmember Pierre Washington

Nays: Vice Mayor Mariam Aboudamous

Abstain: None

Absent: None

Excused: None

MANAGEMENT AND STAFF ORAL REPORTS

City Manager Jason Holley announced Juan Gomez will be joining our team as the new Finance Director on January, 2023.

MAYOR/COUNCIL COMMENTS, COMMITTEE REPORTS, AND FUTURE AGENDA ITEMS

10. Council Committee Report - Councilmember Mark Joseph

Action: Receive and file the Council Committee Report from Councilmember Mark Joseph.

Councilmembers reported on items of interest to the community.

Selection of a LAFCO representative will be added to the January 17, 2023, agenda.

11. Future Agenda Items of Note:

January 17, 2023

Measure T Maintenance of Effort

OSATS Ordinance

Annual Cannabis Report

Parks, Buildings, and Recreation Update

February 7, 2023

Black History Month Proclamation

ARPA Funds: Skatepark and Playground Upgrades

Auditors Report FY 21/22

February 21, 2023

Giovanonni Project

Fire Impact Fees

Recreation User Fee Schedule

ADJOURNMENT

Council observed a moment of silence for Harry T. Price, Mayor of Fairfield, and adjourned to sing carols at 8:29 p.m.

CERTIFICATION

Respectfully Submitted,

Taresa Geilfuss, City Clerk

William D. Ross
David Schwarz
Kypros G. Hostetter

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File No: 199/6

December 21, 2022

VIA E-MAIL

The Honorable Leon Garcia, Mayor
and Members of the City Council
City of American Canyon
4381 Broadway, Suite 201
American Canyon, CA 94503

Re: Report Upon Return from Closed Session; Virtual Regular City Council Closed Session Meeting of the American Canyon City Council; December 20, 2022

Dear Mayor Garcia and Members of the City Council:

This communication sets forth reportable action, if any, of the City Council (“Council”) of the City of American Canyon (“City”), consistent with provisions of the Ralph M. Brown Opening Meeting Act (Government Code Section 54950, *et seq.*) resulting from the Closed Session of the Virtual Regular City Council Closed Session Meeting of December 20, 2022, consistent with Government Code Section 54957.1.

The City Council convened in Open Session at 4:00 p.m. and ascertained that there were no public comments on the matter agendized for Closed Session consideration and then adjourned to Closed Session at 4:00 p.m.

There was one matter agendized for City Closed Session consideration:

1. Matter Relating to Public Employment Public Employee Performance Evaluations
Pursuant to Government Code Section 54957
Position: Jason Holley, City Manager

With respect to Closed Session Agenda Item No. 1., there was reportable action. Section 3.A.(1)(b) of the 2019 City of American Canyon/City Manager Employment Agreement provides in relevant part:

Beginning Fiscal Year 2022/23, the base salary for the position of City Manager shall be \$245,000. Notwithstanding the foregoing, this salary amount in Fiscal Year 22/23 is

The Honorable Leon Garcia, Mayor
and Members of the City Council
December 21, 2022
Page 2

contingent upon satisfactory performance set by the City Council pursuant to Section 2.D of the Agreement. (emphasis added)

After evaluating the City Manager's performance, the City Council determined the "performance contingency" provisions contained in Section 3.A.(1)(b) to be satisfied (4-1 with Councilmember Joseph dissenting) and further directed the base salary for the position of City Manager to be \$245,000, effective beginning Fiscal Year 2022/23.

Except as indicated, there was no other reportable action under the provisions of Government Code Section 54957.

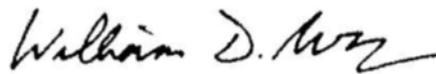
Your Council concluded the Closed Session at 6:15 p.m.

Subsequently in Open Session, the undersigned indicated that a written report upon return from Closed Session consistent with Government Code Section 54957.1, would be prepared.

This communication should be reviewed under the Consent portion of the Agenda of your next Regular or Special City Council Meeting.

Should you have questions concerning this Report, it may be taken off the Consent calendar when agendaized in the future, or our office may be contacted in the interim.

Very truly yours,



William D. Ross
City Attorney

WDR:jf

cc: Jason B. Holley, City Manager
Maria Ojeda, Assistant City Manager
Taresa Geilfuss, City Clerk
Cherri Walton, Deputy City Clerk



TITLE

AB361 In Person and Remote Teleconferenced Meetings - December 20, 2022 - January 19, 2022

RECOMMENDATION

Adopt a Resolution reaffirming that, due to the continuing COVID-19 Pandemic, a local emergency exists, re-ratifying the Proclamation of a State of Emergency by Governor Newsom on March 4, 2020, and authorizing in-person and remote teleconferenced meetings of legislative and advisory bodies of the City of American Canyon for the period of December 20, 2022 - January 17, 2023, pursuant to the Ralph M. Brown Act.

CONTACT

Taresa Geilfuss, CMC, City Clerk

BACKGROUND & ANALYSIS

Because of the COVID-19 Pandemic, the City Council, as well as the City Planning Commission and Board of Directors of the American Canyon Fire Protection District, have been conducting meetings via Zoom.

Assembly Bill 361, which was approved at by the Governor on September 16, 2021, allows local agencies such as the City to continue to meet by Zoom or other teleconferencing methods, provided that certain conditions are met. One such condition is that a state of emergency exists and has been officially declared by the Governor. Due to COVID-19, a state-wide state of emergency remains in effect, and is anticipated to expire on February 28, 2023.

The attached Resolution complies with the provisions of AB 361 to allow continued Zoom meetings of the City Council, while also allowing the meetings to be conducted with in-person attendance. This "hybrid" style of meeting continues to promote social distancing by allowing members of the Council, City Staff, and members of the public to participate in the manner in which they feel most safe, thereby promoting public participation while simultaneously protecting vulnerable members of the public, such as those with compromised immune systems.

The ability to continue to meet by Zoom, even in conjunction with Open Meetings, can be accomplished by the City Council provided that monthly resolutions as agendized are enacted with

provisions referencing appropriate confirmation of declared emergencies are described.

Stated plainly, the City Council will have to enact a “361 Resolution” at least every 30 days to allow the Zoom teleconferencing procedure to continue.

Changes to the first page of the City Council Agendas were made beginning October 2021, as the means for the public to participate via continued Zoom teleconference will have to be described consistent with the AB 361 procedures rather than the now-expired Executive Order N-29-20. These changes indicate that, pursuant to this authority, members of the public and members of the City Council may continue to participate by Zoom video/teleconferencing, or alternatively participate in-person at the designated physical meeting location.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Not applicable.

FISCAL IMPACT

None.

ENVIRONMENTAL REVIEW

15378(b) - The action is not a "Project" subject to the California Environmental Quality Act ("CEQA") because it does not qualify as a "Project" under Public Resources Code Sections 21065 and 21080 and in Section 15378(b) of Title 14 of the California Code of Regulations.

ATTACHMENTS:

1. [Resolution AB361](#)

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY OF AMERICAN CANYON CITY COUNCIL REAFFIRMING THAT A LOCAL EMERGENCY EXISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING IN-PERSON AND REMOTE TELECONFERENCED MEETINGS OF LEGISLATIVE AND ADVISORY BODIES OF THE CITY OF AMERICAN CANYON FOR THE PERIOD OF JANUARY 17, 2023 – FEBRUARY 16, 2023, PURSUANT TO THE RALPH M. BROWN ACT

WHEREAS, the City of American Canyon (“City”) is committed to preserving and nurturing public access and participation in meetings of the American Canyon City Council (“City Council”), Council committees, Planning Commission, and all other advisory, elected and appointed committees and commissions (“City Decision Making Bodies”); and,

WHEREAS, all meetings of the City’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City’s legislative bodies conduct their business; and,

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and,

WHEREAS, a required condition for such teleconference meetings is that a state of emergency be declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and,

WHEREAS, that proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the City’s boundaries, caused by natural, technological, or human-caused disasters; and,

WHEREAS, that proclamation also requires that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and,

WHEREAS, emergency conditions exist in the City, specifically, a State of Emergency has been proclaimed by Governor Newsom on March 4, 2020, proclaiming a State of Emergency to exist in California because of the threat of COVID-19; and,

WHEREAS, during the COVID-19 pandemic, the City Council has conducted remote, teleconferenced meetings consistent with the Governor’s Executive Orders promoting social distancing; and

WHEREAS, consistent with AB 361, as a condition of extending the use of the provisions found in section 54953(e), the City Council must reconsider the circumstances of the state of emergency that exists in the City, and the City Council has done so; and,

WHEREAS, in response to COVID-19, the Governor of the State of California issued a Proclamation of a State of Emergency in response to COVID-19 on March 4, 2020, and issued Executive Order N-25-20 on March 12, 2020, proclaiming temporary amendments to State law and regulations related thereto; and

WHEREAS, on March 16, 2020, the City’s Director of Emergency Services issued a Proclamation of a Local Emergency by the City of American Canyon Director of Emergency Services and Acknowledgement of a State Proclamation Declaring of a State of Emergency and Acknowledgement of a Federal Proclamation Declaring of a National Emergency (P2020-001) (the “Proclamation”); and

WHEREAS, due to the emergence of new variants of COVID-19, such as Delta Variant, followed by the surging Omicron Variant of COVID-19, not all members of the public may feel safe to participate personally at in-person meetings; and,

WHEREAS, the City Council has determined that conducting “hybrid” style meetings with the option for members of the public and members of the City Council to attend either virtually or in person would allow participation in a way individuals feel most safe, thereby promoting public participation while simultaneously promoting social distancing and protecting vulnerable members of the public, such as those with compromised immune systems; and,

WHEREAS, as a consequence of the local emergency, the City Council does hereby find that City Decision Making Bodies shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and,

WHEREAS, the City is providing teleconference access via a conference phone-line number to the meetings to ensure public access.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Exists. The City Council hereby proclaims that a local emergency continues to exist throughout the City, and that public health and public participation in City meetings is best served by continuing to authorize remote participation consistent with AB 361.

Section 3. Re-Ratification of the Governor’s Proclamation of a State of Emergency. The City Council hereby re-ratifies the Governor’s Proclamation of State of Emergency issued on March 4, 2020.

Section 4. Remote Teleconference Meetings. City Decision Making Bodies, including the City Council and Planning Commission, as well as advisory bodies and committees and City Staff are hereby authorized to conduct meetings via teleconferencing consistent with AB 361, and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public teleconferenced meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective for 30 days or until such time as the City Council adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which City Decision Making Bodies may continue to conduct teleconferenced meetings without compliance with paragraph (3) of subdivision (b) of section 54953, whichever occurs sooner.

PASSED, APPROVED and **ADOPTED** at a regularly scheduled meeting of the American Canyon City Council held on the 17th day of January 2023, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Leon Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:

Taresa Geilfuss, CMC, City Clerk

William D. Ross, City Attorney



TITLE

Measure T MOE Certification for FY 2021-22

RECOMMENDATION

Adopt a Resolution approving the Maintenance of Effort (MOE) certification of \$370,015 as required under Measure "T" (The Napa Countywide Road Maintenance Act).

CONTACT

Jemelyn Cruz, Interim Finance Director
Erica Ahmann Smithies, P.E., Public Works Director

BACKGROUND & ANALYSIS

The 2012 "Napa Countywide Road Maintenance Act" (also known as "Measure T") imposes a ½ cent sales tax to pay for road repairs countywide. The Napa Valley Transportation Authority – Tax Agency (NVTATA) will distribute these sales tax revenues over time and the City of American Canyon receives 7.7% of the sales tax revenues per year, as of July 1, 2018.

The intent of Measure "T" is to supplement, not supplant, existing local general fund revenues being used for the transportation improvements. American Canyon must demonstrate expending a minimum amount known as the "maintenance of effort" or "MOE" of local general fund revenues on transportation improvements.

The MOE is the calculated average for fiscal years 2007-08, 2008-09, and 2009-10 for "Local Streets and Roads Maintenance" and supporting infrastructure within the public right-of-way. Examples include pavement sealing, overlays, reconstruction, storm drainage, sidewalks, and associated infrastructure.

American Canyon's MOE is calculated to be \$370,015. This amount will remain constant throughout the term of Measure T. Each year American Canyon must certify to NVTA-TA Authority that it expended funds equal to the amount of the MOE on eligible transportation improvements. As described in the Resolution and detailed in Exhibits "A", "B", "C", "D", "E", and "F", American Canyon spent more than \$370,015 in General Fund revenues on eligible transportation improvements when using the three-year average for FY 2019-20, FY 2020-21, and FY 2021-22.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Infrastructure: "Develop and maintain infrastructure resources to support sustainable growth."

FISCAL IMPACT

By adopting this Resolution and submitting the certification to NVTA-TA, the City of American Canyon will remain eligible to continue collecting 7.7% of the annual revenues available through the collection of the ½ cent sales tax. This amount for FY 2021-22 was approximately \$1.88 million.

ENVIRONMENTAL REVIEW

The proposed action is a mandatory component of compliance with Measure T, and is not a "project" as defined by CEQA. Moreover, the action is exempt consistent with CEQA Guidelines Section 15378(b) as a government funding mechanism.

ATTACHMENTS:

1. [Resolution - Measure T FY2021-22 MOE Certification](#)
2. [Exhibit A Measure T FY 2021-22 Summary Trial Balance](#)
3. [Exhibit B Measure T FY 2021-22 Additional FTE Direct Project Time](#)
4. [Exhibit C Measure T FY 2020-21 Summary Trial Balance](#)
5. [Exhibit D Measure T FY 2019-20 Summary Trial Balance](#)
6. [Exhibit E Measure T MOE Calculation - FY 2021-22](#)
7. [Exhibit F Measure T MOE Calculation - FY 2022-23](#)
8. [Exhibit G American Canyon MOE Attch 1 Measure T MOE Calc \(FINAL\)](#)

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON APPROVING THE MAINTENANCE OF EFFORT (MOE) CERTIFICATION OF \$370,015 AS REQUIRED UNDER MEASURE "T" (THE NAPA COUNTYWIDE ROAD MAINTENANCE ACT)

WHEREAS, on November 6, 2012 the voters of Napa County passed the Napa Countywide Road Maintenance Act, also known as Measure T, which imposes a half cent transaction and use (sales) tax to provide supplemental funding for road maintenance as detailed in the Measure T Expenditure Plan; and

WHEREAS, the Napa Valley Transportation Authority – Tax Authority (NVTA-TA) is the designated agency that administers and oversees Measure T revenues; and

WHEREAS, the City of American Canyon is an eligible recipient of Measure T funds; and

WHEREAS, the tax proceeds will be used to pay for the projects outlined in the Measure T Expenditure Plan allocated to the County of Napa and the cities and towns within Napa County ("Local Agencies") as set forth in Measure T; and

WHEREAS, under the Measure T Expenditure Plan, Measure T funds are provided to the Local Agencies to be used for streets and roads projects as defined in the Measure; and

WHEREAS, the City of American Canyon has entered into a Master Agreement with NVTA-TA that outlines procedures for Measure T expenditures, and

WHEREAS, the City of American Canyon has determined and certified to NVTA-TA the average maintenance of effort amount for Fiscal Years 2007-08, 2008-09, and 2009-10, consistent with the criteria set forth in Section 9 of Ordinance No. 2012-01, including a memorandum detailing the supporting financial documentation and the methodology utilized to calculate the average fiscal year street and roads costs; and

WHEREAS, by January 31st each calendar year, the City of American Canyon must certify to, and provide NVTA-TA a copy of supporting documentation as well as a Resolution approved by the governing body of the City of American Canyon, including backup documentation, demonstrating that the Maintenance of Effort was met the prior fiscal year based on the average of the prior three fiscal years; and

WHEREAS, Measure T project(s) will comply with the requirements under the California Environmental Quality Act (California Code Sections 21000 et seq.; as implemented through California Regulations Title 14, Chapter 3, Sections 15000 et seq.)

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of American Canyon does resolve as follows:

1. The City Council of the City of American Canyon hereby certifies the Maintenance of Effort amount

of \$370,015 has been met as set forth in Exhibits "A", "B", "C", "D", "E", "F", and "G", and authorizes the Public Works Director to file the amount with NVTA-TA.

2. The Resolution is hereby adopted and becomes effective and in full force immediately upon adoption.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the City Council of the City of American Canyon held on the 17th day of January 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Leon Garcia, Mayor

ATTEST:

APPROVE AS TO FORM:

Taresa Geilfuss, CMC, City Clerk

William D. Ross, City Attorney

General Ledger

Summary Trial Balance

User: jcruz
 Printed: 12/22/2022 - 9:15AM
 Period: 01 to 15, 2022



Account Number	Description	Budget Amount	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
Fund 100	100 GENERAL FUND					
REVENUE						
Dept 50	PUBLIC WORKS					
100-50-520-35170	Developer Contribution In Lieu	0.00	0.00	0.00	0.00	0.00
100-50-520-36330	Insurance Reimbursements	30,000.00	0.00	0.00	3,974.00	-3,974.00
100-50-520-37260	Transfer In from Gas Tax	300,000.00	0.00	0.00	300,000.00	-300,000.00
100-50-520-37270	Transfer In from Measure A	0.00	0.00	0.00	0.00	0.00
	100-50 REVENUE Totals:	330,000.00	0.00	0.00	303,974.00	-303,974.00
	REVENUE Totals:	330,000.00	0.00	0.00	303,974.00	-303,974.00
EXPENSE						
Dept 50	PUBLIC WORKS					
100-50-520-41110	Wages - Full time	212,965.00	0.00	203,818.63	0.00	203,818.63
100-50-520-41120	Wages - Part Time	0.00	0.00	0.00	0.00	0.00
100-50-520-41140	Wages - Overtime	3,327.00	0.00	2,040.60	0.00	2,040.60
100-50-520-41210	Health Insurance	19,168.00	0.00	19,100.02	0.00	19,100.02
100-50-520-41230	Health-In-Lieu	7,200.00	0.00	7,200.00	0.00	7,200.00
100-50-520-41240	Cafeteria Plan Section 125	9,580.00	0.00	9,579.60	0.00	9,579.60
100-50-520-41250	PERS Retirement	41,289.00	0.00	41,085.20	0.00	41,085.20
100-50-520-41260	Social Security & Medicare	3,285.00	0.00	3,230.72	0.00	3,230.72
100-50-520-41270	Worker Comp Insurance	10,602.00	0.00	10,601.24	0.00	10,601.24
100-50-520-41290	Benefits - Other	807.00	0.00	781.23	0.00	781.23
100-50-520-42150	Info Tech Support Services	3,050.00	0.00	1,402.32	0.00	1,402.32
100-50-520-42190	Misc Contractual Services	10,200.00	0.00	8,162.92	186.35	7,976.57
100-50-520-42310	General Repairs & Maint	135,000.00	0.00	108,155.25	0.00	108,155.25
100-50-520-42315	Reimbursable Repairs	30,000.00	0.00	17,176.00	0.00	17,176.00
100-50-520-42425	Membership Dues & Subscription	5,000.00	0.00	2,307.51	0.00	2,307.51
100-50-520-42430	Conferences - Training	6,000.00	0.00	3,139.09	0.00	3,139.09

Account Number	Description	Budget Amount	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100-50-520-42484	ISF - Fleet	133,600.00	0.00	133,600.00	0.00	133,600.00
100-50-520-42485	ISF - Info Tech	3,600.00	0.00	3,600.00	0.00	3,600.00
100-50-520-43110	Office Supplies	1,000.00	0.00	1,144.73	0.00	1,144.73
100-50-520-43115	Operating Supplies	100,000.00	0.00	91,963.63	164.75	91,798.88
100-50-520-43210	Utilities - Gas & Elec	114,992.00	0.00	106,744.50	0.00	106,744.50
100-50-520-43220	Util-PhonesPgrrInternetCable	1,462.00	0.00	1,351.49	0.00	1,351.49
	100-50 EXPENSE Totals:	852,127.00	0.00	776,184.68	351.10	775,833.58
	EXPENSE Totals:	852,127.00	0.00	776,184.68	351.10	775,833.58
	Fund 100 Totals:	-522,127.00	0.00	776,184.68	304,325.10	471,859.58
	Report Totals:	-522,127.00	0.00	776,184.68	304,325.10	471,859.58

Project Management

CIP Project Accounting

TR19-0400 Eucalyptus Sidewalk Project

User: jcruz
 Printed: 12/20/22 17:55:54
 Fiscal Year 0000 - Periods 00 to 15
 Date Range 07/01/21 to 06/30/22

Tran Date	Sort Field	Description	Hours	
Tran Date	Account No	Name	Description	Total Amt
09/09/21		Edison C Bisnar Jr	55Bisnar Employee Benefit	84.38
			55Bisnar Employee Benefit Total	84.38
09/09/21		Edison C Bisnar Jr	55Bisnar Employee Gross	167.59
			55Bisnar Employee Gross Total	167.59
08/26/21		David Miller	55MillerD Employee Benefit	9.90
09/09/21		David Miller	55MillerD Employee Benefit	39.63
09/23/21		David Miller	55MillerD Employee Benefit	67.38
10/07/21		David Miller	55MillerD Employee Benefit	261.58
11/04/21		David Miller	55MillerD Employee Benefit	144.66
11/18/21		David Miller	55MillerD Employee Benefit	194.20
12/02/21		David Miller	55MillerD Employee Benefit	162.53
12/16/21		David Miller	55MillerD Employee Benefit	224.83
12/30/21		David Miller	55MillerD Employee Benefit	128.47
01/13/22		David Miller	55MillerD Employee Benefit	7.79
01/27/22		David Miller	55MillerD Employee Benefit	142.09
02/10/22		David Miller	55MillerD Employee Benefit	52.56
			55MillerD Employee Benefit Total	1,435.62
08/26/21		David Miller	55MillerD Employee Gross	120.90
09/09/21		David Miller	55MillerD Employee Gross	483.60
09/23/21		David Miller	55MillerD Employee Gross	822.13
10/07/21		David Miller	55MillerD Employee Gross	3,191.79
11/04/21		David Miller	55MillerD Employee Gross	1,765.15
11/18/21		David Miller	55MillerD Employee Gross	2,369.66
12/02/21		David Miller	55MillerD Employee Gross	2,019.05
12/16/21		David Miller	55MillerD Employee Gross	2,792.81
12/30/21		David Miller	55MillerD Employee Gross	1,595.89
01/13/22		David Miller	55MillerD Employee Gross	96.72
01/27/22		David Miller	55MillerD Employee Gross	1,765.15
02/10/22		David Miller	55MillerD Employee Gross	652.87
			55MillerD Employee Gross Total	17,675.72
08/26/21		Ronald V Ranada Jr	55RanadaR Employee Benefit	18.63
09/09/21		Ronald V Ranada Jr	55RanadaR Employee Benefit	14.62
09/23/21		Ronald V Ranada Jr	55RanadaR Employee Benefit	3.11
10/07/21		Ronald V Ranada Jr	55RanadaR Employee Benefit	234.08
10/21/21		Ronald V Ranada Jr	55RanadaR Employee Benefit	15.52
11/04/21		Ronald V Ranada Jr	55RanadaR Employee Benefit	234.07
11/18/21		Ronald V Ranada Jr	55RanadaR Employee Benefit	12.42
12/02/21		Ronald V Ranada Jr	55RanadaR Employee Benefit	29.15
12/16/21		Ronald V Ranada Jr	55RanadaR Employee Benefit	21.38
12/30/21		Ronald V Ranada Jr	55RanadaR Employee Benefit	30.53
01/27/22		Ronald V Ranada Jr	55RanadaR Employee Benefit	110.07
02/10/22		Ronald V Ranada Jr	55RanadaR Employee Benefit	246.37

Project Management
 CIP Project Accounting
TR19-0400 Eucalyptus Sidewalk Project

02/25/22	Ronald V Ranada Jr	55RanadaR Employee Benefit	164.25
03/10/22	Ronald V Ranada Jr	55RanadaR Employee Benefit	739.14
03/24/22	Ronald V Ranada Jr	55RanadaR Employee Benefit	620.50
04/07/22	Ronald V Ranada Jr	55RanadaR Employee Benefit	127.75
04/21/22	Ronald V Ranada Jr	55RanadaR Employee Benefit	54.73
05/05/22	Ronald V Ranada Jr	55RanadaR Employee Benefit	146.00
05/19/22	Ronald V Ranada Jr	55RanadaR Employee Benefit	18.25
06/02/22	Ronald V Ranada Jr	55RanadaR Employee Benefit	63.88
06/16/22	Ronald V Ranada Jr	55RanadaR Employee Benefit	54.76
		55RanadaR Employee Benefit Total	2,959.21
08/26/21	Ronald V Ranada Jr	55RanadaR Employee Gross	202.47
09/09/21	Ronald V Ranada Jr	55RanadaR Employee Gross	33.75
09/23/21	Ronald V Ranada Jr	55RanadaR Employee Gross	33.75
10/07/21	Ronald V Ranada Jr	55RanadaR Employee Gross	539.93
10/21/21	Ronald V Ranada Jr	55RanadaR Employee Gross	168.73
11/04/21	Ronald V Ranada Jr	55RanadaR Employee Gross	539.93
11/18/21	Ronald V Ranada Jr	55RanadaR Employee Gross	134.98
12/02/21	Ronald V Ranada Jr	55RanadaR Employee Gross	67.49
12/16/21	Ronald V Ranada Jr	55RanadaR Employee Gross	236.22
12/30/21	Ronald V Ranada Jr	55RanadaR Employee Gross	337.45
01/27/22	Ronald V Ranada Jr	55RanadaR Employee Gross	1,012.36
02/10/22	Ronald V Ranada Jr	55RanadaR Employee Gross	911.13
02/25/22	Ronald V Ranada Jr	55RanadaR Employee Gross	607.42
03/10/22	Ronald V Ranada Jr	55RanadaR Employee Gross	2,733.35
03/24/22	Ronald V Ranada Jr	55RanadaR Employee Gross	2,294.66
04/07/22	Ronald V Ranada Jr	55RanadaR Employee Gross	472.43
04/21/22	Ronald V Ranada Jr	55RanadaR Employee Gross	202.47
05/05/22	Ronald V Ranada Jr	55RanadaR Employee Gross	539.92
05/19/22	Ronald V Ranada Jr	55RanadaR Employee Gross	67.49
06/02/22	Ronald V Ranada Jr	55RanadaR Employee Gross	236.22
06/16/22	Ronald V Ranada Jr	55RanadaR Employee Gross	202.47
		55RanadaR Employee Gross Total	11,574.62
		Grand Total	33,897.14

Summary:

55Bisnar Employee Benefit	84.38
55MillerD Employee Benefit	1435.62
55RanadaR Employee Benefit	2959.21
	4479.21

55Bisnar Employee Gross	167.59
55MillerD Employee Gross	17,675.72
55RanadaR Employee Gross	11,574.62
	29,417.93

Project Management
 CIP Project Accounting
TR20-0100 2020 Annual Pavement Mgmt Project

User: jcruz
 Printed: 12/20/22 18:01:09
 Fiscal Year 0000 - Periods 00 to 15
 Date Range 07/01/21 to 06/30/22

Tran Date	Sort Field	Description	Hours	
Tran Date	Account No	Name	Description	Total Amt
07/01/21		Kristine Joy Delos Santos	55DelosSan Employee Benefit	187.71
07/15/21		Kristine Joy Delos Santos	55DelosSan Employee Benefit	59.88
07/29/21		Kristine Joy Delos Santos	55DelosSan Employee Benefit	51.05
08/12/21		Kristine Joy Delos Santos	55DelosSan Employee Benefit	13.59
09/09/21		Kristine Joy Delos Santos	55DelosSan Employee Benefit	27.18
09/23/21		Kristine Joy Delos Santos	55DelosSan Employee Benefit	4.44
10/21/21		Kristine Joy Delos Santos	55DelosSan Employee Benefit	2.22
02/10/22		Kristine Joy Delos Santos	55DelosSan Employee Benefit	33.34
02/25/22		Kristine Joy Delos Santos	55DelosSan Employee Benefit	183.30
03/10/22		Kristine Joy Delos Santos	55DelosSan Employee Benefit	120.82
03/24/22		Kristine Joy Delos Santos	55DelosSan Employee Benefit	50.00
04/07/22		Kristine Joy Delos Santos	55DelosSan Employee Benefit	249.95
04/21/22		Kristine Joy Delos Santos	55DelosSan Employee Benefit	372.78
05/05/22		Kristine Joy Delos Santos	55DelosSan Employee Benefit	321.49
			55DelosSan Employee Benefit Total	1,677.75
07/01/21		Kristine Joy Delos Santos	55DelosSan Employee Gross	302.84
07/15/21		Kristine Joy Delos Santos	55DelosSan Employee Gross	652.26
07/29/21		Kristine Joy Delos Santos	55DelosSan Employee Gross	556.14
08/12/21		Kristine Joy Delos Santos	55DelosSan Employee Gross	24.18
09/09/21		Kristine Joy Delos Santos	55DelosSan Employee Gross	48.36
09/23/21		Kristine Joy Delos Santos	55DelosSan Employee Gross	48.36
10/21/21		Kristine Joy Delos Santos	55DelosSan Employee Gross	24.18
02/10/22		Kristine Joy Delos Santos	55DelosSan Employee Gross	101.56
02/25/22		Kristine Joy Delos Santos	55DelosSan Employee Gross	558.57
03/10/22		Kristine Joy Delos Santos	55DelosSan Employee Gross	368.16
03/24/22		Kristine Joy Delos Santos	55DelosSan Employee Gross	152.34
04/07/22		Kristine Joy Delos Santos	55DelosSan Employee Gross	761.70
04/21/22		Kristine Joy Delos Santos	55DelosSan Employee Gross	1,319.67
05/05/22		Kristine Joy Delos Santos	55DelosSan Employee Gross	1,013.08
			55DelosSan Employee Gross Total	5,931.40
05/05/22		David Miller	55MillerD Employee Benefit	4.87
05/19/22		David Miller	55MillerD Employee Benefit	10.71
			55MillerD Employee Benefit Total	15.58
05/05/22		David Miller	55MillerD Employee Gross	60.45
05/19/22		David Miller	55MillerD Employee Gross	132.99
			55MillerD Employee Gross Total	193.44
07/01/21		Ronald V Ranada Jr	55RanadaR Employee Benefit	30.98
07/15/21		Ronald V Ranada Jr	55RanadaR Employee Benefit	65.76

Project Management

CIP Project Accounting

TR20-0100 2020 Annual Pavement Mgmt Project

07/29/21	Ronald V Ranada Jr	55RanadaR Employee Benefit	6.21
09/09/21	Ronald V Ranada Jr	55RanadaR Employee Benefit	14.61
09/23/21	Ronald V Ranada Jr	55RanadaR Employee Benefit	3.09
10/21/21	Ronald V Ranada Jr	55RanadaR Employee Benefit	3.10
02/10/22	Ronald V Ranada Jr	55RanadaR Employee Benefit	63.88
03/24/22	Ronald V Ranada Jr	55RanadaR Employee Benefit	36.50
04/21/22	Ronald V Ranada Jr	55RanadaR Employee Benefit	228.12
		55RanadaR Employee Benefit Total	452.25
07/01/21	Ronald V Ranada Jr	55RanadaR Employee Gross	65.02
07/15/21	Ronald V Ranada Jr	55RanadaR Employee Gross	715.22
07/29/21	Ronald V Ranada Jr	55RanadaR Employee Gross	67.49
09/09/21	Ronald V Ranada Jr	55RanadaR Employee Gross	33.75
09/23/21	Ronald V Ranada Jr	55RanadaR Employee Gross	33.75
10/21/21	Ronald V Ranada Jr	55RanadaR Employee Gross	33.75
02/10/22	Ronald V Ranada Jr	55RanadaR Employee Gross	236.22
03/24/22	Ronald V Ranada Jr	55RanadaR Employee Gross	134.98
04/21/22	Ronald V Ranada Jr	55RanadaR Employee Gross	843.63
		55RanadaR Employee Gross Total	2,163.81
		Grand Total	10,434.23

Summary:

55DelosSan Employee Benefit	1677.75
55MillerD Employee Benefit	15.58
55RanadaR Employee Benefit	452.25
	2145.58
55DelosSan Employee Gross	5,931.40
55MillerD Employee Gross	193.44
55RanadaR Employee Gross	2,163.81
	8,288.65

Project Management
 CIP Project Accounting
TR21-0100 2021 Annual Pavement Mgmt Project

User: jcruz
 Printed: 12/20/22 18:01:24
 Fiscal Year 0000 - Periods 00 to 15
 Date Range 07/01/21 to 06/30/22

Tran Date	Sort Field	Description	Hours	
Tran Date	Account No	Name	Description	Total Amt
06/02/22		Kristine Joy Delos Santos	55DelosSan Employee Benefit	482.25
06/16/22		Kristine Joy Delos Santos	55DelosSan Employee Benefit	219.97
			55DelosSan Employee Benefit Total	702.22
06/02/22		Kristine Joy Delos Santos	55DelosSan Employee Gross	1519.62
06/16/22		Kristine Joy Delos Santos	55DelosSan Employee Gross	693.16
			55DelosSan Employee Gross Total	2212.78
06/02/22		David Miller	55MillerD Employee Benefit	23.36
			55MillerD Employee Benefit Total	23.36
06/02/22		David Miller	55MillerD Employee Gross	290.16
			55MillerD Employee Gross Total	290.16
06/02/22		Ronald V Ranada Jr	55RanadaR Employee Benefit	173.38
06/16/22		Ronald V Ranada Jr	55RanadaR Employee Benefit	73
			55RanadaR Employee Benefit Total	246.38
06/02/22		Ronald V Ranada Jr	55RanadaR Employee Gross	641.16
06/16/22		Ronald V Ranada Jr	55RanadaR Employee Gross	269.96
			55RanadaR Employee Gross Total	911.12
			Grand Total	4386.02

Summary:

55DelosSan Employee Benefit	702.22
55MillerD Employee Benefit	23.36
55RanadaR Employee Benefit	246.38
	971.96
55DelosSan Employee Gross	2212.78
55MillerD Employee Gross	173.38
55RanadaR Employee Gross	911.12
	3297.28

General Ledger

Summary Trial Balance

User: lbogard
 Printed: 11/22/2021 - 4:08PM
 Period: 01 to 15, 2021



Account Number	Description	Budget Amount	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
Fund 100	100 GENERAL FUND					
REVENUE						
Dept 40	PW UTILITIES AND MAINTENANC					
100-40-520-36330	Insurance Reimbursements	0.00	0.00	0.00	11,455.53	-11,455.53
100-40-520-37260	Transfer In from Gas Tax	300,000.00	0.00	0.00	300,000.00	-300,000.00
100-40-520-37270	Transfer In from Measure A	0.00	0.00	0.00	0.00	0.00
	100-40 REVENUE Totals:	300,000.00	0.00	0.00	311,455.53	-311,455.53
	REVENUE Totals:	300,000.00	0.00	0.00	311,455.53	-311,455.53
EXPENSE						
Dept 40	PW UTILITIES AND MAINTENANC					
100-40-520-41110	Wages - Full time	167,500.00	0.00	168,105.11	1,462.01	166,643.10
100-40-520-41120	Wages - Part Time	0.00	0.00	0.00	0.00	0.00
100-40-520-41140	Wages - Overtime	2,800.00	0.00	1,524.21	0.00	1,524.21
100-40-520-41210	Health Insurance	16,400.00	0.00	18,511.12	0.00	18,511.12
100-40-520-41230	Health-In-Lieu	7,400.00	0.00	7,350.00	0.00	7,350.00
100-40-520-41240	Cafeteria Plan Section 125	8,800.00	0.00	8,847.44	0.00	8,847.44
100-40-520-41250	PERS Retirement	36,100.00	0.00	36,730.90	649.13	36,081.77
100-40-520-41260	Social Security & Medicare	2,700.00	0.00	2,691.47	23.28	2,668.19
100-40-520-41270	Worker Comp Insurance	13,700.00	0.00	13,689.55	0.00	13,689.55
100-40-520-41290	Benefits - Other	700.00	0.00	717.06	5.47	711.59
100-40-520-42150	Info Tech Support Services	2,700.00	0.00	1,201.30	0.00	1,201.30
100-40-520-42190	Misc Contractual Services	28,900.00	0.00	10,813.81	0.00	10,813.81
100-40-520-42310	General Repairs & Maint	97,000.00	0.00	77,384.11	64.17	77,319.94
100-40-520-42315	Reimbursable Repairs	30,000.00	0.00	27,343.89	0.00	27,343.89
100-40-520-42425	Membership Dues & Subscription	5,000.00	0.00	2,063.48	0.00	2,063.48
100-40-520-42430	Conferences - Training	1,000.00	0.00	833.10	0.00	833.10
100-40-520-42484	ISF - Fleet	92,900.00	0.00	139,350.00	46,450.00	92,900.00

Account Number	Description	Budget Amount	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100-40-520-42485	ISF - Info Tech	3,100.00	0.00	4,650.00	1,550.00	3,100.00
100-40-520-42487	ISF - Legal Services	5,800.00	0.00	8,700.00	2,900.00	5,800.00
100-40-520-43110	Office Supplies	1,000.00	0.00	405.43	0.00	405.43
100-40-520-43115	Operating Supplies	45,320.00	0.00	37,990.35	0.00	37,990.35
100-40-520-43210	Utilities - Gas & Elec	83,700.00	0.00	99,680.59	4,654.70	95,025.89
100-40-520-43220	Util-PhonesPgrrInternetCable	2,100.00	0.00	1,527.32	0.00	1,527.32
	100-40 EXPENSE Totals:	654,620.00	0.00	670,110.24	57,758.76	612,351.48
	EXPENSE Totals:	654,620.00	0.00	670,110.24	57,758.76	612,351.48
	Fund 100 Totals:	-354,620.00	0.00	670,110.24	369,214.29	300,895.95
	Report Totals:	-354,620.00	0.00	670,110.24	369,214.29	300,895.95

