

CITY COUNCIL
Alma Hernandez, Mayor
Princess Washington, Mayor Pro Tem
Jenalee Dawson, Councilmember
Marlon L Osum, Councilmember
Amit Pal, Councilmember



CITY COUNCIL MEETING

A G E N D A
REGULAR MEETING OF THE SUISUN CITY COUNCIL,
SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY,
AND SUISUN CITY HOUSING AUTHORITY
TUESDAY, JULY 2, 2024
7:00 PM

Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California

7:00 P.M.
(OR IMMEDIATELY FOLLOWING THE SPECIAL JOINT MEETING)

MEETINGS ARE HELD IN-PERSON, PUBLIC PARTICIPATION IS ALSO AVAILABLE VIA ZOOM

ZOOM MEETING INFORMATION:
WEBSITE: <https://zoom.us/join>
*MEETING ID: **848 0598 4035***
CALL IN PHONE NUMBER: (707) 438-1720

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING BY EMAILING
CLERK@SUISUN.COM (PRIOR TO 4 PM), VIA WEBSITE, OR ZOOM CALL IN PHONE NUMBER (707) 438-1720*

*(If attending the meeting via phone press *9 to raise your hand and *6 to unmute/mute for public comment.)*

(Next Ord. No. – 809)
(Next City Council Res. No. 2024 – 90)
Next Suisun City Council Acting as Successor Agency Res. No. SA2024 - 02)
(Next Housing Authority Res. No. HA2024 – 02)

CALL TO ORDER
Mayor Hernandez

ROLL CALL
Council / Board Members

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF REORDERING OF AGENDA

CONFLICT OF INTEREST NOTIFICATION

(Any items on the regular meeting agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

REPORTS (Informational items only.)

1. City Manager Update - (Prebula: bprebula@suisun.com).
2. City Attorney Report - (Taylor/Andrews).

PUBLIC COMMENT

(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Mayor/Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the City Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

3. Presentation of Proclamation Proclaiming the Month of July 2024, as "Parks and Recreation Month" - (Hernandez: ahernandez@suisun.com).

COUNCIL COMMENTS

4. Council/Board Member Updates.

CONSENT CALENDAR

Consent calendar items requiring little or no discussion may be acted upon with one motion.

City Council

5. Council Adoption of Resolution No. 2024-___: Authorizing the City Manager to Enter into a One-Year Contract Extension with Fairfield-Suisun Unified School District to Provide After School Expanded Learning Programs - (Lofthus: klofthus@suisun.com).
6. Council Adoption of Resolution No. 2024-___: Third Amendment to the Suisun/Solano Implementation Agreement and Lease Agreement with Solano Irrigation District and Suisun Solano Water Authority - (Bermudez: jbermudez@suisun.com).
7. Resolutions Calling for a General Municipal Election, Requesting Consolidation of November 5, 2024 General Municipal Election and Adopting Regulations Pertaining to Candidate Statements – (Prebula: bprebula@suisun.com).
 - a. Council Adoption of Resolution No. 2024-___: Giving Notice and Calling for the Holding of a General Municipal Election to be Held on Tuesday, November 5, 2024, for the Election of Certain Officers as Required by the Provisions of the

- Laws of the State of California Relating to General Law Cities; and
- b. Council Adoption of Resolution No. 2024-___: Requesting the Board of Supervisors of the County of Solano to Consolidate a General Municipal Election to be Held on Tuesday, November 5, 2024, with the Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Elections Code; and
 - c. Council Adoption of Resolution No. 2024-___: Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be Held on Tuesday, November 5, 2024.

Joint City Council / Suisun City Council Acting as Successor Agency / Housing Authority

- 8. City Council/Successor Agency/Housing Authority Approval of the Minutes of the Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on May 21, 2024, and May 28, 2024– (Skinner: clerk@suisun.com).

PUBLIC HEARING

- 9. Submission of a General Transactions and Use Tax ("Sales Tax") Measure at the November 5, 2024, which includes: (Prebula: bprebula@suisun.com).
 - a. Council Adoption of Resolution No. 2024-___: Calling and Giving Notice of the Holding of a General Municipal Election to be Held on November 5, 2024, for the Purpose of Submitting to the Voters of the City of Suisun City an Initiative Measure Renewing the Current 1% Local Transactions and Use ("Sales") Tax at a 1.75% Rate and Extending Thereof for 15 Years from its Operative Date for the Generation of General Municipal Revenue, and Requesting the County of Solano to Consolidate the City's General Municipal Election to be Held on November 5, 2024, with the Statewide General Election to be Held on that Date Pursuant to Section 10403 of the Elections Code; and
 - b. Council Adoption of Resolution No. 2024-___: Providing for the Filing of Arguments, Setting Priorities for Filing Written Arguments and Directing the City Attorney to Prepare an Impartial Analysis, All Regarding a General Municipal Election to be Held on November 5, 2024, for the Purpose of Submitting to the Voters an Initiative Measure Renewing the Current 1% Local Transactions and Use ("Sales") Tax at a 1.75% Rate and Extending Thereof for 15 Years from its Operative Date for the Generation of General Municipal Revenue; and
 - c. Council Adoption of Resolution No. 2024-___: Providing for the Filing of Rebuttal Argument Regarding a General Municipal Election to be Held on November 5, 2024, for the Purpose of Submitting to the Voters an Initiative Measure Renewing the Current 1% Local Transaction and Use ("Sales") Tax at a 1.75% Rate and Extending Thereof for 15 Years from its Operative Date for the Generation of General Municipal Revenue; and
 - d. Council Introduction and First Reading, by title only, of an Ordinance of the People of the City of Suisun City Renewing the 1% General Transactions and Use ("Sales") Tax Codified at Chapter 3.14 to Title 3 of the Suisun City Code and Increasing the Sales Tax to 1.75% to be Administered by the California Department of Tax and Fee Administration, Subject to the Approval of a Majority of the Electors Voting on the Tax Measure at the General Municipal Election to be Held on Tuesday, November 5, 2024; and
 - e. Appointment of the Mayor and one Councilmember to prepare a written argument for

the measure.

GENERAL BUSINESS - NONE

REPORTS: (Informational items only)

10. Non-Discussion Items.

ADJOURNMENT

Public Access To Agenda Documents

A complete packet of information containing staff reports and exhibits related to each item for the open session of this meeting, and provided to the City Council, are available for public review at least 72 hours prior to a Council/Agency/Authority Meeting at Suisun City Hall 701 Civic Center Blvd., Suisun City. Agenda related writings or documents provided to a majority of the Council/Board/Commissioners less than 72 hours prior to a Council/Agency/Authority meeting related to an agenda item for the open session of this meeting will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. The city may charge photocopying charges for requested copies of such documents. To the extent feasible, the agenda packet is available for online public viewing on the City's website: <https://www.suisun.com/Government/City-Council/Agendas>

The City Council/Agency/Authority hopes to conclude its public business by 10:00 p.m. No new items will be taken up after 10:00 p.m., unless so moved by a majority of the City Council, and any items remaining will be agendized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.

Accommodations

If you require an accommodation to participate in this meeting, please contact the City Clerk at (707) 421-7302 or clerk@suisun.com. The City's reasonable accommodation policy is available for review on the City's website at www.suisun.com/government/city-council/, you may request an electronic copy or have a copy mailed to you. Please note that for accommodations that are not readily available, you must make your request as soon as you can prior to the time of the meeting.

Decorum

All participants are expected to conduct themselves with mutual respect. Conduct that disrupts meetings will be addressed in accordance with Section 54957.95 of the Government Code.

Ordinances

Ordinances are city laws contained in the Suisun City Municipal Code. Enacting a new city law or changing an existing one is a two-step process. Government Code 36934 provides, except when, after reading the title, further reading is waived by regular motion adopted by majority vote all ordinances shall be read in full either at the time of introduction or passage; provided, however, that a reading of the title or ordinance shall not be required if the title is included on the published agenda and a copy of the full ordinance is made available to the public online and in print at the meeting prior to the introduction or passage.

Certification Of Posting

Agendas for regular and special meetings are posted in accordance with the Brown Act at Suisun City Hall, 701 Civic Center Boulevard, Suisun City, CA. Agendas may be posted at other Suisun City locations including:

- Suisun City Fire Station, 621 Pintail Drive, Suisun City, CA;
- Joe Nelson Center, 611 Village Drive, Suisun City, CA;
- Harbor Master Office, 800 Kellogg Street, Suisun City, CA.

I, Donna Pock, Deputy City Clerk, for the City of Suisun City, declare under penalty of perjury that the above agenda was posted and available for review, in compliance with the Brown Act.

Office of the Mayor
Suisun City, California

Proclamation



WHEREAS, Parks and Recreation is an integral part of communities throughout this country, including the City of Suisun City, Recreation, Parks, and Marina Department; and

WHEREAS, Parks and Recreation promotes health and wellness, improving the physical and mental health of people who live near parks and promotes time spent in nature, which positively impacts mental health and well-being; and

WHEREAS, Parks and Recreation encourages physical activities by providing space for popular sports, hiking trails, and natural recreation areas that ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, Parks and Recreation programming and education activities, such as out-of-school time programming, youth sports, and environmental education, are critical to childhood development; and

WHEREAS, Parks and Recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, the City of Suisun City is committed to providing enhanced parks like, the Rogers Baseball Field, the addition of Prosperity Garden Park, and the reimagining of Montebello Vista Park; and

WHEREAS, the City of Suisun City continues to provide excellent programs, nutrition services, education, and events serving individuals of all ages, from preschool children to seniors, ensuring inclusive and enriching experiences for everyone in-between; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month and the City of Suisun City recognizes the benefits derived from Parks and Recreation resources.