General Ledger

Summary Trial Balance

User: lbogard
 Printed: 12/28/2020 - 1:24PM
 Period: 01 to 15, 2020



Account Number	Description	Budget Amount	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
Fund 100	100 GENERAL FUND					
REVENUE						
Dept 50	PUBLIC WORKS					
100-50-520-35170	Developer Contributions In Lie	0.00	0.00	0.00	0.00	0.00
100-50-520-36330	Insurance Reimbursements	30,000.00	0.00	0.00	0.00	0.00
100-50-520-37260	Transfer In from Gas Tax	300,000.00	0.00	0.00	300,000.00	-300,000.00
100-50-520-37270	Transfer In from Measure A	0.00	0.00	0.00	0.00	0.00
	100-50 REVENUE Totals:	330,000.00	0.00	0.00	300,000.00	-300,000.00
	REVENUE Totals:	330,000.00	0.00	0.00	300,000.00	-300,000.00
EXPENSE						
Dept 50	PUBLIC WORKS					
100-50-520-41110	Wages - Full time	290,600.00	0.00	293,432.35	3,078.76	290,353.59
100-50-520-41120	Wages - Part Time	0.00	0.00	0.00	0.00	0.00
100-50-520-41140	Wages - Overtime	2,000.00	0.00	4,942.25	0.00	4,942.25
100-50-520-41210	Health Insurance	33,600.00	0.00	32,944.53	0.00	32,944.53
100-50-520-41230	Health-In-Lieu	10,800.00	0.00	10,800.00	0.00	10,800.00
100-50-520-41240	Cafeteria Plan Section 125	14,400.00	0.00	14,266.52	0.00	14,266.52
100-50-520-41250	PERS Retirement	47,800.00	0.00	48,143.60	0.00	48,143.60
100-50-520-41260	Social Security & Medicare	4,600.00	0.00	4,692.53	0.00	4,692.53
100-50-520-41270	Worker Comp Insurance	27,100.00	0.00	25,917.84	0.00	25,917.84
100-50-520-41290	Benefits - Other	1,000.00	0.00	995.94	0.00	995.94
100-50-520-42130	Engineering Contract Services	0.00	0.00	0.00	0.00	0.00
100-50-520-42150	Info Tech Support Services	1,000.00	0.00	3,546.34	0.00	3,546.34
100-50-520-42190	Misc Contractual Services	30,000.00	0.00	27,737.21	80.21	27,657.00
100-50-520-42310	General Repairs & Maint	97,100.00	0.00	57,802.53	9,847.56	47,954.97
100-50-520-42315	Reimbursable Repairs	30,000.00	0.00	6,169.00	0.00	6,169.00
100-50-520-42425	Membership Dues & Subscription	3,000.00	0.00	2,790.04	0.00	2,790.04

Account Number	Description	Budget Amount	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100-50-520-42430	Conferences - Training	3,000.00	0.00	2,591.42	0.00	2,591.42
100-50-520-42484	ISF - Fleet	0.00	0.00	0.00	0.00	0.00
100-50-520-42485	ISF - Info Tech	5,200.00	0.00	2,600.00	0.00	2,600.00
100-50-520-43110	Office Supplies	1,000.00	0.00	313.27	0.00	313.27
100-50-520-43115	Operating Supplies	63,000.00	0.00	63,358.18	8.74	63,349.44
100-50-520-43125	Small Tools & Equip	0.00	0.00	0.00	0.00	0.00
100-50-520-43190	Supplies - Other	0.00	0.00	0.00	0.00	0.00
100-50-520-43210	Utilities - Gas & Elec	125,000.00	0.00	117,268.88	0.00	117,268.88
100-50-520-43220	Util-PhonesPgrsInternetCable	1,500.00	0.00	2,154.28	0.00	2,154.28
	100-50 EXPENSE Totals:	791,700.00	0.00	722,466.71	13,015.27	709,451.44
	EXPENSE Totals:	791,700.00	0.00	722,466.71	13,015.27	709,451.44
	Fund 100 Totals:	-461,700.00	0.00	722,466.71	313,015.27	409,451.44
	Report Totals:	-461,700.00	0.00	722,466.71	313,015.27	409,451.44

Measure T MOE Certification
City of American Canyon

	2007-08	2008-09	2009-10	2019-20	2020-21	2020-21 Additional Direct Project Cost - Annual Pavement Management Project (TR20-0100)	2021-22	2021-22 Additional Direct Project Cost - TR19-0400, TR20-0100, TR21-0100
GROSS GENERAL FUND EXPENSES - 100-50-520								
41110 FT Salaries				290,353.59	166,643.10		203,818.63	
41120 PT Salaries								
41140 Overtime				4,942.25	1,524.21		2,040.60	
41210 Health Insurance				32,944.53	18,511.12		19,100.02	
41220 Dental Ins								
41230 Health In-lieu				10,800.00	7,350.00		7,200.00	
41240 Cafeteria Plan				14,266.52	8,847.44		9,579.60	
41250 PERS				48,143.60	36,081.77		41,085.20	
41260 Social Security				4,692.53	2,668.19		3,230.72	
41270 Worker's Comp				25,917.84	13,689.55		10,601.24	
41290 Benefits - Other				995.94	711.59		781.23	
total salaries	237,132.63	231,844.29	184,519.29	295,295.84	245,197.16	77,029.85	246,863.09	41,003.86
total benefits	94,217.81	92,924.43	78,075.68	137,760.96	111,645.79	23,786.13	99,174.76	7,596.75
42130 Engineering Contract Services		11,863.80						
42150 Information Technology Services		2,104.00	1,791.84	3,546.34	1,201.30		1,402.32	
42160 Other Professional Services	8,815.12	9,495.15	19,841.16					
42180 Temp Agency Services		9,125.81						
42190 Misc. Contractual Services	2,779.05	3,863.36	9,231.06	27,657.00	10,813.81		7,976.57	
42310 General Repairs and Maintenance	80,148.21	76,939.39	25,588.35	47,954.97	77,319.94		108,155.25	
Street Sweeping - citywide cleaning only	40,343.36	63,142.49	57,946.68					
Reimbursable Repairs				6,169.00	27,343.89		17,176.00	
42425 Membership Dues	584.68	1,295.00	889.75	2,790.04	2,063.48		2,307.51	
42430 Training	4,238.70	3,998.67	1,810.47	2,591.42	833.10		3,139.09	
42440 Equipment Rental	1,107.48	3,820.47	1,361.43					
42484 ISF: Fleet					92,900.00		133,600.00	
42485 ISF: IT				2,600.00	3,100.00		3,600.00	
ISF: Building Maintenance								
42490 Other Services	79.67	163.81	75.99					
43110 Office Supplies	258.10	158.71	308.16	313.27	405.43		1,144.73	
43115 Operating Supplies	95,727.85	149,380.83	71,659.95	63,349.44	37,990.35		91,798.88	
43125 Small Tools & Equipment	3,374.71	679.61	7,742.38					
43190 Other Supplies	4,028.08	3,732.47	1,091.79					
43210 Electricity	99,704.86	102,124.48	105,216.70	117,268.88	95,025.89		106,744.50	
43220 Telephone	2,302.57	3,903.40	1,734.65	2,154.28	1,527.32		1,351.49	
46120 Major Equipment	30,649.47							
47110 Support Services (Finance, HR, etc.)	86,600.00	98,780.00	69,200.00					
48110 Fleet	38,100.00	33,940.00	30,900.00					
48110 Public Works Administration	24,750.00	133,680.00	82,240.65					
48110 Liability Insurance - streets	15,340.00	11,500.00	7,200.00					
48120 Retiree Health	24,200.00	9,600.00	26,800.00					
48140 Transfers to Other Funds	8,100.00	8,000.00						
Subtotal	902,582.35	1,066,060.17	785,225.98	709,451.44	707,367.46		824,434.19	
EXPENSE EXCLUSIONS								
One-Time Expenses: Capital Purchase	(30,649.47)	-	-	-	-			
One-time Expenses: Street Sweeping	(40,343.36)	(63,142.49)	(57,946.68)	-	-			
Reimbursable Repairs				(6,169.00)	(27,343.89)		(17,176.00)	
Retiree Health Insurance	(24,200.00)	(9,600.00)	(26,800.00)					
Support Services (Finance, HR)	(86,600.00)	(98,780.00)	(69,200.00)					
Employee home purchase	(8,100.00)	(8,000.00)	-					
ELIGIBLE STREET MAINTENANCE EXPENSES	709,007.00	807,364.00	655,995.00	703,282.44	680,023.57		807,258.19	
LESS: REVENUES RECEIVED FROM OTHER SOURCES								
Miscellaneous Revenues	13,629.46	3,037.94	3,654.34		11,455.53		3,974.00	
Prop 1B		400,000.00						
Gas tax	214,000.00	214,000.00	214,000.00	300,000.00	300,000.00		300,000.00	
NET GENERAL FUND EXPENDITURES ON ELIGIBLE STREET MAINTENANCE EXPENSES								
	481,377.54	190,326.06	438,340.66	403,282.44	368,568.04		503,284.19	
		370,015		MOE Met	MOE Not Met		MOE Met	
				-	(1,446.71)		-	
					3-Year Average		3-Year Average	
					416,844.92		425,044.89	
					MOE Met		MOE Met	
					-		-	

City of American Canyon
Measure T Maintenance of Effort (MOE) Certification for
Fiscal Year 2021-2022

NVTA-TA Approved MOE	\$	<u>370,015.00</u>
MOE Amount Certified for FY 2021-22	\$	<u>503,284.19</u>
MOE Amount Certified for FY 2020-21	\$	<u>368,568.04</u>
MOE Amount Certified for FY 2019-20	\$	<u>403,282.44</u>
3-Year Average MOE Amount FY 19-22	\$	<u>425,044.89</u>
Measure T funds Received in FY 2021-22	\$	<u>1,880,970.81</u>
Measure T funds Expended in FY 2021-22	\$	<u>29,720.81</u>
Measure T funds Balance in Account	\$	<u>3,109,970.51</u>

	(1)			(2)			(1)			(2)		
	2007/2008	Proration	MOE	2008/2009	Proration	MOE	2009/2010	Proration	MOE	2009/2010	Proration	MOE
GENERAL FUND EXPENSES - (GL 101-50-520-xxxxx)												
41110-40 FT, PT, OT Salaries	415,598	57%	237,133	352,598	61%	213,335	210,413	84%	175,743			
41210 Health Insurance	61,963	57%	35,355	60,732	61%	36,745	37,266	84%	31,126			
41220 Dental Ins	173	57%	99	-	61%	-	-	84%	-			
41230 Health In-lieu	-	57%	-	-	61%	-	-	84%	-			
41240 Cafeteria Plan	17,733	57%	10,118	16,384	61%	9,913	9,792	84%	8,179			
41250 PERS	51,683	57%	29,490	45,666	61%	27,630	26,735	84%	22,330			
41260 Social Security	9,585	57%	5,469	6,358	61%	3,847	3,683	84%	3,076			
41270 Worker's Comp	22,361	57%	12,759	21,454	61%	12,980	13,428	84%	11,216			
41290 Benefits - Other	255	57%	146	114	61%	69	219	84%	183			
42130 Engineering Contract Services	69,310	0%	-	54,319	0%	-	19,158	0%	-			
42150 Information Technology Services	-	57%	-	2,104	61%	1,273	1,792	84%	1,497			
42160 Other Professional Services	8,815	57%	5,030	9,495	61%	5,745	19,841	84%	16,572			
42180 Temp Agency Services	-	57%	-	9,126	61%	5,521	-	84%	-			
42190 Misc. Contractual Services	2,779	57%	1,586	3,863	61%	2,337	9,231	84%	7,710			
42310 General Repairs and Maintenance	80,148	100%	80,148	76,939	100%	76,939	25,588	100%	25,588			
42310 Street Sweeping	40,343	0%	-	63,142	0%	-	57,947	0%	-			
42425 Membership Dues	585	57%	334	1,295	61%	784	890	84%	743			
42430 Training	4,239	57%	2,419	3,999	61%	2,419	1,810	84%	1,512			
42440 Equipment Rental	1,107	57%	632	3,820	61%	2,312	1,361	84%	1,137			
42490 Other Services	80	57%	45	164	61%	99	76	84%	63			
43110 Office Supplies	258	57%	147	159	61%	96	308	84%	257			
43115 Operating Supplies	95,728	100%	95,728	159,710	100%	159,710	71,660	100%	71,660			
43125 Small Tools & Equipment	3,375	57%	1,926	680	61%	411	7,742	84%	6,467			
43190 Other Supplies	4,028	57%	2,298	3,732	61%	2,258	1,092	84%	912			
43210 Electricity	99,705	57%	56,890	102,124	61%	61,789	105,217	84%	87,880			
43220 Telephone	2,303	57%	1,314	3,903	61%	2,362	1,735	84%	1,449			
46120 Major Equipment	30,649	57%	17,488	-	61%	-	-	84%	-			
47110 Support Services (Finance, HR, etc.)	86,600	57%	49,412	98,780	61%	59,766	69,200	84%	57,798			
48110 Fleet	38,100	57%	21,739	33,940	61%	20,535	30,900	84%	25,809			
48110 Public Works Administration	24,750	57%	14,122	133,680	61%	80,882	82,241	84%	68,690			
48110 Liability Insurance - streets	15,340	57%	8,753	11,500	61%	6,958	7,200	84%	6,014			
48120 Retiree Health	24,200	57%	13,808	9,600	61%	5,808	26,800	84%	22,384			
48140 Transfers to Other Funds	8,100	57%	4,622	8,000	61%	4,840	-	84%	-			
Subtotal Expenses	1,219,892		709,007	1,297,381		807,364	843,325		655,995			

NON-GENERAL FUND REVENUE	FY 2007/8	FY 2008/9	FY 2009/10
Miscellaneous Revenues	13,629	3,038	3,654
Prop 1B	-	400,000	-
Gas tax	214,000	214,000	214,000
Subtotal Revenue	227,629	617,038	217,654
General Fund MOE (GF Expenses Less Non-GF Revenue)	481,377	190,326	438,340
Average General Fund MOE	\$ 370,015		



TITLE

Green Valley Consulting Engineers - Amendment #6

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute Amendment #6 to Agreement #2019-A167 with Green Valley Consulting Engineers, in the amount of \$107,000, for a total contract amount not to exceed \$705,000, for ongoing construction inspection services.

CONTACT

Erica Ahmann Smithies, P.E., Public Works Director

BACKGROUND & ANALYSIS

On November 7, 2019, the City entered into a contract (task order #1, agreement # 2019-A167) with Green Valley Consulting Engineers to assist the Public Works Department with construction inspection tasks, including but not limited to: Capital Projects, Development Projects, and Encroachment Permits.

Green Valley Consulting Engineers provides high quality work and continues to meet the City's needs in their current role. Staff recommends the Council approve the proposed amendment to increase the contract amount by \$107,000 for a total not to exceed \$705,000.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Economic Development and Vitality: "Attract and expand diverse business and employment opportunities."

FISCAL IMPACT

There is sufficient funding within the following FY 2022/23 Budget Line items 105-60-660-42160, 100-50-515-42160 and 350-85-450-46110. Time spent on Developer projects will be fully reimbursed by Developers. Major Encroachment Permit work, which falls under CIP Administration, is also fully reimbursed by the Permit holder. Time spent on CIP Projects will be included in the project budget.

ENVIRONMENTAL REVIEW

15378(b) - The action is not a "Project" subject to the California Environmental Quality Act ("CEQA") because it does not qualify as a "Project" under Public Resources Code Sections 21065 and 21080 and in Section 15378(b) of Title 14 of the California Code of Regulations.

ATTACHMENTS:

1. [Resolution - Green Valley Consulting Engineers](#)
2. [Amendment #6 Green Valley](#)

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT #6 TO AGREEMENT #2019-A167 WITH GREEN VALLEY CONSULTING ENGINEERS, IN THE AMOUNT OF \$107,000, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$705,000, FOR ONGOING CONSTRUCTION INSPECTION SERVICES.

WHEREAS, Green Valley Consulting Engineers has been assisting the City with construction inspection services including Capital Projects, Developer Projects and Encroachment Permits; and

WHEREAS, the City Staff is satisfied with the level of service provided by Green Valley Consulting Engineers; and

WHEREAS, the FY 2022/23 Budget is sufficient to pay for the services contemplated; and

WHEREAS, costs incurred on development projects and major encroachment permits are fully reimbursed by the Applicant.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of American Canyon hereby authorizes the City Manager to execute Amendment #6 to Agreement #2019-A167 with Green Valley Consulting Engineers, in the amount of \$107,000 for a total contract amount not to exceed \$705,000, for ongoing construction inspection services.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the City Council of the City of American Canyon held on the 17th day of January, 2023, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Leon Garcia, Mayor

ATTEST:

APPROVE AS TO FORM:

Taresa Geilfuss, CMC, City Clerk

William D. Ross, City Attorney

CITY OF AMERICAN CANYON AGREEMENT NO. _____

AMENDMENT #6 TO TASK ORDER #1 (AGREEMENT NO. 2019-A167) TO THE CITY OF AMERICAN CANYON STANDARD AGREEMENT FOR PROFESSIONAL SERVICES FOR ON-CALL CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES (AGREEMENT NO. 2018-132) WITH GREEN VALLEY CONSULTING ENGINEERS

RECITALS

1. The City of American Canyon (“CITY”) and Green Valley Consulting Engineers (“CONSULTANT”) have entered into an Agreement dated July 1, 2018 for on call Construction Management and Inspection services July 1, 2018 to June 30, 2021.
2. The City of American Canyon and Green Valley Consulting Engineers have entered into Amendment #1, Agreement #2021-99, dated June 18, 2021 to extend the term of Agreement 2018-132 to June 30, 2023.
3. The Agreement provides for amendments to perform specific tasks under a specific scope of services that may arise during the term of the agreement.

NOW, THEREFORE, CITY and GREEN VALLEY CONSULTING ENGINEERS agree as follows:

1.00 SERVICES AND COMPENSATION

Green Valley Consulting Engineers agrees to provide services as listed in Attachment “A” to adjust the fee schedule and increase the contract amount for additional services in the amount of \$107,000 for a total not to exceed contract amount of \$705,000.

2.00 REMAINING PROVISIONS

All other terms of the July 1, 2018 Agreement remain in full force and effect.

Executed on _____, at American Canyon, California.

CITY:

GREEN VALLEY CONSULTING ENGINEERS:

By: _____
Jason B. Holley
City Manager

By: _____
Liz Ellis
President



TITLE

Annual Cannabis Business Permit Status Report

RECOMMENDATION

Receive and file the Annual Cannabis Business Permit Status Report.

CONTACT

Brent Cooper, AICP, Community Development Director

BACKGROUND & ANALYSIS

In September 2018, the City Council adopted the Cannabis Ordinance and Implementation Resolution. These rules allow six (6) Commercial Cannabis businesses in American Canyon. Allowable commercial cannabis business activities include indoor cultivation, manufacturing, testing, “microbusiness”, (i.e. “vertical integration” of these activities) and non-store front retail distribution. The Cannabis Ordinance, application information, and implementation guidelines are available on the City’s website link: <https://bit.ly/3lpPJKy>.

Since the Cannabis Ordinance adoption in 2018, the City Council opened a 45-day Commercial Cannabis Permit application period on two occasions: December 18, 2018 and April 7, 2020. The first application period yielded two applications: Element 7 and Reesan Liv. The second application period yielded the Fume application. Each application is described below:

Element 7. Proposed at 1300 Green Island Road, Element 7 would construct a new 7,000 square foot building for manufacturing, distribution, and delivery-only retail. The project passed a technical interview on October 2019. In September 2020, the applicant informed staff they were looking for an alternative business location. The application has remained inactive since that time although the applicant has informed staff up to 2021 that they are actively seeking an alternative location. (File No. PL19-0008)

Reesan Liv, Inc. Proposed at 834 Green Island Road, Reesan Liv, Inc. would construct a new 25,800 square foot building for cultivation, manufacturing, distribution, and delivery-only retail. The project passed a technical interview on October 2019 but has remained inactive since that time due to ongoing property acquisition issues. As of January 2023, the applicant informed staff they continue to work toward resolving acquisition issues with the property owner and remains interested in

pursuing the project. (File No. PL19-0024)

Fume Proposed at 180 Klamath Court, Fume would occupy an existing 24,000 square foot building for cultivation, manufacturing, distribution, and delivery-only retail. The Use Permit was approved by the Planning Commission on January 28, 2021. (File No. PL20-0018).

On August 2, 2021, staff approved the applicant's request to extend the Fume Conditional Use Permit which had been delayed largely due to Covid pandemic issues.

In October 2021, Fume submitted a CUP minor modification to add the company Eaze as a business partner to conduct the delivery-only retail operations at the Klamath Court site. After several site plan modifications, staff is preparing to approve the revised site plan which would lead to delivery operations commencing during the first quarter 2023. The applicant informed staff in January 2023 that they hope to submit plans for cultivation and manufacturing late in the spring and begin operations by the end of the calendar year.

A Council Annual Review is contemplated in Section 5.10.080(b) of the Cannabis Ordinance. Having an annual "check-in" provides applicants and business owners an opportunity to provide feedback on the Ordinance or Council "mid-course" corrections as needed.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Economic Development and Vitality: "Attract and expand diverse business and employment opportunities."

FISCAL IMPACT

There is no fiscal impact associated with the Council action because this agenda item is a policy discussion.

ENVIRONMENTAL REVIEW

N/A

ATTACHMENTS:

None



TITLE

Prohousing Designation Program Application

RECOMMENDATION

Adopt a Resolution of the City Council of the City of American Canyon authorizing an application to and participation in the Prohousing Designation Program.

CONTACT

Brent Cooper, AICP, Community Development Director

BACKGROUND & ANALYSIS

As part of the 2019-2020 Budget Act, the State legislature enacted AB 101 which established the "Prohousing Designation Program." Local governments with Prohousing Designation are eligible to apply for new Prohousing Incentive Program (PIP) grant funding, a \$26 million state investment from the Building Homes and Jobs Trust Fund.

Staff is preparing a Prohousing Designation application to be submitted to the California Department of Housing and Community Development (HCD). Staff is seeking comments on the draft application and the City Council's authorization to submit the application to HCD.

There are four scoring categories to evaluate jurisdictions under the Prohousing Designation:

- Category 1: Favorable Zoning and Land Use
- Category 2: Acceleration of Housing Production Timelines
- Category 3: Reduction of Construction and Development Costs
- Category 4: Providing Financial Subsidies

An additional Category titled "Enhancement Factors" allows a jurisdiction to receive extra points for each qualifying Prohousing Policy. For example, Enhancement Factor Category 4 is for "Policies that go beyond state law requirements in reducing displacement of lower income households and conserving existing housing stock that is affordable to lower income households." Each City policy that works to achieve the goals of Enhancement Factor Category 4 may receive an additional point. However, a policy may not be double counted: if a policy has received points under one category, it cannot receive points in another category.

American Canyon has demonstrated leadership in progressive housing policies for a long time. Based upon a preliminary assessment of mostly existing and a few additional Draft 6th Cycle Housing Element policies, staff estimates the City should achieve 53 points. To receive a Prohousing designation, a jurisdiction must be awarded a minimum of 30 points by HCD. Existing and proposed policies may receive points.

The Preliminary Prohousing Score Sheet (Attachment 1, Ex. A) identifies each category eligible for points. Attached to the "score sheet" is backup information that provides the City's explanation for achieving the category.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Organizational Effectiveness: "Deliver exemplary government services."

FISCAL IMPACT

There is no fiscal impact associated with the Council action because this agenda item is a policy discussion.

ENVIRONMENTAL REVIEW

N/A

ATTACHMENTS:

- [1. Resolution Prohousing Authorization](#)
- [2. Exhibit 1 - Preliminary Prohousing Score Sheet](#)

RESOLUTION NO. 2023- ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AUTHORIZING AN APPLICATION TO AND PARTICIPATION IN THE PROHOUSING DESIGNATION PROGRAM

WHEREAS, Government Code section 65589.9 established the Prohousing Designation Program (“PDP” or “Program”), which creates incentives for jurisdictions that are compliant with state housing element requirements and that have enacted Prohousing local policies; and

WHEREAS, such jurisdictions will be designated Prohousing, and, as such, will receive additional points or other preference during the scoring of their competitive applications for specified housing and infrastructure funding; and

WHEREAS, the Department of Housing and Community Development (“Department”) has adopted emergency regulations (Cal. Code Regs., tit. 25, § 6600 et seq.) to implement the Program (“Program Regulations”), as authorized by Government Code section 65589.9, subdivision (d); and

WHEREAS, the City Council of American Canyon desires to submit an application for a Prohousing Designation (“Application”); and

WHEREAS, the City Council considered all of the written and oral testimony presented at the public meeting on January 17, 2023 in making its decision.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of American Canyon hereby authorizes as follows:

1. Applicant is hereby authorized and directed to submit an Application to the Department.
2. Applicant acknowledges and confirms that it is currently in compliance with applicable state housing law.
3. Applicant acknowledges and confirms that it will continue to comply with applicable housing laws and to refrain from enacting laws, developing policies, or taking other local governmental actions that may or do inhibit or constrain housing production. Examples of such local laws, policies, and action include moratoriums on development; local voter approval requirements related to housing production; downzoning; and unduly restrictive or onerous zoning regulations, development standards, or permit procedures. Applicant further acknowledges and confirms that it commits itself to affirmatively furthering fair housing pursuant to Government Code section 8899.50.
4. If the Application is approved, Applicant is hereby authorized and directed to enter into, execute, and deliver all documents required or deemed necessary or appropriate to participate in the Program, and all amendments thereto (the “**Program Documents**”).
5. Applicant acknowledges and agrees that it shall be subject to the Application; the terms and conditions specified in the Program Documents; the Program Regulations; and any and all other applicable law.

- The City Manager of the City of American Canyon is authorized to execute and deliver the Application and the Program Documents on behalf of the Applicant for participation in the Program.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the City Council of the City of American Canyon held on the 17th day of January, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Leon Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:

Taresa Geilfuss, CMC, City Clerk

William D. Ross, City Attorney

**City of American Canyon Draft HCD Prohousing Application Preliminary
Prohousing Score Sheet
Project Proposal
Category 1: Favorable Zoning and Land Use**

Category	Prohousing Policy Description	Points	Eligible
1A	Sufficient sites, including rezoning, to accommodate 150 percent or greater of the current or draft RHNA, whichever is greater, by total or income category.	3	3
1B	Permitting missing middle housing uses (e.g., duplexes, triplexes, and fourplexes) by right in existing low-density, single-family residential zones.	3	3
1C	Sufficient sites, including rezoning, to accommodate 125 to 149 percent of the current or draft RHNA, whichever is greater, by total or income category. These points shall not be awarded if the applicant earns three points pursuant to Category (1)(A) above.	2	See 1A
1D	Density bonus programs which exceed statutory requirements by 10 percent or more.	2	-
1E	Increasing allowable density in low-density, single-family residential areas beyond the requirements of state Accessory Dwelling Unit law (e.g., permitting more than one ADU or JADU per single-family lot). These policies shall be separate from any qualifying policies under Category (1)(B) above.	2	-
1F	Reducing or eliminating parking requirements for residential development as authorized by Government Code sections 65852.2; adopting vehicular parking ratios that are less than the relevant ratio thresholds at subparagraphs (A), (B), and (C) of Government Code section 65915, subdivision (p)(1); or adopting maximum parking requirements at or less than ratios pursuant to Government Code section 65915, subdivision (p).	2	2

1G	Zoning to allow for residential or mixed uses in one or more non-residential zones (e.g., commercial, light industrial). Qualifying non-residential zones do not include open space or substantially similar zones.	1	1
1H	Modification of development standards and other applicable zoning provisions to promote greater development intensity. Potential areas of focus include floor area ratio; height limits; minimum lot or unit sizes; setbacks; and allowable dwelling units per acre. These policies must be separate from any qualifying policies under Category (1)(B) above.	1	-
1I	Establishment of a Workforce Housing Opportunity Zone, as defined in Government Code section 65620, or a housing sustainability district, as defined in Government Code section 66200.	1	-
1J	Demonstrating other zoning and land use actions that measurably support the Acceleration of Housing Production.	1	-
Total Policies	Summary of Category 1:	Total Points	Total Eligible
6	Favorable Zoning and Land Use	16	9

Project Proposal
Category 2: Acceleration of Housing Production Timeframes

Category	Prohousing Policy Description	Points	Eligible
2A	Establishment of ministerial approval processes for a variety of housing types, including single-family and multifamily housing.	3	3
2B	Establishment of streamlined, program-level CEQA analysis and certification of general plans, community plans, specific plans with accompanying Environmental Impact Reports (EIR), and related documents.	2	2
2C	Documented practice of streamlining housing development at the project level, such as by enabling a by-right approval process or by utilizing statutory and categorical exemptions as authorized by applicable law (Pub. Resources Code, §§ 21155.1, 21155.4, 21159.24, 21159.25; Gov. Code, § 65457; Cal Code Regs., tit. 14, §§ 15303, 15332; Pub. Resources Code, §§ 21094.5, 21099, 21155.2, 21159.28).	2	2
2D	Establishment of permit processes that take less than four months. Policies under this Category (2)(D) must address all approvals necessary to issue building permits.	2	2
2E	Absence or elimination of public hearings for projects consistent with zoning and the general plan.	2	2
2F	Establishment of consolidated or streamlined permit processes that minimize the levels of review and approval required for projects, and that are consistent with zoning regulations and the general plan.	1	1
2G	Absence, elimination or replacement of subjective development and design standards with objective development and design standards that simplify zoning clearance and improve approval certainty and timing.	1	1

2H	Establishment of one-stop-shop permitting processes or a single point of contact where entitlements are coordinated across city approval functions (e.g., planning, public works, building) from entitlement application to certificate of occupancy.	1	1
2I	Priority permit processing or reduced plan check times for ADUs/JADUs, multifamily housing, or homes affordable to lower- or moderate-income households.	1	-
2J	Establishment of a standardized application form for all entitlement applications.	1	1
2K	Practice of publicly posting status updates on project permit approvals on the Internet.	1	1
2L	Limitation on the total number of hearings for any project to three or fewer. Applicants that accrue points pursuant to Category (2)(E) are not eligible for points under this Category (2)(L).	1	1
2M	Demonstration of other actions, not listed above, that quantifiably decrease production timeframes or promote the streamlining of approval processes.	1	1
Total Policies	Summary of Category 2:	Total Points	Total Eligible
12	Acceleration of Housing Production Timeframes	19	18

Project Proposal
Category 3: Reduction of Construction and Development Costs

Category	Prohousing Policy Description	Points	Eligible
3A	Waiver or significant reduction of development impact fees for residential development.	3	-
3B	Adoption of ordinances or implementation of other mechanisms that result in less restrictive requirements than Government Code sections 65852.2 and 65852.22 to reduce barriers for property owners to create ADUs/JADUs. Examples of qualifying policies include, but are not limited to, development standards improvements, permit processing improvements, dedicated ADU/JADU staff, technical assistance programs, and pre-approved ADU/JADU design packages.	2	2
3C	Adoption of other fee reduction strategies separate from Category (3)(A) above, including fee deferrals and reduced fees for housing for persons with special needs.	1	-
3D	Promoting innovative housing types (e.g., manufactured homes, recreational vehicles, park models) that reduce development costs.	1	1
3E	Measures that reduce costs for transportation-related infrastructure or programs that encourage active modes of transportation or other alternatives to automobiles. Qualifying policies include, but are not limited to, publicly funded programs to expand sidewalks or protect bike/micro-mobility lanes; creation of on-street parking for bikes; transit-related improvements; or establishment of carshare programs.	1	1
3F	Adoption of universal design ordinances pursuant to Health and Safety Code section 17959.	1	-
3G	Establishment of pre-approved or prototype plans for missing middle housing types (e.g., duplexes, triplexes, and fourplexes) in low-density, single-family residential areas.	1	-

3H	Demonstration of other actions, not listed above, that quantifiably reduce construction or development costs.	1	-
Total Policies	Summary of Category 3:	Total Points	Total Eligible
4	Reduction of Construction and Development Costs	11	4

Project Proposal
Category 4: Providing Financial Subsidies

Category	Prohousing Policy Description	Points	Eligible
4A	Establishment of local housing trust funds or collaboration on a regional housing trust fund.	2	2
4B	Provide grants or low-interest loans for ADU/JADU construction affordable to lower- and moderate-income households.	2	2
4C	A comprehensive program that complies with the Surplus Land Act (Gov. Code, § 54220 et seq.) and that makes publicly owned land available for affordable housing, or for multifamily housing projects with the highest feasible percentage of units affordable to lower income households. A qualifying program may utilize mechanisms such as land donations, land sales with significant write-downs, or below- market land leases.	2	2
4D	Establishment of an Enhanced Infrastructure Financing District or similar local financing tool that, to the extent feasible, directly supports housing developments in an area where at least 20 percent of the residences will be affordable to lower income households.	2	-
4E	Directed residual redevelopment funds to affordable housing.	1	-
4F	Development and regular (at least biennial) use of a housing subsidy pool, local or regional trust fund, or other similar funding source.	1	-
4G	Prioritization of local general funds for affordable housing.	1	-
4H	Demonstration of other actions, not listed above, that quantifiably promote, develop, or leverage financial resources for housing.	1	-
Total Policies	Summary of Category 4:	Total Points	Total Eligible
3	Providing Financial Subsidies	12	6

**Project Proposal
Enhancement Factors**

The Department shall utilize enhancement factors to increase the point scores of Prohousing Policies. Each Prohousing Policy will receive extra points for enhancement factors in accordance with the chart below.

Category	Prohousing Policy Description	Points	Eligible
1	Policy that represents one element of a unified, multi- faceted strategy to promote multiple planning objectives, such as efficient land use, access to public transportation, affordable housing, climate change solutions, and/or hazard mitigation.	2	2+
2	Policies that promote development consistent with the state planning priorities pursuant to Government Code section 65041.1.	1	1+
3	Policies that diversify planning and target community and economic development investments (housing and non- housing) to improve lower opportunity areas. Such areas include, but are not limited to, Low Resource and High Segregation & Poverty areas designated in the most recently updated TCAC/HCD Opportunity Maps, and disadvantaged communities pursuant to California Senate Bill 535 (2012).	1	-
4	Policies that go beyond state law requirements in reducing displacement of lower income households and conserving existing housing stock that is affordable to lower income households.	1	1+
5	Rezoning and other policies that support high-density development in Location Efficient Communities.	1	1+
6	Rezoning and other policies that result in a net gain of housing capacity while concurrently mitigating development impacts on or from Environmentally Sensitive or Hazardous Areas.	1	1+
7	Zoning policies that increase housing choices and affordability in High Resource and Highest Resource areas, as designated in the most recently updated TCAC/HCD Opportunity Maps.	1	1+

8	Other policies that involve meaningful actions towards affirmatively furthering fair housing pursuant to Government Code section 8899.50, including, but not limited to, outreach campaigns, updated zoning codes, and expanded access to financing support.	1	1+
Total Policies	Enhancement Factors	Total Points	Total Eligible
8	Each Prohousing Policy will receive extra points for enhancement factors in accordance with the chart below. - If multiple policies, multiple points.	9	8+

Category	Preliminary Prohousing Scoring Calculations	Points Possible	Eligible
1	Favorable Zoning and Land Use	16	9
2	Acceleration of Housing Production Timeframes	19	18
3	Reduction of Construction and Development Costs	11	4
4	Providing Financial Subsidies	12	6
Enhancement Factors	Each Prohousing Policy will receive extra points for enhancement factors in accordance with the chart below. - If multiple policies, multiple points.	9+	8+
TOTAL	30 Points Required for Prohousing Designation	67+	45+

**City of American Canyon Draft HCD Prohousing Application Preliminary Prohousing
Documentation Project Proposal
Category 1: Favorable Zoning and Land Use**

Category	Prohousing Policy Description
1A	<p>Sufficient sites, including rezoning, to accommodate 150 percent or greater of the current or draft RHNA, whichever is greater, by total or income category.</p> <p>Explanation: The proposed 6th Cycle Housing Element inventory exceeds the 6th Cycle RHNA by 247% without the need for rezoning. See attached table Exhibit 1A.</p>
1B	<p>Permitting missing middle housing uses (e.g., duplexes, triplexes, and fourplexes) by right in existing low-density, single-family residential zones.</p> <p>Explanation: Senate Bill SB9 allows ministerial approval of two dwelling units (i.e., duplexes) on a single-family zoned parcel. State ADU law also allows a detached ADU plus a Junior ADU on the same lot. The City has prepared an SB9 informational handout and illustration to show how duplexes, triplexes, and fourplexes) by right in existing low-density, single-family residential zones. See Exhibit 1B.</p>
1C	<p>Sufficient sites, including rezoning, to accommodate 125 to 149 percent of the current or draft RHNA, whichever is greater, by total or income category. These points shall not be awarded if the applicant earns three points pursuant to Category (1)(A) above.</p>
1D	<p>Density bonus programs which exceed statutory requirements by 10 percent or more.</p>
1E	<p>Increasing allowable density in low-density, single-family residential areas beyond the requirements of state Accessory Dwelling Unit law (e.g., permitting more than one ADU or JADU per single-family lot). These policies shall be separate from any qualifying policies under Category (1)(B) above.</p>
1F	<p>Reducing or eliminating parking requirements for residential development as authorized by Government Code sections 65852.2; adopting vehicular parking ratios that are less than the relevant ratio thresholds at subparagraphs (A), (B), and (C) of Government Code section 65915, subdivision (p)(1); or adopting maximum parking requirements at or less than ratios pursuant to Government Code section 65915, subdivision (p).</p> <p>Explanation: The ADU Ordinance includes reducing or eliminating parking requirements for residential development as authorized by Government Code sections 65852.2. See ACMC Section 19.39.070 (Exhibit 1F)</p>
1G	<p>Zoning to allow for residential or mixed uses in one or more non-residential zones (e.g., commercial, light industrial). Qualifying non-residential zones do not include open space or substantially similar zones.</p> <p>Explanation: Several non-residential zoning districts allow residential uses: Examples include:</p> <ul style="list-style-type: none"> • <u>Broadway District Business Park</u>: Accommodates single and multi-family dwelling units up to 20 dwelling units per acre. • <u>Broadway District Local Serving Mixed Use</u>: Accommodates single and multi-family dwelling units up to 20 dwelling units per acre. • <u>Neighborhood Commercial (CN)</u>: Permits multifamily residential uses at a density of 20 units per gross acre. • <u>Community Commercial (CC)</u>: Permits multifamily residential uses at a density of a floor area ratio of 1.0.

1H	Modification of development standards and other applicable zoning provisions to promote greater development intensity. Potential areas of focus include floor area ratio; height limits; minimum lot or unit sizes; setbacks; and allowable dwelling units per acre. These policies must be separate from any qualifying policies under Category (1)(B) above.
1I	Establishment of a Workforce Housing Opportunity Zone, as defined in Government Code section 65620, or a housing sustainability district, as defined in Government Code section 66200.
1J	Demonstrating other zoning and land use actions that measurably support the Acceleration of Housing Production.
Total Policies	Summary of Category 1:
10	Favorable Zoning and Land Use

Project Proposal
Category 2: Acceleration of Housing Production Timeframes

Category	Prohousing Policy Description
2A	<p>Establishment of ministerial approval processes for a variety of housing types, including single-family and multifamily housing.</p> <p>Explanation: ACMC 19.41.030 Ministerial Design Permit review limits Director and Planning Commission review to ensure that codified development standards and applicable environmental review are addressed by the project. No conditional use permit is required.</p>
2B	<p>Establishment of streamlined, program-level CEQA analysis and certification of general plans, community plans, specific plans with accompanying Environmental Impact Reports (EIR), and related documents.</p> <p>Explanation: The Broadway District Specific Plan (1,200 dwelling units) and Watson Ranch (1,253 dwelling units) both have a Program EIR to streamline CEQA review. The draft comprehensive General Plan update will have a Program EIR.</p>
2C	<p>Documented practice of streamlining housing development at the project level, such as by enabling a by-right approval process or by utilizing statutory and categorical exemptions as authorized by applicable law (Pub. Resources Code, §§ 21155.1, 21155.4, 21159.24, 21159.25; Gov. Code, § 65457; Cal Code Regs., tit. 14, §§ 15303, 15332; Pub. Resources Code, §§ 21094.5, 21099, 21155.2, 21159.28).</p> <p>Explanation: The Design Permit process approves housing through a ministerial process; the Broadway District and Watson Ranch have Program EIRs; Recent Infill Exemptions were used for the Rio Del Mar 4-unit subdivision (2018), Rio Del Mar 3-unit subdivision (2014), Valley View 70-unit Seniors Home (2013).</p>
2D	<p>Establishment of permit processes that take less than four months. Policies under this Category (2)(D) must address all approvals necessary to issue building permits.</p> <p>Explanation: The City has published a development application processing guide that describes steps necessary to accomplish approvals within 4 months. The City also hosts a standing “Project Review Committee” meeting to review all active development projects with a multidisciplinary team on a weekly basis. The city also has published a process to concurrently process building and grading permits concurrent with the entitlement review process. See Exhibit 2D.</p>
2E	<p>Absence or elimination of public hearings for projects consistent with zoning and the general plan.</p> <p>Explanation: ACMC 19.41.030 Ministerial Design Permit review permits the Community Development Director to approve 2-family dwellings and accessory structures and multifamily projects with fewer than 5 dwelling units with no public hearing; all other larger residential projects are reviewed by the Planning Commission for ministerial development standard review. There are no hearings for projects consistent with the zoning and general plan.</p>
2F	<p>Establishment of consolidated or streamlined permit processes that minimize the levels of review and approval required for projects, and that are consistent with zoning regulations and the general plan.</p> <p>Explanation: Projects consistent with zoning regulations and the general plan are reviewed within 30 days of project submittal. The city offers applicants free consultation services with all reviewing agencies/departments in a pre-application and post-application period during any of the standing Project Review Committee weekly meetings.</p>

2G	<p>Absence, elimination or replacement of subjective development and design standards with objective development and design standards that simplify zoning clearance and improve approval certainty and timing.</p> <p>Explanation: The City zoning code and Specific Plans currently have design standards that have successfully enabled projects to be approved without any delay. The City does not have a Design Review Committee and has included a new policy H-3.3 in the 6th Cycle Housing Element to review and modify existing design standards to ensure they meet an Objective standard.</p>
2H	<p>Establishment of one-stop-shop permitting processes or a single point of contact where entitlements are coordinated across city approval functions (e.g., planning, public works, building) from entitlement application to certificate of occupancy.</p> <p>Explanation: The City assigns a Project Manager to a project at the earliest stage of approval. This Project Manager remains in contact with the project through certificate of occupancy.</p>
2I	<p>Priority permit processing or reduced plan check times for ADUs/JADUs, multifamily housing, or homes affordable to lower- or moderate-income households.</p>
2J	<p>Establishment of a standardized application form for all entitlement applications.</p> <p>Explanation: The city uses a standardized application form for all entitlement applications. The form can be accessed at this link: https://lf.cityofamericancanyon.org/Forms/planningentitlement</p>
2K	<p>Practice of publicly posting status updates on project permit approvals on the Internet.</p> <p>Explanation: The city updates monthly and publishes the status of permit approvals on the internet at this link: https://www.cityofamericancanyon.org/home/showpublisheddocument/18493/638046216053470000</p>
2L	<p>Limitation on the total number of hearings for any project to three or fewer. Applicants that accrue points pursuant to Category (2)(E) are not eligible for points under this Category (2)(L).</p> <p>Explanation: Projects consistent with the general plan and zoning are typically approved in one hearing by the Planning Commission. On rare occasions, the hearing is continued to a second hearing. There are no other hearing bodies that review projects consistent with the general plan and zoning.</p>
2M	<p>Demonstration of other actions, not listed above, that quantifiably decrease production timeframes or promote the streamlining of approval processes.</p>

Project Proposal
Category 3: Reduction of Construction and Development Costs

Category	Prohousing Policy Description
3A	Waiver or significant reduction of development impact fees for residential development.
3B	<p>Adoption of ordinances or implementation of other mechanisms that result in less restrictive requirements than Government Code sections 65852.2 and 65852.22 to reduce barriers for property owners to create ADUs/JADUs. Examples of qualifying policies include, but are not limited to, development standards improvements, permit processing improvements, dedicated ADU/JADU staff, technical assistance programs, and pre-approved ADU/JADU design packages.</p> <p>Explanation: The City participates in the Napa Sonoma ADU Center. This nonprofit organization works with American Canyon and other North Bay jurisdictions in Napa and Sonoma County to provide homeowners with a wide array of information and education on how to finance, construct, and operate an ADU. The Napa Sonoma ADU center has a gallery of more than 50 ADU plans that have been preapproved by the City of American Canyon.</p>
3C	Adoption of other fee reduction strategies separate from Category (3)(A) above, including fee deferrals and reduced fees for housing for persons with special needs.
3D	<p>Promoting innovative housing types (e.g., manufactured homes, recreational vehicles, park models) that reduce development costs.</p> <p>Explanation: The City promoted the Lemos Pointe Apartment project in 2022. This 186-unit 3-story affordable apartment project is modular construction. During the site plan review stage, staff scheduled meetings with the applicant to ensure a smooth process to review the upcoming building permits during the Project Review Committee meetings. When the project was under construction, staff organized a special on-site meeting with the developer and Planning Commission to showcase the unique construction methods. A video from the visit is available HERE. The local Napa Register newspaper was invited and featured the project in a newspaper article on July 29, 2022 and October 11, 2022.</p>
3E	<p>Measures that reduce costs for transportation-related infrastructure or programs that encourage active modes of transportation or other alternatives to automobiles. Qualifying policies include, but are not limited to, publicly funded programs to expand sidewalks or protect bike/micro-mobility lanes; creation of on-street parking for bikes; transit-related improvements; or establishment of carshare programs.</p> <p>Explanation: The City of American Canyon receives sales tax revenue to improve active modes of transportation including sidewalk expansion and bicycle lanes. These projects and others within Napa County are tracked by the Napa Valley Transportation Authority. An interactive map that identifies the location of these projects in American Canyon and throughout Napa County is available at this link: https://www.nvta.ca.gov/measure-t The City also allocates STIP Grants, TDA Grants, American Rescue Plan Act (ARPA) Federal Grants, traffic impact funds to construct sidewalk and bicycle trail improvements. Examples of these projects are available on the city’s website at this link: https://stories.opengov.com/americancanyonca/published/3vyd6p9Ew</p>

3F	Adoption of universal design ordinances pursuant to Health and Safety Code section 17959.
3G	Establishment of pre-approved or prototype plans for missing middle housing types (e.g., duplexes, triplexes, and fourplexes) in low-density, single-family residential areas.
3H	Demonstration of other actions, not listed above, that quantifiably reduce construction or development costs.

Project Proposal
Category 4: Providing Financial Subsidies

Category	Prohousing Policy Description
4A	<p>Establishment of local housing trust funds or collaboration on a regional housing trust fund.</p> <p>Explanation: The city has adopted an Affordable Housing Nexus fee that is collected from new nonresidential and residential development for the purpose of constructing new housing that is affordable to lower income residents. See ACMC Chapter 19.28. A copy of the original Ordinance 201-05 and fee schedule in Resolution 2016-15 is included as Exhibit 4A.</p>
4B	<p>Provide grants or low-interest loans for ADU/JADU construction affordable to lower- and moderate-income households.</p> <p>Explanation: The City Council has allocated all its approximately \$700,000 Permanent Local Housing Allocation (PLHA) program funds to offer forgivable loans to residents that construct and rent an ADU/JADU that is rented at prices affordable to tenant(s) with a household income no more than 80% of the Napa County Area Median Income (AMI). A copy of Resolution 2022-91 is included as Exhibit 4B.</p>
4C	<p>A comprehensive program that complies with the Surplus Land Act (Gov. Code, § 54220 et seq.) and that makes publicly owned land available for affordable housing, or for multifamily housing projects with the highest feasible percentage of units affordable to lower income households. A qualifying program may utilize mechanisms such as land donations, land sales with significant write-downs, or below- market land leases.</p> <p>Explanation: The City Council approved a Resolution to commit to fulfil the State Surplus Land Act procedures when disposing surplus publicly owned land. A copy of Resolution 2022-91 is included as Exhibit 4C.</p>
4D	<p>Establishment of an Enhanced Infrastructure Financing District or similar local financing tool that, to the extent feasible, directly supports housing developments in an area where at least 20 percent of the residences will be affordable to lower income households.</p>
4E	<p>Directed residual redevelopment funds to affordable housing.</p>
4F	<p>Development and regular (at least biennial) use of a housing subsidy pool, local or regional trust fund, or other similar funding source.</p>
4G	<p>Prioritization of local general funds for affordable housing.</p>
4H	<p>Demonstration of other actions, not listed above, that quantifiably promote, develop, or leverage financial resources for housing.</p>

**Project Proposal Enhancement
Factors**

The Department shall utilize enhancement factors to increase the point scores of Prohousing Policies. Each Prohousing Policy will receive extra points for enhancement factors in accordance with the chart below.

Category	Prohousing Policy Description
1	<p>Policy that represents one element of a unified, multi- faceted strategy to promote multiple planning objectives, such as efficient land use, access to public transportation, affordable housing, climate change solutions, and/or hazard mitigation.</p> <p>Explanation: In 2019, the City adopted the Broadway District Specific Plan (BDSP). The BDSP is a designated Priority Development Area by the Association of Bay Area Governments (ABAG) and is consistent with the Bay Area Sustainable Community Strategy. The BDSP contains approximately 345 acres located on both sides of Broadway extending 2.38 miles north from the County line to Green Island Road. The policies in the BDSP will transform an auto-oriented, strip mall development pattern into a unified, multi- faceted strategy that promotes multiple planning objectives, such as public transit, active transportation, affordable housing, efficient land use, higher than State energy standards for climate change solutions, beautify the corridor and help unify the character of development along Broadway.</p>
2	<p>Policies that promote development consistent with the state planning priorities pursuant to Government Code section 65041.1.</p> <p>Explanation: The City’s General Plan establishes an Urban Limit Line that will protect environmental and agricultural resources by confining the City limits to the year 2030.</p> <p>The BDSP Specific Plan is focused on policies that will promote infill development, and encourage efficient development patterns by using vacant and underutilized land in the center of the City along a State Highway proximate to available transit, retail, services, and utilities.</p>
3	<p>Policies that diversify planning and target community and economic development investments (housing and non- housing) to improve lower opportunity areas. Such areas include, but are not limited to, Low Resource and High Segregation & Poverty areas designated in the most recently updated TCAC/HCD Opportunity Maps, and disadvantaged communities pursuant to California Senate Bill 535 (2012).</p>

4	<p>Policies that go beyond state law requirements in reducing displacement of lower income households and conserving existing housing stock that is affordable to lower income households.</p> <p>Explanation: The City has an adopted Mobilehome Rent Stabilization ordinance that limits rent increases for mobilehome residents that have a year-to year lease.</p> <p>The City currently has significant grant funds for low income housing rehabilitation loans. This program has been very successful with lower income residents and the City has a longstanding effort to qualify to additional grant funds from CDBG, HOME and CalHOME.</p>
5	<p>Rezoning and other policies that support high-density development in Location Efficient Communities.</p> <p>Explanation: Between 2019 and 2021, the City adopted Specific Plans for the Broadway District (BDSP) and Watson Ranch. These communities comprise 600 acres within the central part of American Canyon at much higher densities than historical single-family development in American Canyon. In addition, the City recently adopted an amendment to the General Plan and zoning code to permit 291 high density apartments on Oat Hill adjacent to the BDSP. These projects provide walkable streets with close access to the Highway 29 transit corridor, retail shopping, and services. Existing residents will benefit because the new neighborhoods will provide additional riders that support “Express Bus to the Vallejo Ferry and Bart” service provided by the Napa Valley Transportation Authority. Furthermore, Napa County has an extreme shortage of housing with chronic daily in-migration of employees from surrounding Counties. The approximately 2,500 new higher density homes will provide a shorter commute at more affordable prices than existing homes in American Canyon and elsewhere in Napa County.</p>
6	<p>Rezoning and other policies that result in a net gain of housing capacity while concurrently mitigating development impacts on or from Environmentally Sensitive or Hazardous Areas.</p> <p>Explanation: Between 2019 and 2021, the City approved policies that resulted in a net gain of housing capacity approximately 2,500 dwelling units. This includes the Broadway District (BDSP) and Watson Ranch Specific Plans and an amendment to the General Plan and zoning code to permit 291 high density apartments on Oat Hill adjacent to the BDSP. Both specific plans were approved with a Program EIR and the Oat Hill project underwent a CEQA Negative Declaration. All projects CEQA review include mitigating development impacts on or from Environmentally Sensitive or Hazardous Areas with applicable Project Design measures or Mitigation Measures.</p>
7	<p>Zoning policies that increase housing choices and affordability in High Resource and Highest Resource areas, as designated in the most recently updated TCAC/HCD Opportunity Maps.</p> <p>Explanation: The highest resource areas are located east of Highway 29 and north of American Canyon Road. The Watson Ranch Specific Plan and the east side of BDSP is located in this highest resource area. Both projects include a range of housing choices. Watson Ranch includes a 186 deeply affordable apartments and the BDSP includes approximately 600 high density residential units.</p>
8	<p>Other policies that involve meaningful actions towards affirmatively furthering fair housing pursuant to Government Code section 8899.50, including, but not limited to, outreach campaigns, updated zoning codes, and expanded access to financing support.</p> <p>Explanation: The 6th Cycle Housing Element includes numerous and new meaningful actions towards affirmatively furthering fair housing pursuant to Government Code section 8899.50.</p>

	<p>Some of these programs include modifying the zoning code to:</p> <ul style="list-style-type: none">• Allow low barrier navigation centers for compliance with Government Code Sections 65660 and 65668 (AB 101).• Allow small residential care facilities in the RRH zone in compliance with California Government Code Section 65583.• Define and create a process to permit large residential care facilities.• Update Chapter 19.27 (Density Bonus) for compliance with California Government Code Sections 65915 through 65918.• Define and allow manufactured housing subject only to the restrictions of single-family uses.• Update FAR standards in the CN and CC zoning districts to allow a minimum of 1.0 for projects with three to seven units or 1.25 for projects with eight to 10 units.• Update standards related to transitional and supportive housing for compliance with AB 2162.• Remove the conditional use permit requirement for large farm employee housing in the CC zoning district. <p>In addition, the PLHA is a new funding program for residents to pay for constructing ADUs that will be deed restricted to low-income residents.</p>
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EXHIBIT 1A

Sufficient sites to accommodate 150 percent or greater of the current or draft RHNA

RHNA Source	Very Low Income (<50% Area Median Income)	Low Income (50-80% Area Median Income)	Moderate Income (80-120% Area Median Income)	Above Moderate Income (>120% Area Median Income)	Total
ABAG RHNA Allocation	112	65	75	194	446
Proposed Housing Inventory	194	121	408	816	1,539
Total RHNA	169	109	95	249	622
Proposed Housing Buffer	25	12	313	567	917
Percentage Above RHNA					247%

 <p>CITY OF AMERICAN CANYON COMMUNITY DEVELOPMENT DEPARTMENT</p>	<p>Planning Division 4381 Broadway, Suite 201 American Canyon, CA 94503 Inquiries: (707) 647-4581 Inspection Request: (707) 551-4619 www.cityofamericancanyon.org</p>	<p>Version Date 3/2022</p>
<p>SB-9 URBAN LOT SPLIT APPLICATION BULLETIN</p>		

Purpose: This document includes links and checklist to process an SB-9 Urban Lot Split in the City of American Canyon.

Applicability: A parcel/lot within a single-family residential zoning district in American Canyon is potentially eligible for ministerial approval of: 1) two dwelling units on a parcel (Urban Two-Unit Development), and/or 2) two-lot subdivisions, each lot permitted with two single-family dwelling units (Urban Lot Splits).

Parcels/Lots that MAY support an SB 9 Project must meet all criteria below
Parcel is in a single family zoning district (RE, RR, RH, RS, SP-1:SF, TC-1:MDR-12, TC-1:MDR-16) <i>and</i> ,
Project does not demolish or alter: <ul style="list-style-type: none"> • affordable housing, • housing rented out in the past 3 years, • housing from which a tenant was evicted in the past 15 years <i>and</i>,
Project will not cause more than two residential units on each resulting lot <i>and</i> ,
If the parcel is in a Fire, Flood, or Earthquake Hazard Zone, proper mitigation measures have been taken <i>and</i> ,
The property has not been previously subdivided in accordance with SB-9 <i>and</i> ,
Parcel can demonstrate adequate water and wastewater capacity.

Important Notes:

- Please review [SB-9 Legislation](#) for precise definitions and complete lot split criteria.
- Residential units proposed to be connected to an onsite wastewater treatment system must have a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.
- The SB-9 application may be denied in writing by the Building Official or City Engineer when the preponderance of evidence demonstrates that the proposed SB-9 application would have a specific, adverse, and unmitigated public health and safety or the environmental impact as defined by Public Resources Code 65589.5.

Instructions:

- (1) Download, review and complete an [Entitlement Application form](#). Be sure to complete all 4 tabs.
- (2) Submit proposed SB-9 Tentative Parcel Map and required application materials as described in this bulletin.
- (3) A representative from the Community Development Department will contact you for payment of a \$3000 deposit.

SB-9 Urban Lot Split
Application Submittal Requirements, Map Design, and Process

Applications and additional materials required.

- (1) A Parcel Map prepared by a licensed land surveyor or civil engineer authorized to practice land surveying containing the information set forth in American Canyon Municipal Code (ACMC) Section 18.20.015 through 18.20.025;
- (2) A title report from a title company, dated within the last six months, giving the name of the owners and all easements and reservations of record affecting the land as prescribed in ACMC Section 18.20.025(J);
- (3) Recorded documents for all easements, restrictions, and reservations of record affecting the land that are listed in the title report;
- (4) A geotechnical report as prescribed in ACMC Section 18.20.025(M);
- (5) Will Serve Letters from all utility providers;
- (6) Completed Deed Restriction pursuant to the requirements as outlined below;
- (7) Completed SB-9 Owner Occupancy Affidavit (Attachment A);
- (8) If housing units on the lot are proposed for demolition, submit a Completed SB-9 Property Owner Dwelling Unit Demolition Affidavit stating that all units proposed for demolition have not been occupied by a tenant within the previous three years from the date of application (Attachment B);
- (9) Completed SB-9 Owner Affidavit affirming neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split (Attachment C);
- (10) Materials necessary to verify that all proposed buildings and parcels located within the State Mapped Very High Fire Hazard Severity Zones, special flood hazard areas, and earthquake fault zones, comply with current requirements for such areas;
- (11) Materials necessary to verify that all existing buildings and structures will comply with building code required setbacks from all new lot lines;
- (12) One complete set of traverse calculations in a form approved by the City Engineer giving the coordinates and showing the mathematical closure and area calculations;
- (13) Written consents of all existing easements holders in accordance with Government Code Section 66436(c); and
- (14) A guarantee of title or a letter from a title company certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being developed and all acknowledgments thereto appear on the proper certificates and are correctly shown on the Parcel Map, both as to consents to the making of such map and affidavits or dedications. Such guarantees shall be issued for the benefit and protection of the City of American Canyon and shall be continued complete up to the instant of the recordation of the Parcel Map.

Certificates to appear on maps.

The following certificates and statements shall appear on Parcel Maps:

- (A) Owners' certificates. A certificate signed and acknowledged by all parties having any record title interest in the real property, consenting to the preparation and recordation of the Parcel Map, including any dedication of interest in real property;

- (B) City Clerk's certificate. A certificate executed by the City Clerk stating that the City has approved the Parcel Map and has accepted, accepted subject to improvement, or rejected on behalf of the public any real property offered for dedication for public use;
- (C) Civil Engineer's or Land Surveyor's certificate. A certificate executed in accordance with the requirements of the Subdivision Map Act;
- (D) City Engineer's certificate. A certificate executed in accordance with the requirements of the Subdivision Map Act; and
- (E) Recorder's certificate. A certificate executed in accordance with the requirements of the Subdivision Map Act.

Deed restriction requirements.

- (A) Along with the recordation of the Parcel Map, a Deed Restriction that includes notarized signatures of all property owners shall be recorded on all lots that are the subject of an SB-9 Lot Split including the following restrictions:
 - (1) Each lot shall take access from one driveway shared between the two lots unless it precludes the development of two 800 square foot units on such lot; then one driveway for each lot may be permitted;
 - (2) Neither the owner of the lot subject to the SB-9 Lot Split, nor any person acting in concert with the owner, may apply for an SB-9 Lot Split of any adjacent lots;
 - (3) Rental of all units shall be for a term of more than 30 days. Rentals of 30 days or fewer are prohibited;
 - (4) Land uses are limited to residential uses outlined in the zoning development standards listed in Municipal Code Chapter 19.10; and
 - (5) No removal or modification of the recorded deed restriction shall occur without City approval, or State laws that supersede current deed restriction requirements.

Owner Occupancy requirements

- (1) All owners of a property included in an SB-9 Lot Split shall provide a notarized signature on the Owner Occupancy Affidavit provided by the City (Attachment A), stating that the property owner(s) intend to occupy one of the existing housing units, or proposed housing units if none exist or if existing unit(s) will be demolished prior to recordation of the Parcel Map, as their principal residence for a minimum of three years from the date of the City approval of the Parcel Map of the SB-9 Lot Split, except when the owner is one of the following:
 - (1) A "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the State Revenue and Taxation Code; or,
 - (2) A "qualified nonprofit corporation" as described in Section 214.15 of the State Revenue and Taxation Code.

Lot Design.

- (A) The design of all lots included in SB-9 Lot Splits shall be subject to the following:
 - (1) All SB-9 Lot Splits shall result in the creation of lots which are capable of all applicable requirements of public agencies, such as the American Canyon Fire Protection District, Napa County Department of Environmental Health, and American Canyon Wastewater Agency;
 - (2) The SB-9 Lot Split results in no more than two parcels. One parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision;
 - (3) In no case shall an Urban Lot Split result in a parcel smaller than 1,200 square feet;
 - (4) Each lot design must demonstrate that it is capable of accommodating a dwelling unit of at least 800 square feet.
 - a. The front setback shall be equal to the required setback in the zoning district in which the property is located.
 - b. The side and rear setback shall be a minimum of four (4) feet.

- (5) Each lot shall demonstrate safe and legal access to the public right-of-way.
- (6) Each lot shall demonstrate that it can accommodate at least one off-street parking space per new dwelling unit.
- (7) Proposed lot lines shall be straight, except where existing physical conditions and established property lines preclude the establishment of straight property boundaries, or such alignment would prohibit the creation of lots which are capable of being developed with a residential unit;
- (3) Panhandle lots shall comply with all access requirements from the City, American Canyon Fire Protection District, and California Department of Transportation (Caltrans) if adjacent to a State highway; and
- (4) Notwithstanding California Government Code Section 66411.1, the City shall not impose rights-of-way dedications or offsite improvements construction for SB-9 Lots being created by an SB-9 Lot Split Parcel Map.

Review/Timing/Noticing.

- (A) The Community Development Department shall determine which City departments and other public agencies are required to review the Parcel Map and shall transmit copies of the Parcel Map and accompanying materials to those City departments and other public agencies for review.
- (B) Within 30 days after receiving the SB-9 Lot Split application, the Parcel Map, and accompanying documents and materials, the City and applicable agencies shall complete the review for sufficiency of information required by this Article and other applicable public agency requirements. After which time, the City shall issue a letter deeming the application complete, or incomplete and outlining items that are missing or need to be corrected for a complete application.
- (C) Within 60 days of receiving a complete application, the City shall approve such application if determined to comply with all applicable objective requirements. If it is determined that the application does not comply with all applicable objective requirements, the application shall be denied with written reasoning for such denial.
- (D) If the application is approved, it shall be recorded with the County of Napa. If any required owner notarized signatures are not supplied on all required documents and recordation by the owner does not occur within the required timeline, the Parcel Map approval shall expire.
- (E) SB-9 Lot Splits shall be noticed to any property owner of property adjacent to the proposed SB-9 Lot Split, including lots located across an abutting public or private road. The notice shall be sent within five business days of receipt of the complete application and shall clearly state that an SB-9 Lot Split application is reviewed and acted on ministerially and not subject to appeal.

Map Expiration

An approved SB-9 Lot Split shall be valid in accordance with the timeframes identified in Government Code Section 66452.6.

Denial of Applications.

- (A) An application for an SB-9 Lot Split shall be ministerially reviewed and approved subject to the requirements in this Article unless:
 - (1) The application does not conform to all applicable objective requirements of the Subdivision Map Act and SB-9 criteria;
 - (2) The Building Official makes written findings, based upon a preponderance of the evidence, that the proposed Project would have a specific, adverse impact, as defined in California Government Code Section 65589.5(d)(2),

upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; or

- (3) A resulting lot leaves existing accessory structures without any residential units, or an application for required construction permits of residential units on such resulting lot is approved concurrently with approval of the Parcel Map.

Recording of maps, copies, and survey requirements.

- (A) Recording of maps. After approval by the City Departments and other applicable public agencies, the City Engineer and the City Clerk shall sign the Parcel Map. Within 12 months after the approval of an SB-9 Lot Split Parcel Map, the Parcel Map shall be recorded by the City Clerk or the owner's title company if deemed necessary by the Community Development Director and City Engineer.
- (B) Copies. After recording, two complete sets of prints on vellum and one set electronic reproducible copy shall be submitted to the City by the owner and shall be paid for by the owner. In addition, two copies of recorded deed restrictions, shall be provided with the sets of vellum prints.
- (C) Survey requirements. All surveys for Parcel Maps shall be in accordance with the Subdivision Map Act and the Land Surveyor's Act of the state. All lot corners shall be monumented and tagged with the registration number with iron pipe monuments or rock bolts. Iron pipe monuments shall be at least one inch in diameter, at least 18 inches long, and driven flush with the surface of the ground. All monuments and lot corners shall be installed by a licensed land surveyor or civil engineer authorized to practice land surveying. The licensed land surveyor or civil engineer authorized to practice land surveying shall certify in writing with a seal submitted to the City that all monuments and lot corners are in place as shown on the recorded Parcel Map.

SB-9 OWNER OCCUPANCY AFFIDAVIT

SB-9 requires an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation.

This is to certify under penalty of perjury that the undersigned is/are the record owner(s) of the property known as:

_____ and
Assessor's Map Book, Page and Parcel

_____ and
Legal Description (Please Attach as Exhibit A on a Separate Page)

_____ and
Street Address (if applicable)

that I/we will occupy one of the units located at the above listed location(s) as my/our principal residence for a minimum period of three years from the date of final map recordation of an urban lot split. I/We declare under penalty of perjury that I/we have reviewed this Affidavit and the information furnished is true and correct.

Executed this ____ day of _____, 20__ at _____
California, under penalty of perjury of the laws of the State of California.

(To be signed by all record owners)

Signature: _____ Print Name: _____

(For additional names, please use a separate sheet of paper)

EXHIBIT "A"
LEGAL DESCRIPTION

SB-9 OWNER DWELLING UNIT DEMOLITION AFFIDAVIT

If housing units on the lot are proposed for demolition, SB-9 requires a Property Owner Affidavit stating that all units proposed for demolition have not been occupied by a tenant within the previous three years from the date of application.

This is to certify under penalty of perjury that the undersigned is/are the record owner(s) of the property known as:

_____ and

Assessor's Map Book, Page and Parcel

_____ and

Legal Description (Please Attach as Exhibit A on a Separate Page)

_____ and

Street Address (if applicable)

that I/we affirm that none of the unit(s) located at the above listed location(s) that are proposed for demolition have been occupied by a tenant within the previous three years from the date of application. I/ We declare under penalty of perjury that I/we have reviewed this Affidavit and the information furnished is true and correct.

Executed this ____ day of _____, 20__ at _____

California, under penalty of perjury of the laws of the State of California.

(To be signed by all record owners)

Signature: _____ Print Name: _____

(For additional names, please use a separate sheet of paper)

EXHIBIT "A"
LEGAL DESCRIPTION

SB-9 OWNER PRIOR URBAN LOT SPLIT AFFIDAVIT

SB-9 requires a Property Owner Affidavit affirming that neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split.

This is to certify under penalty of perjury that the undersigned is/are the record owner(s) of the property known as:

_____ and

Assessor's Map Book, Page and Parcel

_____ and

Legal Description (Please Attach as Exhibit A on a Separate Page)

_____ and

Street Address (if applicable)

that I/we affirm that that neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split. I/We declare under penalty of perjury that I/we have reviewed this Affidavit and the information furnished is true and correct.

Executed this ____ day of _____, 20__ at _____

California, under penalty of perjury of the laws of the State of California.

(To be signed by all record owners)

Signature: _____ Print Name: _____

(For additional names, please use a separate sheet of paper)

EXHIBIT "A"
LEGAL DESCRIPTION

SENATE BILL 9 WAIVES DISCRETIONARY REVIEW AND PUBLIC HEARINGS FOR:

URBAN TWO-UNIT DEVELOPMENT

*BUILDING TWO HOMES ON A PARCEL
IN A SINGLE-FAMILY ZONE*



URBAN LOT SPLITS

*SUBDIVIDING A LOT INTO TWO THAT CAN BE
SMALLER THAN REQUIRED MIN. SIZE*

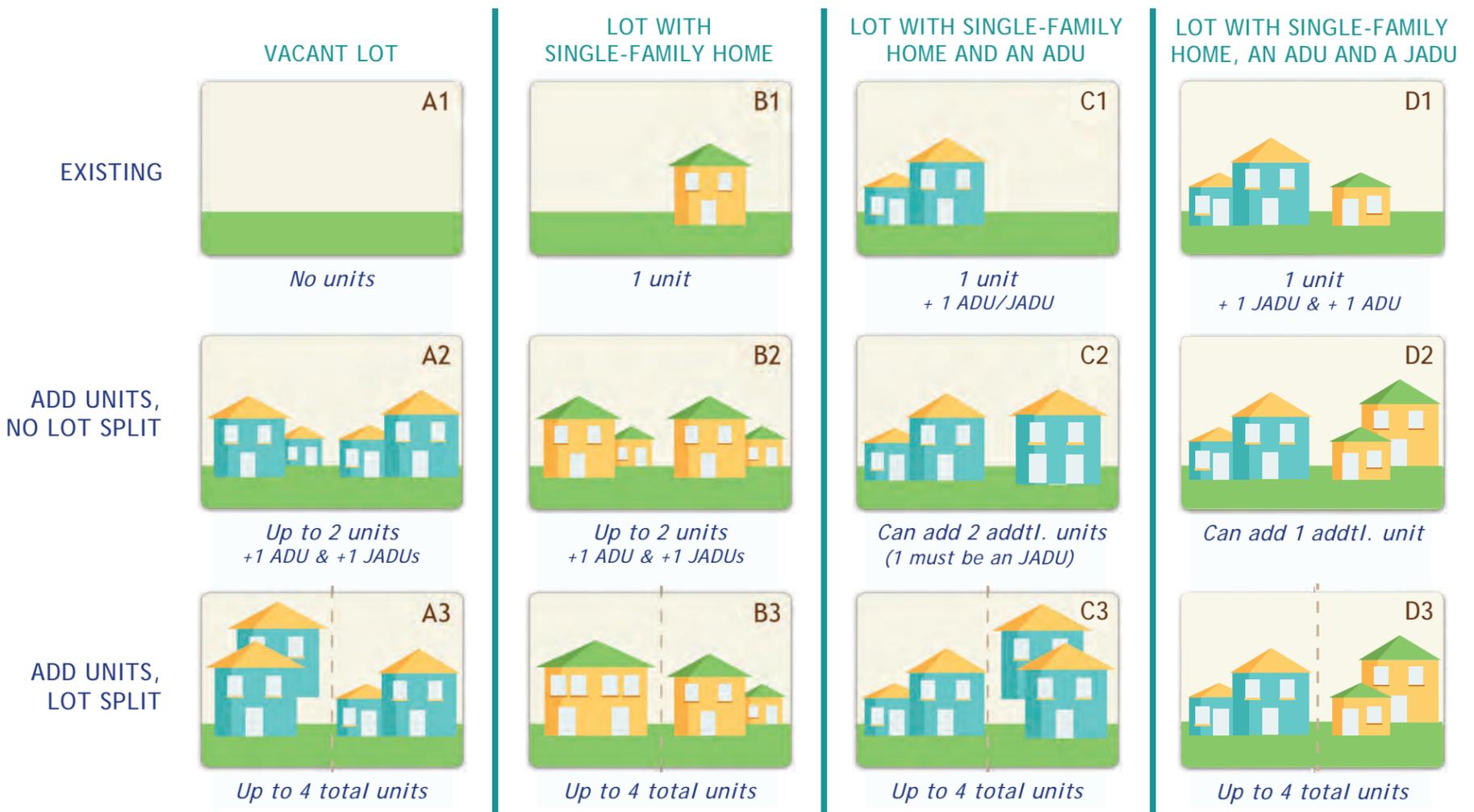
Used together, this allows **4 dwellings**, where 3 were allowed before.

SB 9 CAN BE USED TO: *Add new homes to existing parcel • Divide existing house into multiple units • Divide parcel and add homes*

Process requires Building Permits for construction, and Grading Approval subject to City Ordinance Code (if Applicable).
Applicants should speak to a Planner before submitting an application.

WHAT IT CAN MEAN FOR DEVELOPMENT OF NEW DWELLING UNITS

Illustrations are based on a preliminary analysis of the law. Details are subject to change and are for informational purposes only.



For parcels with non-conforming buildings please check with Community Development Department on SB-9 requirements for building new dwelling units.

USING SB 9 WITHOUT A LOT SPLIT:

- Without a lot split, two primary units and up to 2 new ADUs/JADUs can be built.

USING SB 9 WITH A LOT SPLIT:

- SB 9 does not require jurisdictions to approve more than 4 units total, including any ADUs/JADUs.
- Future subdivision prohibited.



SINGLE-UNIT DEVELOPMENTS

SB 9 can be used to develop single units - but projects must comply with all SB 9 requirements.

Adapted from ABAG diagram.



Applicant Guide to Discretionary Case Processing

GENERAL INFORMATION SHEET FOR:

- Design Permits (DR)
- Conditional Use Permits (CUP)
- Variances (VAR)
- Minor Variations
- Major and Minor Modifications
- Development Agreements

Some development proposals require approval by the Planning Commission or Community Development Director before grading permit or building permit applications may be submitted. Typical examples include a Conditional Use Permit or a Design Permit. Requests to allow deviations from development standards, such as Minor Variations, Variances, and Major or Minor Modifications.

This information sheet will explain the general procedures used by the City in reviewing requests for the case types listed above. Staff at the Planning Information Counter can determine if a particular use or development proposal will require discretionary approval.

If you have any questions regarding these procedures, or how they apply to a particular application, please contact the William He, Associate Planner at (707) 647-4337 or by email at whe@cityofamericananyon.org.

BEFORE SUBMITTING YOUR APPLICATION

City staff is available to meet informally to explain the City's review process and offer preliminary feedback on land use proposals. In addition, you may receive written comments on a proposed project by opening a Pre-application case.

PURPOSE

The intent of the City's discretionary review process is:

1. To determine the suitability of the site for the proposed use/development. Factors evaluated include compatibility with surrounding land uses, general arrangement of buildings on-site, access and on-site circulation, and environmental constraints.
2. To ensure the proposed use/development will comply with applicable policies, goals and standards (including building intensity standards) set forth in the [General Plan](#), the [Zoning Ordinance](#) (Title 19 of the Municipal Code) and other regulatory documents.
3. To prepare environmental documents within the timeframes specified by the [California Environmental Quality Act](#).
4. To identify appropriate conditions of approval to ensure all potential impacts associated with the project can be mitigated to a level of insignificance.
5. To provide opportunities for public input in the planning process.
6. To adopt standard procedures and requirements to the extent possible so that all participants, including citizens, applicants, staff and decision makers, understand the review process and have similar expectations.

7. To process applications within the timeframes mandated by the state of [California Permit Streamlining Act](#).

SCHEDULE

The Zoning Ordinance specifies whether the approval body for a discretionary case will be the Community Development Director or the Planning Commission. Discretionary applications reviewed by the Community Development Director do not typically require detailed environmental studies or a public hearing.

Generally, applications reviewed by the Planning Commission are more complex or more controversial. Such cases are typically scheduled for final action within approximately sixteen weeks of the date applications are determined to be complete. Projects that require approval of an Environmental Impact Report with Statements of Overriding Consideration must be approved by the City Council (Municipal Code Section 19.01.060). Project schedules for cases requiring detailed environmental analysis (an Environmental Impact Report) are determined on a case-by-case basis.

COST

Discretionary applications are reviewed on a cost recovery basis. Each applicant must file a deposit with each development application. A list of user fees (including deposit amounts) is available [HERE](#). All staff time spent on the review of the application is charged against the deposit until it is expended down to the minimum deposit amount. Once the deposit funds have been expended, you will receive an invoice each month for staff time and any related consultant charges. Any unused funds remaining in the account at the conclusion of the case will be returned to you. If you fall more than 60 days behind in payment, no further processing will occur. Please note that if the applicant for the proposal being submitted owes funds to the City for previous development applications, the current application submittal will not be accepted until the outstanding fees have been paid. For more information contact Nicolle Jones, Administrative Technician at (707) 647-4348 or by email at njones@cityofamericancanyon.org.