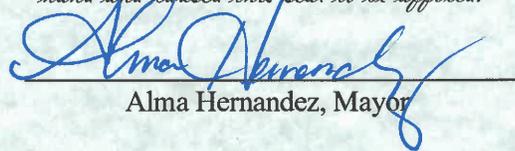
NOW THEREFORE, I, Alma Hernandez, Mayor of the City of Suisun City do hereby proclaim July 2024 as:

“PARKS AND RECREATION MONTH”

in the City of Suisun City and in doing so, urge all residents to enjoy our parks and participate in recreational opportunities to appreciate nature, exercise, socialize, and have fun.



In witness whereof I have hereunto set my hand and caused this seal to be affixed.


Alma Hernandez, Mayor

ATTEST: _____

DATE: July 2, 2024

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AGENDA TRANSMITTAL

MEETING DATE: July 2, 2024

AGENDA ITEM: Council Adoption of Resolution No. 2024-___: Authorizing the City Manager to Enter into a One-Year Contract Extension with Fairfield-Suisun Unified School District to Provide After School Expanded Learning Programs.

FISCAL IMPACT: No change to adopted budget but creates revenue in an amount not to exceed \$471,000.

STRATEGIC PLAN: Ensure Fiscal Solvency.

BACKGROUND: In January 2023, Fairfield Suisun Unified School District (FSUSD) released a request for proposal to select providers that had the background, strength, management, and expertise who could provide FSUSD’s first through sixth grade students with extended learning programming each school day until 6:00 pm.

Providers selected as a result of this process will provide the services and work cooperatively with the district staff. The term of the contract to provide services from August 16, 2023 – July 26, 2024. The Recreation, Parks, and Marina (RPM) Department submitted a proposal in February 2023 to FSUSD to operate expanded learning programs at Suisun Elementary, Dan O. Root II Wellness Academy, and Crescent Elementary. In March 2023, the Recreation, Parks, and Marina (RPM) Department was notified that their submission was selected to be a service provider to FSUSD for the 2023-2024 school year.

STAFF REPORT: In early 2024, the RPM Department was approached by FSUSD regarding a contract renewal of the existing Special Services Agreement to provide expanded learning programs. Pursuant to Education Code, Section 17596 (K-12), continuing contracts for services may be renewed on an annual basis, not to exceed five years. After negotiation of rising staff cost, rising materials cost, and program logistics, both parties have agreed on the contract costs for an additional school year of 2024-2025. The terms are outlined in the attached renewal letter.

STAFF RECOMMENDATION: It is recommended that City Council adopt Resolution No. 2024: ___: Authorizing the City Manager to Enter into a One-Year Contract Extension with Fairfield-Suisun Unified School District to Provide After School Expanded Learning Programs.

DOCUMENTS ATTACHED:

1. Resolution No. 2023-___: Authorizing the City Manager to Enter into a One-Year Contract Extension with Fairfield-Suisun Unified School District to Provide After School Expanded Learning Programs
 2. Fairfield-Suisun Unified School District Agreement
 3. Renewal Letter
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PREPARED BY:
REVIEWED BY:
APPROVED BY:

Marvin Mora, Management Analyst II
Kris Lofthus, Recreation, Parks & Marina Director
Bret Prebula, City Manager

ATTACHMENTS:

1. Resolution No. 2024-___: Contract Extension with FSUSD to Provide After School Expanded Learning Programs
2. Fairfield Suisun Unified School District Agreement
3. Renewal Letter

RESOLUTION NO. 2024-

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE-YEAR CONTRACT EXTENSION WITH FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT TO PROVIDE AFTER SCHOOL EXPANDED LEARNING PROGRAMS

WHEREAS, Fairfield Suisun Unified School District (FSUSD) released an Request For Proposals to select a providers of extended learning programs in January 2023 for the 2023-2024 School Year; and

WHEREAS, Suisun City Recreation, Parks and Marina (RPM) Department submitted a proposal to FSUSD in February 2023 and was ultimately selected to be a service provider for the 2023-2024 School Year; and

WHEREAS, Pursuant to Education Code, Section 17596 (K-12), continuing school district contracts for services may be renewed on an annual basis, not to exceed five years; and

WHEREAS, Suisun City RPM Department and FSUSD have agreed on contract cost and terms for the 2024-2025 School Year.

NOW, THEREFORE, BE IT RESOLVED, The City Council of the City of Suisun City authorizes the City Manager to Enter into a One Year Contract Extension with Fairfield-Suisun Unified School District To Provide After School Expanded Learning Programs

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 2nd day of July 2024, by the following vote:

AYES:	Council Members:	_____
NOES:	Council Members:	_____
ABSENT:	Council Members:	_____
ABSTAIN:	Council Members:	_____

WITNESS my hand and the seal of said City this 2nd day of July 2024.

Anita Skinner
City Clerk



FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT
 2490 Hilborn Road • Fairfield, California 94534 • Telephone (707) 399-5000
 FAX: (707) 399-5151 • www.fsusd.org

**Independent Contractor Agreement for Professional Services
 (Non-Construction Related)**

THIS INDEPENDENT CONTRACTOR AGREEMENT is made and entered into on _____, 2023 (“Agreement”), by and between **Fairfield-Suisun Unified School District** (“District”) and **City of Suisun City** (“Consultant”). Consultant and District may be referred to herein individually as a “Party” or collectively as the “Parties.”

1. **Services.** The District is authorized by Gov. Code § 53060 to contract with any persons for the furnishing of special services and advice in financial, economic, accounting, engineering, legal or administrative matters, if those persons are specially trained and experienced and competent to perform the special services required. The Consultant shall furnish to the District the following services (“Services” or “Work”). The Consultant warrants that it is specially trained, licensed and experienced and competent to perform the Services. **As indicated in Exhibit “B” or** **as follows:**

2. **Price & Payment.** The Consultant shall furnish the Services to the District for the following compensation (“Agreement Price”):

Consultant is providing services for a total flat fee of: \$ _____; **or**

Consultant will provide a maximum number of hours of service at a rate of \$ _____ per hour for a total not to exceed \$ _____; **or**

Other: Total Contract cost not to exceed \$700,000.00

Payment for the Services shall be made in accordance with the Terms and Conditions incorporated herein. District must approve Consultant’s form of invoice, which must be sufficiently detailed (e.g., name of school or department provided with Services, period of Services, number of hours of Services, brief description of Services provided).

3. **Agreement Time.** The Services shall commence on **August 16, 2023**, and shall be completed by **July 26, 2024** (“Agreement Time”).

4. **Submittal of Documents.** The Consultant shall not commence the Services under this Agreement until the Consultant has submitted the following documents as indicated below (check all that are required):

<input checked="" type="checkbox"/> Signed Agreement	<input checked="" type="checkbox"/> Insurance Certificates & Endorsements	<input type="checkbox"/> W-9 Form
<p><input checked="" type="checkbox"/> Per Education Code Sections 45100-45139/88000-88040 defines what constitutes the classified service.</p> <p>Education Code Sections 44830-44929/87400-87488 defines certificated service. The IRS predisposes an employer/employee relationship when state law mandates such a relationship. Are you currently, or have you ever paid into the California State Public Employees Retirement System or California State Teachers Retirement System? ___ Yes ___ No</p>		

5. **Notice.** Any notice under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered (effective upon receipt) or sent by overnight delivery service (effective the next business day following the deposit thereof with the overnight delivery service), addressed as follows:

<p><u>DISTRICT</u> Fairfield-Suisun Unified School District 2490 Hilborn Road Fairfield, CA 94534 Attn: Melissa Iriarte, Director Purchasing & Contract Services</p>	<p><u>CONSULTANT</u> City of Suisun City 701 Civic Center Blvd. Suisun City, CA 94585 Attn: Kris Lofthus, Deputy City Manager Fax/E-mail: klofthus@suisun.com</p>
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6. **Fingerprinting / Criminal Background / Megan’s Law (Sex Offenders).** I have verified and will continue to verify that the employees of Consultant that will be on any school site and the employees of any subconsultants and/or subcontractors that will be on any school site are **not** listed on California’s “Megan’s Law” Website (<http://www.meganslaw.ca.gov/>). In addition, the fingerprinting and criminal background investigation requirements of Education Code section 45125.1 apply to any entity that has a contract with the District. Accordingly, one of the following boxes **must** be checked:

Consultant certifies that Consultant has complied with the fingerprinting and criminal background investigation requirements of Education Code section 45125.1 and that the California Department of Justice has determined that neither Consultant nor any of Consultant’s employees, subcontractors, agents, and subcontractors’ employees or agents (collectively “Employees”) regardless of whether those Employees are paid or unpaid, concurrently employed by the District, or acting as independent contractors of the Consultant, who may interact with District pupils outside the immediate supervision and control of the pupil’s parent or guardian or a District employee in the course of providing services pursuant to this Agreement, have been convicted of a felony, as that term is defined in Education Code section 45122.1. Consultant shall immediately provide the District any subsequent arrest and conviction information it receives from the California Department of Justice for those Employees during the course of providing services pursuant to this Agreement. A complete and accurate list of all Employees who may interact with District pupils during the course and scope of this Agreement is attached hereto.