APPLICATION SUBMITTAL

You may submit discretionary case applications online [HERE](#): Staff will contact you for the deposit payment. Following acceptance of your application, the case will be assigned to a planner in Planning Services. This planner will be responsible for overseeing the City's review and will serve as your primary contact. Please note that the City may assign your case to a consultant hired to assist the Planning Division. Processing timeframes for determining completeness of development applications are regulated by Section 65943 of the California Government Code. Within 30 days of submittal, staff will review your application and determine in writing whether or not it is complete. If it is incomplete, staff's written determination will specify what is required to complete the application. No further review will occur until all requested information has been provided.

PROJECT REVIEW: THE SCREENCHECK PROCESS

In addition to the planning staff, various City divisions, such as City Attorney and Public Works Engineering will review your application. This review is referred to as a "screencheck". Outside agencies, such as the Napa Valley Unified School District or the American Canyon Fire Protection District, may participate in the screencheck process, depending on the nature and location of the proposal.

A. First Screencheck

The first screencheck will take approximately three to five weeks. During this review, staff will identify all changes that need to be made to your proposal to comply with City requirements and policies. The

DISCRETIONARY CASES-GENERAL INFORMATION

case planner will then forward written "screencheck comments" to you. These comments may include revisions necessary to comply with ordinance requirements; recommended or suggested revisions; requests for clarification; draft conditions of approval; the environmental determination; and any information needed to complete the environmental documents. Staff will be available to meet with you to discuss the comments at your request.

B. Your Response

In order to ensure that cases are processed in a timely manner, timeframes for applicant response have been established. Generally, you must respond to the first screencheck comments within two weeks of receipt of those comments. Failure to respond promptly will affect the staff's ability to complete the environmental documents and will most likely delay the processing of your case.

The screencheck response must include a letter responding to each comment in detail. This letter must identify the sheet on which requested revisions have been depicted, provide clarification requested, and/or indicate your position on issues raised by staff. Comments on the draft conditions may be offered at this time. In addition to your response letter, you must provide the requested number of revised plans as well as any information requested to complete the environmental documents. You are also asked to identify any other changes that have been made to the plans. The response should be emailed directly to the case planner as an attachment or with a link to a share file website.

C. Second Screencheck

The second screencheck review will focus on your response to the first screencheck. If the case planner determines that you have made significant changes to the proposal, the initial screencheck process may need to be repeated. Examples of significant changes include the introduction of new uses that would affect assumptions regarding traffic or parking; modifications that affect the environmental determination; or revisions that require input from divisions that did not review the initial application. Staff's intent is to complete the screencheck process with a general concurrence on the application. In some cases, a third screencheck review will be warranted.

PUBLIC NOTICES

With mailing labels you provide, the City will inform property owners by mail within 300 feet of the subject site that an application has been submitted and invite questions or concerns. At least 10 days prior to the hearing, the same property owners will receive a public hearing notice by mail. In addition, the notice will be published in a newspaper of general circulation and posted at locations designated by the City Council, including the property where the proposed project is to be located. Notice of public meetings held by advisory committees will be posted as required by the Zoning Ordinance.

While not an official public hearing notice, the City regularly publishes status reports of active projects, and may discuss them in regular publications by the City Manager and Community Development Department.

PUBLIC HEARINGS AND MEETINGS

Discretionary applications are considered by the Planning Commission at a public hearing. Some projects will also require review by an advisory body, such as the Park and Recreation Commission. Final action on the case is taken at a public hearing of the approval body designated by the Zoning Ordinance. Review by advisory and/or approval bodies will commence approximately four weeks following completion of the final screencheck. During this period, the staff reports and resolutions will be prepared and reviewed; the environmental documents will be completed, if necessary; and public notices will be prepared and distributed.

DISCRETIONARY CASES-GENERAL INFORMATION

A written staff report will be distributed to the advisory and approval body approximately one week prior to the meeting or hearing. You will also receive a copy of the report at this time. During the hearing, you may address the decision-making body. Testimony from any member of the public desiring to speak or submit written comments will also be considered. If the hearing body is not the approval body, a recommendation will be forwarded to the approval body. If the hearing body is the approval body, a resolution outlining the decision will be adopted. The decision may be appealed within 15 days of this action. If no appeal is filed within this timeframe, the approval body's decision is final.

CASE CLOSURE

Following the expiration of the appeal period, you will receive a copy of the resolution approving or denying the project. If the application was approved, a stamped set of plans will also be returned to you. Following receipt of these documents, you are eligible to submit applications for precise grading permits and/or building permits. The case planner will close the file and forward all public documents to the City's Records department. Upon case closure, the City's Finance Department will prepare a final invoice or return any unused portion of the deposit to you.



REQUEST FOR CONCURRENT DISCRETIONARY PERMIT PROCESSING

I, _____ hereby request that the City of American Canyon process my
Applicant Name (print)
 _____ entitlement application _____ concurrently with my Grading / Site
e.g. Design Permit, CUP *e.g. PL19-00XX, DV19-00XX*
 Improvement Plan Check. I understand that the outcome or conditions of my entitlement approval may require changes to my civil (plan check) drawings and that depending on the nature of the changes, subsequent Grading or Improvement Plan Checks and payment of additional developer deposit funds may be required. I also understand that the City cannot guarantee approval of my project and that there is the possibility that my entitlement permit could, in some instances, be appealed and or denied. I further understand that grading / site improvement plan review fees are non-refundable.

 Applicant Signature

 Date

 Billing Party (print) *If different from applicant*

 Billing Party Signature

 Date

For City Use Only	
_____ Public Works Department Staff Approval	_____ Date





REQUEST FOR CONCURRENT DISCRETIONARY PERMIT PROCESSING

I, _____ hereby request that the City of American Canyon process my
Applicant Name (print)
 _____ entitlement application _____ concurrently with my Building Permit
e.g. Design Permit, CUP *e.g. PL19-00XX, DV19-00XX*
 Plan Check. I understand that the outcome or conditions of my entitlement approval may require changes to my construction (plan check) drawings and that depending on the nature of the changes, subsequent Building Permit Plan Checks and payment of additional Building Permit review fees may be required. I also understand that the City cannot guarantee approval of my project and that there is the possibility that my entitlement permit could, in some instances, be appealed and or denied. I further understand that Building Permit review fees are non-refundable.

 Applicant Signature

 Date

 Billing Party (print) *If different from applicant*

 Billing Party Signature

 Date

<i>For City Use Only</i>	
_____ Community Development Department Staff Approval	_____ Date



ORDINANCE NO. 2016-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AMENDING TITLE 19 OF THE AMERICAN CANYON MUNICIPAL CODE RELATED TO INCLUSIONARY HOUSING ORDINANCE

WHEREAS, the City of American Canyon (“City”) seeks to ensure that the City’s zoning laws are consistent with the goals, policies, and standards set forth in the City General Plan; and

WHEREAS, increasing the supply of housing at all income levels, when designed and located well, can strengthen neighborhoods and local economies and there are many ways in which a community may provide housing for low- and moderate-income families; and

WHEREAS, since at least 2001, the City has used an Inclusionary Housing Ordinance (“Ordinance”) to require residential projects containing five or more residential units to provide 10% of the units in the project to be sold or rented at prices affordable to lower-income households; and

WHEREAS, expansion of commercial and industrial development in American Canyon increases demand for affordable housing in our City. However, the City’s Ordinance does not require new non-residential development to contribute funds to help offset affordable housing demand that it creates; and

WHEREAS, in April, 2014, the City Council directed staff to establish an Affordable Housing Nexus fee among additional recommendations from the final report. The Affordable Housing Nexus fee recommendation was included in the May 2014 Community Vision and Strategic Plan and supported by the City’s Housing Element, which was certified by the State Department of Housing and Community Development on March 26, 2015; and

WHEREAS, in 2009, the Palmer/Sixth Street Properties vs. City of Los Angeles court ruling (“the Palmer Case”) invalidated many cities’ inclusionary ordinances, including the City of American Canyon’s, as it relates to inclusionary requirements on rental homes. As a result of the Palmer Case, the city’s ability to require affordable units in new rental housing developments has been significantly curtailed; and

WHEREAS, the proposed Municipal Code amendments would provide new Palmer Compliant affordable housing nexus fees and use definitions; and

WHEREAS, on January 28, 2016, City of American Canyon Planning Commission considered the proposed ordinance and unanimously recommended its approval; and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon City Council on February 2, 2016 on the subject application, at which time all those in attendance were given the opportunity to speak on this proposal; and

WHEREAS, the City Council has considered all of the written and oral testimony presented at the public hearing in making its decision.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of American Canyon to amend Chapter 19.28 of the Municipal Code as follows:

SECTION 1: Chapter 19.28 Inclusionary Housing Requirements

19.28.010 Purpose.

The purpose of this chapter is to implement the inclusionary housing program set forth in the housing element of the American Canyon general plan. (Ord. 2001-02 § 1, 2001)

19.28.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this chapter shall have the following meanings:

"Above moderate-income households" are those households with income of more than one hundred twenty percent of area median income for Napa County, as published by the state of California Department of Housing and Community Development, and its successors.

"Affordable Housing Nexus Fee" is an impact fee to fund affordable housing demand created by new market-rate housing and new nonresidential development.

"Apartment" is a multi-family development residential project that creates residential dwelling units that cannot be sold individually.

"Gross square feet" is the area included within the surrounding walls of a structure as calculated by the building division in accordance with its standard practice. This area does not include garages or carports.

"Inclusionary units" are those that are required to be provided at affordable rents or sales prices to specified households.

"Lower income households" are those households with income of no more than eighty percent of the area median income for Napa County, adjusted for household size, as published by the state of California Department of Housing and Community Development, and its successors.

"Market rate units" means dwelling units in a residential project which are not affordable units or target units.

"Maximum residential density" means the maximum number of dwelling units permitted in a residential project by the city's zoning ordinance and by the land use element of the general plan on the date that the application for the residential project is deemed complete, excluding any density bonus. If the maximum density allowed by the zoning ordinance is inconsistent with the density allowed by the land use element of general plan, the land use element density shall prevail.

"Median income" means the median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Moderate income households" are those households whose income does not exceed the moderate income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Nonresidential Project" shall mean new construction of other than residential development, including, but not limited to retail, commercial, hotel, food/wine production, industrial and warehouse development.

"Nonresidential development" means any development in the city for which a discretionary permit or building permit is required, other than those developments involving solely residential projects, that includes an addition, the new construction of gross square feet of nonresidential space, the conversion of a residential use to a nonresidential use, or the conversion of one nonresidential use to another nonresidential use.

"Residential project" means any development for which a discretionary permit or building permit is required that includes the creation of one or more additional dwelling units, an addition to a dwelling unit, conversion of nonresidential uses to dwelling units, or a condominium conversion.

"Residential ownership project" means any residential project that includes the creation of one or more residential dwelling units that may be sold individually. A residential ownership project also includes the conversion of apartments to condominiums.

"Residential rental project" means any residential project that creates residential dwelling units that cannot be sold individually.

"Senior citizen residential project" means a senior citizen housing development with at least thirty-five dwelling units as defined in Civil Code Section 51.3, or a mobilehome park that limits residency based on age requirements for older persons pursuant to Civil Code Sections 798.76 or 799.5.

"Stacked Flat" means a multi-family residential building with single-level dwelling units, stacked on top of each other in a multi-story building.

"Target unit" means a deed-restricted dwelling unit within a residential project which is reserved for sale or rent, at an affordable rent or affordable sales price, to very low, low, or moderate income households, and which qualifies the residential project for a state density bonus and incentives pursuant to Chapter 19.27.

"Very low income households" are those households with income of no more than fifty percent of the area median income for Napa County, adjusted for household size, as published by the state of California Department of Housing and Community Development, and its successors.

(Ord. 2006-09 § 1, 2006; Ord. 2006-08 § 1, 2006; Ord. 2001-02 § 1, 2001)

19.28.030 Applicability.

- A. The provisions of this chapter shall apply to:
 - i. Residential projects containing five or more residential parcels or units whose initial sales prices or rents will be affordable (as defined in Chapter 19.04, Definitions) to above moderate-income households.
 - ii. Residential Rental projects containing five or more rental dwelling units.
 - iii. Nonresidential projects.
- B. These provisions shall not apply to:

- i. Any subdivision for which the final or parcel map was recorded, or any residential project subject to discretionary approval by the city for which a building permit has been issued by the city prior to the effective date of this chapter, unless approval or conditional approval of the subdivision or project was expressly conditioned upon participation in an inclusionary program such as that established by this chapter, or such participation was expressly required as an environmental mitigation measure for the subdivision.
- ii. New Residential development that is owned and operated by a nonprofit entity
- iii. New Residential development that is deed restricted to be affordable to lower income households
- iv. New nonresidential development with a bona fide tax-exempt status (Ord. 2006-09 § 1, 2006; Ord. 2006-08 § 1, 2006; Ord. 2001-02 § 1, 2001)

19.28.040 Ownership Inclusionary requirements.

- A. Required Number and Type of Inclusionary Units.
 - 1. Ownership projects subject to the provisions of this chapter shall provide a number of inclusionary units equal to at least ten percent of applicable project units (per this chapter) at prices or rents affordable to lower-income households, unless one of the alternative actions set forth in this chapter is approved. Such inclusionary units may be either ownership units or rental units.
 - 2. In determining the number of inclusionary units to be provided, any decimal fraction of 0.3 or more shall be rounded up to the nearest whole number, and any decimal fraction of less than 0.3 shall be rounded down to the nearest whole number.
- B. Development Standards for Target Units.
 - 1. Inclusionary units should be constructed concurrently with market rate units unless both the city and the developer/applicant agree within the housing agreement to an alternative schedule for development.
 - 2. Inclusionary units shall be evenly distributed throughout the project, except that the decision-making body may waive this requirement if it finds that such distribution is infeasible for one or more of the following reasons:
 - a. Significant topographic or other constraints exist rendering such distribution infeasible.
 - b. Substantially improved site design will result from such waiver.
 - c. Substantially improved building design and an improved unit amenity level will result from such waiver.
 - d. Significant *economic hardships* will result from such distribution that does not apply to other projects in the city.
 - e. Significant economic hardships will result from distribution for the developer of the inclusionary units receiving financial assistance from federal, state, or local government agencies if such waiver is not granted.
 - 3. Where feasible, the number of bedrooms of the inclusionary units should be equivalent to the bedroom mix of the market rate units of the housing development; except that the developer may include a higher proportion of inclusionary units with more bedrooms.
 - 4. The design and appearance of the inclusionary units shall be compatible with the design of the total housing development.
 - 5. The applicant may reduce the size or interior amenities of the inclusionary units as long as there are not significant differences between inclusionary and market rate units visible from the exterior of the dwelling units and the size and design of the dwelling units are reasonably consistent with the market rate units in the project, provided that all dwelling units conform to the requirements of the applicable building and housing codes.

6. Inclusionary units shall comply with all applicable development standards, except those which may be modified as provided by this chapter.

C. Continued Affordability. Inclusionary units shall remain restricted and affordable to the targeted household(s) for a period of at least forty years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Covenants evidencing these restrictions shall be recorded against the property.

D. Determination of Affordable Rents and Sales Prices. In determining the maximum affordable rent or affordable sales price of inclusionary units, the following household and unit size assumptions shall be used, unless the project is subject to different assumptions imposed by other governmental regulations:

SRO (residential hotel) unit	75% of 1 person
0 bedroom (studio)	1 person
1 bedroom	2 person
2 bedroom	3 person
3 bedroom	4 person
4 bedroom	6 person

E. Housing Agreement. A housing agreement consistent with this chapter shall be made a condition of the discretionary planning permits (e.g., tract maps, parcel maps, site plans, planned development or conditional use permits) for a project that provides inclusionary units. (Ord. 2006-09 § 1, 2006; Ord. 2006-08 § 1, 2006; Ord. 2001-02 § 1, 2001)

19.28.050 Inclusionary alternatives.

A. It is the intent of these provisions that the inclusionary units be provided within each project in order to disperse such units throughout the community.

B. Provided, however, that the following alternatives to providing inclusionary units on-site may be approved by the decision-making body if it finds that evidence presented by the applicant shows that on-site inclusionary units are infeasible due to project size, location or site characteristics, economic hardships, or that the alternative would further housing opportunities for lower-income households to an equal or greater extent:

1. The provision of some or all of the required inclusionary units at an off-site location.

2. The payment of an in-lieu Affordable Housing Nexus Fee to the city for each developed unit in an ownership project.

a. The in-lieu fee shall be paid to the city at the issuance of the building permit for each unit.

b. Such fee shall be deposited in the city housing fund and can only be used to provide housing affordable to very low and low-income households.

3. The dedication of suitable land to the city, or entity acceptable to the city, for the construction of the inclusionary units. The acceptability of such dedication shall be based on the suitability of the site in terms of location, size, zoning, timing of construction and other applicable factors. The acceptability of such dedication shall also be based on the fair market value of the dedicated land, in comparison to the amount of in-lieu contribution as calculated above.

4. In the event a project exceeds the total number of inclusionary units required in this chapter, the project owner may request inclusionary unit credits that may be used to meet the inclusionary unit requirements of another project, subject to the approval of the city manager. Inclusionary unit credits are issued to and become the possession of the project owner and may only be transferred to another project owner subject to the approval of the city council. The number of

inclusionary unit credits awarded for any project is subject to the approval of the city council. (Ord. 2009-09 § 3, 2009; Ord. 2006-09 § 1, 2006; Ord. 2006-08 § 1, 2006; Ord. 2001-02 § 1, 2001)

19.28.060 City assistance.

The city may assist projects that include inclusionary units in order to make such units economically feasible. Possible assistance includes the following:

A. A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code for the inclusionary units. These may include, but are not limited to, one or more of the following:

1. Reduced minimum lot sizes and/or dimensions,
2. Reduced minimum lot setbacks,
3. Reduced minimum outdoor and/or private outdoor living area,
4. Increased maximum lot coverage,
5. Increased maximum building height and/or stories,
6. Reduced on-site parking standards, including the number or size of spaces and garage requirements,

7. Reduced minimum building separation requirements,
8. Reduced street standards, e.g., reduced minimum street widths;

B. Waived, reduced, or deferred planning, plan check, building permit, and/or development impact fees (e.g., capital facilities, park, or traffic fees). (Ord. 2006-09 § 1, 2006; Ord. 2006-08 § 1, 2006; Ord. 2001-02 § 1, 2001)

19.28.070 Application procedures.

In addition to the application contents required for any associated permits or approvals, an applicant proposing to include inclusionary units in a project shall provide the following information:

- A. The number of proposed inclusionary units and an indication of the target households;
- B. Proposed sales prices or rents for the inclusionary units;
- C. The location, unit size (square feet), and number of bedrooms of inclusionary units;
- D. A description of any proposed differences between the inclusionary units and other project units in terms of construction, appearance, or amenities;
- E. A schedule for completion and occupancy of the inclusionary units compared to a schedule for completion and occupancy of market rate units in the subject development;
- F. An offer to reserve inclusionary units for target households for at least forty years. (Ord. 2006-09 § 1, 2006; Ord. 2006-08 § 1, 2006; Ord. 2001-02 § 1, 2001)

19.28.080 Housing agreement.

A. Where required by this chapter, applicants/developers shall draft and agree to enter into a housing agreement with the city. The terms of the draft agreement shall be reviewed and revised as appropriate by the community development director, who shall formulate a recommendation to the decision-making body for final approval.

- B. The housing agreement shall include at least the following:
1. The number of inclusionary units, bedroom counts for the inclusionary units and their target households;
 2. The standards for determining the affordable rent or affordable sales price and housing cost for the inclusionary units;
 3. The location, unit size (square feet), and number of bedrooms of the inclusionary units;
 4. The tenure of use restrictions for the inclusionary units;

5. A schedule for completion and occupancy of the inclusionary units and market rate units;
 6. A description of remedies for breach of the agreement by either party (the city may identify tenants or qualified purchasers as third party beneficiaries under the agreement);
 7. Other provisions to ensure implementation and compliance with this chapter.
- C. In the case of for-sale inclusionary units, the housing agreement shall include the following conditions governing the sale and use of inclusionary units during the applicable use restriction period:
1. The inclusionary units shall be sold to and owner-occupied by eligible lower-income households at an affordable sales price and housing cost.
 2. The initial and subsequent purchasers of an inclusionary unit shall execute an instrument or agreement approved by the city restricting the sale of the inclusionary unit in accordance with this chapter during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the inclusionary unit and shall contain such provisions as the city may require to ensure continued compliance with this chapter.
 3. The city shall establish maximum resale prices for inclusionary units during the applicable use restriction period, taking into consideration such factors as cost-of-living increases, any improvements made to the unit, and customary closing costs.
 4. The owner of an inclusionary unit who wishes to sell the unit shall provide the first right of refusal to purchase the unit to the city and send written notice to the city of their intent to sell not less than sixty calendar days prior to the intended date of sale of the unit. Upon receipt of the owner's notice, the city shall have sixty calendar days to purchase the unit or to assign its right of refusal.
 5. The owner shall share with the city any amount received by the owner as a result of the first sale following expiration of the applicable use restriction period that is above the maximum resale price. The city shall deposit its share of any such proceeds in its housing fund.
- D. In the case of rental inclusionary units, the housing agreement shall provide for the following conditions governing the use of inclusionary units during the use restriction period:
1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining inclusionary units for qualified tenants;
 2. Provisions requiring owners of the rental project to verify tenant incomes on an annual basis and maintain books and records to demonstrate compliance with this chapter;
 3. Provisions requiring owners of the rental project to submit an annual report to the city which includes the name, address, and income of each person occupying the inclusionary units, and which identifies the bedroom size and monthly rent or cost of each inclusionary unit.
- E. Following execution of the agreement by all parties, the completed housing agreement, or memorandum thereof, shall be recorded and the conditions therefore filed and recorded on the parcel or parcels designated for the construction of inclusionary units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The housing agreement shall be binding to all future owners and successors in interest. (Ord. 2006-09 § 1, 2006; Ord. 2006-08 § 1, 2006; Ord. 2001-02 § 1, 2001)

19.28.090 Rental Inclusionary Residential requirements.

- A. Rental Residential projects subject to the provisions of this chapter shall provide the applicable affordable housing nexus fee for each rental dwelling unit constructed. The affordable housing nexus fee shall be adopted by Resolution by the City Council.

19.28.100 Nonresidential Inclusionary requirements.

- B. Nonresidential projects subject to the provisions of this chapter shall provide the applicable affordable housing nexus fee for each square foot of new construction. The affordable housing nexus fee shall be adopted by Resolution by the City Council.

19.28.110 Waiver.

Notwithstanding any other provision of this chapter, the requirements of this chapter shall be waived, adjusted or reduced if the applicant shows that there is no reasonable relationship between the impact of a proposed residential project and the requirements of this chapter, or that applying the requirements of this chapter would take property in violation of the United States or California Constitution. To receive a waiver, adjustment or reduction under this section, the applicant must make a showing under this section when applying for a first approval for the residential project, and/or as part of any appeal which the city provides as part of the process for the first approval. (Ord. 2006-09 § 1, 2006; Ord. 2006-08 § 1, 2006)

SECTION 2: Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 3: Compliance with California Environmental Quality Act. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations because it has no potential for resulting in physical change to the environment, directly or indirectly, as it prevents changes in the environment pending the completion of the contemplated possible review of City zoning regulations.

SECTION 4: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

The foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 16th day of February, 2016, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, by the following vote:

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 2nd day of February, 2016, by the following vote:

AYES:	Council Members Joseph, Leary, Ramos, Vice Mayor Bennett, and Mayor Garcia
NOES:	None
ABSTAIN:	None
ABSENT:	None

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 16th day of February, 2016 by the following vote:

AYES: Council Members Joseph, Leary Ramos, Vice Mayor Bennett, and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None



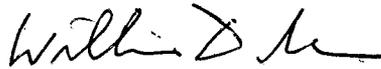
Leon Garcia, Mayor

ATTEST:



Cherri Walton, CMC, Deputy City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney

RESOLUTION NO. 2016-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AMENDING THE CITY'S MASTER FEE RESOLUTION BY REPEALING RESOLUTION 2009-51 REGARDING INCLUSIONARY HOUSING IN-LIEU FEES AND REPLACING IT WITH A RESIDENTIAL AND NONRESIDENTIAL AFFORDABLE HOUSING NEXUS FEE

WHEREAS, the City of American Canyon ("City") seeks to ensure that the City's zoning laws are consistent with the goals, policies, and standards set forth in the City General Plan; and

WHEREAS, increasing the supply of housing at all income levels, when designed and located well, can strengthen neighborhoods and local economies and there are many ways in which a community may provide housing for low- and moderate-income families; and

WHEREAS, since at least 2001, the City has used an Inclusionary Housing Ordinance ("Ordinance") to require residential projects containing five or more residential units to provide 10% of the units in the project to be sold or rented at prices affordable to lower-income households; and

WHEREAS, inclusionary housing in-lieu fees were most recently adopted by the City Council with Resolution 2009-51; and

WHEREAS, expansion of commercial and industrial development in American Canyon increases demand for affordable housing in our City. However, the City's Ordinance does not require new non-residential development to contribute funds to help offset affordable housing demand that it creates; and

WHEREAS, in 2009, the *Palmer/Sixth Street Properties vs. City of Los Angeles* court ruling ("the Palmer Case") invalidated many cities' inclusionary ordinances, including the City of American Canyon's, as it relates to inclusionary requirements on rental homes. As a result of the Palmer Case, the city's ability to require affordable units in new rental housing developments has been significantly curtailed; and

WHEREAS, in June 2015, the California Supreme Court in *California Building Industry Association (CBIA) v. City of San Jose* reaffirmed the constitutional police power of municipalities to address affordable housing needs. In doing so, the court found that properly drafted inclusionary housing regulations further a legitimate public purpose and will continue to be reviewed by courts under the deferential standard for reviewing the constitutional validity of all police power regulations.

WHEREAS, in April, 2014, the City Council directed staff to establish an Affordable Housing Nexus fee among additional recommendations from the final report. The Affordable Housing Nexus fee recommendation was included in the May 2014 Community Vision and Strategic Plan and supported by the City's Housing Element, which was certified by the State Department of Housing and Community Development on March 26, 2015; and

WHEREAS, on behalf of the City, on February 13, 2015, David Paul Rosen & Associates prepared an Administrative Review Draft of the American Canyon Affordable Housing Nexus Study. On January 19, 2016 the American Canyon Affordable Housing Nexus Study: Fee Calculation and Economic Impact Analysis was prepared; and

WHEREAS, the proposed Affordable Housing Nexus fees would provide a new source of funds to support a variety of affordable housing programs; and

WHEREAS, on January 28, 2016, City of American Canyon Planning Commission considered the proposed Affordable Housing Nexus fees and recommended their approval; and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon City Council on February 2, 2016 on the subject application, at which time all those in attendance were given the opportunity to speak on this proposal; and

WHEREAS, the City Council has considered all of the written and oral testimony presented at the public hearing in making its decision.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of American Canyon to repeal Resolution 2009-51 and replace it with the following Affordable Housing Nexus fees as depicted in Exhibit A.

Exhibit A

Type of Use*	Affordable Housing Nexus Fee Per Square Foot**
Residential, Single Family, Townhouse	\$3.00/gross square foot
Residential, Stacked Flats, Apartment	\$3.50/gross square foot
Office	\$0.75/gross square foot
Hotel	\$0.75/gross square foot
Retail	\$0.75/gross square foot
Warehouse	\$0.5/gross square foot
Industrial	\$0.5/gross square foot
All Other Nonresidential	\$0.75/gross square foot

* New development for a bona fide tax exempt use (such as the Boys and Girls Club and religious facilities) and housing for lower income residents are exempt from the Affordable Housing Nexus Fee.

**All housing fees shall be calculated using the gross square footage definition in Municipal Code Section 19.28.020.

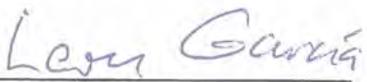
The Nexus fees shall be adjusted annually in an amount equal to the inflation rate, as measured by the California Consumer Price Index, or 2%, whichever is less consistent with Article XIII A of the state Constitution.

SECTION 1: Compliance with California Environmental Quality Act.

The City Council finds that this Resolution is subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) because the action will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to CEQA Guidelines Section 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly. In addition, the consideration and adoption of the Resolution is not a "project" under CEQA Guidelines Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the City Council of the City of American Canyon held on the 16th day of February, 2016, by the following vote:

AYES: Council Members Joseph, Leary, Ramos, Vice Mayor Bennett, and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None



Leon Garcia, Mayor

ATTEST:



Cherri Walton, CMC, Deputy City Clerk

RESOLUTION NO. 2022-91

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA, DELEGATING AMERICAN CANYON'S PERMANENT LOCAL HOUSING ALLOCATION (PLHA) FUNDS TO THE CITY OF NAPA TO FACILITATE NEW LOW-INCOME HOUSING WITH AN ACCESSORY DWELLING UNIT ASSISTANCE PROGRAM; AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CITY OF NAPA TO ADMINISTER THE PLHA PROGRAM

WHEREAS, in 2017, Governor Brown established the [Building Homes and Jobs Act](#) (SB 2) to fund unmet affordable housing needs with a \$75 recording fee on real estate documents; and

WHEREAS, the Permanent Local Housing Allocation (PLHA) program, administered by the California Department of Housing and Community Development (HCD), provides this permanent, on-going source of unmet housing needs funding in five-year increments; and

WHEREAS, it is anticipated that the City of American Canyon will be eligible for an estimated \$704,000 in funding for the current five (5) year period covering the years between 2019 and 2023; and

WHEREAS, the City's Regional Housing Needs Allocation (RHNA) requires the City achieve 278 Low Income (50%-80% AMI) and Very Low Income (<50% AMI) dwelling units over an 8-year period between 2023-2031; and

WHEREAS, the draft 6th Cycle Housing Element "[Program F](#)" calls for the City to provide Accessory Dwelling Unit incentives over the upcoming 8-year Housing Element term (2023-2031), "[Program M](#)" calls of the city to identify and apply for housing related funding to assist in development of affordable housing; "[Program S](#)" calls for the city to partner with the City of Napa to take advantage of administrative resources to receive affordable housing funding; and

WHEREAS, the PLHA program would provide needed funds to fulfill the ADU incentive programs in the 6th Cycle Housing Element; and

WHEREAS, the City of American Canyon must submit an expenditure plan to the State Department of Housing and Community Development by October 31, 2022 or risk losing allocated funds; and

WHEREAS, the City of American Canyon contracts with the City of Napa to provide housing-related services through a collaborative and cost-effective partnership with excellent customer service; and

WHEREAS, the draft PLHA Plan in partnership with the City of Napa would establish that the City of American Canyon intends to spend its allocated PLHA funds on Accessory Dwelling Unit incentives as follows:

1. Ninety-Five percent (95%) of the initial funds will be allocated to support grants to assist in the construction of deed restricted Accessory Development units affordable to residents earning a maximum of 80% Area Median Income (AMI). This funding would utilize the City of Napa's existing grant program as the model for the City of American Canyon.
2. Five percent (5%) for Administrative Costs; and

WHEREAS, the proposed funding allocation and contract is not a project under CEQA and are therefore not subject to environmental review.

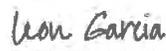
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of American Canyon hereby authorizes:

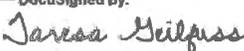
1. The City of Napa to submit the Permanent Local Housing Allocation (PLHA) Program for the City of American Canyon to the State Department of Housing and Community Development (State) and delegate the City of Napa to submit an application on its behalf and administer the PLHA Grant Award; and
2. Authorize the City Manager of the City of American Canyon to sign a binding delegation agreement with the City of Napa for the period encompassing five (5) years of formula allocations (2019-2023), made available in NOFAs issued by the State beginning in February 2020 and extending through 2024, including all years stipulated in the State standard agreement as included in this Resolution as Exhibit A.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this Resolution is hereby adopted and becomes effective and in full force immediately upon adoption.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the City Council of the City of American Canyon held on the 18th day of October, 2022, by the following vote:

AYES: Councilmembers Joseph, Oro, Washington, Vice Mayor Aboudamous, and Mayor Garcia
 NOES: None
 ABSTAIN: None
 ABSENT: None

DocuSigned by:

BA18B8349BAC47C
 Leon Garcia, Mayor

ATTEST:
 DocuSigned By:

669347683BC94DC
 Taresa Geilfuss, CMC, City Clerk

APPROVED AS TO FORM:
 DocuSigned by:

285050133093421
 William D. Ross, City Attorney

Exhibit A:
City of Napa Binding Delegation PLHA Agreement

DELEGATION AGREEMENT
Between the City of American Canyon and the City of Napa
City of American Canyon Contract Number ____
City of Napa Contract Number ____

THIS AGREEMENT is made and entered into this ____ day of October 2022 ("Effective Date"), by and between the City of Napa, a California charter city, hereinafter called "Napa"; and the City of American Canyon, a California municipal corporation (hereinafter called "American Canyon") jointly referred to as "Parties". Any capitalized terms used by not defined herein shall have the meaning ascribed to such terms in the PLHA Program Guidelines (defined below).

RECITALS

- A. The State of California Department of Housing and Community Development ("State") is authorized to provide up to \$335 million to Cities and Counties for assistance under the SB 2 Permanent Local Housing Allocation Program ("PLHA Program") Formula Component from the Building Homes and Jobs Trust Fund (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB2))
- B. The State issued Permanent Local Housing Allocation Final Guidelines ("PLHA Program Guidelines") in October 2019.
- C. The State issued a Notice of Funding Availability ("NOFA") dated August 17, 2022, under the PLHA Program.
- D. Napa has previously submitted an application for and administered PLHA Program Funds, and American Canyon is eligible to submit an application for and administer PLHA Program Funds.
- E. Section 300(c) of the PLHA Program Guidelines allows a local government to delegate another local government to submit an application and administer on its behalf its formula allocation of PLHA Program funds, provided that the local governments enter into a legally binding agreement and the funds are expended for eligible activities consistent with Program requirements.
- F. American Canyon desires to delegate Napa to administer the receipt of PLHA Program funds on behalf of American Canyon and act as the Applicant to the State for the funding.
- G. American Canyon intends to use its PLHA Program funding for the development of junior and other accessory dwelling units to be administered by Napa.

NOW THEREFORE, in consideration of the mutual promises, recitals and other provisions hereof, the Parties agree as follows:

SECTION I. GENERAL

- A. **Responsible Officers.** American Canyon hereby authorizes Napa to submit an application to the State for PHLA Program funds, to act as the Applicant on American Canyon's behalf, including administration and Activity delivery for the PHLA Program Funds allocated to American Canyon in accordance with the PLHA Program Guidelines and this Agreement. American Canyon hereby authorizes the City Manager of American Canyon to act as the responsible officer for American Canyon under the Program and this Agreement. Napa hereby authorizes the City Manager or Deputy City Manager to act as the responsible officer for Napa under the Program and this Agreement.
- B. **Full Cooperation.** Parties agree to fully cooperate and to assist each other in undertaking eligible programs or projects as defined in Section 301 of PLHA Program Guidelines, including but not limited to the development of affordable rental housing in the City of American Canyon.
- C. **Threshold Requirements for Participation.** Parties understand and agree to comply with State's threshold requirements for participation in the PHLA Program as follows:
 - a. **Housing Element compliance:** Napa as Applicant and the American Canyon as delegated City must have a Housing Element that has been adopted by the local government's governing body and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to Government Code Section 65585.
 - b. **Housing Element Annual Progress Report (APR) compliance:** Napa as Applicant and American Canyon as the delegated City must submit to the State the APR required by Government Code Section 65400 for the current or prior year.
- D. **Term of Agreement.** The term of this Agreement shall commence on the Effective Date and remain in effect for the term of the Standard Agreement executed by Napa on behalf of American Canyon for the PHLA Program formula allocations (2019-2023), made available in NOFAs issued by the State beginning in February 2020 and extending through 2024, including any extensions of such Standard Agreement.
- E. **Scope of Agreement.** This Agreement covers the PLHA Program funding administered by the State that is awarded and accepted by American Canyon during the term of this Agreement.

SECTION II. PREPARATION AND SUBMITTAL OF PLHA FUNDING APPLICATION AND PLAN

- A. **PLHA Application and Plan.** Upon American Canyon's submittal to Napa of the information required to prepare a PHLA Program application, Napa shall prepare an application on behalf of the City requesting the PHLA funds, in accordance with Section 302(c) of the PLHA Program Guidelines and American Canyon's PLHA Plan attached hereto and incorporated herein as Exhibit A ("PLHA Plan"), which details how the allocated PHLA funds will be used for eligible activities, how investments will be prioritized to increase the supply of housing for households with incomes at or below 60% of Area Median Income, and how the Plan is consistent with the programs set forth in American Canyon's Housing Element. American Canyon will provide evidence to Napa that the Plan was authorized by resolution by the City Council and that the public had an adequate opportunity to review and comment on its content.

SECTION III. PROGRAM ADMINISTRATION

- A. Responsibilities of Parties. The Parties agree, in the delegation of Napa as the administering local government for the PLHA Program on behalf of American Canyon, that Napa shall be responsible for execution of the Standard Agreements with State and the administration of the PLHA Program in the City of American Canyon in accordance with the terms of this Agreement. Napa agrees to perform necessary administrative tasks such as, but not limited to, preparation of documents for environmental clearance under CEQA or NEPA, implementation of loan underwriting policies and terms, execution and management of any loans made using PLHA funds, monitoring of programs and projects as needed to fulfill PLHA requirements, and submittal of annual reports to State on PLHA-funded activities. American Canyon agrees to fully cooperate with Napa in all things required and appropriate to comply with Napa's obligations under this Agreement and the provisions of the Standard Agreement with State. During the first year of the five-year Plan term, the Parties agree to meet on a quarterly basis to discuss the plans for the use of PLHA funds and progress being made. Beginning in the second year of the five-year Plan term, through the end of the fifth year, Parties will agree in writing to a meeting schedule which will provide adequate opportunity for communication and decision-making. Notwithstanding anything to the contrary set forth herein, any decisions regarding the appropriate level of environmental review required under CEQA or NEPA, loan underwriting policies and terms, applicant eligibility, scope of work, amount of loans, change orders, and other similar decisions shall be made by American Canyon based upon a recommendation by Napa.
- B. Separate Accounting of Funding. Napa agrees to set-up a process whereby American Canyon's PLHA funds are accounted for and reported separately from other PLHA funds to ensure that funds are spent within American Canyon's jurisdiction.
- C. Program Administration Funding. In consideration of Napa's agreement to be the administering local government for American Canyon's PLHA allocation and its assumption of the responsibilities required hereunder, the Parties agree that the allowable Program Administration for the funding, which is equal to a maximum of 5% of each year's allocation for each local government jurisdiction, shall be retained exclusively by Napa for these administrative purposes.
- D. Activity Delivery Funding. In addition to Program administration funding under subsection C, American Canyon shall pay Napa for Napa's time and expenses to provide direct activity delivery for American Canyon's PLHA activities. The rate for Napa's time shall be the then-current fully burdened overhead rate (the "Fully Burdened Overhead Rate") for the employee performing the Services, which is the hourly billable rate that captures all Napa costs associated with an employee, over and above gross compensation or payroll costs, including payroll taxes, worker's compensation, health insurance, paid time off, pension contributions, and other benefits.
- Napa will submit a quarterly itemized report to American Canyon for the Services provided during the preceding quarter. The invoice will identify the Services performed, the hours spent performing the Services, the applicable Fully Burdened Overhead Rate(s), and any authorized expenses. Napa will send the invoice to the State for payment on behalf of American Canyon.
- E. Maintenance of Records. Napa shall maintain records of activities for any projects undertaken pursuant to the PLHA Program, and said records shall be available for inspection by staff and/or auditors representing American Canyon on reasonable notice during normal business hours.

SECTION IV. USE OF AMERICAN CANYON'S PLHA FUNDS

- A. Junior and Other Accessory Dwelling Unit Development. Ninety five percent (95%) of American

Canyon's PLHA funds shall be used to provide forgivable loans and technical assistance grants to private property owners for the creation of Junior and Other Accessory Dwelling Units on private properties within the City of American Canyon. The main unit or the Accessory Dwelling Unit must be a deed restricted rental for a period of 10 years to households not exceeding 80% of Area Median Income. Napa shall prepare Accessory Dwelling Unit program guidelines for approval by the City Manager ("ADU Guidelines").

B. Project Assistance Criteria.

- a. Targeting to the Lowest Income Households: PLHA funds can be used for households at a variety of income levels, but are especially intended to be used to meet the housing needs of households at or below 60% of Area Median Income. The expenditure of funds targeted for affordability for these households will be prioritized for funding.

C. Funding Assistance in the Form of Loans. The Parties agree that any funding provided under the PLHA program that is not a grant shall be provided to the property owner as a forgivable or no to low interest loan. The loan shall be evidenced by a Promissory Note and secured by a Deed of Trust in favor of American Canyon and recorded against the property. A Regulatory Agreement by and between American Canyon and the property owner shall be recorded against the property and restrict occupancy and rents for the terms identified in the City Manager approved ADU Program Guidelines and OOR Program Guidelines.

D. Use of Program Income. The Parties agree that program income generated as a result of American Canyon's receipt of PLHA funds will be retained by Napa and utilized to fund future PLHA-eligible activities in the City of American Canyon. Program income will include payments from residual receipts, and accrued interest. Any monitoring fees will go to the City of Napa.

SECTION V. ADDITIONAL AGREEMENTS

A. Privileges and Immunities. In accordance with California Government Code section 6513, all of the privileges and immunities from liability, all exemptions from laws, ordinances and rules, and all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of the trustees, officers, employees or agents of the Parties when performing their functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties associated with performance of this Agreement.

B. Indemnification. To the full extent permitted by law, Napa will indemnify, hold harmless, release, and defend the American Canyon (including its officers, elected or appointed officials, employees, volunteers, and agents) from and against any and all liability or claims (including actions, demands, damages, injuries, settlements, losses, or costs [including legal costs and attorney's fees]) (collectively, "Liability") of any nature, arising out of, pertaining to, or relating to Napa's negligence, recklessness, or willful misconduct in the performance of its obligations under this Agreement. Consistent with Civil Code Section 2782, Napa will not be obligated to indemnify American Canyon for the proportionate share of the Liability caused by the American Canyon's active negligence, sole negligence, or willful misconduct. To the full extent permitted

by law, American Canyon will indemnify, hold harmless, release, and defend the Napa (including its officers, elected or appointed officials, employees, volunteers, and agents) from and against any and all Liability of any nature, arising out of, pertaining to, or relating to American Canyon's negligence, recklessness, or willful misconduct in the performance of its obligations under this Agreement and the Standard Agreement. Consistent with Civil Code Section 2782, American Canyon will not be obligated to indemnify Napa for the proportionate share of the Liability caused by the Napa's active negligence, sole negligence, or willful misconduct.

- C. **Severability.** If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, this Agreement will be construed as not containing that term, and the remainder of this Agreement will remain in full force and effect; provided, however, this section will not be applied to the extent that it would result in a frustration of the parties' intent under this Agreement.

- D. **Governing Law, Jurisdiction, and Venue.** The interpretation, validity, and enforcement of this Agreement will be governed and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement will be filed and heard in a court of competent jurisdiction in the County of Napa.

- E. **Attorney's Fees.** If any litigation is commenced to enforce or interpret this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

- F. **Entire Agreement.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the subject matter hereof. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all. If any provision in any document attached or incorporated into this Agreement conflicts or is inconsistent with a provision in the body of this Agreement, the provisions in the body of this Agreement will control over any such conflicting or inconsistent provisions.

- G. **Interpretation.** Each party to this Agreement has had an opportunity to review the Agreement, and to consult with its respective legal counsel regarding the meaning of the Agreement. Accordingly, Civil Code Section 1654 will not apply to interpret any uncertainty in the meaning of the Agreement.

- H. **Modifications.** This Agreement may not be amended or modified orally. No amendment or modification of this Agreement is binding unless it is in a writing signed by both parties.

- I. **Counterparts.** This Agreement may be executed in counterparts, each one of which is deemed an original, but all of which together constitute a single instrument.

- J. **Signatures; Electronic Signatures.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to

execute this Agreement on behalf of the respective legal entities of Napa and American Canyon. The parties agree that this Agreement may be executed and transmitted electronically and that electronic signatures shall have the same force and effect as original signatures in accordance with the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq.; the California Uniform Electronic Transactions Act, Civil Code Section 1633.1 et seq. and California Government Code Section 16.5.

NOW THEREFORE, the Parties hereto have caused this Agreement to be executed and attested by their proper officer thereunder duly authorized and their official seals to be hereunto affixed, all as of the day first above written.

CITY:
CITY OF NAPA, a California charter city

CITY:
CITY OF AMERICAN CANYON,

By: _____
Steve Potter, City Manager

By: _____
Jason B. Holley, City Manager

Date: _____
("Effective Date")

COUNTERSIGNED:

Joy Riesenber, City Auditor

APPROVED AS TO FORM:

Michael W. Barrett, City Attorney

Exhibit A

City of American Canyon Permanent Local Housing Allocation Plan

§302(c)(4) Plan

Rev. 2/16/22

§302(c)(4)(A) Describe the manner in which allocated funds will be used for eligible activities.
 The City of American Canyon has selected the City of Napa as its delegated entity. The City of Napa will ensure that American Canyon's share of funds will be used to fund the development of a Junior Accessory Dwelling Unit/Accessory Dwelling Unit Loan Program. The program will model the City of Napa's program and provide forgivable loans and technical assistance to homeowners to create Accessory Dwelling Units or Junior Accessory Dwelling Units. Each participating homeowner is required to either rent the ADU or the primary unit as an affordable rental unit for households at or below 80% of median income which is enforced by a recorded regulatory agreement for a period of 10 years.

§302(c)(4)(B) Provide a description of the way the Local government will prioritize investments that increase the supply of housing for households with incomes at or below 60 percent of Area Median Income (AMI).
 The Junior and Accessory dwelling unit loan program requires ADUs to be rented to households at or below 80% of Area Median Income. It is anticipated that some of these households will be at or below 60% of median income.

§302(c)(4)(C) Provide a description of how the Plan is consistent with the programs set forth in the Local Government's Housing Element.
 Goal 2E in American Canyon's Housing Element is to : Address the housing needs of all economic segments of the existing and future community, including the City's fair share of regional housing need. The plan will create an incentive for property owners to develop accessory dwelling units and utilize these units for low and very low income households.

Activities Detail (Activities Detail (Must Make a Selection on Formula Allocation Application worksheet under Eligible Activities, §301))

§301(a)(2) The predevelopment, development, acquisition, rehabilitation, and preservation of Affordable rental and ownership housing, including Accessory Dwelling Units (ADUs), that meets the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in high-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days.

§302(c)(4)(E)(i) Provide a detailed and complete description of how allocated funds will be used for each proposed Affordable Rental and Ownership Housing Activity.

Enter Percentage of Funds Allocated for Affordable Owner-occupied Workforce Housing	95%
--	------------

95% of funds will be used to fund the development of a Junior Accessory Dwelling Unit/Accessory Dwelling Unit Loan Program. The program will model the City of Napa's program and provide forgivable loans and technical assistance to homeowners to create Accessory Dwelling Units or Junior Accessory Dwelling Units. Each participating homeowner is required to either rent the ADU or the primary unit as an affordable rental unit for households at or below 80% of median income which is enforced by a recorded regulatory agreement for a period of 10 years.

Complete the table below for each proposed Affordable Rental and Ownership Housing Activity to be funded with 2019-2023 PLHA allocations. If a single Activity will be assisting households at more than one level of Area Median Income, please list the Activity as many times as needed to capture all of the AMI levels that will be assisted, but only show the percentage of annual funding allocated to the Activity one time (to avoid double counting).

Funding Allocation Year	2019	2020	2021	2022	2023										
Type of Affordable Housing Activity	ADU	ADU	ADU	ADU	ADU										
§302(c)(4)(E)(i) Percentage of Funds Allocated for Each Affordable Housing Activity	95%	95%	95%	95%	95%										
§302(c)(4)(E)(ii) Area Median Income Level Served	80%	80%	80%	80%	80%										TOTAL
§302(c)(4)(E)(ii) Unmet share of the RHNA at AMI Level <i>Note: complete for years 2019, 2020, 2021 only</i>	0	0	0	N/A	N/A										0
§302(c)(4)(E)(ii) Projected Number of Households Served	4	4	4	4	4										20

§302(c)(4)(E)(iv) Period of Affordability for the Proposed Activity (55 years required for rental housing projects)	10	10	10	10	10										
§302(c)(4)(E)(iii) A description of major steps/actions and a proposed schedule for the implementation and completion of each Affordable Rental and Ownership Housing project.															
The City of American Canyon will model it's Junior and Accessory Dwelling Unit program after a program currently run by the City of Napa. Therefore it will take less than six months to launch this program.															

RESOLUTION NO. 2017-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DEMONSTRATING COMPLIANCE WITH ASSEMBLY BILL 2135, SURPLUS LAND ACT

WHEREAS, the San Francisco region has the highest housing costs in the United States; and

WHEREAS, the Bay Area produced less than 30% of the need for low- and moderate-income housing units from 2007-2014; and

WHEREAS, there are limited funding sources available to secure land for the construction of low- and moderate-income housing; and

WHEREAS, public lands can play a critical role in increasing the supply of land for affordable housing; and

WHEREAS, the Metropolitan Transportation Commission adopted Resolution No. 4202, outlining the programming policy and project selection criteria for the One Bay Area Grant Program (OBAG 2), including certain requirements to access these funds.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of American Canyon hereby agrees to comply with the terms of Surplus Land Act - Assembly Bill 2135 (California Government Code § 54220, et seq.), as exists now or may be amended in the future.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the City Council of the City of American Canyon held on the 21st day of March, 2017, by the following vote:

- AYES: Council Members Aboudamous, Leary, Oro, Vice Mayor Joseph, and Mayor Garcia
- NOES: None
- ABSTAIN: None
- ABSENT: None


 Leon Garcia, Mayor

ATTEST:

 Suellen Johnston, CMC, City Clerk



TITLE

City Conflict of Interest Code Amendment - Adding Senior Planner

RECOMMENDATION

Adopt a Resolution taking the following actions in conjunction with the City's Conflict of Interest Code:

1. Approving the 2022 Conflict of Interest Code as amended to add the title of Senior Planner; and
2. Authorizing future updates by Resolution; and
3. Authorizing the City Clerk to Complete and file the Amended 2022 Local Biennial Notice.

CONTACT

Taresa Geilfuss, CMC, City Clerk

BACKGROUND & ANALYSIS

The Political Reform Act of 1974 (the "Act") created, among other things, the Fair Political Practices Commission (FPPC). The purpose of the Act and the FPPC is to ensure that public officials act in a fair and unbiased manner in the governmental decision-making process.

To that end, the city has adopted a Conflict-of-Interest Code (ACMC 2.40, *et. seq.*). The Act requires the city to periodically review the Conflict-of-Interest Code and take actions to ensure the City's decision-making process is free from prohibited conflicts of interest. The city last updated its Code in September 2022. Since that time, our former Associate Planner has been promoted to Senior Planner. Currently the designated positions include Assistant Planner/Associate Planner only. This amendment will add the position of Senior Planner to "Appendix A", which sets forth the city's structure that makes disclosures of financial interest in accordance with the disclosure categories as set forth in "Appendix B" of the city's Conflict of Interest Code.

Appendix A provides a list of designated positions performing services and lists their disclosure categories. Staff recommends approving the Conflict-of-Interest Code as contained in Appendix A and providing authority to make subsequent requests by resolution if changes are needed in the future. Appendix B describes reportable investments, interest in real property, and income that must be disclosed in each disclosure category. No changes are recommended to Appendix B.

FISCAL IMPACT

The recommended action will have no impact on the City's General Fund.

ENVIRONMENTAL REVIEW

The recommended action is not a "project" subject to environmental review under CEQA (PRC §21065). d

ATTACHMENTS:

1. [Resolution Amending the 2022 Conflict of Interest](#)
2. [Appendix A - Designated Positions and Persons Performing Designated Services](#)
3. [Appendix B - Disclosure Categories](#)

RESOLUTION NO. 2023-

ADOPT A RESOLUTION AS FOLLOWS: 1) APPROVING THE AMENDED 2022 CONFLICT OF INTEREST CODE, 2) AUTHORIZING FUTURE UPDATES BY RESOLUTION; AND 3) AUTHORIZING THE CITY CLERK TO COMPLETE AND FILE THE AMEMDED 2022 LOCAL AGENCY BIENNIAL NOTICE.

WHEREAS, the Political Reform Act of 1974 (“Act”), Government Code Section 81000 *et seq.*, requires state and local government agencies including the City of American Canyon (“City”) to adopt and promulgate a Conflict-of-Interest Code pursuant to Government Code Section 87300 *et seq.*; and

WHEREAS, the “Act”, in Government Code Section 87306.5 requires those same agencies to conduct a biennial review of their codes for any necessary changes; and

WHEREAS, the Fair Political Practices Commission (“FPPC”) is authorized to implement the conflict-of-interest requirements of the Act through regulations which are set forth in Title 2, Division 6, of the California Code of Regulations, Sections 18700 *et seq.*, (“FPPC Regulations”); and

WHEREAS, the City Council, in compliance with the requirements set forth in the Act and the FPPC Regulations, adopted a Conflict-of-Interest Code set forth in Sections 2.40.010 *et seq.* of Chapter 2 of the City Municipal Code which has been most recently further implemented by the adoption of Resolution 2020-82; and

WHEREAS, Government Code Section 87302 sets forth specific content required to be contained in Conflict-of-Interest provisions; and

WHEREAS, the City incorporates Government Code Section 87302 and FPPC regulation 18730 into its Conflict-of-Interest Code by reference, setting forth provisions of the Code to include designated positions and disclosure categories; and

WHEREAS, the position of Senior Planner has been added to “Appendix A,” the City’s structure that makes disclosures of financial interest in accordance with the disclosure categories as set forth in “Appendix B” of the City’s Conflict of Interest Code; and

WHEREAS, the terms of Title 2 of the California Code of Regulations Section 18730, and any amendments to it duly adopted by the FPPC, are hereby incorporated by reference, and this Resolution and Appendices (attached hereto as Exhibit A) shall constitute the City Conflict of Interest Code.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of American Canyon does hereby adopt this Resolution – including Appendices attached hereto as Exhibits A and B - which shall, along with the terms of Title 2 of the California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC, constitute the City Conflict of Interest Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that future update to the Conflict-of-Interest Code are authorized to be implemented by resolution.

NOW, THEREFORE BE IT FURTHER RESOLVED that City Clerk is authorized to complete and file an amended 2022 Local Agency Biennial Notice.

PASSED, APPROVED, and ADOPTED at a regular meeting of the City Council on the 17th day of January 2023, by the following vote.

AYES:
NOES:
ABSTAIN:
ABSENT:

Leon Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:

Taresa Geilfuss, CMC, City Clerk

William D. Ross, City Attorney

Exhibit A – Appendix A – Designated Positions
Exhibit B – Appendix B - Disclosure Categories

APPENDIX A

DESIGNATED POSITIONS AND PERSONS PERFORMING DESIGNATED SERVICES

<u>POSITION</u>	<u>DISCLOSURE CATEGORIES</u>
Assistant City Manager	All
Assistant Planner/Associate Planner	1, 2, 3, 4
City Attorney	All
City Clerk	1, 2, 5, 6
City Manager	All
Chief Building Official	1, 2, 3, 4
Code Enforcement Officer	1, 2, 3, 4
Consultants ¹	All
Community Development Director	1, 2, 3, 4
Development Services Engineer	All
Finance Director	All
Finance Manager	All
Human Resources Officer	All
Management Analyst	All
Maintenance and Utilities Director	All
Parks and Recreation Director	1, 2, 6
Police Chief	1, 2
Public Works Director	All
Public Works Superintendent	All
Recreation Manager	5,6
Senior Civil Engineer	All
Senior Planner	1, 2, 3, 4
Temporary or Provisional Positions ²	
Volunteer and Retired Annuitant ³	
Plant Operations Manager	1, 2, 5, 6
Wastewater Systems Manager	1, 2, 5, 6
Water Systems Manager	1, 2, 5, 6

¹ Consultants – All key personnel listed in consultant firm contracts are required to file a Form 700 – Statement of Economic Interests (as well as consultants/temporary staff acting in staff capacity).

² Temporary or provisional positions may be included in the list of designated employees when the City Manager determines that the temporary position is the functional equivalent of a designated position. If such a determination is made, then disclosure shall be pursuant to the disclosure category required by this Code for the comparable designated staff position.

³ Volunteers and retired annuitants may be included in the list of designated employees when the City Manager determines that the temporary position is the functional equivalent of a designated position. If such a determination is made, then disclosure shall be pursuant to the disclosure category required by this Code for the comparable designated staff position.

APPENDIX B

DISCLOSURE CATEGORIES REPORTABLE INVESTMENTS, INTEREST IN REAL PROPERTY AND INCOME

1. All investments and sources of income.
2. All interest in real property.
3. All investments, interests in real property, and sources of income subject to the regulatory, permit, or licensing authority of the department.
4. Investments in business entities and business positions and sources of income which engage in land development, construction or the acquisition or sale of real property.
5. Investments in business entities and business positions and sources of income of the type which, within the past two years, have contracted with the City of American Canyon to provide services, supplies, materials, machinery, or equipment.
6. Investments in business entities and business positions and sources of income of the type which, within the past two years, have contracted with the designated employees' department to provide services, supplies, materials, machinery, or equipment.

APPENDIX B

DISCLOSURE CATEGORIES REPORTABLE INVESTMENTS, INTEREST IN REAL PROPERTY AND INCOME

1. All investments and sources of income.
2. All interest in real property.
3. All investments, interests in real property, and sources of income subject to the regulatory, permit, or licensing authority of the department.
4. Investments in business entities and business positions and sources of income which engage in land development, construction or the acquisition or sale of real property.
5. Investments in business entities and business positions and sources of income of the type which, within the past two years, have contracted with the City of American Canyon to provide services, supplies, materials, machinery, or equipment.
6. Investments in business entities and business positions and sources of income of the type which, within the past two years, have contracted with the designated employees' department to provide services, supplies, materials, machinery, or equipment.



TITLE

Confirm Participation in the Statewide Community Infrastructure Program ("SCIP")

RECOMMENDATION

Adopt an Amended and Restated Resolution to Confirm Participation in the California Statewide Communities Development Authority's ("CSCDA") Statewide Community Infrastructure Program ("SCIP").

CONTACT

Jason Holley, City Manager

BACKGROUND & ANALYSIS

This item pertains to the City's continued participation in the Statewide Community Infrastructure Program ("SCIP"), which is sponsored by the California Statewide Communities Development Authority ("CSCDA"). Following Council discussion, a public hearing to take public testimony on SCIP and bonds to be issued by CSCDA, and consideration of an Amended and Restated Resolution making certain findings and authorizing certain matters is necessary for the City of American Canyon (the "City") to confirm its participation in SCIP. Approving the Resolution will help facilitate development of Watson Ranch, among other projects.

CSCDA is a joint powers authority sponsored by the League of California Cities and the California State Association of Counties. 530 cities, counties and special districts throughout California are members of CSCDA, including the City. SCIP was instituted by CSCDA in 2002 to allow owners of property in participating cities and counties to finance the development impact fees that would be payable by property owners upon receiving development entitlements or building permits through pooled special assessment districts program. SCIP was expanded to include financing of public capital improvements directly in addition to just fees, and has now been further expanded to include community facilities districts ("CFDs"), as provided for in the proposed Amended and Restated Resolution. Since its inception SCIP has issued over \$1 billion in land secured special assessment and CFD bonds for development projects in California.

The City joined SCIP in 2007. The question before the City Council is to consider modifications to its SCIP participation to allow financing of fees and facilities through the formation of CFDs in addition to the current assessment district program. By adding CFDs, developers can finance a broader range

of City fees such as the police, fire, library, general city fee and the housing in-lieu fee. It will also allow developers more flexibility in adjusting tax rates by specific product type, assist in forming separate improvement areas when projects need to be phased, and provide for more facilities to be financed similar in type to the fees.

If a property owner chooses to participate, and the City approves the application, the selected public capital improvements, facilities and/or development impact fees owed to the City will be financed by the issuance of tax-exempt bonds by CSCDA. CSCDA will form the district and impose an assessment or special tax, as applicable, on the owner's property to repay the portion of the bonds issued to finance the fees paid with respect to the property (no one developer within the SCIP pool is responsible for the payment related to any other project). With respect to impact fees, the property owner will either pay the impact fees at the time of permit issuance, and will be reimbursed from the SCIP bond proceeds when the SCIP bonds are issued, or the fees will be funded directly from the proceeds of the SCIP bonds. In both cases, the fees are subject to requisition by the City at any time to make authorized fee expenditures, and the City is never at risk for payment of its fees. If improvements or facilities are contemplated, the proposed Amended and Restated Resolution includes a form of acquisition agreement, which outlines how a developer will be reimbursed for improvements as they are certified complete by the City.

The benefits to the property owner include:

- Only property owners who choose to participate in the program will have assessments or special taxes imposed on their property.
- Instead of paying cash for public capital improvements and/or development impact fees, the property owner receives low-cost, long-term tax-exempt financing of those fees, freeing up capital for other purposes.
- The property owner can choose to pay off the assessments or special taxes at any time.
- For home buyers, paying for the costs of public infrastructure through an assessment or special tax is superior to having those costs "rolled" into the cost of the home. Although the tax bill is higher, the amount of the mortgage is smaller, making it easier to qualify. Moreover, because the assessment/special tax financing is at tax-exempt rates, it typically comes at lower cost than mortgage rates.
- Owners of smaller projects, both residential and commercial, can have access to tax-exempt financing of infrastructure. Before the inception of SCIP, only projects large enough to justify the formation of an assessment or community facilities district had access to tax-exempt financing. SCIP can finance projects as low as \$500,000, which would not be economical on a stand-alone basis.

The benefits to the City include:

- As in conventional assessment district and CFD financing, the City is not liable to repay the bonds issued by CSCDA or the assessments or special taxes, as applicable, imposed on the

participating properties.

- CSCDA handles all district formation, district administration, bond issuance and bond administration functions. A participating city, county or special district can provide tax-exempt financing to property owners through SCIP while committing virtually no staff time to administer the program.
- Providing tax-exempt financing helps participating cities and counties cushion the impact of rising public capital improvements costs and development impact fees on new development. Many developers rely on assessment district or CFD financing through SCIP in making the decision to purchase land thereby improving a City's competitive advantage in attracting new development.
- The availability of financing will encourage developers to pull permits and pay fees in larger blocks, giving the participating city, county or special district immediate access to revenues for public infrastructure, rather than receiving a trickle of revenues stretched out over time. As part of the entitlement negotiation process, the possibility of tax-exempt financing of fees can be used to encourage a developer to pay fees up front.
- In some cases, the assessments or special taxes on successful projects can be refinanced through refunding bonds. Savings achieved through refinancing may be directed back to the participating city, county or special district for use on public infrastructure, or lower property taxes subject to applicable federal tax limitations.

The proposed Amended and Restated Resolution authorizes CSCDA to accept applications from owners of property within their planning jurisdiction to apply for tax-exempt financing of public capital improvements and development impact fees through SCIP. It also authorizes CSCDA to form assessment districts and community facilities districts within our City's boundaries, conduct assessment and special tax proceedings and levy assessments and special taxes against the property of participating owners. The authorization of CSCDA to form assessment districts within the City's boundaries, conduct assessment proceedings, and levy assessments against the property of participating owners previously approved by this City Council would remain in effect. It approves the form of an acquisition agreement, attached to the Amended and Restated Resolution as Exhibit B, to be entered into between the City and the participating property owner/developer, if applicable, to provide the terms and conditions under which financing for public capital improvements will be provided and to establish the procedure for disbursement of bond proceeds to pay for completed facilities. It also authorizes miscellaneous related actions and makes certain findings and determinations required by law.

After the discussing and/or asking questions, staff recommends the Council open the public hearing to order and invite any interested members of the public to provide testimony regarding SCIP and the proposed action. Upon the close of the hearing, if the City Council wishes to join SCIP for CFD's and become a participating member agency in this program, it should adopt the proposed Amended and Restated Resolution.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Community and Sense of Place: "Build on the strength of our local community to develop a clear 'sense of place' and establish our unique identity."

FISCAL IMPACT

The Recommended Action will have no impact on the FY 2022/23 Budget.

ENVIRONMENTAL REVIEW

The Recommended Action has been reviewed under the California Environmental Quality Act ("CEQA") through the Final Environmental Impact Report ("Final EIR") for the Watson Ranch Specific Plan Project (State Clearinghouse No. 2015022030) certified by the City October 16, 2018. The Final EIR anticipated and analyzed development of the proposed assigned properties. Pursuant to CEQA Guidelines, Section 15162, no further environmental review is necessary because there are no changes in the project, changes in project circumstances or new information which would result in significantly increased or new environmental impacts, or changes in the feasibility of project alternatives or mitigation measures.

ATTACHMENTS:

- [1. Resolution - Statewide Communities Development Authority](#)
- [2. Exhibits A-E - Form of Resolution of Intent California Statewide Communities Development Authority](#)

RESOLUTION NO. 2023 - _____

AN AMENDED AND RESTATED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AUTHORIZING THE CITY TO JOIN THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT SPECIAL ASSESSMENT PROCEEDINGS AND LEVY ASSESSMENTS AND SPECIAL TAXES AND TO FORM ASSESSMENT DISTRICTS AND COMMUNITY FACILITIES DISTRICTS WITHIN THE TERRITORY OF THE CITY OF AMERICAN CANYON; EMBODYING A JOINT COMMUNITY FACILITIES AGREEMENT SETTING FORTH THE TERMS AND CONDITIONS OF COMMUNITY FACILITIES DISTRICT FINANCINGS; APPROVING FORM OF ACQUISITION AGREEMENT FOR USE WHEN APPLICABLE; AND AUTHORIZING RELATED ACTIONS

WHEREAS, the California Statewide Communities Development Authority (the “Authority”) is a joint exercise of powers authority, lawfully formed and operating within the State pursuant to an agreement (the “Joint Powers Agreement”) entered into as of June 1, 1988 under the authority of Title 1, Division 7, Chapter 5 (commencing with Section 6500) of the California Government Code (the “JPA Law”), the members of which include numerous cities, counties and local agencies in the State of California, including the City of American Canyon (the “City”); and

WHEREAS, the Joint Powers Agreement authorizes the Authority to undertake financing programs under any applicable provisions of State law to promote economic development, the stimulation of economic activity, and the increase of the tax base within the jurisdictional boundaries of its members (such members, the “Program Participants”); and

WHEREAS, as one of the Programs under the Joint Powers Agreement, the Authority has established the Statewide Community Infrastructure Program (“SCIP”) to allow the financing of certain public capital improvements to be constructed by or on behalf of property owners for acquisition by the City or another public agency (the “Improvements”) and improvements eligible for funding from certain development impact fees (the “Fees”) levied in accordance with the Mitigation Fee Act (California Government Code Sections 66000 and following) and other authority providing for the levy of fees on new development to pay for public capital improvements (collectively, the “Fee Act”) through the levy of special assessments pursuant to the Municipal Improvement Act of 1913 (Streets and Highways Code Sections 10000 and following) (the “1913 Act”) and the issuance of improvement bonds under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) (the “1915 Act”) upon the security of the unpaid special assessments; and

WHEREAS, the “Mello-Roos Community Facilities Act of 1982,” being Chapter 2.5, Part 1, Division 2, Title 5 (beginning with Section 53311) of the Government Code of the State (the “Mello-Roos Act”) is an applicable provision of State law available to, among other things, finance public improvements necessary to meet increased demands placed upon local agencies as a result of development;

WHEREAS, the Authority also uses SCIP to allow the financing of Fees and Improvements through the levy of special taxes and the issuance of improvement bonds under the Mello-Roos Act upon the security of the special taxes; and

WHEREAS, the City desires to allow the owners of property being developed within its jurisdiction (“Participating Developers”) to participate in SCIP and to allow the Authority to conduct proceedings and to form community facilities districts (“CFDs”) and to issue improvement bonds under the Mello-Roos Act, as well as to conduct assessment proceedings to form assessment districts (“Assessment Districts”) under the 1913 Act and to issue improvement bonds under the 1915 Act, to finance Fees levied on such properties and Improvements, provided that such Participating Developers voluntarily agree to participate and consent to the levy of such assessments or special taxes, as applicable; and

WHEREAS, from time to time when eligible property owners within the jurisdiction of the City elect to be Participating Developers, the Authority will conduct proceedings under the 1913 Act and the Mello-Roos Act and issue improvement bonds under the 1915 Act and the Mello-Roos Act to finance Fees payable by such property owners and Improvements and, at the conclusion of such proceedings, will levy assessments or special taxes, as applicable on such property within the territory of the City;

WHEREAS, both the Authority and the City are “local agencies” under the Mello-Roos Act;

WHEREAS, the Mello-Roos Act permits two or more local agencies to enter into a joint community facilities agreement to exercise any power authorized by the Mello-Roos Act;

WHEREAS, the City desires to enter into such an agreement with the Authority to authorize the Authority to form CFDs from time to time within the territorial limits of the City to finance Fees payable by such property owners and Improvements;

WHEREAS, the City has previously presented Resolution No. 2007-127 of the City Council of the City of American Canyon, authorizing the City to join the Statewide Community Infrastructure Program; authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct special assessment proceedings and levy assessments within the territory of the City of American Canyon; approving a form of acquisition agreement; and authorizing related actions (the “Original Resolution”), and such Original Resolution was adopted on July 19, 2007;

WHEREAS, the City now wishes to amend and restate the Original Resolution;

WHEREAS, there has been presented to this meeting a proposed form of Resolution of Intention to be adopted by the Authority in connection with assessment proceedings (the “ROI”), a copy of which is attached hereto as Exhibit A, and the territory within which assessments may be levied for SCIP (provided that each Participating Developer consents to such assessment) shall be coterminous with the City’s official boundaries of record at the time of adoption of such ROI (the “Proposed Boundaries”), and reference is hereby made to such boundaries for the plat or map

required to be included in this Amended and Restated Resolution pursuant to Section 10104 of the Streets and Highways Code; and

WHEREAS, there has also been presented to this meeting a proposed form of Acquisition Agreement (the “Acquisition Agreement”), a copy of which is attached hereto as Exhibit B, to be approved as to form for use with respect to any Improvements to be constructed and installed by a Participating Developer and for which the Participating Developer requests acquisition financing as part of its SCIP application; and

WHEREAS, the City will not be responsible for the conduct of any proceedings; the levy or collection of assessments or special taxes or any required remedial action in the case of delinquencies in such assessment or special tax payments; or the issuance, sale or administration of the improvement bonds or any other bonds issued in connection with SCIP; and

WHEREAS, pursuant to SCIP, the Authority periodically issues improvement bonds (the “Local Obligations”) on behalf of the local agency participants in SCIP to provide financing for the Fees and Improvements and then concurrently issues its revenue bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985, consisting of Article 4 (commencing with Section 6584) of Chapter 5, Division 7, Title 1 of the California Government Code (the “Marks-Roos Act”), the proceeds of which are used to purchase the Local Obligations; and

WHEREAS, the City Council of the City of American Canyon previously adopted its Resolution No. 2020-35 (the “Watson Ranch Resolution”) on April 21, 2020, authorizing, among other things, the Authority to form a CFD, for the development project known as “Watson Ranch”, within the territorial limits of the City and embodying a joint community facilities agreement setting forth the terms and conditions of the CFD financing; and

WHEREAS, the Authority has formed the California Statewide Communities Development Authority Community Facilities District No. 2022-07 (Watson Ranch), City of American Canyon, County of Napa, State of California (“Watson Ranch CFD”) including Improvement Area No. 1 (“Improvement Area No. 1”) therein in accordance with the Mello-Roos Act; and

WHEREAS, the City wishes to also approve the issuance of bonds by the Authority under the Marks-Roos Act to purchase any or all Local Obligations issued for the Watson Ranch CFD; and

WHEREAS, pursuant to Government Code Section 6586.5, notice was published at least five days prior to the adoption of this Amended and Restated Resolution at a public hearing, which was duly conducted by this City Council concerning the significant public benefits of SCIP and the financing of the Improvements and the public capital improvements to be paid for with the proceeds of the Fees.

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

Section 1. This Amended and Restated Resolution shall constitute full “local approval,” under

Section 9 of the Joint Powers Agreement, and under the Authority's Local Goals and Policies (defined below), for the Authority to undertake and conduct proceedings in accordance herewith and under the Mello Roos Act to form CFDs with boundaries that shall be coterminous with the City's official boundaries of record at the time of such proceedings or any portion thereof (the "Proposed Boundaries"), and to authorize a special tax and to issue bonds with respect thereto; provided that the Participating Developers, who shall be the legal owners of such property at the time of formation of the CFD, execute a written consent to the levy of special tax in connection with SCIP by the Authority and execute a ballot in favor of the formation of such CFD and the Mello-Roos Act.

Section 2. The City hereby consents to the conduct of special assessment proceedings by the Authority in connection with SCIP pursuant to the 1913 Act and the issuance of Local Obligations under the 1915 Act on any property within the Proposed Boundaries; provided, that:

- (1) Such proceedings are conducted pursuant to one or more Resolutions of Intention in substantially the form of the ROI; and
- (2) The Participating Developers, who shall be the legal owners of such property at the time of the formation of the Assessment District, execute a written consent to the levy of assessments in connection with SCIP by the Authority and execute an assessment ballot in favor of such assessment in compliance with the requirements of Section 4 of Article XIID of the State Constitution.

Section 3. The Joint Powers Agreement, together with the terms and provisions of this Amended and Restated Resolution, shall together constitute a separate joint community facilities agreement between the City and the Authority under the Mello-Roos Act for each CFD formed. As, without this Amended and Restated Resolution, the Authority has no power to finance City Fees and/or City Improvements (as such terms are defined herein) in proceedings under the Mello-Roos Act to form the CFD, adoption by the Commission of the Authority of each Resolution of Intention to form a CFD under the Mello-Roos Act to finance City Fees and City Improvements shall constitute acceptance of the terms hereof by the Authority with respect to such CFD.

Section 4. This Amended and Restated Resolution and the agreement it embodies are determined to be beneficial to the residents/customers of the City and are in the best interests of the residents of the City, and of the future residents of the area within the proposed CFDs and Assessment Districts. The City hereby finds and declares that the issuance of revenue bonds by the Authority to purchase Local Obligations in connection with SCIP, including Local Obligations for the Watson Ranch CFD, will provide significant public benefits, including without limitation, savings in effective interest rate, bond preparation, bond underwriting and bond issuance costs, and the more efficient delivery of local agency services to residential and commercial development within the City.

Section 5. The Authority has adopted Local Goals and Policies as required by Section 53312.7 of the Mello-Roos Act. The City approves the use of those Local Goals and Policies in connection with the formation of CFDs. The City hereby agrees that the Authority may act in lieu of the City under those Local Goals and Policies in forming and administering the CFDs.

Section 6. The Authority has prepared and will update from time to time the “SCIP Manual of Procedures” (the “Manual”), and the City will handle Fee revenues and funds for Improvements for properties participating in SCIP in accordance with the procedures set forth in the Manual.

Section 7. Pursuant to the Mello-Roos Act and this Amended and Restated Resolution, the Authority may conduct proceedings under the Mello-Roos Act to form the CFDs and to have such CFDs authorize the financing of any or all of the facilities and Fees set forth on Exhibit C, attached hereto. All of the facilities, whether to be financed directly or through Fees, shall be facilities that have an expected useful life of five years or longer and are facilities that the City or other local public agencies, as the case may be, are authorized by law to construct, own or operate, or to which they may contribute revenue. Exhibit C may be modified from time to time by written agreement between an authorized representative of the Authority and of the City. The facilities are referred to herein as the “Improvements,” and the Improvements to be owned by the City are referred to as the “City Improvements.” The Fees paid or to be paid to the City are referred to as the “City Fees.”