[TO BE COMPLETED BY AUTHORIZED DISTRICT EMPLOYEE ONLY.] Neither Consultant nor Consultant’s Employees will have any interaction with District pupils outside the immediate supervision and control of the pupil’s parent or guardian or a District employee so that the fingerprinting and criminal background investigation requirements of Education Code section 45125.1 do not apply to Consultant for the services provided under this Agreement. As an authorized District official, I am familiar with the facts herein certified, and am authorized to execute this certificate on behalf of the District.

District Representative’s Name & Initials: Melissa Iriarte INITIAL HERE: MI

[TO BE COMPLETED BY AUTHORIZED DISTRICT EMPLOYEE ONLY.] Consultant’s services pursuant to this Agreement are provided in an emergency or exceptional situation, such as when pupil health or safety is endangered, and the District will take appropriate steps to protect the safety of any pupil that may interact with Consultant and/or Consultant’s Employees so that Consultant and/or Consultant’s Employees do no interact with District pupils outside the immediate supervision and control of the pupil’s parent or guardian or a District employee in the course of providing services pursuant to this Agreement. (Ed. Code, § 45125.1 (c).) As an authorized District official, I am familiar with the facts herein certified, and am authorized to execute this certificate on behalf of the District.

District Representative’s Name & Initials: _____ INITIAL HERE: _____

[TO BE COMPLETED BY AUTHORIZED DISTRICT EMPLOYEE ONLY.] Consultant is a sole proprietor and in compliance with Education Code section 45125.1 (h)(1)-(2), the District confirmed with the California Department of Justice that Consultant has not been convicted of a felony, as that term is defined in Education Code section 45122.1, pursuant to the requirements of Education Code section 45125.1 (a). As an authorized District official, I am familiar with the facts herein certified, and am authorized to execute this certificate on behalf of the District.

District Representative’s Name & Initials: _____ INITIAL HERE: _____

7. **Tuberculosis (TB) Screening.** Check one of the following boxes:

For each person, the District requires a statement of TB Clearance on file with the District.

Waiver of TB Screening. Consultant is not required to provide evidence of TB Clearance because Consultant will not work directly with students on more than an occasional basis.

INITIAL HERE: _____ (Consultant initials) INITIAL HERE: MI (District Representative initials)

8. **Health & Safety.** Consultant must comply with the policies, safety protocols and practices established by the District, the Health Officer of the County of Solano, the state of California, and OSHA and Cal-OSHA related to required health monitoring, cleaning and sanitization practices, physical distancing requirements, face coverings, use of personal protective equipment, site safety protocols, community infectious disease spread reduction plan, and communication matters (collectively “Health & Safety

Policies”) in effect as of the date of this Agreement and as may be revised during the performance of Work. Consultant must always review and implement the Health & Safety Policies in its performance of Work, including the work of Consultant’s employees, sub-consultants, subcontractors, and agents (collectively “Applicable Worker(s)”).

Consultant’s Applicable Workers will not be allowed to enter the District’s school site if they have a fever, cough or other COVID-19 or infectious disease symptom(s). Consultant agrees to implement, comply with, and fulfill the terms and requirements of the Health & Safety Policies. Consultant also acknowledges and hereby certifies that Consultant will require any Applicable Worker comply with the requirements of the Health & Safety Policies on the District’s school site, including, but not limited to the requirements of **Exhibit “A”**, when applicable.

9. **Insurance:** Consultant shall have and maintain insurance in force during the term of this Agreement with minimum limits identified below. Consultant shall provide to the District certificate(s) of insurance and endorsements satisfactory to the District. The policy(ies) shall not be amended or modified and the coverage amounts shall not be reduced without thirty (30) days written notice to the District prior to modification. Except for worker’s compensation insurance, the District shall be named as an additional insured on all policies. Consultant’s policy(ies) shall be primary; any insurance carried by the District shall only be secondary and supplemental. Consultant shall not allow any subcontractor, employee, or agent to commence Work on this Agreement or any subcontract until the insurance required of Consultant, subcontractor, or agent has been obtained.

<i>Insurance NOT required of Consultant if corresponding box initialed by District representative</i> ↓		
Commercial General Liability	\$1,000,000 per occurrence; \$2,000,000 aggregate	___
Automobile Liability, Any Auto, combined single limit	\$1,000,000 per occurrence; \$2,000,000 aggregate	___
Workers Compensation	Statutory limits pursuant to State law	___
Employers’ Liability	\$1,000,000	___
Professional Liability (E&O), if Consultant is providing professional services or advice (on a claims-made form)	\$1,000,000	___

ACCEPTED AND AGREED on the date indicated below. By signing this Agreement, the Consultant has read and agrees to comply with the Terms & Conditions attached hereto. Each Party certifies, under penalty of perjury, that all the information provided in the Agreement is true, complete, and correct and that the person executing this Agreement has full power and authority to enter into the Agreement.

Fairfield-Suisun Unified School District

Consultant: City of Suisun City

Dated: _____, 2023

Dated: _____, 2023

Signature: _____

Signature: _____

Print Name: Laneia Grindle

Print Name: _____

Print Title: Asst. Supt. of Bus. Svcs.

Print Title: _____

Approved as to Form:

Information regarding Vendor:

Dated: _____, 2023

Indicate type of entity or if individual:

Signature: _____

___ Individual

Print Name: Melissa Iriarte

___ Sole Proprietorship

Print Title: Director, Purchasing, Warehouse, & Contracts

___ Partnership

___ Limited Partnership

___ Corporation

___ Limited Liability Company

___ Other: _____

TERMS & CONDITIONS TO INDEPENDENT CONTRACTOR AGREEMENT FOR PROFESSIONAL SERVICES

1. **Expenses.** District shall not be liable to Consultant for any costs or expenses paid or incurred by Consultant in performing the Work.

2. **Materials.** Consultant shall furnish, at his/her own expense, all labor, materials, equipment, supplies and other items necessary to complete the services to be provided pursuant to this Agreement.

3. **Independent Contractor.** Consultant, in the performance of this Agreement, shall be and act as an independent contractor. Consultant understands and agrees that he/she and all of his/her employees shall not be considered officers, employees, agents, partner, or joint venture of the District, and are not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Consultant shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, social security and income taxes with respect to Consultant's employees.

4. **Standard of Care.**

4.1. Consultant represents that Consultant has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of District. Consultant's Services will be performed, findings obtained, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of its profession for services to California school districts. Consultant's Services will be performed with due care and in accordance with applicable law, code, rule, regulation, and/or ordinance.

4.2. Consultant hereby represents that it possesses the necessary professional capabilities, qualifications, licenses, skilled personnel, experience, expertise, and financial resources, and it has available and will provide the necessary equipment, materials, tools, and facilities to perform the Services in an efficient, professional, and timely manner in accordance with the terms and conditions of the Agreement.

4.3. Consultant shall be responsible for the professional quality, technical accuracy, completeness, and coordination of the Services, and Consultant understands that the District relies upon such professional quality, accuracy, completeness, and coordination by Consultant in performing the Services.

4.4. Consultant shall ensure that any individual performing work under the Agreement requiring a California license shall possess the appropriate license required by the State of California. All personnel shall have sufficient skill and experience to perform the work assigned to them.

5. **Originality of Services.** Consultant agrees that all technologies, formulae, procedures, processes, methods, writings, ideas, dialogue, compositions, recordings, teleplays and

video productions prepared for, written for, or submitted to the District and/or used in connection with this Agreement, shall be wholly original to Consultant and shall not be copied in whole or in part from any other source, except that submitted to Consultant by District as a basis for such services.

6. **Copyright/Trademark/Patent.** Consultant understands and agrees that all matters produced under this Agreement shall become the property of District and cannot be used without District's express written permission. District shall have all right, title and interest in said matters, including the right to secure and maintain the copyright, trademark and/or patent of said matter in the name of the District. Consultant consents to use of Consultant's name in conjunction with the sale, use, performance and distribution of the matters, for any purpose and in any medium.

7. **Termination.**

7.1. **Without Cause by District.** District may, at any time, with or without reason, terminate this Agreement and compensate Consultant only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Consultant. Notice shall be deemed given when received by the Consultant or no later than three days after the day of mailing, whichever is sooner.

7.2. **Without Cause by Consultant.** Consultant may, upon sixty (60) days' notice, with or without reason, terminate this Agreement. Upon this termination, District shall only be obligated to compensate Consultant for services satisfactorily rendered to the date of termination. Written notice by Consultant shall be sufficient to stop further performance of services to District. Consultant acknowledges that this sixty (60) day notice period is acceptable so that the District can attempt to procure the Services from another source.

7.3. **With Cause by District.** District may terminate this Agreement upon giving of written notice of intention to terminate for cause. Cause shall include:

7.3.1. Material violation of this Agreement by the Consultant; or

7.3.2. Any act by Consultant exposing the District to liability to others for personal injury or property damage; or

7.3.3. Consultant is adjudged a bankrupt or makes a general assignment for the benefit of creditors or a receiver is appointed on account of Consultant's insolvency.

7.4. Written notice by District shall contain the reasons for such intention to terminate and, unless within three (3) calendar days after that notice the condition or violation shall cease or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required Services from another Consultant. If the expense, fees, and/or costs to the

District exceeds the cost of providing the Services pursuant to this Agreement, the Consultant shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these expenses, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to District.

7.5. Termination for Non-Appropriation of Funds. The continuation of this Agreement is contingent upon the appropriation of funds to fulfill the requirements of the Agreement by the District. If the District fails to appropriate sufficient monies to provide for the continuation of the Agreement, or if appropriations to the District are reduced and the effect of such reduction is to provide insufficient monies for the continuation of the Agreement, the Agreement shall terminate on the date of the beginning of the first fiscal year for which funds have not been appropriated. Consultant will only be entitled to payment for deliverables that have been satisfactorily completed as of the termination date.

7.6. Upon termination, Consultant shall provide the District with all documents produced maintained or collected by Consultant pursuant to this Agreement, whether or not such documents are final or draft documents.

8. Indemnification. To the furthest extent permitted by California law, Consultant shall defend, indemnify, and hold free and harmless the District, its agents, representatives, officers, consultants, employees, trustees, and volunteers ("the indemnified parties") from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, including without limitation the payment of all consequential damages ("Claim"), arising out of, pertaining to or relating to, in whole or in part, the negligence, recklessness, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants, or agents directly or indirectly arising out of, connected with, or resulting from the performance of the Services or from any activity, work, or thing done, permitted, or suffered by the Consultant in conjunction with this Agreement, unless the claims are caused wholly by the sole negligence or willful misconduct of the indemnified parties. The District shall have the right to accept or reject any legal representation that Consultant proposes to defend the indemnified parties.

9. Release. Consultant acknowledges that it is voluntarily and freely entering into this Agreement and deciding to perform the Work which may require Consultant to enter upon and into District's school sites and premises ("Premises") and that Consultant's use of the Premises includes the possible exposure to and illness from infectious disease including, but not limited to, MSRA, influenza and COVID19 (collectively "Infectious Disease"). Consultant further acknowledges the dangers involved and with full knowledge of these dangers, voluntarily agrees to assume all risks of bodily injury, death, or property damage, whether those risks are known or unknown. Consultant hereby releases the District, its agents, representatives, officers, consultants, employees, trustees, and volunteers (the "indemnified parties") from any and all liabilities, causes of action, lawsuits, claims, demands, or damages of any kind

whatsoever that Consultant, its staff, participants, relatives, children, spouse, partner, household members, family members, employees, guests, invitees, volunteers, agents, subcontractors and any other person tracing exposure or illness to Consultant, now have, or may have in the future, for injury, trauma, illness, loss, unwanted contact, harassment, disability, death or property damages related to being exposed to or contracting an Infectious Disease while on the Premises for the performance of the Work.

10. Student Records.

10.1. Confidentiality. The District, in its sole and absolute discretion, may choose to provide Consultant and Consultant's agents and employees ("Personnel") with access to records that are protected from disclosure by various laws ("Confidential Information"), or may have previously chosen to do so, provided that access may lawfully be given under applicable law. The District, in its sole and absolute discretion, may, for example, choose to provide Consultant with access to records that are protected from disclosure by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g ("FERPA") and 34 C.F.R. part 99 ("FERPA Regulations"), if Consultant has a legitimate educational interest pursuant to 34 C.F.R. § 99.31(a)(1)(i)(A). In the event that the District, in its sole and absolute discretion, permits Consultant access to Confidential Information, Consultant and its Personnel shall hold the Confidential Information in trust for the District's benefit, and shall, in addition to any other obligation imposed by this Agreement or law, utilize the utmost care at all times to adopt and follow practices and procedures to prevent the unauthorized disclosure of Confidential Information.

10.2. Nondisclosure. Should District, in its sole and absolute discretion, choose to permit Consultant and its Personnel access to Confidential Information, or has already done so, Consultant acknowledges and agrees that Consultant and its Personnel shall use the Confidential Information solely in connection with performance by Consultant of the Services provided to the District, and shall not use the Confidential Information for any other purpose without the prior written consent of the District. Consultant acknowledges and agrees that Consultant will not disclose Confidential Information to any other person or entity without the prior consent of the parent or eligible student, except that Consultant's Personnel may use the Confidential Information, but only for the purposes for which the disclosure was made. In no event shall Consultant or its Personnel disclose or permit the disclosure of Confidential Information or any files, compilation, study, report, analysis, or any other work derived from or influenced by the Confidential Information ("Derivative Product") to any person that is not a Party to this Agreement without the prior written consent of District. Consultant shall not distribute, disclose, or disseminate any Confidential Information to any person, except that Consultant may disclose

Confidential Information to its Personnel if necessary to perform the Personnel's function. Disclosure to Consultant's Personnel shall be limited to Confidential Information that is necessary to perform Personnel's Services and related to the legitimate educational interest for which the Confidential Information was disclosed.

10.3. Subpoenas and Judicial Orders.

Notwithstanding any other term of this Agreement, Consultant may disclose Confidential Information received from District when required to do so by law, judicial body, or government agency, provided that it complies with applicable law. However, if Consultant or its Personnel are served with any subpoena, court order, or other legal process seeking disclosure of Confidential Information, Consultant shall provide District notice of the subpoena, court order, or other legal process within forty-eight (48) hours of receipt or upon a shorter time frame as necessary so that District may exercise any applicable legal rights and remedies. In no event shall Consultant or its Personnel voluntarily disclose Confidential Information without a subpoena, court order, or other legal process unless and until Consultant has given all required notices to the District, parent, and/or eligible student. Consultant agrees and acknowledges that a violation of this paragraph by Consultant shall be a material breach of this Agreement.

10.4. Breach.

If Confidential Information in the possession of Consultant is accessed without authorization, or if a system maintained by Consultant containing Confidential Information is breached, Consultant shall notify the District in writing without delay. Consultant shall be solely responsible for compliance with any legally required notifications resulting from the breach, including notifications to affected persons, and Consultant shall reimburse the District for the reasonable cost of any notification the District, in its sole discretion, deems appropriate, regardless of whether such notification is mandated by law.

11. Assignment. The obligations of the Consultant pursuant to this Agreement shall not be assigned by the Consultant.

12. Compliance with Laws. Consultant shall observe and comply with all rules and regulations of the governing board of the District and all federal, state, and local laws, ordinances and regulations. Consultant shall give all notices required by any law, ordinance, rule and regulation bearing on conduct of the Services as indicated or specified. If Consultant observes that any of the Services required by this Agreement is at variance with any such laws, ordinance, rules or regulations, Consultant shall notify the District, in writing, and, at the sole option of the District, any necessary changes to the scope of the Services shall be made and this Agreement shall be appropriately amended in writing, or this Agreement shall be terminated effective upon Consultant's receipt of a written termination notice from the District. If Consultant performs any work that is in violation of any laws, ordinances, rules or regulations, without first notifying the District of the violation, Consultant shall bear all costs arising

therefrom.

13. Permits/Licenses. Consultant and all Consultant's employees or agents shall secure and maintain in force such permits and licenses as are required by law in connection with the furnishing of services pursuant to this agreement.

14. Safety and Security. Consultant is responsible for maintaining safety in the performance of this Agreement. Consultant shall be responsible to ascertain from the District the rules and regulations pertaining to safety, security, and driving on school grounds, particularly when children are present.

15. Employment with Public Agency. Consultant, if an employee of another public agency, agrees that Consultant will not receive salary or remuneration, other than vacation pay, as an employee of another public agency for the actual time in which services are actually being performed pursuant to this Agreement.

16. Anti-Discrimination. It is the policy of the District that in connection with all work performed under Agreements there be no discrimination against any employee engaged in the work because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status and therefore the Consultant agrees to comply with applicable Federal and California laws including, but not limited to the California Fair Employment and Housing Act beginning with Government Code Section 12900 and Labor Code Section 1735. In addition, the Consultant agrees to require like compliance by all its subcontractor(s).

17. Workers' Compensation. Consultant shall comply with the provisions of Labor Code § 3700, et seq., that require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code. Consultant shall either being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this State or by securing from the Director of Industrial Relations a certificate of consent to self-insure, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure.

18. Audit. Consultant shall establish and maintain books, records, and systems of account, in accordance with generally accepted accounting principles, reflecting all business operations of Consultant transacted under this Agreement. Consultant shall retain these books, records, and systems of account during the Term of this Agreement and for three (3) years thereafter. Consultant shall permit the District, its agent, other representatives, or an independent auditor to audit, examine, and make excerpts, copies, and transcripts from all books and records, and to make audit(s) of all billing statements, invoices, records, and other data related to the Services covered by this Agreement. Audit(s) may be performed at any time, provided that the District shall give reasonable prior notice to Consultant and shall conduct audit(s) during Consultant's normal business hours, unless Consultant otherwise consents.

19. District's Evaluation of Consultant and Consultant's Employees and/or Subcontractors. The District may evaluate the Consultant in any manner which is permissible under the law.