Section 8. For Fees paid or to be paid to another agency by any particular CFD (an “Other Local Agency”), the Authority will obtain the written consent of that Other Local Agency before issuing Local Obligations to fund such Fees, as required by the Mello-Roos Act. For the Improvements to be owned by an Other Local Agency, the Authority will separately identify them in its proceedings, and will enter into a joint community facilities agreement with such Other Local Agency prior to issuing Local Obligations to finance such Improvements, as required by the Mello-Roos Act. Each joint community facilities agreement with each Other Local Agency will contain a provision that the Other Local Agency will provide indemnification to the City to the same extent that the City provides indemnification to the Other Local Agency under the terms of this Amended and Restated Resolution.

Section 9. At the time of formation of each CFD, the City will certify to the Commission of the Authority that all of the City Improvements including the improvements to be constructed or acquired with the proceeds of City Fees to be funded by such CFD are necessary to meet increased demands placed upon the City as a result of development occurring or expected to occur within the proposed CFDs in the form attached hereto as Exhibit D. Any appropriate officer or staff of the City is authorized to execute and deliver such certificate in substantially the form attached hereto as Exhibit D, with such changes as such signatory shall approve. Joint community facilities agreements with other local agencies will each contain a requirement that each Other Local Agency will make identical certification in connection with respect to the Improvements to be owned by, and Fees paid or to be paid to, such Other Local Agency equivalent to that made by the City in this paragraph.

Section 10. The Authority will apply the special tax collections initially as required by the documents under which any Local Obligations are issued; and thereafter, to the extent not provided in the Local Obligations documents, may pay its own reasonable administrative costs incurred in the administration of the CFDs. The Authority will remit any special tax revenues from any particular CFD remaining after the final retirement of all related Local Obligations to the City and to the other local agencies in the proportions specified in the Authority’s proceedings. The

City will apply any such special tax revenues it receives for authorized City Improvements or City Fees and its own administrative costs only as permitted by the Mello-Roos Act. The joint community facilities agreements with each Other Local Agency must require the Other Local Agency to apply the special tax revenues they receive for their authorized Improvements and Fees under the CFDs and for their own related administrative costs only as permitted by the Mello-Roos Act.

Section 11. The Authority will administer the CFDs, including employing and paying all consultants, annually levying the special tax and all aspects of paying and administering the Local Obligations, and complying with all State and Federal requirements appertaining to the proceedings, including the requirements of the United States Internal Revenue Code. The City will cooperate fully with the Authority in respect of the requirements of the Internal Revenue Code and to the extent information is required of the City to enable the Authority to perform its disclosure and continuing disclosure obligations with respect to the Local Obligations and any revenue bonds, although the City will not participate in nor be considered to be a participant in the proceedings respecting the CFDs (other than as a party to the agreement embodied by this Amended and Restated Resolution) nor will the City be or be considered to be an issuer of the Local Obligations nor any revenue bonds. The Authority is required to obtain a provision equivalent to this paragraph in all joint community facilities agreements with each Other Local Agency.

Section 12. In the event the Authority completes issuance and sale of Local Obligations, and Local Obligation proceeds become available to finance the Improvements, the Authority shall establish and maintain one or more special funds for each development project (collectively, the "Acquisition and Construction Fund"). The portion of Local Obligation proceeds which is intended to be utilized to finance the Improvements and Fees shall be deposited in the Acquisition and Construction Fund. The Acquisition and Construction Fund will be available both for City Improvements and City Fees and for the Improvements and Fees pertaining to each Other Local Agency. Subaccounts shall be created as necessary.

Section 13. As respects the Authority and each Other Local Agency, the City agrees to fully administer, and to take full governmental responsibility for, the construction or acquisition of the City Improvements and for the administration and expenditure of the City Fees including but not limited to environmental review, approval of plans and specifications, bid requirements, performance and payment bond requirements, insurance requirements, contract and construction administration, staking, inspection, acquisition of necessary property interests in real or personal property, the holding back and administration of retention payments, punch list administration, and the Authority and each Other Local Agency shall have no responsibility in that regard. The City reserves the right, as respects each Participating Developer, to require the Participating Developer to contract with the City to assume any portion or all of this responsibility. The Authority is required to obtain provisions equivalent to this paragraph in the joint community facilities agreement with each Other Local Agency.

Section 14. The City agrees to indemnify and to hold the Authority, its other members, and its other members' officers, agents and employees, and each Other Local Agency and their officers,

agents and employees (collectively, the “Indemnified Parties”) harmless from any and all claims, suits and damages (including costs and reasonable attorneys’ fees) arising out of the design, engineering, construction and installation of the City Improvements and the improvements to be financed or acquired with the City Fees. The City reserves the right, as respects each Participating Developer, to require the Participating Developer to assume by contract with the City any portion or all of this responsibility. The Authority is required to obtain a provision equivalent to this paragraph in all joint community facilities agreements with each Other Local Agency naming the City and its officers, agents and employees as Indemnified Parties with respect to each Other Local Agency’s respective Improvements and the improvements to be constructed or acquired with each Other Local Agency’s Fees.

Section 15. As respects the Authority and each Other Local Agency, the City agrees – once the City Improvements are constructed according to the approved plans and specifications, and the City and the Participating Developer have put in place their agreed arrangements for the funding of maintenance of the City Improvements – to accept ownership of the City Improvements, to take maintenance responsibility for the City Improvements, and to indemnify and hold harmless the Indemnified Parties to the extent provided in the preceding paragraph from any and all claims, etc., arising out of the use and maintenance of the City Improvements. The City reserves the right, as respects the Participating Developer, to require the Participating Developer by contract with the City to assume any portion or all of this responsibility. The Authority is required to obtain a provision equivalent to this paragraph in all joint community facilities agreements with each Other Local Agency naming the City and its officers, agents and employees as Indemnified Parties.

Section 16. The City acknowledges the requirement of the Mello-Roos Act that if the City Improvements are not completed prior to the adoption by the Commission of the Authority of the Resolution of Formation of the CFD for each respective development project, the City Improvements must be constructed as if they had been constructed under the direction and supervision, or under the authority of, the City. The City acknowledges that this means all City Improvements must be constructed under contracts that require the payment of prevailing wages as required by Section 1720 and following of the Labor Code of the State of California. The Authority makes no representation that this requirement is the only applicable legal requirement in this regard. The City reserves the right, as respects the Participating Developer, to assign appropriate responsibility for compliance with this paragraph to the Participating Developer.

Section 17. The form of the Acquisition Agreement attached hereto as Exhibit B is hereby approved, and the [City Manager] or such officer’s designee (the “Authorized Officer”) is authorized to execute, and deliver to the Participating Developer, the Acquisition Agreement on behalf of the City in substantially that form, with such changes as shall be approved by the Authorized Officer after consultation with the City Attorney and the Authority’s bond counsel, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 18. After completion of the City Improvements and appropriate arrangements for the maintenance of the City Improvements, or any discrete portion thereof as provided in Section 53313.51 of the Mello-Roos Act and in the Acquisition Agreement, to the satisfaction of the City,

and in conjunction with the City's acceptance thereof, acquisition of the City Improvements shall be undertaken as provided in the Acquisition Agreement.

Section 19. The City hereby consents to the formation of the CFDs in accordance with this Amended and Restated Resolution and consents to the assumption of jurisdiction by the Authority for the proceedings respecting the CFDs with the understanding that the Authority will hereafter take each and every step required for or suitable for consummation of the proceedings, the levy, collection and enforcement of the special tax, and the issuance, sale, delivery and administration of the Local Obligations, all at no cost to the City and without binding or obligating the City's general fund or taxing authority.

Section 20. The terms of the Agreement embodied by this Amended and Restated Resolution may be amended by a writing duly authorized, executed and delivered by the City and the Authority, except that no amendment may be made after the issuance of the Local Obligations by the Authority that would be detrimental to the interests of the bondholders without complying with all of the bondholder consent provisions for the amendment of the bond resolutions, bond indentures or like instruments governing the issuance, delivery and administration of all outstanding Local Obligations.

Section 21. Except to the extent of the indemnifications extended to each Other Local Agency in the Agreement embodied by this Amended and Restated Resolution, and the City's agreement to take responsibility for and ownership of the City Improvements, no person or entity, including the Participating Developer, shall be deemed to be a third party beneficiary of this Amended and Restated Resolution, and nothing in this Amended and Restated Resolution (either express or implied) is intended to confer upon any person or entity other than the Authority and the City (and their respective successors and assigns) any rights, remedies, obligations or liabilities under or by reason of this Amended and Restated Resolution.

Section 22. The City shall be identified as a third-party beneficiary of all joint community facilities agreements between the Authority and each Other Local Agency to the extent of the indemnification provisions and the provisions whereby each Other Local Agency agrees to take responsibility for and ownership of their Improvements.

Section 23. The appropriate officials and staff of the City are hereby authorized and directed to make SCIP applications available to all property owners who are subject to Fees for new development within the City and/or who are conditioned to install Improvements and to inform such owners of their option to participate in SCIP; provided, that the Authority shall be responsible for providing such applications and related materials at its own expense. The staff persons listed on the attached Exhibit E, together with any other staff persons chosen by the City Manager from time to time, are hereby designated as the contact persons for the Authority in connection with SCIP.

Section 24. The appropriate officials and staff of the City are hereby authorized and directed to execute and deliver such closing certificates, requisitions, agreements and related documents, including but not limited to such documents as may be required by bond counsel in connection

with the participation in SCIP of any districts, authorities or other third-party entities entitled to own Improvements and/or to levy and collect fees on new development to pay for public capital improvements within the jurisdiction of the City, as are reasonably required by the Authority in accordance with the Manual to implement SCIP and to evidence compliance with the requirements of federal and state law in connection with the issuance by the Authority of the Local Obligations and any other bonds for SCIP. To that end, and pursuant to Treasury Regulations Section 1.150-2, the staff persons listed on Exhibit E, or other staff person acting in the same capacity for the City with respect to SCIP, are hereby authorized and designated to declare the official intent of the City with respect to the public capital improvements to be paid or reimbursed through participation in SCIP.

Section 25. This Amended and Restated Resolution shall take effect immediately upon its adoption. The City Clerk of the City of American Canyon is hereby authorized and directed to transmit a certified copy of this Amended and Restated Resolution to the Secretary of the Authority. This Amended and Restated Resolution shall remain in force with respect to any Assessment District and CFD formed until all Local Obligations have been retired and the authority to levy the special tax conferred by any CFD proceedings and to levy the assessment conferred by any assessment proceedings has ended or is otherwise terminated. The Original Resolution shall remain in force with respect to any SCIP application approved by the City and any Assessment District formed pursuant to its authority until all Local Obligations have been retired and the authority to levy the assessment conferred by any assessment proceedings carried out pursuant to the Original Resolution has ended or is otherwise terminated..

PASSES, APPROVED and ADOPTED at a regular meeting of the City Council of the City of American Canyon on the 17th of January 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Leon Garcia, Mayor

ATTEST:

APPROVE AS TO FORM:

Taresa Geilfuss, CMC, City Clerk

William D. Ross, City Attorney

EXHIBIT A TO THE RESOLUTION

FORM OF RESOLUTION OF INTENTION
TO BE ADOPTED BY CSCDA

RESOLUTION NO. __SCIP-

**RESOLUTION OF INTENTION OF THE CALIFORNIA STATEWIDE
COMMUNITIES DEVELOPMENT AUTHORITY TO FINANCE CAPITAL
IMPROVEMENTS AND/OR THE PAYMENT OF DEVELOPMENT IMPACT
FEES FOR PUBLIC CAPITAL IMPROVEMENTS IN THE PROPOSED
STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM ASSESSMENT
DISTRICT NO. __ (*NAME OF PROJECT*) [CITY OF _____], [COUNTY
OF _____], APPROVING A PROPOSED BOUNDARY MAP, MAKING
CERTAIN DECLARATIONS, FINDINGS AND DETERMINATIONS
CONCERNING RELATED MATTERS, AND AUTHORIZING RELATED
ACTIONS IN CONNECTION THEREWITH**

WHEREAS, under the authority of the Municipal Improvement Act of 1913 (the “1913 Act”), being Division 12 (commencing with Sections 10000 and following) of the California Streets and Highways Code (the “Code”), the Commission (the “Commission”) of the California Statewide Communities Development Authority (the “Authority”) intends to finance, through its Statewide Community Infrastructure Program, the payment of certain development impact fees for public improvements (the “Improvement Fees”) and/or to finance certain public capital improvements to be constructed by or on behalf of the property owner(s) and to be acquired by the [City/County] of [_____] or another local agency (the “Improvements”) as described in Exhibit A attached hereto and by this reference incorporated herein, all of which are of benefit to the property within the proposed Statewide Community Infrastructure Program Assessment District No. __ (*name of project*) [City of _____], [County of _____] (the “Assessment District”);

WHEREAS, the Commission finds that the land specially benefited by the Improvements and/or the Improvement Fees is shown within the boundaries of the map entitled “Proposed Boundaries of California Statewide Communities Development Authority Statewide Community Infrastructure Program Assessment District No. __ (*name of project*) [City of _____], [County of _____], State of California,” a copy of which map is on file with the Secretary and presented to this Commission meeting, and determines that the land within the exterior boundaries shown on the map shall be designated “Statewide Community Infrastructure Program Assessment District No. __ (*name of project*) [City of _____], [County of _____], State of California”;

WHEREAS, the [City/County] of [_____] is a member of the Authority and has approved the adoption on its behalf of this Resolution of Intention and has consented to the levy of the assessments in the Assessment District;

NOW, THEREFORE, BE IT RESOLVED that the Commission of the California Statewide Communities Development Authority hereby finds, determines and resolves as follows:

Section 1. The above recitals are true and correct.

Section 2. Pursuant to Section 2961 of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (the “1931 Act”), being Division 4 (commencing with Section 2800) of the

Code, the Commission hereby declares its intent to comply with the requirements of the 1931 Act by complying with Part 7.5 thereof.

Section 3. The Commission has designated a registered, professional engineer as Engineer of Work for this project, and hereby directs said firm to prepare the report containing the matters required by Sections 2961(b) and 10204 of the Code, as supplemented by Section 4 of Article XIID of the California Constitution.

Section 4. The proposed boundary map of the Assessment District is hereby approved and adopted. Pursuant to Section 3111 of the Code, the Secretary of the Authority is directed to file a copy of the map in the office of the County Recorder of the [County of _____] within fifteen (15) days of the adoption of this resolution.

Section 5. The Commission determines that the cost of financing the Improvements and/or the payment of the Improvement Fees shall be specially assessed against the lots, pieces or parcels of land within the Assessment District benefiting from the financing of the Improvements and/or the payment of the Improvement Fees. The Commission intends to levy a special assessment upon such lots, pieces or parcels in accordance with the special benefit to be received by each such lot, piece or parcel of land, respectively, from the financing of the Improvements and/or the payment of the Improvement Fees.

Section 6. The Commission intends, pursuant to subparagraph (f) of Section 10204 of the Code, to provide for an annual assessment upon each of the parcels of land in the proposed Assessment District to pay various costs and expenses incurred from time to time by the Authority and not otherwise reimbursed to the Authority which result from the administration and collection of assessment installments or from the administration or registration of the improvement bonds and the various funds and accounts pertaining thereto.

Section 7. Bonds representing unpaid assessments, and bearing interest at a rate not to exceed twelve percent (12%) per annum, will be issued in the manner provided by the Improvement Bond Act of 1915 (Division 10 of the Code), and the last installment of the bonds shall mature not to exceed twenty-nine (29) years from the second day of September next succeeding twelve (12) months from their date.

Section 8. The procedure for the collection of assessments and advance retirement of bonds under the Improvement Bond Act of 1915 shall be as provided in Part 11.1 thereof.

Section 9. Neither the Authority nor any member agency thereof will obligate itself to advance available funds from its or their own funds or otherwise to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the Authority or any such member agency from, in its sole discretion, so advancing funds.

Section 10. The amount of any surplus remaining in the improvement fund after acquisition of the Improvements and/or payment of Improvement Fees and all other claims shall be distributed in accordance with the provisions of Section 10427.1 of the Code.

Section 11. To the extent any Improvement Fees are paid to the Authority in cash with respect to property within the proposed Assessment District prior to the date of issuance of the bonds, the amounts so paid shall be reimbursed from the proceeds of the bonds to the property owner or developer that made the payment.

PASSED AND ADOPTED by the California Statewide Communities Development Authority this ___ day of _____, 20__.

I, the undersigned, an Authorized Signatory of the California Statewide Communities Development Authority, DO HEREBY CERTIFY that the foregoing resolution was duly adopted by the Commission of the Authority at a duly called meeting of the Commission of the Authority held in accordance with law on _____, 20__.

By _____
Authorized Signatory
California Statewide Communities
Development Authority

EXHIBIT A TO THE RESOLUTION OF INTENTION

DESCRIPTION OF WORK

The payment of development impact fees levied within the Assessment District and/or public capital improvements to be acquired and owned by the [City/County] of [_____] or another local agency upon or for the benefit of parcels within the Assessment District, for the project known as [Project Name], which are authorized to be financed pursuant to the Municipal Improvement Act of 1913 and as to which the owners of the applicable parcels within the Assessment District have applied for participation in SCIP, as more particularly described below.

PAYMENT OF IMPACT FEES

CAPITAL IMPROVEMENTS*

**Capital improvements includes funding for incidental costs associated with the capital improvements, including but not limited to, contingency, design, engineering, and construction management*

[End of Form of Resolution of Intention]

EXHIBIT B TO THE RESOLUTION
FORM OF ACQUISITION AGREEMENT

CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY
STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM

ACQUISITION AGREEMENT

BY AND BETWEEN
CITY OF AMERICAN CANYON
AND
[DEVELOPER]

Dated as of _____, 20__

ACQUISITION AGREEMENT

Recitals

A. The parties to this Acquisition Agreement (the “Agreement”) are the [CITY/COUNTY] OF _____, (the “Local Agency”), and [DEVELOPER], a [*indicate type of legal entity*] (the “Developer”).

B. The effective date of this Agreement is _____, 20__ (the “Effective Date”).

C. The Developer has applied for the financing of, among other things, certain public capital improvements to be owned by the Local Agency (collectively, the “Acquisition Improvements”) through the California Statewide Communities Development Authority (the “Authority”) and its Statewide Community Infrastructure Program (“SCIP”). [*For CFDs:*][The Acquisition Improvements are to be owned and operated by the Local Agency, and the financing is to be accomplished through a community facilities district which will be administered by the Authority under and pursuant to the Mello-Roos Community Facilities Act of 1982 – California Government Code Sections 53311 and following (the “Act”). On _____, 20[], the Local Agency entered into a Joint Community Facilities Agreement authorizing the Authority to form a community facilities district within the territorial limits of the Local Agency to finance, among other things, the Acquisition Improvements. On _____, 20[], the Authority formed the District and, on the same date, a landowner election was conducted in which all of the votes were cast unanimously in favor of conferring the District authority on the Authority Commission.] [*For Assessment Districts:*][The Acquisition Improvements are to be owned and operated by the Local Agency, and the financing is to be accomplished through an assessment district which will be administered by the Authority under and pursuant to Municipal Improvement Act of 1913 (Streets and Highways Code Sections 10000 and following) (the “1913 Act”) and the issuance of improvement bonds (the “Local Obligations”) under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) (the “1915 Act” and, together with the “1913 Act” the “Act”).]

D. The administration, payment and reimbursement of the capital facilities fees is agreed to be governed by the provisions of the SCIP Manual of Procedures as it may be amended from time to time. The administration, payment and reimbursement of the Acquisition Improvements shall be as provided herein.

E. Under SCIP, the Authority intends to levy [assessments] [special taxes] and issue bonds, in one or more series, to fund, among other things, all or a portion of the costs of the Acquisition Improvements. The portion of the proceeds of [the special taxes and] the bonds allocable to the cost of the Acquisition Improvements, together with interest earned thereon, is referred to herein as the “Available Amount” and is subject to the restrictions on the use of proceeds, if any, for the acquisition of specific Acquisition Improvements as set forth in Exhibit A hereto.

F. The Authority will provide financing for the acquisition by the Local Agency of the Acquisition Improvements and the payment of the Acquisition Price (as defined herein) of the Acquisition Improvements from the Available Amount. Attached hereto as Exhibit A is a

description of the Acquisition Improvements, which includes authorized discrete and usable portions, if any, of the public capital improvements, [pursuant to Section 53313.51 of the Act,] to be acquired from the Developer.

G. The parties anticipate that, upon completion of the Acquisition Improvements and subject to the terms and conditions of this Agreement, the Local Agency will acquire such completed Acquisition Improvements with the Available Amount.

H. Any and all monetary obligations of the Local Agency arising out of this Agreement are the special and limited obligations of the Local Agency payable only from the Available Amount, and no other funds whatsoever of the Local Agency shall be obligated therefor.

I. Attached to this Agreement are Exhibit A (*Acquisition Improvements and the Eligible Portions thereof*) and Exhibit B (*Form of Requisition*), which are incorporated into this Agreement for all purposes.

In consideration of Recitals A through I, inclusive, and the mutual covenants, undertakings and obligations set forth below, the Local Agency and the Developer agree as stated below.

Agreement

ARTICLE I

DEFINITIONS; DISTRICT FORMATION AND FINANCING PLAN

Section 1.01. Definitions. As used herein, the following capitalized terms shall have the meanings ascribed to them below:

“Acceptable Title” means free and clear of all monetary liens, encumbrances, assessments, whether any such item is recorded or unrecorded, and taxes, except those items which are reasonably determined by the Local Agency Engineer not to interfere with the intended use and therefore are not required to be cleared from the title.

“Acquisition Account” means any Local Agency subaccount established by the Authority pursuant to Section 1.03 hereof.

“Acquisition and Construction Fund” means, collectively and individually, each fund and account established by the Authority pursuant to Section 1.03 hereof for the purpose of paying the Acquisition Price of the Acquisition Improvements and which fund may be held as a subaccount within a fund established under the Authority Trust Agreement and may be commingled with acquisition and construction fund monies available for other public capital improvements.

“Acquisition Improvement” shall have the meaning assigned to such term in the recitals and are further described in Exhibit A.

“Acquisition Price” means the total amount eligible to be paid to the Developer upon

acquisition of an Acquisition Improvement as provided in Section 2.03 not to exceed the Actual Cost of the Acquisition Improvement.

“Act” has the meaning ascribed thereto in Recital C.

“Actual Cost” means the total cost of an Acquisition Improvement, as documented by the Developer to the satisfaction of the Local Agency and as certified by the Local Agency Engineer in an Actual Cost Certificate including, without limitation, (a) the Developer’s cost of constructing such Acquisition Improvement including grading, labor, material and equipment costs, (b) the Developer’s cost of designing and engineering the Acquisition Improvement, preparing the plans and specifications and bid documents for such Acquisition Improvement, and the costs of inspection, materials testing and construction staking for such Acquisition Improvement, (c) the Developer’s cost of any performance, payment and maintenance bonds and insurance, including title insurance, required hereby for such Acquisition Improvement, (d) the Developer’s cost of any real property or interest therein that is either necessary for the construction of such Acquisition Improvement (e.g., temporary construction easements, haul roads, etc.), or is required to be conveyed with such Acquisition Improvement in order to convey Acceptable Title thereto to the Local Agency or its designee, (e) the Developer’s cost of environmental evaluation or mitigation required for such Acquisition Improvement, (f) the amount of any fees actually paid by the Developer to governmental agencies in order to obtain permits, licenses or other necessary governmental approvals and reviews for such Acquisition Improvement, (g) the Developer’s cost for construction and project management, administration and supervision services for such Acquisition Improvement, (h) the Developer’s cost for professional services related to such Acquisition Improvement, including engineering, accounting, legal, financial, appraisal and similar professional services, and (i) the costs of construction financing incurred by the Developer with respect to such Acquisition Improvement.

“Actual Cost Certificate” means a certificate prepared by the Developer detailing the Actual Cost of an Acquisition Improvement, or an Eligible Portion thereof, to be acquired hereunder, as may be revised by the Local Agency Engineer pursuant to Section 2.03.

“Agreement” means this Acquisition Agreement, dated as of [_____], 20[].

“Authority” means the California Statewide Communities Development Authority.

“Authority Trust Agreement” means a Trust Agreement entered into by the Authority and an Authority Trustee in connection with the issuance of a series of bonds.

“Authority Trustee” means the financial institution identified as trustee in an Authority Trust Agreement.

“Available Amount” shall have the meaning assigned to the term in Recital E.

“Bonds” means bonds or other indebtedness issued by the Authority as tax-exempt or taxable bonds or other indebtedness, in one or more series, that is to be repaid by the District.

“Code” means the Streets and Highways Code or the Government Code of the State of California, as applicable.

“Developer” means [*Developer*], its successors and assigns.

“Disbursement Request Form” means a requisition for payment of funds from the Acquisition and Construction Fund for an Acquisition Improvement, or an Eligible Portion thereof in substantially the form contained in Exhibit B hereto.

“District” means [*name of Assessment District or CFD*] [*For CFDs, if applicable:*][, including Improvement Area No. [1] therein,] for which the Acquisition Improvements are being funded or any other assessment district or community facilities district (including any future annexation area thereto) established after the Effective Date that includes property that will benefit from the Acquisition Improvements.

“Eligible Portion” shall have the meaning ascribed to it in Section 2.03 below.

“Installment Payment” means an amount equal to ninety percent (90%) of the Actual Cost of an Eligible Portion.

“Local Agency” means the City of American Canyon.

“Local Agency Engineer” means the Engineer of the Local Agency or his/her designee who will be responsible for administering the acquisition of the Acquisition Improvements hereunder.

“Project” means the Developer’s development of the property in the District, including the design and construction of the Acquisition Improvements and the other public and private improvements to be constructed by the Developer within the District or otherwise benefitting the [*name of project*] project.

[“Special Taxes” means annual special taxes, and prepayments thereof, authorized by the District to be levied by the Commission of the Authority.]

“Title Documents” means, for each Acquisition Improvement acquired hereunder, a grant deed or similar instrument necessary to transfer title to any real property or interests therein (including easements), or an irrevocable offer of dedication of such real property with interests therein necessary to the operation, maintenance, rehabilitation and improvement by the Local Agency of the Acquisition Improvement (including, if necessary, easements for ingress and egress) and a bill of sale or similar instrument evidencing transfer of title to the Acquisition Improvement (other than said real property interests) to the Local Agency, where applicable.

Section 1.02. Participation in SCIP. [*For CFDs:*][The Local Agency has entered into a Joint Community Facilities Agreement with the Authority for the purpose of accepting applications from time to time of developers within the Local Agency’s jurisdictional boundaries.] Developer has applied for financing through SCIP, in one or more phases, of the Acquisition Improvements and such application has been approved by the Local Agency. Developer and Local Agency agree that until and unless a series of bonds is issued by the Authority and the Available Amount in respect of the Acquisition Improvement financed by such series of bonds is deposited in the Acquisition Account (as defined in Section 1.03 below), neither the Developer nor the Local Agency shall have any obligations under this agreement. Developer agrees to cooperate with the

Local Agency and the Authority in the completion of SCIP financing from time to time for the Acquisition Improvements.

Section 1.03. Deposit and Use of Available Amount.

(a) Upon completion of the SCIP financing for any series of bonds, the Available Amount will be deposited by the Authority in the Acquisition Account established for such series of bonds.

(b) The Authority will cause the SCIP Trustee to establish and maintain a subaccount (the “Acquisition Account”) within the Acquisition and Construction Fund in respect of each series of bonds that funds all or portion of the Acquisition Improvements for the purpose of holding all funds for the payment of such Acquisition Improvements. All earnings on amounts in the Acquisition and Construction Fund shall remain in the Acquisition and Construction Fund for use as provided herein and pursuant to the Authority Trust Agreement. Money in the Acquisition and Construction Fund shall be available to respond to delivery of a Disbursement Request Form and to be paid to the Developer or its designee to pay the Acquisition Price of the Acquisition Improvements, as specified in Article II hereof. Upon completion of all of the Acquisition Improvements and the payment of all costs thereof, any remaining funds in the Acquisition and Construction Fund (less any amount determined by the Local Agency as necessary to reserve for claims against the account) (i) shall be applied to pay the costs of any additional Acquisition Improvements eligible for acquisition with respect to the Project as approved by the Authority and, to the extent not so used, (ii) shall be applied by the Authority [to call Bonds or to reduce Special Taxes as the Authority shall determine][as provided in Section 10427.1 of the Code to pay a portion of the assessments levied on the Project property in the District].

Section 1.04. No Local Agency Liability; Local Agency Discretion; No Effect on Other Agreements. In no event shall any actual or alleged act by the Local Agency or any actual or alleged omission or failure to act by the Local Agency with respect to SCIP subject the Local Agency to monetary liability therefor. Further, nothing in this Agreement shall be construed as affecting the Developer’s or the Local Agency’s duty to perform their respective obligations under any other agreements, public improvement standards, land use regulations or subdivision requirements related to the Project, which obligations are and shall remain independent of the Developer’s and the Local Agency’s rights and obligations under this Agreement.

ARTICLE II

DESIGN, CONSTRUCTION AND ACQUISITION OF ACQUISITION IMPROVEMENTS

Section 2.01. Letting and Administering Design Contracts. The parties presently anticipate that the Developer has awarded and administered or will award and administer engineering design contracts for the Acquisition Improvements to be acquired from Developer. All eligible expenditures of the Developer for design engineering and related costs in connection with the Acquisition Improvements (whether as an advance to the Local Agency or directly to the design consultant) shall be reimbursed at the time of acquisition of such Acquisition Improvements. The Developer shall be entitled to reimbursement for any design costs of the

Acquisition Improvements only out of the Acquisition Price as provided in Section 2.03 and shall not be entitled to any payment for design costs independent of or prior to the acquisition of Acquisition Improvements.

Section 2.02. Letting and Administration of Construction Contracts; Indemnification. State law requires that all Acquisition Improvements not completed prior to the formation of the District shall be constructed as if they were constructed under the direction and supervision, or under the authority, of the Local Agency. In order to assure compliance with those provisions, except for any contracts entered into prior to the date hereof, Developer agrees to comply with the requirements set forth in Exhibit C hereto with respect to the bidding and contracting for the construction of the Acquisition Improvements. The Developer agrees that all the contracts shall call for payment of prevailing wages as required by the Labor Code of the State of California. The Developer's indemnification obligation set forth in Section 3.01 of this Agreement shall also apply to any alleged failure to comply with the requirements of this Section, and/or applicable State laws regarding public contracting and prevailing wages.

Section 2.03. Sale of Acquisition Improvements. The Developer agrees to sell to the Local Agency each Acquisition Improvement to be constructed by Developer (including any rights-of-way or other easements necessary for the Acquisition Improvements, to the extent not already publicly owned), when the Acquisition Improvement is has been constructed and is complete to the satisfaction of the Local Agency for an amount not to exceed the lesser of (i) the Available Amount or (ii) the Actual Cost of the Acquisition Improvement. Exhibit A, attached hereto and incorporated herein, contains a list of the Acquisition Improvements. Portions of an Acquisition Improvement eligible for Installment Payments prior to completion of the entire Acquisition Improvement are described as eligible, discrete and usable portions in Exhibit A (each, an "Eligible Portion"). At the time of completion of each Acquisition Improvement, or Eligible Portion thereof, the Developer shall deliver to the Local Agency Engineer a written request for acquisition, accompanied by an Actual Cost Certificate, and by executed Title Documents for the transfer of the Acquisition Improvement where necessary. In the event that the Local Agency Engineer finds that the supporting paperwork submitted by the Developer fails to demonstrate the required relationship between the subject Actual Cost and eligible work, the Local Agency Engineer shall advise the Developer that the determination of the Actual Cost (or the ineligible portion thereof) has been disallowed and shall request further documentation from the Developer. If the further documentation is still not adequate, the Local Agency Engineer may revise the Actual Cost Certificate to delete any disallowed items and the determination shall be final and conclusive.

Certain soft costs for the Acquisition Improvements, such as civil engineering, may have been incurred pursuant to single contracts that include work relating also to the private portions of the Project. In those instances, the total costs under such contracts will be allocated to each Acquisition Improvement as approved by the Local Agency Engineer. Where a specific contract has been awarded for design or engineering work relating solely to an Acquisition Improvement, one hundred percent (100%) of the costs under the contract will be allocated to that Acquisition Improvement. Amounts allocated to an Acquisition Improvement will be further allocated among the Eligible Portions of that Acquisition Improvement, if any, in the same proportion as the amount to be reimbursed for hard costs for each Eligible Portion bears to the amount to be reimbursed for hard costs for the entire Acquisition Improvement. Costs will be allocated to each Acquisition Improvement as approved by the Local Agency Engineer. The costs of certain environmental

mitigation required to mitigate impacts of the public and private portions of the Project will be allocated to each Acquisition Improvement as approved by the Local Agency Engineer.

In the event that the Actual Cost is in excess of the Available Amount, the Local Agency shall withdraw the Available Amount from the relevant Acquisition Account and transfer said amount to the Developer. In the event that the Actual Cost is less than the Available Amount, the Local Agency shall withdraw an amount from the relevant Acquisition Account equal to the Actual Cost, and shall transfer said amount to the Developer. Any amounts then remaining in such Acquisition Account shall be applied as provided in Section 1.03.

In no event shall the Local Agency be required to pay the Developer more than the aggregate amount on deposit in the Acquisition Accounts at the time such payment is requested.

Section 2.04. Conditions Precedent to Payment of Acquisition Price. Payment to the Developer or its designee of the Acquisition Price for an Acquisition Improvement from the Acquisition Account shall in every case be conditioned first upon the determination of the Local Agency Engineer, pursuant to Section 2.03, that the Acquisition Improvement satisfies all Local Agency regulations and ordinances and is otherwise complete and ready for acceptance by the Local Agency, and shall be further conditioned upon satisfaction of the following additional conditions precedent:

(a) The Developer shall have provided the Local Agency with lien releases or other similar documentation satisfactory to the Local Agency Engineer as evidence that none of the property (including any rights-of-way or other easements necessary for the operation and maintenance of the Acquisition Improvement, to the extent not already publicly owned) comprising the Acquisition Improvement, and the property which is subject to the [assessments/Special Taxes] of any District, is not subject to any prospective mechanics lien claim respecting the Acquisition Improvements.

(b) All due and payable property taxes, and installments of [assessments/Special Taxes] shall be current on property owned by the Developer or under option to the Developer that is subject to the lien of the District.

(c) The Developer shall certify that it is not in default with respect to any loan secured by any interest in the Project.

(d) The Developer shall have provided the Local Agency with Title Documents needed to provide the Local Agency with title to the site, right-of-way, or easement upon which the subject Acquisition Improvements are situated. All such Title Documents shall be in a form acceptable to the Local Agency (or applicable governmental agency) and shall convey Acceptable Title. The Developer shall provide a policy of title insurance as of the date of transfer in a form acceptable to the Local Agency Engineer insuring the Local Agency as to the interests acquired in connection with the acquisition of any interest for which such a policy of title insurance is not required by another agreement between the Local Agency and the Developer. Each title insurance policy required hereunder shall be in the amount equal to or greater than the Acquisition Price.

Section 2.05. SCIP Requisition. Upon a determination by the Local Agency Engineer to pay the Acquisition Price of the Acquisition Improvements pursuant to Section 2.04,

the Local Agency Engineer shall cause a SCIP Requisition to be submitted to the Program Administrator. The Program Administrator will review the SCIP Requisition and forward it with instructions to the SCIP Trustee and the SCIP Trustee shall make payment directly to the Developer of such amount pursuant to the relevant SCIP Trust Agreement. The Local Agency and the Developer acknowledge and agree that the SCIP Trustee shall make payment strictly in accordance with the SCIP Requisition and shall not be required to determine whether or not the Acquisition Improvements have been completed or what the Actual Costs may be with respect to such Acquisition Improvements. The SCIP Trustee shall be entitled to rely on the SCIP Requisition on its face without any further duty of investigation.

ARTICLE III

MISCELLANEOUS

Section 3.01. Indemnification and Hold Harmless. The Developer hereby assumes the defense of, and indemnifies and saves harmless the Local Agency, the Authority, and each of its respective officers, directors, employees and agents, from and against all actions, damages, claims, losses or expenses of every type and description to which they may be subjected or put, by reason of, or resulting from or alleged to have resulted from the acts or omissions of the Developer or its agents and employees in the performance of this Agreement, or arising out of any contract for the design, engineering and construction of the Acquisition Improvements or arising out of any alleged misstatements of fact or alleged omission of a material fact made by the Developer, its officers, directors, employees or agents to the Authority's underwriter, financial advisor, appraiser, district engineer or bond counsel or regarding the Developer, its proposed developments, its property ownership and its contractual arrangements contained in the official statement relating to the SCIP financing (provided that the Developer shall have been furnished a copy of such official statement and shall not have objected thereto); and provided, further, that nothing in this Section 3.01 shall limit in any manner the Local Agency's rights against any of the Developer's architects, engineers, contractors or other consultants. Except as set forth in this Section 3.01, no provision of this Agreement shall in any way limit the extent of the responsibility of the Developer for payment of damages resulting from the operations of the Developer, its agents and employees. Nothing in this Section 3.01 shall be understood or construed to mean that the Developer agrees to indemnify the Local Agency, the Authority or any of its respective officers, directors, employees or agents, for any negligent or wrongful acts or omissions to act of the Local Agency, Authority its officers, employees, agents or any consultants or contractors.

Section 3.02. Audit. The Local Agency shall have the right, during normal business hours and upon the giving of ten days' written notice to the Developer, to review all books and records of the Developer pertaining to costs and expenses incurred by the Developer (for which the Developer seeks reimbursement) in constructing the Acquisition Improvements.

Section 3.03. Cooperation. The Local Agency and the Developer agree to cooperate with respect to the completion of the SCIP financing for the Acquisition Improvements. The Local Agency and the Developer agree to meet in good faith to resolve any differences on future matters which are not specifically covered by this Agreement.

Section 3.04. General Standard of Reasonableness. Any provision of this Agreement which requires the consent, approval or acceptance of either party hereto or any of their respective employees, officers or agents shall be deemed to require that such consent, approval or acceptance not be unreasonably withheld or delayed, unless such provision expressly incorporates a different standard. The foregoing provision shall not apply to provisions in the Agreement which provide for decisions to be in the sole discretion of the party making the decision.

Section 3.05. Third Party Beneficiaries. The Authority and its officers, employees, agents or any consultants or contractors are expressly deemed third party beneficiaries of this Agreement with respect to the provisions of Section 3.01. It is expressly agreed that, except for the Authority with respect to the provisions of Section 3.01, there are no third party beneficiaries of this Agreement, including without limitation any owners of bonds, any of the Local Agency's or the Developer's contractors for the Acquisition Improvements and any of the Local Agency's, the Authority's or the Developer's agents and employees.