The District's evaluation may include, without limitation: requesting that District employee(s) evaluate the Consultant and the Consultant's employees and subcontractors and each of their performance and announced and unannounced observance of Consultant, Consultant's employee(s), and/or subcontractor(s).

20. **Limitation of District Liability.** Other than as provided in this Agreement, District's financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event, shall District be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.

21. **Disputes.** In the event of a dispute between the parties as to performance of Work, Agreement interpretation, or payment, the Parties shall attempt to resolve the dispute by negotiation and/or mediation, if agreed to by the Parties. Pending resolution of the dispute, Consultant shall neither rescind the Agreement nor stop Work.

22. **Confidentiality.** The Consultant and all Consultant's agents, personnel, employee(s), and/or subcontractor(s) shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.

23. **Integration/Entire Agreement of Parties.** This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.

24. **California Law.** This Agreement shall be governed by and the rights, duties and obligations of the Parties shall be determined and enforced in accordance with the laws of the State of California. The Parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in the California county in which the District's administration offices are located.

25. **Waiver.** The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be

deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.

26. **Severability.** If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.

27. **Incorporation of Recitals and Exhibits.** The Recitals and each exhibit attached hereto are hereby incorporated herein by reference.

28. **Drug-Free/Smoke Free Policy.** No drugs, alcohol, and/or smoking are allowed at any time in any buildings and/or grounds on District property. No students, staff, visitors, contractors, or subcontractors are to smoke or use drugs or alcohol on District sites.

29. **Conflict of Interest.** Consultant shall abide by and be subject to all applicable District policies, regulations, statutes or other laws regarding conflict of interest. Consultant shall not hire any officer or employee of District to perform any service by this Agreement. Consultant affirms to the best of his/her/its knowledge, there exists no actual or potential conflict of interest between Consultant's family, business or financial interest and the services provided under this Agreement, and in the event of change in either private interest or services under this Agreement, any question regarding possible conflict of interest which may arise as a result of such change will be brought to District's attention in writing. Through its execution of this Agreement, Consultant acknowledges that it is familiar with the provisions of Section 1090 *et seq.* and Section 87100 *et seq.*, of the Government Code of the State of California, and certifies that it does not know of any facts which constitute a violation of said provisions. In the event Consultant receives any information subsequent to execution of this Agreement, which might constitute a violation of said provisions, Consultant agrees it shall notify District of this information.

30. **Agreement Contingent on Governing Board Approval.** The District shall not be bound by the terms of this Agreement until it has been formally approved or ratified by the District's Governing Board, and no payment shall be owed or made to Consultant absent formal approval.

EXHIBIT "A"

The undersigned does hereby certify to the Governing Board of the District as follows:

_____ am an authorized representative of _____ ("Contractor") entering into this Agreement with the District and I am familiar with the facts herein certified, and am authorized and qualified to execute this certificate on behalf of Contractor. Contractor further certifies that it has reviewed and will comply with the Order issued by the State of California, Health and Human Services Agency, State Public Health Officer dated August 11, 2021 ("Order").

Contractor shall submit the documentation required in Attachment A to the District verifying that all of its employees, subcontractors, and employees of subcontractors (collectively "Applicable Worker(s)") who will be working in **any** capacity on District school sites have received either the complete COVID-19 vaccination (not less than two weeks prior to the commencement of services) or submit a negative COVID-19 test result taken within the previous 72 hours prior to the scheduled service day(s).

1. **COVID-19 Vaccination Status:** Contractor is required to ensure that all Applicable Workers who will be working in **any** capacity on District school sites have been either:
 - a. Fully vaccinated for COVID-19; or
 - b. Tested at least once weekly.
 - i. **COVID-19 Testing:** Testing shall be compliant with the Order which must be either:
 1. Polymerase Chain Reaction (PCR)
 2. Antigen test
 - ii. Laboratory confirmed results and which has FDA Emergency Use Authorization (EUA) must be provided.
2. **Proof of Vaccination/Testing:** Contractor shall require proof of vaccination or weekly testing results that complies with Section II.A. 1-6 of the Order. Contractor must maintain all such records in compliance with the Order.

If Contractor does not know the vaccination status of an Applicable Worker, or if an Applicable Worker is only partially vaccinated, then Contractor must consider the Applicable Worker to be unvaccinated and comply with the weekly testing requirements above.

Any Worker who does not fulfill these requirements will be declared ineligible to provide service on any District school site until they submit the proper documentation.

Contractor's responsibility for COVID-19 compliance and record keeping extends to all Applicable Workers who perform services in any capacity on a school site, including but not limited to those who come into contact with District students and employees, regardless of whether they are designated as employees or acting as independent contractors of the Contractor.

EXHIBIT "B"**Scope of Work or Services**

As responded to in RFQ-P #2168-24 After School Expanded Learning Programs, City of Suisun City will provide the District's Transitional Kindergarten (TK) to 6th grade students with potential 7th and 8th grade students with extended learning programming each school day until 6:00 pm and 30 additional days outside of the school year beginning the 2023- 2024 school year. The District reserves the right to commence service during Summer School of the 2022-2023 school year:

Identification Process:

- District to identify students who will be eligible to receive services in partnership with Providers
 - Eligible students will be given priority in the following criteria
 - 1. Foster/Unhoused
 - 2. Socially economically disadvantaged
 - 3. English Learners
 - Priority will be given to TK-6th grade students for enrollment

Days of Service

- Approximately 30 days of services outside of the school year must be provided with a minimum of 9 hours per day, Monday through Friday
 - Example: July 1-28, 2023 [19 days] (existing Vendors) & June 12-30, 2024 (14 days), July 1-26, 2024 (19 days)

Requirements:

- Adherence to COVID safety requirements
- The Contractor shall comply, at its own expense, that all Contractor employees, subcontractor(s), and/or its agents, providing services under this contract shall complete and submit District Livescan documentation and TB clearance to the Fairfield-Suisun Unified School District Human Resources Department.
- Maintain regular attendance accounting
- Maintain ongoing collaboration/consultation with District to evaluate program effectiveness
- Plan/process to support student learning based on need, in partnership with the District Coordinator and/or schools served
- At a minimum service to be provided during the school calendar year until 6:00 p.m. on each school day
- Staff must meet the minimum paraprofessional qualifications for Fairfield-Suisun Unified School District. Per AR 4222, paraprofessionals must demonstrate proficiency in reading, writing, and mathematics skills up to or exceeding that required for local high school seniors.
- Staff Supervision - Staff to Child ratio of 10:1 for TK/K and 20:1 for grades 1-6
- Adequate safe space - Services located at school site and/or location in close proximity to site(s) served
 - Spanish speaking staff preferred
- Access to appropriate technology, including internet connection and/or hotspot provided by vendor
- Includes regular homework and tutoring opportunities/ services
- Plan/process to support opportunities for student to engage in activities designed to develop youth voice and leadership
- Includes mentorship opportunities and components of Social-Emotional Learning
- Includes enrichment activities consisting of the following but not limited to: Arts; Music; STEM; STEAM; Sports; Outdoor experiences
- Access to a nutritious meals and snacks provided by vendor

Data Requirements:

1. Attendance- Include date and times students were in program, first and last name, grade, site
2. Parent Orientation by vendor before school year in English and Spanish
3. Program walkthroughs and check ins with District and Vendor(s) periodically
4. District will share list of eligible students with vendor
 1. Vendor must complete registration to in English and Spanish
 2. Vendor registration must be on their platform - must be prior approved

Invoicing Requirements must include but are not limited to the following:

1. Must include number of students serviced
2. Days/hours serviced
3. Pricing per students
4. Submitted as services are rendered within 30 days

Consultant to provide services as followed:

Regular School Year (August 16, 2023 - June 7, 2024)					
Site	Months Per School	Monthly Cost	Total Students	Max. # of Students	Total Amount
Crescent Elementary	10	\$ 250.00	100	100 - 1st - 5th grade students	\$ 250,000.00
Dan O Root Academy	10	\$ 250.00	80	80 - 1st - 6th grade students	\$ 200,000.00
Suisun Elementary	10	\$ 250.00	100	100 - 1st - 5th grade students	\$ 250,000.00

Regular School Total Cost \$ 700,000.00

Total Contract Cost \$ 700,000.00

All related contract correspondence must reference the applicable contract #2168-24. All invoices must reference the applicable purchase order number. Payment terms are net 30 days after the receipt of each invoice as services are rendered.

Contract cost not to exceed \$700,000.00



Fairfield-Suisun Unified School District
PURCHASING DEPARTMENT
2490 HILBORN ROAD, FAIRFIELD, CA 94534
(707) 399-5144 FAX: (707) 399-5151

May 24, 2024

City of Suisun City
701 Civic Center Blvd
Suisun City, CA 94585
Attn: Kris Lofthus, Deputy City Manager

Dear City of Suisun City,

The current contract to provide the Fairfield-Suisun Unified School with services for After School Expanded Learning Programs awarded to your company on March 29, 2023, based on your response to the District’s solicitation RFQ/P #2168-24 will expire on June 7, 2024. Pursuant to Education Code, Section 17596 (K-12), the term of the contract may be renewed on an annual, including the original term.

Term Extension/Contract Cost

The District hereby request to extend the contract awarded to City of Suisun City, for an additional term, commencing on August 17, 2024, and ending on June 6, 2025. The contract cost for the additional term, is hereby outlined in Attachment “A”.

Amendment - 23-24 Regular School Year

Total Contract Cost
From: \$700,000.00
To: \$450,000.00

All other contract terms and conditions shall remain the same.

Please indicate your acceptance or rejection of this additional term by filling out the section below.

If you have any questions please feel free to contact me at (707)399-5144 or melissair@fsusd.org.

Respectfully,

Melissa Irarte, Director of Purchasing, Warehouse, and Contracts

The proposed additional contract term is hereby _____ accepted / _____ rejected.

City of Suisun City

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Enclosed: Attachment “A” – 24-25 Regular School Year

Attachment “B” - 23-24 Regular School Year

Attachment "A"

2024-2025 Regular School Year (August 17, 2024- June 6, 2025)

Cost and Site Breakdown

Site	Months Per School	Monthly Cost	Total Students	Max. # of Students	Total Amount
Crescent Elementary	10	\$ 262.00	100	100 - 1st - 5th grade students	\$ 262,000.00
Dan O Root Academy	10	\$ 262.00	80	80 - 1st - 6th grade students	\$ 209,600.00

Regular School Total Cost \$ 471,600.00

Attachment "B"

2023-2024 Regular School Year (August 16, 2023- June 7, 2024)

Cost and Site Breakdown

Site	Months Per School	Monthly Cost	Total Students	Max. # of Students	Total Amount
Crescent Elementary	10	\$ 250.00	100	100 - 1st - 5th grade students	\$ 250,000.00
Dan O Root Academy	10	\$ 250.00	80	80 - 1st - 6th grade students	\$ 200,000.00

Regular School Total Cost \$ 450,000.00

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AGENDA TRANSMITTAL

MEETING DATE: July 2, 2024

AGENDA ITEM: Council Adoption of Resolution No. 2024-___: Third Amendment to the Suisun/Solano Implementation Agreement and Lease Agreement with Solano Irrigation District and Suisun Solano Water Authority.

FISCAL IMPACT: There would be no fiscal impact to the general fund. The requested action is to extend the term of the previously approved Suisun/Solano Implementation Agreement and Lease Agreement for an additional three years.

STRATEGIC PLAN: Provide Good Governance.

BACKGROUND: The City of Suisun City, the Solano Irrigation District (SID), and the Suisun Solano Water Authority (SSWA) entered into an Implementation and Lease Agreement in 1990 to address the provision of potable water to lands within the Authority's jurisdiction. Later, the parties amended the Agreement on August 16, 2022, to add specific measures for annexing new land into the Authority's jurisdiction (Attachment 3). This new provision anticipated the possibility of a future annexation for the two proposed logistics center annexation projects (Highway 12 Logistics Center and Suisun Logistics Center). More specifically, the amended language provided two years for the City to complete the annexation process, and in doing so, the project applicant of the logistics projects would contribute \$1.5 million in infrastructure facility upgrades to serve the expansion of the City's service area and SID would provide the necessary water to serve the logistics properties.

Since executing the amended Implementation and Lease Agreement, the City has progressed with the planning and environmental review for both logistics projects. While the initial two-year term of the agreement seemed reasonable, the complexity of both projects and external input from those agencies willing to comment on the projects has slowed the pace of the projects, and the annexation has taken longer than anticipated with the public hearing for the Highway 12 Logistics Center set to occur on July 9th, 2024. The release of the Suisun Logistics Center Draft Environmental Impact Report is projected sometime this summer. As a result of this condition, SID and SSWA have been receptive to amending the Implementation and Lease Agreement to allow the City three (3) years to complete an annexation process with the Solano Local Agency Formation Commission (LAFCo). The agreement's framework and the \$1.5 million commitment from the project applicant remain intact, and no other provisions are considered as part of this amendment.

STAFF REPORT: SID and SSWA approved the Third Amendment to the Implementation and Lease Agreement on June 18, 2024. This decision extended the term of the agreement term for an additional three (3) years effective August 16, 2024. The initial and proposed modifications to Section 2.0 Annexation by LAFCo are as follows:

Section 2.0 Annexation by LAFCO

“If, for any reason, neither the East Parcel nor West Parcel are annexed into the City, SSWA, and SID within twenty-four (24) months of the Effective Date, this Amendment shall be null and void and have no further effect.”

Updated version as follows:

Section 2.0 Annexation by LAFCO

“If, for any reason, neither the East Parcel nor West Parcel are annexed into the City, SSWA, and SID within sixty (60) months of the Effective Date, this Amendment shall be null and void and have no further effect.”

To be clear, the sixty months is from the effective date of the second Amendment which was August 16, 2022. Therefore, this extension would be for three years from August 16, 2024. It would terminate August 16, 2027.

The basis of the extension is due to the time it has been taking to entitle and annex the logistics properties as identified in the Second Amendment. Therefore, the City and SID, who make up SSWA, acknowledge that additional time will be necessary within the Implementation Agreement to provide the City with time to finish the entitlement and annexation of either of the properties identified in the Second Amendment.

STAFF RECOMMENDATION: It is recommended that the City Council Adopt Resolution No. 2024-____: Third Amendment to the Suisun/Solano Implementation Agreement and Lease Agreement. Therefore, the City and SID propose to amend Section 2.0 as follows:

2.0 Annexation by LAFCO.

The rights and obligations set forth in this Amendment are conditional upon the successful annexation of the West Parcel, East Parcel or the entire Project into the City, SSWA, and into the boundaries of SID by the Local Agency Formation Commission (LAFCO). If, for any reason, neither the East Parcel nor West Parcel are annexed into either the City, SSWA, or SID within sixty (60) months of the Effective Date of the Second Amendment approved August 16, 2022, this Amendment shall be null and void and have no further effect. If the Amendment is terminated or voided, the provisions of the 1990 Implementation Agreement will control. Any raw water rate increases shall be forward looking and only imposed following compliance with applicable laws.

DOCUMENTS ATTACHED:

1. Resolution No. 2024-____: Third Amendment to the Suisun/Solano Implementation Agreement and Lease Agreement
2. Solano Irrigation District Resolution No. 24-17 - Third Amendment to the Suisun/Solano Implementation Agreement and Lease Agreement
3. Second Amendment to the Suisun/Solano Implementation Agreement and Lease Agreement

PREPARED BY:	Jim Bermudez, Development Services Director
REVIEWED BY:	Bret Prebula, City Manager
APPROVED BY:	Bret Prebula, City Manager

ATTACHMENTS:

1. [Reso No. 2024-__ : Third Amendment to the Suisun/Solano Implementation Agreement and Lease Agreement](#)
2. [Solano Irrigation District Resolution 2024-17](#)
3. [Second Amendment to the Suisun/Solano Implementation Agreement and Lease Agreement](#)

1 **RESOLUTION NO. 2024-**

2 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY**
3 **AUTORIZING THE THIRD AMENDMENT TO THE SUISUN/SOLANO**
4 **IMPLEMENTATION AGREEMENT AND LEASE AGREEMENT WITH SOLANO**
5 **IRIGATION DISTRICT AND SOLANO WATER AUTHORITY**

6 **WHEREAS**, the City of Suisun City, the Solano Irrigation District, and the Suisun
7 Solano Water Authority (SSWA or the "Authority") entered into an Implementation and Lease
8 Agreement in 1990 (the "Implementation Agreement") to address the provision of potable water
9 to lands within the Authority's jurisdiction; and,

10 **WHEREAS**, the parties amended the Agreement on 16th day of August 2022 to add
11 specific measures for annexing new land into the Authority's jurisdiction; and,

12 **WHEREAS**, **Section 2.0 Annexation by LAFCO** states "If, for any reason, neither the
13 East Parcel nor West Parcel are annexed into the City, SSWA, and SID within twenty four (24)
14 months of the Effective Date, this Amendment shall be null and void and have no further
15 effect."

16 **WHEREAS**, the parties acknowledge that additional time will be necessary within the
17 Implementation Agreement to provide the City with time to entitle and annex either the East or
18 West Parcel; and,

19 **NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Suisun
20 City hereby authorizes the third amendment to the Suisun/Solano Implementation Agreement and
21 Lease Agreement and the parties agree to amend as follows:

22 **Section 2.0 Annexation by LAFCO**

23 **"If, for any reason, neither the East Parcel nor West Parcel are annexed into the City, SSWA,**
24 **and SID within sixty (60) months ~~twenty four (24) months~~ of the Effective Date, this**
25 **Amendment shall be null and void and have no further effect."**

26 **PASSED AND ADOPTED** at a Regular Meeting of said City Council of the City of
27 Suisun City duly held on Tuesday, the 2nd day of July 2024, by the following vote:

28 **AYES:** Council Members: _____
NOES: Council Members: _____
ABSENT: Council Members: _____
ABSTAIN: Council Members: _____

WITNESS my hand and the seal of said City this 2nd day of July 2024.