Section 3.06. Conflict with Other Agreements. Nothing contained herein shall be construed as releasing the Developer or the Local Agency from any condition of development or requirement imposed by any other agreement between the Local Agency and the Developer, and, in the event of a conflicting provision, such other agreement shall prevail unless such conflicting provision is specifically waived or modified in writing by the Local Agency and the Developer.

Section 3.07. Notices. All invoices for payment, reports, other communication and notices relating to this Agreement shall be mailed to:

If to the Local Agency:

City of American Canyon
[Address to come]

If to the Developer:

[Developer]
[Address to come]

Either party may change its address by giving notice in writing to the other party.

Section 3.08. Severability. If any part of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

Section 3.09. Governing Law. This Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State of California.

Section 3.10. Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement.

Section 3.11. Singular and Plural; Gender. As used herein, the singular of any word includes the plural, and terms in the masculine gender shall include the feminine.

Section 3.12. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

Section 3.13. Successors and Assigns. This Agreement is binding upon the heirs, assigns and successors-in-interest of the parties hereto. The Developer may not assign its rights or obligations hereunder, except to successors-in-interest to the project known as *[name of project]* within the District, without the prior written consent of the Local Agency.

Section 3.14. Remedies in General. It is acknowledged by the parties that the Local Agency would not have entered into this Agreement if it were to be liable in damages under or with respect to this Agreement or the application thereof, other than for the payment to the Developer of any (i) moneys owing to the Developer hereunder, or (ii) moneys paid by the Developer pursuant to the provisions hereof which are misappropriated or improperly obtained, withheld or applied by the Local Agency.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that the Local Agency shall not be liable in damages to the Developer, or to any assignee or transferee of the Developer other than for the payments to the Developer specified in the preceding paragraph. Subject to the foregoing, the Developer covenants not to sue for or claim any damages for any alleged breach of, or dispute which arises out of, this Agreement.

[The remainder of this page intentionally left blank]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year written above.

CITY OF AMERICAN CANYON

By:
[City Manager]

ATTEST:
City Clerk of the City of American Canyon

By:

[DEVELOPER],
a [here indicate type of legal entity]

By:
Signature

.....
Print Name

Exhibit A to the Acquisition Agreement

DESCRIPTION OF ACQUISITION IMPROVEMENTS AND BUDGETED AMOUNTS

[To be completed based on Final Engineer's Report]

Funding includes amounts for incidental costs associated with the capital improvements, including, but not limited to, contingency, design, engineering, and construction management.

<u>ACQUISITION IMPROVEMENTS</u>	<u>TOTAL AMOUNT*</u>
<input type="checkbox"/>	\$ <input type="checkbox"/>
<input type="checkbox"/>	\$ <input type="checkbox"/>

* Estimated. Acquisition Price will be determined based on Actual Cost as further described in this Acquisition Agreement.

Exhibit B to the Acquisition Agreement

FORM OF SCIP REQUISITION

To: BLX Group LLC
SCIP Program Administrator
777 S. Figueroa St., Suite 3200
Los Angeles, California 90017
Attention: Vo Nguyen
Fax: 213-612-2499

Re: Statewide Community Infrastructure Program

The undersigned, a duly authorized officer of the CITY OF AMERICAN CANYON hereby requests a withdrawal from the [DEVELOPER] ACQUISITION ACCOUNT, as follows:

Request Date: [Insert Date of Request]

Name of Developer: [Developer]

Withdrawal Amount: [Insert Acquisition Price]

Acquisition Improvements: [Insert Description of Acquisition Improvement(s) from Ex. A]

Payment Instructions: [Insert Wire Instructions or Payment Address for Developer]

The undersigned hereby certifies as follows:

1. The Withdrawal is being made in accordance with a permitted use of such monies pursuant to the Acquisition Agreement, and the Withdrawal is not being made for the purpose of reinvestment.
2. None of the items for which payment is requested have been reimbursed previously from other sources of funds.
3. If the Withdrawal Amount is greater than the funds held in the Acquisition Account, the SCIP Program Administrator is authorized to amend the amount requested to be equal to the amount of such funds.
4. To the extent the Withdrawal is being made prior to the date bonds have been issued on behalf of SCIP, this withdrawal form serves as the declaration of official intent of the CITY OF AMERICAN CANYON, pursuant to Treasury Regulations 1.150-2, to reimburse with respect expenditures made from the Acquisition Account listed above in the amount listed above.

CITY OF AMERICAN CANYON

By: _____

Title: _____

EXHIBIT C TO THE RESOLUTION

ELIGIBLE FACILITIES AND FEES

Eligible facilities and fees that may be financed by a CFD formed by CSCDA through SCIP include all improvements and fees authorized under the Mello-Roos Act, including but not limited to the following:

Transportation Improvements

Eligible roadway improvements include, but are not limited to: acquisition of land and easements; roadway design; project management; bridge crossings and culverts; clearing, grubbing, and demolition; grading, soil import/export, paving (including slurry seal), and decorative/enhanced pavement concrete and/or pavers; joint trenches, underground utilities and undergrounding of existing utilities; dry utilities and appurtenances; curbs, gutters, sidewalks, bike trails (including onsite and off-site), enhanced fencing, and access ramps; street lights, signalization, and traffic signal control systems; bus turnouts; signs and striping; erosion control; median and parkway landscaping and irrigation; entry monumentation; bus shelters, bus and transit improvements including transfer stations and regional public transit improvements; masonry walls; traffic control and agency fees; and other improvements related thereto. Eligible improvements for the roads listed herein also include any and all necessary underground potable and recycled water, sanitary sewer, and storm drainage system improvements.

Water System Improvements

Authorized facilities include any and all water facilities designed to meet the needs of development within the CFD. These facilities include, but may not be limited to: water storage, treatment and distribution facilities including waterlines and appurtenances, gate valves, pressure reducing stations, flow meters, fire hydrants, and other improvements related thereto such as site clearing, grading and paving; curbs and gutters; booster pump stations & power; stand-by generators; site lighting, drainage, sanitary sewer, and water service; landscaping and irrigation; access gates, and fencing; and striping and signage.

Recycled Water System Improvements

Authorized facilities include any and all recycled water system facilities designed to meet the needs of development within the CFD. These facilities include, but may not be limited to: treatment and distribution facilities including pipelines and appurtenances, gate valves, flow meters, booster pump pressurization system, and other improvements related thereto - such as site clearing, grading and paving; curbs and gutters; booster pump stations; stand-by generators; site lighting, drainage, sanitary sewer, and water service; landscaping and irrigation; access gates, and fencing; and striping and signage.

Drainage System Improvements

Authorized facilities include any and all drainage and storm drain improvements designed to meet the needs of development within the CFD. These facilities include, but may not be limited to: excavation and grading, pipelines and appurtenances, outfalls and water quality measures, detention/retention basins, drainage pretreatment facilities, drainage ways/channels, pump stations, landscaping and irrigation; access roads, gates, and fencing; and striping and signage and

other improvements related thereto.

Wastewater System Improvements

Authorized facilities include any and all wastewater facilities designed to meet the needs of development within the CFD. These facilities include, but may not be limited to, pipelines and all appurtenances thereto; manholes; tie-in to existing main lines; force mains; lift stations; upgrades to existing lift stations; odor-control facilities; and permitting related thereto; and related sewer system improvements.

Park, Parkway and Open Space Improvements

Authorized facilities include any and all improvements to parks, parkways and open space required for development within the CFD. These facilities include, but may not be limited to: grading, turf, shrubs and trees, landscaping irrigation, site lighting, drainage, sanitary sewer and water service, pedestrian and bicycle trails, protective fencing (including soundwalls), pedestrian/bicycle bridges, storm drain crossings, wetland mitigation, hawk mitigation for authorized facilities herein, access gates and fencing and related open space improvements. Authorized facilities include acquisition of any and all parkland as well as open space/bike trail/public access easements required for development within the CFD.

School and Educational Facilities

Authorized facilities include classroom renovation, updates to school safety and security systems, technology improvements, energy efficiency improvements, school modernization and retrofitting, and new classroom and school construction as required for development within the CFD.

Development Impact Fees

Authorized facilities include the direct funding of any of the above referenced facility types for which the Local Agency collects a development impact fee.

Other Incidental Expenses and Bond Issuance Costs

In addition to the above facilities, other incidental expenses as authorized by the Mello-Roos Community Facilities Act of 1982, including, but not limited to, the cost of planning and designing the facilities (including the cost of environmental evaluation, remediation and mitigation); engineering and surveying; construction staking; utility relocation and demolition costs incidental to the construction of the public facilities; costs of project/construction management; costs (including the costs of legal services) associated with the formation of the CFD; issuance of bonds (if any); determination of the amount of taxes; collection of taxes; payment of taxes; costs of calculating and providing reimbursements from one-time special tax payments; or costs otherwise incurred in order to carry out the authorized purposes of the CFD; and any other expenses incidental to the formation and implementation of the CFD and to the construction, completion, inspection and acquisition of the authorized facilities.

EXHIBIT D TO THE RESOLUTION

FORM OF INCREASED DEMANDS CERTIFICATE

To: California Statewide Communities Development Authority

Re: Statewide Community Infrastructure Program – Community Facilities District for
[Project]

The undersigned, a duly authorized officer of the CITY OF AMERICAN CANYON (the “Local Agency”) hereby certifies that the public capital improvements and development impact fees identified below are necessary to meet increased demands placed upon the Local Agency as a result of development within the proposed community facilities district for the [Project]:

[List improvements/fees here]

CITY OF AMERICAN CANYON

By: _____

Title: _____

EXHIBIT E TO THE RESOLUTION

CITY OF AMERICAN CANYON CONTACTS FOR SCIP PROGRAM

Primary Contact

Name: Jason Holley
Title: City Manager
Mailing Address: 4381 Broadway, American Canyon, CA 94503
Delivery Address (if different):
E-mail: jholley@cityofamericancanyon.org
Telephone: 707-647-4351
Fax:

Secondary Contact

Name: Juan Gomez
Title: Finance Director
Mailing Address: 4381 Broadway, American Canyon, CA 94503
Delivery Address (if different):
E-mail: jgomez@cityofamericancanyon.org
Telephone: 707-647-4362
Fax:

[Add additional contacts as needed]



TITLE

The addition of Chapter 2.30 to the American Canyon Municipal Code creating the Open Space, Active Transportation, and Sustainability Commission First Reading.

RECOMMENDATION

Waive first reading, read by title only, and introduce an Ordinance of the City of American Canyon adding Chapter 2.30 to the American Canyon Municipal Code and creating the Open Space, Active Transportation, and Sustainability Commission.

CONTACT

Jason Holley, City Manger

BACKGROUND & ANALYSIS

On December 20, 2022, the City Council adopted a Resolution forming the Open Space, Active Transportation, and Sustainability (OSATS) Commission. The OSATS Commission is replacing the former Open Space Advisory Committee. The City of American Canyon plans to adopt an Ordinance to add Chapter 2.30 to the American Canyon Municipal Code to create the OSATs Commission. The OSATS Commission will serve in an advisory capacity for City staff and the City Council, and areas of purview will include, but not be limited to providing input on plans and policy documents supporting Open Space, Active Transportation, and Sustainability efforts, and recognizing further Open Space, Active Transportation, and Sustainability efforts needed.

The adoption to an Ordinance regarding the addition of Chapter 2.30 to the American Canyon Municipal Code creating the Open Space, Active Transportation, and Sustainability Commission will codify the existence of the OSATS Commission in the American Canyon Municipal Code, which is comparable to the City of American Canyon's Parks and Community Services Commission and Planning Commission.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Organizational Effectiveness: "Deliver exemplary government services."

FISCAL IMPACT

The annual cost to support the Commission is approximately \$20,000.00 - primarily due to staff

costs that are already budgeted. No new staff is proposed in conjunction with the Recommended action.

For the remainder of FY 22/23, there are approximately 5 scheduled meetings. The Commission will consist of five (5) members, and each Commissioner will receive one hundred and five dollars (\$105.00) for each meeting - totaling approximately \$6,000.00 to cover Commissioner stipends and miscellaneous expenses for the remainder of FY 22/23.

Adoption of an Ordinance adding Chapter 2.30 to the American Canyon Municipal Code will authorize a budget transfer from the City of American Canyon's Undesignated Fund Balance to the Parks and Recreation Administrative Fund (100-70-710-41150) in the amount of \$6,000.00. This action will reduce the Undesignated Fund Balance for FY 22/23 and will increase the Administrative Fund by \$6,000.00.

ENVIRONMENTAL REVIEW

15378(b) - The action is not a "Project" subject to the California Environmental Quality Act ("CEQA") because it does not qualify as a "Project" under Public Resources Code Sections 21065 and 21080 and in Section 15378(b) of Title 14 of the California Code of Regulations.

ATTACHMENTS:

1. [Ordinance - Open Space, Active Transportation and Sustainability Commission](#)

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY OF AMERICAN CANYON ADDING CHAPTER 2.30 TO THE AMERICAN CANYON MUNICIPAL CODE AND CREATING THE OPEN SPACE, ACTIVE TRANSPORTATION, AND SUSTAINABILITY COMMISSION

The Council of the City of American Canyon does hereby ordain as follows:

SECTION 1. A new Chapter is hereby added to the American Canyon Municipal Code regarding the creation of an Open Space, Active Transportation, and Sustainability Commission, to read as follows:

CHAPTER 2.30 OPEN SPACE, ACTIVE TRANSPORTATION, AND SUSTAINABILITY COMMISSION

- Section 2.30.010 Creation of the Open Space, Active Transportation, and Sustainability Commission/Terms of Commissioners
- Section 2.30.020 Jurisdiction and Functions of Commission
- Section 2.30.030 Compensation of Commissioners
- Section 2.30.040 Designation of Chairperson and Vice Chairperson, Committees and Staff
- Section 2.30.050 Time and Place of Meetings, Definition of Commission Quorum
- Section 2.30.060 Commission Rules and Records

Section 2.30.010 Creation of the Open Space, Active Transportation, and Sustainability Commission/Terms of Commissioners.

There is created an Open Space, Active Transportation, and Sustainability Commission for the City of American Canyon. It shall consist of five (5) members, appointed in the manner and for the terms prescribed in Sections 2.04.070 and 2.28.010, respectively, of this Code, except that the terms of members of the initial Commission shall expire three (3) years after the effective date of the appointment, and appointments made after the commencement of the term to fill a vacancy or removal shall be for the balance of the unexpired term.

Section 2.30.020 Jurisdiction and Functions of Commission.

- A. The Open Space, Active Transportation, and Sustainability Commission for the City of American Canyon shall perform all functions as described below and shall serve in an advisory capacity to City staff and the City Council.
- B. The functions, powers, and duties of the Open Space, Active Transportation, and Sustainability Commission shall include the review of issues referred to the Commission by the City Council, the City Manager, and City staff, residents, or organizations of the City; to provide advice, comment and make recommendations regarding such issues as requested; to organize or facilitate community benefit activities or functions; and other duties as assigned by the City Council.

- C. Areas of purview of the Commission shall include, but not be limited to, review and provide input on plans and policy documents supporting Open Space, Active Transportation, and Sustainability efforts, and recognize further Open Space, Active Transportation, and Sustainability efforts needed.
- D. The City Council may from time to time refer a matter to the Commission for review, comment, recommendation, and action. All actions of the Open Space, Active Transportation, and Sustainability Commission are subject to appeal to the City Council by any person or organization affected by such action through the procedures set forth in Chapter 2.04 of this Code.
- E. All actions taken by the Commission shall be reported by City Staff to the City Clerk and shall be placed on the next regular agenda of the City Council after receipt of the report by the City Clerk. Actions taken by the Commission shall not be considered final until the City Council has heard and further considered the matter or has determined that further consideration of the matter is not required. When placed on the agenda of the City Council, the City Council may elect to consider the matter and may schedule the matter for a hearing of public hearing before the City Council. The City Council shall consider any appeal of an action taken by the Open Space, Active Transportation, and Sustainability Commission by an interested person or organization through the procedures set forth in Chapter 2.04 of this Code. The decision of the City Council, after considering or hearing the matter shall be final.

Section 2.30.030 Compensation of Commissioners.

The members of the Open Space, Active Transportation, and Sustainability Commission shall each receive compensation payable out of the general fund of the City, provided adequate funds have been budgeted, therefore, in the amount of one hundred and five dollars (\$105.00) per meeting. Standing or temporary committee or subcommittee members shall not be compensated. The compensation for Commissioners prescribed herein shall be exclusive of any amount payable as reimbursement for actual or necessary expenses authorized by the City Council and incurred in the performance of official duties for the City.

Section 2.30.040 Designation of Chairperson and Vice Chairperson, Committees, and Staff.

- A. Designation of the Chairperson and Vice Chairperson for the Commission shall be governed by section 2.28.20 of this Code.
- B. The Commission may, from time to time, create committees or subcommittees to study issues, to perform work on behalf of the Commission, to provide a service to the residents, or a segment of the residents, of the City, or to improve the quality of the environment of the City and living conditions of the residents of the City.

- C. Standing or temporary committee or subcommittee shall have at least one Commissioner assigned to the committees. The Commission shall make appointments of committee and subcommittee members with the approval of the City Manager or designee.
- D. The City Manager may appoint a department head, or other staff, and provide compensation for their services as may be authorized by the City Council and by an annual City Budget.

Section 2.30.050 Time and Place of Meetings, Definition of Commission Quorum.

- A. The Commission shall hold at least one regular meeting each month at such time, date, and place designated by the Commission. The Chairperson or a majority of the Commission, after giving notice to the Commissioners, and to any media and members of the public who have previously requested such notices in writing, so that the notice is received at least twenty-four (24) hours before the meeting, may hold a special meeting.
- B. A majority of the Commissioners shall constitute a quorum.

Section 2.30.060 Commission Rules and Records.

The Open Space, Active Transportation, and Sustainability Commission shall adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings, recommendations, and actions. Minutes of the Open Space, Active Transportation, and Sustainability Commission meetings shall be filed with the City Clerk.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

SECTION 3. SEVERABILITY. The ordinance shall be liberally constructed to achieve its purpose and preserve its validity. If any provision or clause of this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are declared to be severable and are intended to have independent validity.

The foregoing ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the ____ day of _____, 2023 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

The foregoing ordinance was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California held on the ____ day of the _____, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Leon Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:

Taresa Geilfuss, CMC, City Clerk

William D. Ross, City Attorney



TITLE

Local Agency Formation Commission (LAFCO) Representative

RECOMMENDATION

Appoint by minute order a representative to the Local Agency Formation Commission.

CONTACT

Taresa Geilfuss, City Clerk

BACKGROUND & ANALYSIS

At the Regular City Council meeting of December 20, 2022, City Council adopted Minute Order 2022-10 approving the 2023 City Council Appointments List, excluding the LAFCO appointment to be considered at a future meeting (Attachment 1).

LAFCO Commissioner terms are four years, pursuant to California Government Code section 56334. The Commission has two members with terms scheduled to expire on May 1, 2023: Mariam Aboudamous (City Member, American Canyon) and Beth Painter (Alternate City Member, Napa).

Appointments of city members to the Commission are the sole jurisdiction of the Napa County City Selection Committee. Pursuant to the policy of the City Selection Committee, the City of Napa's representative will serve the new four-year term as the regular voting City Member on the Commission, and the City of American Canyon's representative will serve the new four-year term as the Alternate City Member.

The American Canyon City Council is asked to nominate a councilmember to serve as a LAFCO Alternate City Member for a four-year term beginning May 1, 2023.

A full listing of all Commissioners and term expiration dates follows:

Member	Appointing Authority	Term Expires
Mariam Aboudamous, City	City Selection Committee	May 1, 2023

Beth Painter, Alternate City	City Selection Committee	May 1, 2023
Brad Wagenknecht, County	Board of Supervisors	May 6, 2024
Eve Kahn, Alternate Public	Commission	May 6, 2024
Margie Mohler, City	City Selection Committee	May 5, 2025
Ryan Gregory, Alternate County	Board of Supervisors	May 5, 2025
Dianne Dillon, County	Board of Supervisors	May 4, 2026
Kenneth Leary, Public	Commission	May 4, 2026

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Not applicable.

FISCAL IMPACT

None

ENVIRONMENTAL REVIEW

None

ATTACHMENTS:

1. [2023 City Council Appointments List \(excluding LAFCO\)](#)

2023 City Council: Committee Appointment List								
Name	Address	Notes	Contact	First Appointee	Second Appointee	Alternate	Form 700 Filers	Compensation
<i>City Council Standing Committee and Ad-Hoc Subcommittee</i>								
Finance Committee	City Hall	Standing: 9:00 am 2nd Thursday, Quarterly. Brown Act applies	City Manager	Garcia	Aboudamous		Not Required	No
Public Art Subcommittee	City Hall	Ad-hoc	City Manager	Joseph	Oro		Not Required	No
Legislative Subcommittee	City Hall	Ad-hoc	City Manager	Garcia	Joseph		Not Required	No
Commission Interview Subcommittee	City Hall	Ad-hoc	City Manager	Oro	Washington		Not Required	No
Watson Ranch Subcommittee	City Hall	Ad-hoc	City Manager	Aboudamous	Washington		Not Required	No
Eco Center Project Subcommittee	City Hall	Ad-hoc	City Manager	Oro	Washington		Not Required	No
Economic Development Subcommittee	City Hall	Ad-hoc	City Manager	Joseph	Aboudamous		Not Required	No
Community Grant/Volunteer Service Award Subcommittee	City Hall	Ad-hoc	City Manager	Oro	Joseph		Not Required	No
<i>Multi-Jurisdictional 2 x 2 Committee</i>								
Napa County Airport Industrial Area 2x2 Committee	TBD	Ad-hoc	City Manager	Aboudamous	Oro		Not Required	No
Napa Valley Unified School District 2 x 2 Committee	City Hall	Ad-hoc	City Manager	Washington	Joseph		Not Required	No
<i>Local Agency</i>								
TBID Local Governing Committee	City Hall	Meets: 9:00 am 1st Thursday. Monthly. Brown Act applies	TBID Clerk 707-253-4196	Oro		Joseph	Not Required	No

Approved by Minute Order 2022-10
(Excluding LAFCO Appointment)

American Canyon Fire Protection District Board	City Hall	Meets: 4th Tuesday. Monthly. Brown Act applies.	ACFPD Fire Chief	All Council Members			Required	Yes
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2023 City Council: Committee Appointment List								
Name	Address	Notes	Contact	First Appointee	Second Appointee	Alternate	Form 700 Filers	Compensation
<i>Countywide Board, Commission or Committee</i>								
Napa County Flood Control and Water Conservation District	1195 Third Street, Suite 310, Napa 94558	Meets: 1:30 p.m. 1st Thursday. Monthly. Brown Act applies	County Clerk 707-253-4196	Garcia		Joseph	Required	No
Napa County Local Agency Formation Commission (LAFCO)	1195 Third Street, Suite 310, Napa 94558	Meets: 2:00 p.m., 1st Monday. Bi-Monthly. Appointment by City Select Committee. Brown Act applies.	Commission Secretary (707) 259-8645	Aboudamous			Required	No
Napa County Resource Conservation District (RCD)	1303 Jefferson Street, Ste 500B Napa, 94558	Meets 8:00 a.m., 2nd Thursday. Monthly. Appointment made by Board of Supervisors.	Board Secretary (707) 252-4188	Washington	Joseph		Required	No
Napa County Watershed Information Center & Conservancy (WICC)	1125 Thirst Street, 2nd Floor Conference Room, Napa 94558	Meets: 4:00 p.m. 4th Thursday. Monthly. Appointment made by Board of Supervisors.	Commission Secretary (707) 259-5936	Oro		Aboudamous	Not Required	No
Napa County Climate Action Committee (CAC)	1195 Third Street, Suite 310, Napa 94558	Standing: 9:00 am 4th Friday. Monthly. Brown Act applies	County Clerk 707-253-4196	Joseph	Garcia		Not Required	No
Napa Vallejo Waste Management Authority (NVWMA)	City Hall	Meets: 9:00 a.m., 1st Thursday. Monthly. Brown Act applies	Vallejo Clerk 707-253-4196	Garcia		Oro	Required	\$100 per meeting

Approved by Minute Order 2022-10
(Excluding LAFCO Appointment)

Napa Valley Transportation Authority (NVTA)	625 Burnell Street, Napa 94559	Meets: 1:30 p.m. 3rd Wednesday. Monthly. Brown Act applies	Valley Clerk 707-253-4196	Garcia	Joseph	Aboudamous	Required	No
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2023 City Council: Committee Appointment List

Name	Address	Notes	Contact	First Appointee	Second Appointee	Alternate	Form 700 Filers	Compensation
Napa Valley Tourism Corporation	1001 Second Street, Suite 330, Napa 94559	Meets: 10:30 a.m. Last Thursday. Quarterly. Brown Act applies	Valley Clerk 707-253-4196	Oro	Joseph		Not Required	No
Napa County City Selection Committee	1195 Third Street, Suite 310, Napa 94558	Meets: 1:00 p.m., 3rd Tuesday. Quarterly. Rep must be Mayor	County Clerk 707-253-4196	Garcia			Not required	No
Napa County Youth Opportunity Commission	Varies	Meets: 4:30 p.m., on 3rd Wednesdays, As needed.	District Attorney 707-253-4211	Aboudamous		Washington	Not Required	No
Napa-Solano Agency on Aging Oversight Board	1195 3rd Street. Suite 310, Napa, CA 94559	Meets: 10:00 a.m. 4th Monday. Monthly. Appointment made by Board of Supervisors.	Board Secretary Elaine Clark 707-784-8960 707-718-0091	N/A		Oro	Not Required	No
Regional Agency								
Association of Bay Area Governments (ABAG) Executive Board	375 Beale Street, Suite 700 San Francisco, 94105	Meets: 7:00 p.m., 3rd Thursday. Monthly	Clerk 707-253-4196 (415) 820-7913 (415) 690-0529	Garcia			Required	\$150 per meeting
Association of Bay Area Governments (ABAG) General Assembly	375 Beale Street, Suite 700 San Francisco, 94105	Meets: Annually - Usually in June	Clerk (415) 820-79-13 (415) 690-0529	Oro		Aboudamous	Not Required	No
North Bay Water Reuse Authority	404 Aviation Blvd., Santa Rosa 95404	Meets: 9:30 a.m. 3rd Monday, Quarterly Novato City Hall Council Chambers	Clerk (510) 410-5923 chuckweir@sbcgl obal.net	Joseph		Oro	Required	No
North Bay Watershed Association	404 Aviation Blvd., Santa Rosa 95404	Meets: 10:00 a.m., 4th Thursday, Quaterly	Clerk (707) 235-8965	Garcia			Not Required	No

Approved by Minute Order 2022-10
(Excluding LAFCO Appointment)



TITLE

MCE Clean Energy Representative

RECOMMENDATION

Adopt a minute order to confirm continued representation for MCE Clean Energy by the Napa County Representative or appointing an American Canyon Representative and Alternate.

CONTACT

Taresa Geilfuss, City Clerk

BACKGROUND & ANALYSIS

MCE Clean Energy (previously known as Marin Clean Energy) is a Community Choice Aggregation (CCA) program. A CCA acts as an alternative energy provider to PG&E, providing consumers with an option to purchase energy that is 50%-100% generated from renewable energy sources such as solar, wind, water, and biopower. The role of the CCA is to allow consumers to choose from where to purchase power, and to create a mix of energy sources that meets the mission of the CCA program, which is to maximize the purchase of clean energy, while providing customers with a stable and competitive price. Other aspects of PG&E services (such as power transmission, billing, etc.) continue with PG&E for all customers.

Board of Directors meetings are currently held the 3rd Thursday of the month at 7:00 p.m. via Zoom. There is no stipend for meeting attendance, and the term is continuous.

In the past, the MCE Napa County Representative was a County Board of Supervisor (previously Brad Wagenknecht and now Ryan Gregory), who also represented American Canyon, Napa, Yountville, St. Helena, and Calistoga, and the Alternate is whoever is the current Chair of the Napa County City Selection Committee. Due to its growth, MCE has reached out to each individual City and Town and asked if they wanted to continue to be represented by their County or if they wanted to appoint their own City/Town Representative and Alternate. American Canyon can do this, or they can opt to continue to be represented by the County Representative. The City of Napa chose to appoint their own Representative and Alternate, and the City of St. Helena and Town of Yountville chose to continue with the County Representative, and each municipality will ratify this at their respective upcoming City and Town Council meetings.

FISCAL IMPACT

None

ENVIRONMENTAL REVIEW

None

ATTACHMENTS:

None



TITLE

Metropolitan Transportation Commission (MTC) Napa County Appointment

RECOMMENDATION

Adopt a minute order supporting Supervisor Alfredo Pedroza's continued representation on the Metropolitan Transportation Commission (MTC) or submitting a nomination that would be forwarded to the Napa County City Selection Committee and ultimately the Board of Supervisors.

CONTACT

Taresa Geilfuss, City Clerk

BACKGROUND & ANALYSIS

Pursuant to the Metropolitan Transportation Commission's (MTC) enabling legislation (Government Code Sec. 66500 et seq.), all MTC Commissioners are appointed to concurrent four-year terms. The current term of Napa County's representative on the MTC, Napa County Supervisor Alfredo Pedroza, is set to expire on February 9, 2023. In addition to representing Napa County, Supervisor Pedroza is also currently the Chair of the MTC.

The Napa County Board of Supervisors has instructed the City Selection Committee for the County of Napa to begin consideration of whether to nominate Mr. Pedroza for reappointment, and to furnish the Board with the names of three (3) nominees from which the Board shall appoint a representative to represent Napa County and serve a four-year term that will commence on February 10, 2023.

MTC Commission members may be elected or appointed officials, or members of the general public. Pursuant to Government Code Section 66504: "Commissioners shall be selected for their special familiarity with the problems and issues in the field of transportation." MTC Commissioners should expect to serve on one or more of the Commission's standing, special or advisory committees. Usually, the Commission and each committee meet one or two times a month in San Francisco. From time to time, the Commission may conduct public hearings in the MTC region, which MTC Commissioners may be requested to attend. A \$100 per diem (up to a maximum of \$500 per month), plus Commission-authorized travel expenses, are paid to members for attendance at meetings of their committees, the Commission, and public hearings held by the Commission.

American Canyon City Council has the opportunity to put forward any Councilmembers who wish to be considered as a nominee for the MTC appointment by the Napa County City Selection Committee. Nominees must be received by January 31, 2023. The City Selection Committee will approve the list of nominees that will be presented to the Board of Supervisors to appoint one of the nominees.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Not applicable.

FISCAL IMPACT

None

ENVIRONMENTAL REVIEW

None

ATTACHMENTS:

- [1. 11-30-2022 MTC Expiration - Napa County](#)
- [2. MTC Govt Code](#)



METROPOLITAN
TRANSPORTATION
COMMISSION

Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105
415.778.6700
www.mtc.ca.gov

Alfredo Pedroza, Chair
Napa County and Cities

Nick Josefowitz, Vice Chair
San Francisco Mayor's Appointee

Margaret Abe-Koga
Cities of Santa Clara County

Eddie Abn
San Francisco Bay Conservation and
Development Commission

David Canepa
San Mateo County

Cindy Chavez
Santa Clara County

Damon Connolly
Marin County and Cities

Carol Dutra-Vernaci
Cities of Alameda County

Dina El-Tawansy
California State Transportation Agency

Victoria Fleming
Sonoma County and Cities

Dorene M. Giacomini
U.S. Department of Transportation

Federal D. Glover
Contra Costa County

Sam Liccardo
San Jose Mayor's Appointee

Nate Miley
Alameda County

Gina Papan
Cities of San Mateo County

David Rabbitt
Association of Bay Area Governments

Hillary Ronen
City and County of San Francisco

Libby Schaaf
Oakland Mayor's Appointee

James P. Spering
Solano County and Cities

Amy R. Worth
Cities of Contra Costa County

Vacant
U.S. Department of Housing and Urban
Development

Therese W. McMillan
Executive Director

Alix Bockelman
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

Brad Paul
Deputy Executive Director, Local
Government Services

November 30, 2022

Via electronic mail to neha.hoskins@countyofnapa.org and U.S. mail

Neha Hoskins
Clerk of the Board
Napa County Board of Supervisors
1195 Third Street, Room 310
Napa, CA 94559

RE: Napa County's Representative on the Metropolitan Transportation Commission

Dear Ms. Hoskins:

I write to remind you that pursuant to the Metropolitan Transportation Commission's (MTC) enabling legislation at California Government Code Sec. 66500 *et seq.*, all MTC Commissioners are appointed to concurrent four-year terms. The current term of Napa County's representative on MTC, the Honorable Alfredo Pedroza, is set to expire on February 9, 2023.

Therefore, I have been requested by the Commission to ask you to remind the Napa County Board of Supervisors to instruct the City Selection Committee for the County of Napa to begin consideration of whether to nominate Mr. Pedroza for reappointment, and to furnish the Board with the names of three (3) nominees from which the Board shall appoint a representative to represent Napa County and serve a four-year term that will commence on February 10, 2023.

MTC Commission members may be elected or appointed officials, or members of the general public. Pursuant to Government Code Section 66504: "Commissioners shall be selected for their special familiarity with the problems and issues in the field of transportation."

MTC Commissioners should expect to serve on one or more of the Commission's standing, special or advisory committees. Usually, the Commission and each committee meet one or two times a month in San Francisco. From time to time, the Commission may conduct public hearings in the MTC region, which MTC Commissioners may be requested to attend. A \$100 per diem (up to a maximum of \$500 per month), plus Commission-authorized travel expenses, are paid to members for attendance at meetings of their committees, the Commission, and public hearings held by the Commission.

Ms. Neha Hoskins
November 30, 2022
Page 2

Should you wish additional information concerning the Commission or the responsibilities of its members, please feel free to contact me. The Commission would appreciate being notified of the reappointment of Mr. Pedroza, or the appointment of a new representative as soon as possible.

Sincerely,

DocuSigned by:

B34A6461955440D...
Kimberly Ward
Secretary to the Commission

cc: The Hon. Ryan Gregory, Chair, Napa County Board of Supervisors
Greg Morgan, Deputy Clerk of the Board, Napa County Board of Supervisors
Commissioner Alfredo Pedroza

West's Annotated California Codes [Currentness](#)Government Code ([Refs & Annos](#))→ [Title 7.1. Metropolitan Transportation Commission \(Refs & Annos\)](#)→ [§ 66500. Short title](#)

This title shall be known as the Metropolitan Transportation Commission Act.

→ [§ 66501. Repealed by Stats.1970, c. 891, p. 1624, § 1](#)→ [§ 66502. Creation](#)

There is hereby created, as a local area planning agency and not as a part of the executive branch of the state government, the Metropolitan Transportation Commission to provide comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma.

As used in this title, "region" means the region described in this section.

→ [§ 66502.1. Repealed by Stats.1970, c. 891, p. 1624, § 1](#)→ [§ 66503. Membership](#)

The commission shall consist of 21 members as follows:

(a) Two members each from the City and County of San Francisco and the Counties of Contra Costa and San Mateo, and three members each from the Counties of Alameda and Santa Clara. With respect to the members from the City and County of San Francisco, the mayor shall appoint one member and the board of supervisors shall appoint one member. With respect to the members from Alameda, Contra Costa, San Mateo, and Santa Clara Counties, the city selection committee organized in each county pursuant to Article 11 (commencing with [Section 50270](#)) of Chapter 1 of Part 1 of Division 1 of Title 5, shall appoint one member and the board of supervisors shall appoint one member. The Mayor of the City of Oakland shall be self-appointed or shall appoint a member of the Oakland City Council to serve as the third member from the County of Alameda. The Mayor of the City of San Jose shall be self-appointed or shall appoint a member of the San Jose City Council to serve as the third member from the County of Santa Clara.

(b) One member each from Marin, Napa, Solano, and Sonoma Counties. The city selection committee of these counties shall furnish to the board of supervisors the names of three nominees and the board of supervisors

shall appoint one of the nominees to represent the county.

(c) One representative each appointed by the Association of Bay Area Governments and the San Francisco Bay Conservation and Development Commission. The representative appointed by the San Francisco Bay Conservation and Development Commission shall be a member of the commission and a resident of the City and County of San Francisco, and shall be approved by the Mayor of San Francisco.

(d) One representative, who shall be a nonvoting member, appointed by the Secretary of Transportation.

(e) One representative each appointed by the United States Department of Transportation and Department of Housing and Urban Development. However, these representatives shall serve only if the agencies they represent are amenable to these appointments. These representatives shall be nonvoting members.

(f) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

(g) No more than three members appointed pursuant to subdivisions (a), (b), and (c) shall be residents of the same county.

→ § 66504. Term of office; vacation of seat; qualifications

Each commissioner's term of office is four years; provided, however, that the commissioners appointed by the Mayor of the City of Oakland and the Mayor of the City of San Jose shall have an initial term of office ending in February 2015. A commissioner appointed as a public officer vacates his or her commission seat upon ceasing to hold such public office unless the appointing authority consents to completion of the term of office. Commissioners shall be selected for their special familiarity with the problems and issues in the field of transportation.

→ § 66504.1. Compensation; expenses; reimbursement

The members shall serve without compensation, but shall receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties. However, in lieu of this reimbursement for attendance at commission or committee meetings, each member of the commission may receive a per diem of one hundred dollars (\$100), but not to exceed a combined total of five meetings in any one calendar month, plus the necessary traveling expenses as may be authorized by the commission. The commission shall pay all costs pursuant to this section.

→ § 66505. Executive director; employees

The commission shall appoint an executive director who shall have charge of administering the affairs of the commission, subject to the direction and policies of the commission.

The executive director shall, subject to the approval of the commission, appoint such employees as may be necessary to carry out the functions of the commission.

→ § 66505.5. Repealed by Stats.1967, c. 1656, p. 4022, § 76

→ § 66506. Powers

The commission may:

(a) Accept grants, contributions, and appropriations from any public agency, private foundation, or individual.

(b) Appoint committees from its membership and appoint advisory committees from other interested public and private groups.

(c) Contract for or employ any professional services required by the commission or for the performance of work and services which in its opinion cannot satisfactorily be performed by its officers and employees or by other federal, state, or local governmental agencies.

(d) Do any and all other things necessary to carry out the purposes of this title.