Anita Skinner
City Clerk



**SOLANO IRRIGATION DISTRICT
RESOLUTION NO. 24-17**

This **THIRD AMENDMENT TO THE SUISUN/SOLANO IMPLEMENTATION AGREEMENT AND LEASE AGREEMENT** is dated as of June 18, 2024 (the "**Effective Date**") and entered into by and among the CITY OF SUISUN CITY, a California municipal corporation and general law city organized and existing under the laws of the State of California (hereinafter "**City**"), the SOLANO IRRIGATION DISTRICT, an irrigation district organized and existing under the laws of the State of California (hereinafter "**District**" or "**SID**"), and the SUISUN/SOLANO WATER AUTHORITY, a joint powers authority organized and existing under the laws of the State of California (hereinafter "**Authority**" or "**SSWA**"), (collectively, the "**Parties**"), the following resolution was approved and adopted:

RECITALS

WHEREAS, the City of Suisun City, the Solano Irrigation District, and the Suisun Solano Water Authority (SSWA or the "Authority") entered into an Implementation and Lease Agreement in 1990 (the "Implementation Agreement") to address the provision of potable water to lands within the Authority's jurisdiction; and,

WHEREAS, the parties amended the Agreement on 16th day of August 2022 to add specific measures for annexing new land into the Authority's jurisdiction; and,

WHEREAS, Section 2.0 Annexation by LAFCO states "*If, for any reason, neither the East Parcel nor West Parcel are annexed into the City, SSWA, and SID within twenty four (24) months of the Effective Date, this Amendment shall be null and void and have no further effect.*"

WHEREAS, the parties acknowledge that additional time will be necessary within the Implementation Agreement to provide the City with time to entitle and annex either the East or West Parcel; and,

NOW, THEREFORE, in recognition of the background set forth above, the Parties agree as follows:

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Resolution 24-17 THIRD AMENDMENT TO THE SUISUN/SOLANO IMPLEMENTATION AGREEMENT AND LEASE AGREEMENT

NOW, THEREFORE, BE IT RESOLVED the parties amend **Section 2.0 Annexation** by LAFCO so that it states **“If, for any reason, neither the East Parcel nor West Parcel are annexed into either the City, SSWA, and or SID within sixty (60) months ~~twenty-four (24) months~~ of the August 2022 Agreement’s Effective Date, this Amendment shall be null and void and have no further effect.”**

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board hereby approves the Third Amendment to the Implementation Agreement and authorizes the Board President to execute said Agreement.

PASSED AND ADOPTED the 18th day of June 2024, by the Board of Directors of the Solano Irrigation District, County of Solano, State of California, by the following vote:

AYES: *Herich, Lum, Kluge, Barrett, Sanchez*

NOES: *None*

ABSTAIN: *None*

ABSENT: *None*

DATED: June 18, 2024



John D. Kluge, President of the Board of Directors
Solano Irrigation District

ATTEST: I hereby certify that the foregoing Resolution was duly made, seconded, and adopted by the Board of Directors of Solano Irrigation District at a regular meeting of this Board held June 18, 2024:



Cary Keaten, General Manager
Solano Irrigation District

**SECOND AMENDMENT TO THE SUISUN/SOLANO
IMPLEMENTATION AGREEMENT AND LEASE AGREEMENT**

THIS SECOND AMENDMENT TO THE SUISUN/SOLANO IMPLEMENTATION AGREEMENT AND LEASE AGREEMENT is dated as of August 16, 2022 (the "**Effective Date**") and entered into by and among the CITY OF SUISUN CITY, a California municipal corporation and general law city organized and existing under the laws of the State of California (hereinafter "**City**"), the SOLANO IRRIGATION DISTRICT, an irrigation district organized and existing under the laws of the State of California (hereinafter "**District**" or "**SID**"), and the SUISUN/SOLANO WATER AUTHORITY, a joint powers authority organized and existing under the laws of the State of California (hereinafter "**Authority**" or "**SSWA**"), (collectively, the "**Parties**").

RECITALS

WHEREAS, in 1988, SID, the cities of Fairfield, Vacaville, Suisun City, Maine Prairie Water District, Vallejo, Benicia, and the-then Solano County Water Agency formed the "Solano Water Authority, Project Agreement No. 2, Noonan Reservoir" ("**SWA2**"). The purpose of the agreement was to purchase lands and perform engineering studies to construct a "point of transfer" facility and pipeline between the State Water Project's North Bay Aqueduct and SID's agricultural irrigation canal system. Such a pipeline connection would enable the SWA members to exchange North Bay Aqueduct ("**NBA**") water for Solano Project water during times of surplus, thereby increasing all participating agencies' water reliability of supply; and,

WHEREAS, based on the progress of the SWA2 "point of transfer" facility (the "**PT Facility**") progress, SID and the City entered into the 1990 Implementation Agreement and Lease Agreement (the "**Implementation Agreement**") which explains how the lands within SSWA receive water. For example, the City's annual Solano Project of 1,600 Acre Feet ("**AF**") shall first be applied to the City Service Area. Second, any remainder shall be applied to the Joint Service Area. By 1990, the City's Solano Project water was already fully utilized for the City Service Area and the existing Joint Service Area; and,

WHEREAS, between 1990 and the present, SID advanced water to City to meet its growth goals, with the expectation of recovering said water through an exchange of water through the SWA2 PT Facility. However, in or around 2012, the SWA2 PT Facility became infeasible. For example, the City of Fairfield that was a member and holding about half the property for the SWA2 PT Facility, re-dedicated the land for permanent habitat conservation instead; and,

WHEREAS, in 2015 SID adopted a study entitled "Solano Irrigation District, Water Supply Shortage Risk Assessment" which essentially concluded that SID did not have surplus water which could be allocated to properties seeking to annex into SID. In accordance with the Implementation Agreement, City properties seeking to annex into the City and develop would need to have a water supply other than City or SID's Solano Project supply; and,

WHEREAS, since the failed SWA2 PT Facility in 2012, and SID's Water Supply Shortage Risk Assessment in 2015, City and SID have been working to identify a feasible alternative to the SWA2 PT Facility and also to identify a source of water for current City growth, and;

WHEREAS, the Implementation Agreement requires the City to provide all entitlement to Solano Project water not used within the City Service Area, to any annexed lands within the Joint Service Area after 1990; and,

WHEREAS, SID is required to provide water to backfill the needs of the Joint Service Area; however, SID is not required to serve new lands desiring to annex to the City and not already located in SID's boundary (the "**Growth Service Area**" or "**GSA**"); and,

WHEREAS, the Implementation Agreement requires new land to be annexed into the Joint Service Area before water can be made available. The City's Solano Project must be used for the GSA until it is exhausted, and then the City's NBA water would be exchanged for SID's Solano Project ("**SP**") water, until that source is exhausted; and,

WHEREAS, the exchange of NBA water for SP water would be accomplished once the PT Facility was constructed but, to present date, the PT Facility has not been constructed by any party; and,

WHEREAS, the City has received an application to develop two parcels within its Sphere of Influence that are comprised of a 93-acre lot within the western side of the City (the "**West Parcel**") and a 119.7-acre lot on the eastern edge of the City (the "**East Parcel**") (collectively, the "**Project**"). The Project is outside of the SSWA Joint Service Area and considered to be within the GSA. Both lots are proposed to be zoned Commercial Services and Fabricating (See, depiction in Attachment 1); and,

WHEREAS, a Water Supply Assessment was conducted to analyze the water needs of the project and concluded that the Project will have a 240 AF annual demand; and,

WHEREAS, the Implementation Agreement was once amended on September 6, 2016 to extend the term of the Agreement (the "**First Amendment**"); and,

WHEREAS, the Parties wish to allow the City to annex the Project into the GSA and SID, under the terms and conditions set forth in this Amendment, deferring discussing of the City's NBA water revenues if a PT Facility is not constructed, to some point in the future.

NOW, THEREFORE, in recognition of the background set forth above, the Parties agree as follows:

1. **Recitals**. The above recitals are true and correct and incorporated as though fully set forth herein.
2. **Annexation by LAFCO**. The rights and obligations set forth in this Amendment are conditional upon the successful annexation of the West Parcel, East Parcel or the entire Project into the City, SSWA, and into the boundaries of SID by the Local Agency Formation Commission ("**LAFCO**"). If, for any reason, neither the East Parcel nor West Parcel are annexed into the City, SSWA, and SID within twenty four (24) months of the Effective Date, this Amendment shall be null and void and have no further effect. If the Amendment is terminated or voided, the provisions of the 1990 Implementation Agreement will control. Any raw water rate increases shall be forward looking and only imposed following compliance with applicable laws.
3. **Amendments**. Any language conflicting with Section 3 and Section 4 of the Implementation Agreement shall be stricken and superseded with the following:
 - 3.1 **Additional Water to Growth Service Area**. Provided the annexation to SSWA, SID, and City is approved, SID agrees to advance up to 240 AF of water annually for the buildout of any portion of the Project. As a condition precedent to receiving water, the City must pay \$1.5 million to SSWA, and in compliance with the terms and conditions set forth in this Amendment.
 - 3.2 **Point of Transfer Facility**. The Parties agree to work cooperatively to facilitate the construction of the PT Facility and/or the means of implementation of the Exchange by doing the following:
 - a. Each Party shall use its best efforts to actively advocate that the Solano County Water Agency ("**SCWA**") complete the feasibility study for the PT Facility (either at the formerly designated sites or at additional sites) to accomplish the purpose of the Exchanges, in the reasonable determination of SID.

b. Each Party shall use its best efforts to research, apply for, and/or secure grant funding for the environmental analysis, design, property acquisition, and construction of the PT Facility.

c. SSWA will create an earmarked account called the "**PT Fund**", which shall be restricted so that any money placed in this fund is only used to offset costs to advance the PT Facility. In accordance with Section 3.1 and Section 3.4(b)(i), the City's \$1.5 million payment to SSWA and Table A revenues shall be remitted into the PT Facility Fund (collectively, the "**PT Fund Proceeds**"). Beyond the City's \$1.5 million payment, neither the City nor SID have any independent obligation to expend City or SID funds on the PT Facility. Approvals for PT Fund expenditures (e.g., consultants, studies, construction) shall not be unreasonably withheld by the SSWA Board.

i. PT Fund Closure. The PT Fund will be created when SSWA receives the \$1.5 million payment from the City, and will close when the PT Facility is constructed and operational, or when this Amendment is terminated, or ten (10) years after the Effective Date, unless extended by mutual agreement of the parties (the "**PT Fund Closure**").