→ § 66507. Assumption of planning and related responsibilities; files and data

The commission shall assume the planning and related responsibilities of the Bay Area Transportation Study Commission and its interim successor, the Regional Transportation Planning Committee. The files and planning data of the two organizations shall be transferred to the commission.

→ § 66508. Regional transportation plan; transportation systems

The commission shall adopt, by June 30, 1973, a regional transportation plan for the region. Prior to the adoption of such a plan, the operation, construction, and modification of those transportation systems under the purview of the commission may be undertaken without the approval of the commission.

→ § 66509. Considerations for development of plan

In developing the regional transportation plan, the commission shall consider:

- (a) The plan recommended by the Bay Area Transportation Study Commission, with such modifications recommended by the Regional Transportation Planning Committee.
- (b) The ecological, economic, and social impact of existing and future regional transportation systems upon various facets of the region, including, but not limited to, housing, employment, recreation, environment, land-use policies, and the economically disadvantaged.
- (c) The regional plans prepared and adopted by organizations concerned with policies and programs designed to meet the near- and long-term planning needs of the region. Such consideration by the commission shall include, but not be limited to, plans prepared and adopted by the Association of Bay Area Governments, the San Francisco Bay Conservation and Development Commission, and the State Office of Planning.

→ § 66510. Inclusions in plan

The regional transportation plan shall include, but not be limited to, the following segments of the regional transportation system:

- (a) The national system of interstate and defense highways, the California freeway and expressway system, and other highways within the state highway system.
- (b) The transbay bridges.
- (c) Mass transit systems.

The commission shall pay particular attention to the interfacing of the various modes of transportation.

→ § 66511. Estimates of need; schedule of priorities

The regional transportation plan shall also include an estimate of the regional transportation needs during the ensuing 10 years and a schedule of priorities for the construction, modification, and maintenance of various segments of the regional transportation system on a project basis to meet such needs.

→ § 66512. Financial plan; proposals; sources of revenue

In addition, the regional transportation plan shall include a financial plan for the regional transportation system. The financial plan shall include a proposal for each segment of the system, including the amount and sources of revenues necessary to construct and operate that segment.

In developing the financial plan, the commission shall consider various sources of revenues, without regard to any constraints imposed by law on expenditures from such sources, necessary to assure adequate financing of the system and, if necessary, recommend appropriate legislation to the Legislature to secure such financing.

→ § 66513. Review of plan; adoption of revisions

The regional transportation plan shall be subjected to continuous review by the commission, with revisions prepared as the need may arise. The commission shall adopt revisions to the plan, consistent with Section 65080.

→ § 66514. Transbay bridge; approval of commission; other bridges

The construction of any transbay bridge in the region shall not be commenced without the approval of the commission. This section shall not apply to modifications of existing bridges, except modifications which provide for the construction of additional lanes of traffic on existing bridges or for the construction of rapid transit facilities on existing bridges.

→ § 66514.5. Repealed by Stats.1970, c. 891, p. 1624, § 1

→ § 66515. Multicounty transit system; approval of commission

No public multicounty transit system using an exclusive right-of-way which is proposed to be constructed within the region shall be constructed or operated without the approval of the commission.

→ § 66515.5. Physical compatibility with BART system; unified management and operation of interconnecting facilities

Any public multicounty transit system entirely within the region using an exclusive right-of-way shall incorporate physical characteristics compatible with the system of the San Francisco Bay Area Rapid Transit District, and provision shall be made for the unified management and operation of any interconnecting facilities.

→ § 66516. Rules and regulations to promote coordination of fares and schedules; joint fare revenue sharing agreements

The commission, in coordination with the regional transit coordinating council established by the commission pursuant to Section 29142.4 of the Public Utilities Code, shall adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems within its jurisdiction. The commission shall require every system to enter into a joint fare revenue sharing agreement with connecting systems consistent with the commission's rules and regulations.

→ § 66516.5. Powers of commission

The commission may do the following:

(a) In consultation with the regional transit coordinating council, identify those functions performed by individual public transit systems that could be consolidated to improve the efficiency of regional transit service, and recommend that those functions be consolidated and performed through inter-operator agreements or as services contracted to a single entity.

(b) Improve service coordination and effectiveness in those transit corridors identified as transit corridors of regional significance by the commission in consultation with the regional transit coordinating council by recommending improvements in those corridors, including, but not limited to, reduction of duplicative service and institution of coordinated service across public transit system boundaries.

→ § 66517. Assistance; feeder service to multicounty transit systems

The commission shall render all available assistance to transit systems operated within the region by any city or public agency to ensure adequate feeder service to public multicounty transit systems.

→ § 66517.5. Duties

The commission shall develop regional transit service objectives, develop performance measures of efficiency and effectiveness, specify uniform data requirements to assess public transit service benefits and costs, and formulate procedures for establishing regional transportation priorities in the allocation of funds for transportation purposes.

The commission shall also establish and maintain standards relating to:

(a) A standardized reporting and accounting system under which public transit operators shall make quarterly reports to the commission on their revenues and expenditures and submit their annual proposed and adopted budgets for comment and evaluation. The system shall be consistent with the uniform system of accounts and records adopted by the State Controller pursuant to [Section 99243 of the Public Utilities Code](#).

(b) Maintenance of established levels of local support for public transit system operations.

(c) Operating efficiency and cost control.

→ § 66518. Allocation of funds by California Transportation Commission

When allocating funds for construction on the state highway system within the region, the California Transportation Commission shall conform to the regional transportation plan and the schedule of priorities for such construction included therein. The California Transportation Commission, however, may deviate from the regional transportation plan and the schedule of priorities established for construction on the interstate system and the state highway system within the region because of an overriding statewide interest.

→ § 66519. Repealed by Stats.1999, c. 1011 (S.B.428), § 1

→ § 66520. Applications for governmental funds; approval of transportation element

Any application to the federal or state government for any grant of money, whether an outright or a matching grant, by any county, city and county, city, or transportation district within the region shall, if it contains a transportation element, first be submitted to the commission for review as to its compatibility with the regional transportation plan. The commission shall approve and forward only those applications that are compatible with the plan.

Review by the commission, however, is not required where revenues derived from the Motor Vehicle Fuel License Tax Law are subvented to local governmental entities in accordance with statutory provisions.

→ § 66521. Legislative intent; powers and duties of commission

(a) It is the intention of the Legislature that the federal government, the state, and local agencies in the region will participate in support of the commission. The Legislature further intends that financial support of the activities of the commission will be made available from federal, state, and local sources normally available for transportation and general planning purposes in the region.

(b) The commission and the Transportation Agency shall negotiate contracts or agreements whereby federal-aid highway funds available for planning, and the necessary state matching funds from the State Highway Account in the State Transportation Fund, may be made available for support of the activities of the commission insofar as they relate to highway, road, and street planning for the region.

(c) The commission shall also negotiate, either directly or through the Office of Planning and Research or other appropriate agency, with the United States Department of Housing and Urban Development for grants or contributions of federal funds which may be available to support the study and planning activities of the commission.

(d) The commission shall negotiate equitable agreements with the City and County of San Francisco, and other counties and cities within the region, the Association of Bay Area Governments, the San Francisco Bay Area Rapid Transit District, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge, Highway and Transportation District for the contribution of funds or services for the general support of the activities of

the commission and for required matching of federal funds as may be made available. Any county, city and county, or city may use its apportionments from the Motor Vehicle License Fee Account in the Transportation Tax Fund for these purposes.

→ § 66522. **Regional government organization; merger or joinder**

The commission shall merge with or otherwise join any multifunctional regional government organization, if it has transportation planning responsibilities, within one year of the creation of such an organization.

→ § 66525. **Administration of county transportation expenditure plan implementing retail transactions and use tax**

The commission shall administer any county transportation expenditure plan which includes a provision that the commission shall implement a retail transactions and use tax pursuant to Division 12.5 (commencing with Section 131000) of the Public Utilities Code.

→ § 66530. **Development of adequate funding sources for transportation projects**

The commission shall continue to actively, on behalf of the entire region, seek to assist in the development of adequate funding sources to develop, construct, and support transportation projects that it determines essential.

→ § 66531. **County transportation plans**

(a) Each county within the jurisdiction of the commission, together with the cities and transit operators within the county, may, every two years, develop and update a transportation plan for the county and the cities within the county. The county transportation plan shall be submitted to the commission by the agency that has been designated as the agency responsible for developing, adopting and updating the county's congestion management program pursuant to Section 65089, unless, not later than January 1, 1995, another public agency is designated by resolutions adopted by the county board of supervisors and the city councils of a majority of the cities representing a majority of the population in the incorporated area of the county. Nothing in this section requires additional action by the cities and county, if a joint powers agreement delegates the responsibility for the county transportation plan to the agency responsible for developing, adopting, and updating the county's congestion management program pursuant to Section 65089.

(b) The county transportation plans shall be consistent with, and provide a long-range vision for, the congestion management programs in the San Francisco Bay area prepared pursuant to Section 65089. The county transportation plans shall also be responsive to the planning factors included in Section 134 of the federal Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240).

(c) The commission, in consultation with local agencies, shall develop guidelines to be used in the preparation of county transportation plans. These guidelines shall be consistent with the commission's preparation of the regional transportation plan pursuant to Section 65081. These plans shall include recommendations for investment necessary to mitigate the impact of congestion caused by an airport that is owned by the county, or city and county, and located in another county. The plans may include, but are not limited to, the following:

(1) Recommendations for investments necessary to sustain the effectiveness and efficiency of the county portion of the metropolitan transportation system, as defined cooperatively by the commission and the agency designated pursuant to Section 65089.

(2) Consideration of transportation system and demand management strategies which reinforce the requirements contained in Section 65089.

(3) Consideration of transportation impacts associated with land use designations embodied in the general plans of the county and cities within the county and projections of economic and population growth available from the Association of Bay Area Governments.

(4) Consideration of strategies that conserve existing transportation system capacity, such as pricing policies or long-term land use and transportation integration policies jointly developed by the commission and the agencies designated pursuant to Section 65089.

(5) Consideration of expected transportation revenues as estimated by the commission, the impact of these estimated revenues on investment recommendations, and options for enhanced transportation revenues.

(d) The commission shall adopt revised guidelines not later than January 1, 1995.

(e) The county transportation plan shall include recommended transportation improvements for the succeeding 10- and 20-year periods.

(f) The county transportation plans shall be the primary basis for the commission's regional transportation plan and shall be considered in the preparation of the regional transportation improvement program. To provide regional consistency, the county transportation plans shall consider the most recent regional transportation plan adopted by the commission. Where the counties' transportation plans conflict, the commission may resolve the differences as part of the regional transportation plan. The commission shall add proposals and policies of regional significance to the regional transportation plan.

(g) With the consent of the commission, a county may have the commission prepare its county transportation plan.

(h) The counties, together with the commission, shall jointly develop a funding strategy for the preparation of

each county's transportation plan.

→ § 66532. **Emergency transportation system management plan**

The commission shall develop an emergency transportation system management plan which defines the continuing emergency services required during reconstruction of highway facilities which have been rendered inoperable by the earthquake.

The plan shall be in effect for the period of time needed to restore the damaged sections of State Route 880 in the County of Alameda and State Route 280 and the Embarcadero Freeway in the City and County of San Francisco.

It is the intent of the Legislature that funding shall be provided for those services by subsequent actions of the Legislature.

→ § 66535. **Performance measurement criteria to evaluate new transportation projects and programs not yet identified as "Track One Investments" in 2002 regional transportation plan; goals and measurable objectives for planning corridors and subcorridors; costs**

(a) Not later than July 1, 2003, the commission shall establish performance measurement criteria on both a project and corridor level to evaluate all new transportation projects and programs (investments) that have not yet been identified as "Track One Investments" in the 2002 regional transportation plan. These performance measures shall apply to proposed projects, and the impact those projects will have on their respective corridors. The commission shall utilize these performance measurements to evaluate and prioritize alternative transportation investments in order to meet the goals and objectives for each corridor for inclusion in the 2004 regional transportation plan.

(b) The commission shall adopt goals and measurable objectives for planning corridors and subcorridors delineated by the commission. These goals and objectives shall be compatible and consistent with the requirements of the performance measurement criteria established by the commission pursuant to subdivision (a) for inclusion in the 2004 regional transportation plan.

(c) Any costs associated with this section incurred by the commission shall be paid solely from funds provided pursuant to [Section 99233.2 of the Public Utilities Code](#). If there is insufficient funding from this source, the commission is not required to perform the functions described in this section.

→ § 66536. **Legislative findings and declarations; regional coordination between Association of Bay Area Governments and Metropolitan Transportation Commission; joint policy committee**

The Legislature finds and declares the following:

(a) The Association of Bay Area Governments, known as ABAG for the purposes of this section and [Section 66536.1](#), and the Metropolitan Transportation Commission have collaborated on regional coordination.

(b) ABAG and MTC formed the “ABAG-MTC Task Force” in 2003 to review methods to improve comprehensive regional planning, including possible organizational and structural changes to ABAG and MTC.

(c) The ABAG-MTC Task Force agreed to set aside the issue of a merger between the ABAG and MTC and to develop a better structure for coordinated regional planning.

(d) The ABAG-MTC Task Force agreed to create a joint policy committee to develop staff support for that committee and to work on short- and long-term goals. Formation of the joint policy committee can result in substantial real progress in resolving regional transportation problems.

(e) The ABAG-MTC Task Force members agreed that structural changes were required in the working relationship between ABAG and MTC, and that the joint policy committee should have a substantial role in facilitating progress on regional transportation matters.

(f) There is a history of cooperation and coordination among the Bay Area Air Quality Management District, ABAG, and MTC.

(g) The three agencies are collectively responsible for developing and adopting air quality plans for national ambient air quality standards.

(h) Based on this history and collective involvement, and the interrelation between land use, transportation, and air quality, the Bay Area Air Quality Management District should be included as a represented agency on the joint policy committee by June 30, 2005. If the Bay Area Air Quality Management District has not been included by June 3, 2005, the Bay Area Air Quality Management District shall be included as a represented agency with an equal number of committee members.

→ **§ 66536.1. Joint policy committee; report; membership; drafting of documents**

(a) The joint policy committee shall prepare a report analyzing the feasibility of consolidating functions separately performed by ABAG and MTC. The report shall be reviewed and approved by MTC and the ABAG executive board and submitted to the Legislature by January 1, 2006.

(b) The combined membership of the joint policy committee shall include at least one representative from each of the nine regional counties: Alameda, Contra Costa, Marin, Napa, Sonoma, San Mateo, San Francisco, Santa Clara, and Solano. Effective January 1, 2011, a majority of the representatives appointed to the joint policy committee by the San Francisco Bay Conservation and Development Commission shall be locally elected officials.

(c) The joint policy committee shall coordinate the development and drafting of major planning documents prepared by ABAG, MTC, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, including reviewing and commenting on major interim work products and the final draft comments prior to action by ABAG, MTC, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission. These documents include, but are not limited to, the following:

(1) Beginning with the next plan update scheduled to be adopted in 2008, the regional transportation plan prepared by MTC and described in [Section 66508 of the Government Code](#).

(2) The ABAG Housing Element planning process for regional housing needs pursuant to Article 10.6 (commencing with [Section 65580](#)) of Chapter 3 of Division 1 of Title 7.

(3) The Bay Area Air Quality Management District's Ozone Attainment Plan and Clean Air Plan.

(4) The San Francisco Bay Plan and related documents.

→ **§ 66536.2. Joint policy committee; regulatory authority; regional planning**

(a) The Legislature finds and declares:

(1) The Association of Bay Area Governments, the Bay Area Air Quality Management District, and the Metropolitan Transportation Commission have been working together through a joint policy committee to coordinate and improve the quality of land use, transportation, and air quality planning in the Bay Area.

(2) The San Francisco Bay Conservation and Development Commission has comprehensive planning and regulatory authority in all nine Bay Area counties for the San Francisco Bay, Suisun Marsh, their respective shorelines, certain waterways, salt ponds, and managed wetlands, and through that authority plays a critical role in the land use and transportation future of the Bay Area.

(3) The San Francisco Bay Conservation and Development Commission has an active interest in regional planning, as it has expressed a desire to join the joint policy committee, and the joint policy committee has determined it would benefit by adding the San Francisco Bay Conservation and Development Commission as a member.

(b) The joint policy committee shall include the San Francisco Bay Conservation and Development Commission as a represented agency with an equal number of committee members as other represented agencies by January 1, 2009.

→ § 66537. Repealed by Stats.2007, c. 484 (A.B.15), § 2, operative Jan. 1, 2010

END OF DOCUMENT



TITLE

Maintenance and Utilities Department, Parks, Building Maintenance, Fleet Update

RECOMMENDATION

Receive a Presentation on Maintenance and Utilities Department, Parks, Building Maintenance, and Fleet Update.

CONTACT

Felix Hernandez, III, Maintenance and Utilities Director
Brian Materne, Maintenance and Utilities Superintendent

BACKGROUND & ANALYSIS

The Maintenance and Utilities Department is responsible for the management of the City's facilities and fleet; and the treatment and distribution of drinking water; the collection, reclamation, and reuse of wastewater; compliance with all environmental regulations related to water, wastewater, stormwater, and solid waste. The city operates the Corporation Yard, Water Reclamation Facility, and Water Treatment Plant. Fleet, Building, and Parks are housed at the Corporation Yard.

Fleet, Building, and Parks encompasses the management of fleet-wide registration and vehicle and equipment inspections, and fleet procurement through the Enterprise Fleet Leasing contract. It maintains and manages all City Facilities to provide a safe and comfortable environment, managing janitorial services, supplies, electrical, plumbing, HVAC, keycard access systems, gates, and roofing. The Parks Division maintains the maintenance of Newell Open Space, Wetlands Bay Trail, and Open Spaces in the Riparian and fields along creeks, maintains water chemistry at the Phillip West Aquatics Center, maintains all 22 city parks and playgrounds, oversees maintenance contracts with landscapers, and the Citywide irrigation system control upgrade to smart irrigation for maximizing water conservation efforts.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Organizational Effectiveness: "Deliver exemplary government services."

FISCAL IMPACT

None

ENVIRONMENTAL REVIEW

15378(b) - The action is not a "Project" subject to the California Environmental Quality Act ("CEQA") because it does not qualify as a "Project" under Public Resources Code Sections 21065 and 21080 and in Section 15378(b) of Title 14 of the California Code of Regulations

ATTACHMENTS:

1. [Presentation - Fleet Buildings and Parks Maintenance](#)



**Maintenance and Utilities Department
Fleet, Building, and Parks Maintenance Divisions**

City Council Update

January 17, 2023

Fleet Maintenance

Maintains safe vehicles and equipment.

Staffed by 1 Full-Time Mechanic

- ✓ Manages fleet-wide registration and vehicle inspections
 - Public Works Fleet – 53+ Vehicles & Equipment
 - Parks Maintenance Tractors & Mowers
 - Police Fleet – 18+ vehicles
- ✓ Performs 90-day California Highway Patrol Safety Inspections
- ✓ Manages Fleet Procurement through Enterprise Fleet Leasing Contract

Photo of George Gill, Fleet Mechanic





Fleet Highlights

In 2022, the City Received:

- 7 Police Interceptors
- 3 Ford Escape Hybrid Pool Vehicles
- 1 All Electric Transit Van
- 1 Eco Boost F-150 Pick Up Truck
- 1 Ford Explorer



In the Queue:

- 1 Police Interceptor
- 1 Ford Maverick Pick Up Truck
- 9 F-150 Pick Up Trucks
- 5 F-550 Utility Body Trucks



Building Maintenance

Maintains facilities to provide a safe and comfortable environment.

Staffed by 1 Full-Time Maintenance Worker

- Position vacant since June 2022

For 13 City-owned Facilities:

- ✓ Manages electrical, plumbing, HVAC, keycard access systems, gates, and roofing
- ✓ Procurement and inventory of all janitorial supplies
- ✓ All miscellaneous maintenance





Building Highlights

- Onboarding New Staff Member
- Upgrading Keycard System at City Hall
- Preparing 300 Napa Junction Road Facility for Corporation Yard and Parks & Recreation Occupancy; including:
 - Installing Fencing and Gates
 - Replacing Windows
 - Painting
 - Security System Installations
 - Collaboration of IT/Communications
 - Outfitting New Workshops



Parks Maintenance

Maintains outdoor facilities in a safe and clean manner.

Staffed by a Parks Supervisor, 1 Senior Maintenance Worker, and 4 Maintenance Workers

- ✓ Maintenance of Newell Open Space, Wetlands Bay Trail, and Open Spaces in the Riparian and Fields along Creeks
- ✓ Maintenance of Water Chemistry at Phillip West Aquatic Center
- ✓ 22 Parks: Trash & Debris Removal on Weekly Basis, Weed Abatement, Graffiti Removal, and the Care of Playgrounds, Shrubs and Turf





Parks Highlights

Recent Accomplishments:

- ✓ Fall/Winter Season Tree Care
- ✓ Open Space Weed Abatement
- ✓ Holiday Tree Decoration
- ✓ Repair of Several Irrigation Leaks
- ✓ Deployed Remote-control Mower

Coming Up:

- Citywide Shrub Pruning
- Baseball Field Season Opening Prep
- Bocce Ball Court Season Opening Prep
- Seasonal Irrigation System Updates
- Citywide Irrigation System Control Upgrade to Smart Irrigation for Maximize Water Conservation Efforts





Questions?



TITLE

Parks and Recreation Department Quarterly Update

RECOMMENDATION

Receive a Presentation on the Parks and Recreation Department Quarterly Update.

CONTACT

Alexandra Ikeda, Parks and Recreation Director

BACKGROUND & ANALYSIS

The City of American Canyon's Parks and Recreation Department is committed to enhancing our community's quality of life, and we play a significant role in shaping the City's character and sense of place. We strive to meet the needs of our diverse and multigenerational community by offering a wide variety of recreational programs, services, parks, trails, and open spaces. We promote physical, emotional, and mental health by encouraging physical fitness and outdoor play; we foster social cohesiveness by celebrating diversity and promoting social equity; we create memorable experiences through our community events and community partnerships; we sustain and steward natural resources by protecting habitats and sensitive species within our open spaces; and we support economic vitality by partnering and supporting our local partners and nonprofit organizations.

The Parks and Recreation Department is staffed by (1) Full-Time Interim Recreation Manager, (4) Full-Time Recreation Coordinators, (1) Full-Time Administrative Technician, (1) Full-Time Administrative Clerk I, and various part-time (non benefited) staff - who are directly tied to our programs and services, with management and oversight by the Parks and Recreation Director.

Throughout the pandemic, the Parks and Recreation Department has proven to be an essential function of the City. Since the lifting of the Health Order in February 2022, our department has been hard at work bringing back popular programs and services, expanding programs and rental offerings, and we continue to support and assist our community nonprofits and partners in their efforts.

Below is an overview of our program registration activity, community volunteer efforts, and support provided to our community nonprofit organizations, partners, and local youth sports organizations from March 2022 through December 2022.

Program Registration

In January 2022, the department changed registration platforms from ActiveNet to CivicRec. To date, we have 5,473 CivicRec users and we have processed 6,341 registrations (online, over the phone, and in person) for our programs and services, we had 289 group picnic rentals (for American Canyon residents only) at our parks and 5 indoor facility rentals (started in December 2022), and there were 844 cancellations/refunds.

Program / Service	Total Registration (March-December 2022)
Senior Services	392
Sports Programs	2,318
Dance Programs	981
Enrichment Programs	88
Special Programs	418
Swim Lessons	1,200
Lap Swim	378
Water Exercise	566
Group Picnic Rentals	289 <ul style="list-style-type: none">• Shenandoah A: 72 Rentals• Shenandoah B: 54 Rentals• Silver Oak Park: 50 Rentals• Community Park I: 49 Rentals• Community Park II: 21• Gadwall Park: 30• Via Bellagio Park: 1• Main Street Park: 11• Linwood Park: 1
Indoor Facility Rentals	5

Community Volunteer Opportunities

We recognize the importance of our volunteers and how they help make our community a better place to live, work, and play. Since March, we have made great efforts to bring back a robust Volunteer Program, focusing on community efforts within our parks, events, and programs. To date, we have worked alongside 137 volunteers, equating to 660 volunteer hours.

Community Nonprofit Organizations and Partners

Our Community Nonprofit organizations and partners foster civic engagement and leadership and provide educational, recreational, cultural, and social services that are needed and valued by our community. Our department works with over 21 American Canyon community nonprofit organizations and partners where we provide various City resources - such as staff support, supplies, and facilities at no cost, that support the success of their programs, services, and events.

Program / Services	City Resource Provided
Facility / Park Rental	246 Hours
City Staff Support	140 Hours
Programs	<ul style="list-style-type: none"> • 10,000 Easter Eggs Donated (equivalent to \$1500). • 230 kids from Boys & Girls Club - Summer Rec Swim Reduced Rate.

Community Sports Organizations

Sports organizations play a significant role within our department and community. Although we provide a wide variety of high-quality sports programs, we work closely with several community sports organizations that provide an advanced competitive sports experience. The City values these partnerships as they promote high-quality sports leagues within our community, teach sportsmanship and teamwork, and they help form meaningful relationships and community bonds. Our support and involvement with these organizations are minimal, however, the City resources that are allocated to support them provide great value to their organization and the participants that participate in their programs. To date, we have provided over 3,771 rental hours at no cost to these organizations.

Organization	Free Facility Rental Hours
American Canyon Youth Football League	280 Hours
American Canyon Youth Soccer Organization	434 Hours
American Canyon Little League	2,945 Hours
American Canyon Bocce Ball League	112 Hours

Projects

- **Playground Replacement Project (PR21-0100):** The Playground equipment for Northampton Park, Via Bellagio Park, and Linwood Park has been ordered with Miracle PlaySystems, Inc. the project is expected to start around May 2023; one park will be completed at a time.
- **Skatepark Relocation Project (PR22-0100):** The City has scheduled an equipment inspection with American Ramp Company that is expected to take place mid-January 2023 - this inspection will determine the condition of the equipment and identify any unforeseen equipment maintenance costs that were not accounted for when this project was approved by Council on September 6, 2022. City staff is expected to bring this project back to Council in February 2023 for consideration regarding additional project options and discuss if needed, any unforeseen additional equipment maintenance costs.
- **Wetlands Edge Enhancement Project (PR19-0100):** The City received the California State Parks Outdoor Environmental Education Facilities Grant in the amount of \$246K which will be

used to construct an outdoor education area (open-air seating for up to 40 people), install 20 interpretive signs and elements, and construct a gender-neutral restroom at Wetlands Edge Preserve. This project was identified and adopted as part of the Five-Year Capital Improvement Project Budget for FY 23/27.

Next Steps

As we move into 2023, we are actively planning our upcoming summer including coordinating our seasonal community events and volunteer opportunities and restarting our indoor facility rental program. We will continue to work with and support our community nonprofit organizations, partners, and local youth sports organizations with their City resource needs. We will continue to collaborate and partner with City departments with the goal to complete the planned FY 22/23 Capital Improvement Program projects for the Parks and Recreation Department.

Summer Recruitment: We are working with the Human Resources Department where we have started our 2023 summer recruitment efforts. We are looking to hire 15 Lifeguards/Swim Instructors (total needed: 32), 13 Recreation Leaders (total needed: 43), and 2 Program Coordinators for Facility Rentals (total needed: 5), totaling 43 new part-time (non-benefited) staff by April 29, 2023. Once our staff is hired, we will train our team to prepare them for the first day of summer - June 20, 2023.

Summer Registration (for programs from May-August 2023):

- Rec Expo Week (American Canyon Residents Only): 3/20-3/24
- Non-Resident Summer Registration Opening Date: 3/29

Upcoming Volunteer Opportunities:

- 2/25: Wetlands Edge Preserve Cleanup and Planting from 9am-12pm
- 3/18: Community Garden Cleanup Day from 9am-12pm
- 4/08: Newell Trail Cleanup from 9am-12pm (in partnership with RCD)

Community Events:

- 3/12: Festival of Colors (Holi) at Community Park II from 2pm-4pm.
- 5/20: Bike Bash at Donaldson Parking Lot from 9am-12pm.
- 5/29: Memorial Day at Veterans Park (in partnership with VFW, Troop Support, and Lions Club).
- 6/03: National Trails Day at Newell Open Space Preserve - tabling event at 9am.
- TBD: Meet me in the Streets - Chamber of Commerce Community Events.
- TBD: AC Pride at Community Park II.
- 6/18: Juneteenth Celebration - American Canyon Arts Foundation and Brenda Knight Events.
- 7/04: 4th of July Celebration.
- 8/01: National Night Out - time TBD.
- 8/05: Water Carnival at the Phillip West Aquatics Center from 1:00pm-5:00pm.
- 8/12: Smores and Meteors at Wetland Edge Preserve from 8:30pm-11:30pm.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Organizational Effectiveness: "Deliver exemplary government services."

FISCAL IMPACT

None.

ENVIRONMENTAL REVIEW

15378(b) - The action is not a "Project" subject to the California Environmental Quality Act ("CEQA") because it does not qualify as a "Project" under Public Resources Code Sections 21065 and 21080 and in Section 15378(b) of Title 14 of the California Code of Regulations.

ATTACHMENTS:

1. [Parks & Recreation Quarterly Update](#)



Parks and Recreation Department Quarterly Update

January 17, 2023

Summary

- Program Registration
- Community Volunteer Opportunities
- Community Nonprofit Organizations and Partners
- Community Sports Organizations
- FY 22/23 Projects
- Looking Forward

Program Registration

- March – December 2022
 - 5,473 CivicRec Users
 - Processed 6,341 registrations
 - Processed 289 group picnic rentals
 - Processed 5 indoor facility rentals
 - Processed 844 cancellations/refunds

Program/Service	Total Registration
Senior Services	392
Sports Programs	2,318
Dance Programs	981
Enrichment Programs	88
Special Programs	418
Swim Lessons	1,200
Lap Swim	378
Water Exercise	566

Community Volunteer Opportunities

- Provided 8 volunteer opportunities throughout the city
 - 137 volunteers
 - 660 hours



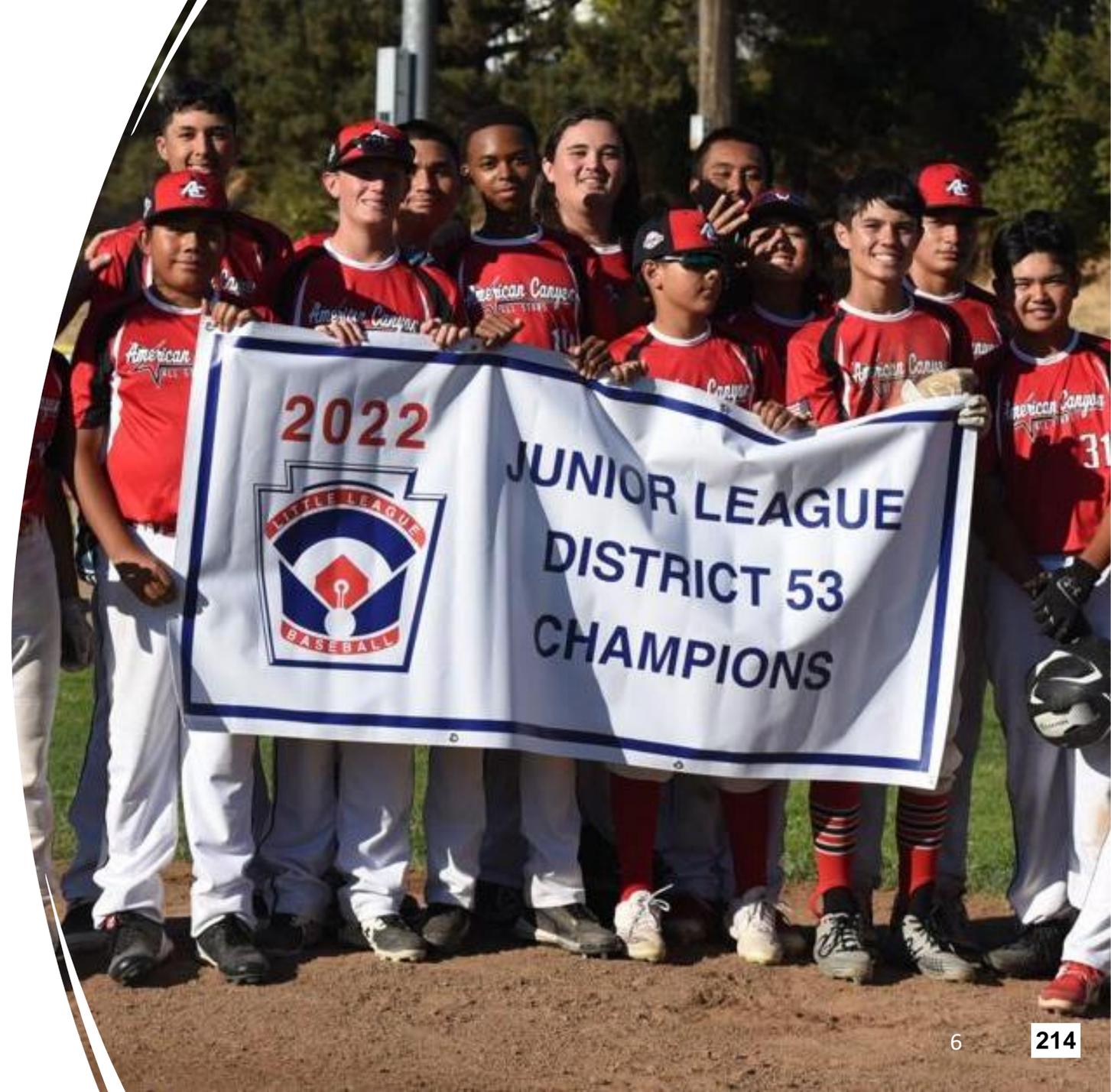
Community Nonprofit Organizations & Partners

Program/Services	City Resources Provided
Facility/Park Rentals	246 Hours
City Staff Support	140 Hours
Programs	<ul style="list-style-type: none">• 10,000 Easter Eggs (NVUSD – American Canyon PTO)• 230 Kids – Reduced Summer Rec Swim (Boys & Girls Club)



Community Sports Organizations

Organization	Rental Hours
AC Youth Football League	280 Hours
AC Youth Soccer Organization	434 Hours
AC Little League	2,945 Hours
AC Bocce Ball League	112 Hours





Projects

- **Playground Replacement Project (PR21-100)**
- **Skatepark Relocation Project (PR22-100)**
- **Wetlands Edge Enhancement Project (PR19-100)**

Looking Forward

Summer Recruitment

- Potentially hiring 43 total temporary part-time staff
 - 15 Lifeguards/Swim Instructors
 - 13 Recreation Leaders
 - 2 Program Coordinators

Summer Registration

- Rec Expo Week (American Canyon Residents): 3/20-3/24
- Non-Resident Registration starts on 3/29

Volunteer Opportunities

- 2/25: Wetlands Edge Preserve Cleanup and Planting
- 3/18: Community Garden Cleanup Day
- 4/08: Newell Trail Cleanup
- 4/22: Earth Day

Community Events

- 3/12: Festival of Colors (Holi) at Community Park II
- 5/20: Bike Bash at Donaldson Way Parking Lot
- 5/29: Memorial Day in partnership with VFW, Lions, & Troop Support
- TBD: AC Pride at Community Park II
- 6/18: Juneteenth
- 7/04: 4th of July Celebration at Community Park II
- 8/01: National Night Out
- 8/5: Water Carnival at Phillip West Aquatics Center
- 8/12: Smores and Meteors at Wetlands Edge Preseve



Questions?



City Council Committee Report

Submitted by: * Councilmember Mark Joseph

Council Meeting 01/17/2023
Date:

Event Date: 2022-12-21 Event Type: Committee Report

Event Title: * Napa Valley Transportation Authority (NVTA)

Event Report: Our December monthly meeting was shorter than normal--the main focus was to finish up the performance review of the Executive Director. This was the first time in several years that it was completed on time.

As Vice-Chair, I was part of the Agenda Review process that went over the upcoming January NVTA and NVTA-TA agendas. Of note, we will be getting our quarterly progress reports for NVTA and a 5-year review on Measure T (NVTA-TA).

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Event Date: Event Type: Other

Event Title: * City Events and Activities

- Event Report:
- I was interviewed by staff from the **Napa County Resource Conservation District** (RCD). I learned a lot about this entity, especially how it relates to my role on the Climate Action Committee. As a result, I asked to be Vice-Mayor Washington's alternate to that committee (despite the 8am start time!)
 - **Hanukah Ceremony in Napa:** I was invited (along with my colleagues) to attend a Hanukah Ceremony at the only Synagogue in Napa County. It was very educational, and I was glad I could make it. NCOE Trustee, Sindy Biederman, was the only other American Canyon elected official present.
 - Met with the Fire Chief to review the draft **Fire Impact Fee study**.

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Event Date: Event Type: Other

Event Title: * One-on-One Meetings

- Event Report:
- Met with Dr. Sherry Tennyson from Napa Valley College. We discussed a number of issues relating to community engagement, partnership opportunities with NVC and the City (as well as with other community groups) and possible neighborhood meetings and events.
 - Met with new Supervisor Joelle Gallagher about opportunities for the City and County to work well together, as well as the potential for NCLOG (Napa County League of Governments) to be a visioning vehicle to re-imagine what the Napa Valley could be like over the next 10-20 years. Unfortunately, I was under the weather and had to miss the swearing-in ceremonies, so I was glad to meet with her at LeParis!

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Event Date: Event Type: Community Event

Event Title: * Various Community Events and Activities

- Event Report:
- Attended the **Napa Community Benefits Coalition** meeting. The focus is still on the General Planning process (they

were very influential relating to Napa City's recent update), and this special joint session with their Solano counterpart focused more on housing opportunities.

- Attended the second annual **Parol Festival**, hosted by the FilAm Club and funded by way of a grant from the Arts Foundation. There were a few more entries this year, but we need to encourage more individuals to participate (both as an artist or a visitor to the event!). Besides, there was great food!
- Attended the monthly **ACAF Board** meeting. The goal was to use it as a Board Retreat, but we had too many business items to address. We are planning our annual Membership Dinner Meeting, this year at Laso Restaurant (Sunday, January 29). We'll have a real half-day retreat on February 25.
- For **Kiwanis**, the Club is starting to plan for its annual Crab Feed. This year it will be a hybrid event (drive through and in-person) at the Boys and Girls Club, March 4. Get hungry! Also helped out collecting some food for the Pantry and worked on their new website (www.kiwanisamcan.org)

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