(1) If the PT Facility is not constructed and the PT Fund Closure occurs, all PT Fund Proceeds through the date of the closure shall revert to SID to be expended for water enhancement projects, as determined by SID.

(2) If the PT Fund Closure occurs, the Parties shall work cooperatively to determine how to expend further revenues collected from Table A water, and in accordance with Section 3.4.

3.3 Exchange Ratio. As long as the PT Facility is constructed and operational, the City shall exchange its NBA water with SID for its SP water as provided below. All water received by SSWA as a result of the Exchange between City and SID shall be used to serve the Joint Service Area (which includes the GSA once it is annexed into SSWA), in order to reduce the volume of water SSWA needs to purchase from SID, and as set forth in Section 3.5. In any year when SSWA's Exchanged water exceeds its Joint Service Area water demand, provided any expenses of carryover are paid by City, said excess may be carried over into the next water year to the extent carryover is available for the NBA waters, made subject to Exchange. The carrying over of water must at all times comply with SCWA policies.

a. During the years when the NBA has Table A water to allocate, the City's allocation shall be exchanged with SID in a 1:1 ratio. Table A water shall mean the maximum amount of water each State Water Project ("**SWP**") contractor can receive

each year, excluding certain interruptible deliveries (the "**Exchange**"). Table A amounts are used by the Department of Water Resources for allocating NBA water and costs among the water contractors.

b. In years where the Delta is in surplus, as declared by the State and upon written notice to SCWA, SID may make beneficial use of said surplus water as set forth by the State's surplus declaration otherwise available under City's SWP supply agreement during the timeframe during which the surplus exists. Under such conditions, the exchange ratio shall be 2:1 NBA water for SP water. These amounts shall be in addition to Table A water.

3.4 City's NBA Water.

a. Provided that the PT Facility is constructed and placed into operation by any entity (e.g., SID, SSWA, SCWA, DWR, or other), the City shall allow SID to manage City's annual NBA water; provided, however, the City shall continue to maintain all underlying water rights.

b. Up until the PT Fund Closure, as set forth in Section 3.3(c), the City will allow SID to actively manage and market City's surplus Table A water; provided, however, the City will continue to retain all of the underlying water rights.

i. Though City shall retain all water rights, SID shall be allowed to market the City's Table A allocation to other SWP users in accordance with existing SCWA policies for the purpose of selling the Table A surplus water. Proceeds of such sale shall go to the PT Fund to offset planning, feasibility, financing, and operation, maintenance, capital improvement, and construction costs.

3.5 Water Rate. Provided that the Project, or a portion thereof, is annexed into SSWA and SID and approved by the City, the raw water rate charged by SID to SSWA shall be increased from \$15 per AF to the market price on July 1, 2023. The estimated market rate is \$155 per AF, as may be increased from time to time, but in no event more than once a year, pursuant to the Consumer Price Index (CPI-U, San Francisco-Oakland, Hayward) utilizing that index on July 1 as the base (the "**market water rate**"). The market water rate may be passed through to SSWA rate-payers in accordance with applicable laws, including Proposition 218. Starting on July 1, 2023 and for as long as the market water rate is not adopted through the Proposition 218 process and passed through to rate payers, and provided that SSWA's revenues maintain appropriate reserves as required by its bylaws and bond indebtedness obligations, SID shall draw on SSWA funds for the difference between the \$15 per AF and the market water rate.

4. Other Terms. Except as expressly set forth herein, all terms and conditions of the

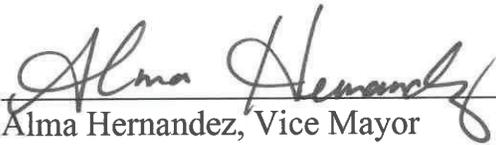
Implementation Agreement and First Amendment remain in full force and effect. In the event of a conflict between this Amendment and the Implementation Agreement or First Amendment, the terms of this Amendment shall control.

5. **No Third Party Beneficiaries.** Nothing in this Second Amendment, express or implied, is intended to confer on any person other than the Parties hereto and the respective successors and assigns, any rights or remedies under by reason of this agreement.
6. **Counterparts.** This document may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute one original, by each of the parties hereto on the dates respectively indicated in their signatures below, notwithstanding that all parties are not signatories to the original or the same counterpart.

IN WITNESS WHEREOF, the City has caused this Second Amendment to the Implementation Agreement and Lease Agreement to be executed and attested in its corporate name by its duly authorized officers and sealed with its corporate seal, the District has caused this Second Amendment to the Implementation Agreement and Lease Agreement to be executed and attested in its corporate name by its duly authorized officers and sealed with its corporate seal, and the Authority has caused this Second Amendment to the Implementation Agreement and Lease Agreement to be executed and attested in its corporate name by its duly authorized officers and sealed with its corporate seal, all as of the date hereinabove stated.

[Signatures on the Following Two Pages.]

CITY OF SUISUN CITY:

By: 
Alma Hernandez, Vice Mayor

Attest:


City Clerk

Approved as to Form:


By: _____
Elena Gerli, City Attorney

SOLANO IRRIGATION DISTRICT:

By: _____
John D. Kluge, President
Board of Directors

Attest:

Cary Keaten, Secretary
Board of Directors

Approved as to Form:

By: _____
Paul R. Minasian, District Counsel

CITY OF SUISUN CITY:

By: _____
Alma Hernandez, Vice Mayor

Attest:

City Clerk

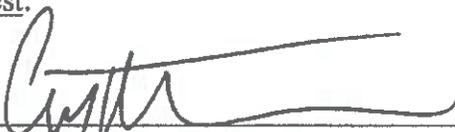
Approved as to Form:

By: _____
Elena Gerli, City Attorney

SOLANO IRRIGATION DISTRICT:

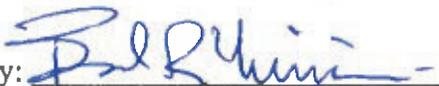
By:  _____
John D. Kluge, President
Board of Directors

Attest:



Cary Keaten, Secretary
Board of Directors

Approved as to Form:

By:  _____
Paul R. Minasian, District Counsel

CITY OF SUISUN CITY:

By: _____
Alma Hernandez, Vice Mayor

Attest:

City Clerk

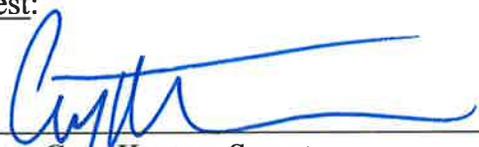
Approved as to Form:

By: _____
Elena Gerli, City Attorney

SOLANO IRRIGATION DISTRICT:

By:  _____
John D. Kluge, President
Board of Directors

Attest:



Cary Keaten, Secretary
Board of Directors

Approved as to Form:

By: _____
Paul R. Minasian, District Counsel

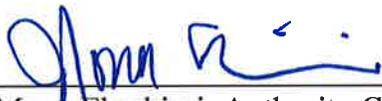
SUISUN/SOLANO WATER AUTHORITY:

By: 
John D. Kluge, President
Board of Directors

Attest:


Authority Secretary

Approved as to Form:

By: 
Mona Ebrahimi, Authority Counsel

AGENDA TRANSMITTAL

MEETING DATE: July 2, 2024

AGENDA ITEM: Resolutions Calling for a General Municipal Election, Requesting Consolidation of November 5, 2024 General Municipal Election and Adopting Regulations Pertaining to Candidate Statements:

- a. Council Adoption of Resolution No. 2024-___: Giving Notice and Calling for the Holding of a General Municipal Election to be Held on Tuesday, November 5, 2024, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities; and
- b. Council Adoption of Resolution No. 2024-___: Requesting the Board of Supervisors of the County of Solano to Consolidate a General Municipal Election to be Held on Tuesday, November 5, 2024, with the Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Elections Code; and
- c. Council Adoption of Resolution No. 2024-___: Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be Held on Tuesday, November 5, 2024.

FISCAL IMPACT: With approximately 16,190 registered voters, the estimated cost of the November 5, 2024, election is \$81,000. This estimate depends upon the size of the ballot and the degree of consolidation with other regularly scheduled statewide general elections. Funding for this expenditure is included in the FY 2024-25 Annual Budget.

STRATEGIC PLAN: Provide Good Governance.

BACKGROUND: Pursuant to the Elections Code Section 10000 - 10735, Local and Consolidated Elections, it is necessary to adopt certain Resolutions for conducting and consolidating an election. The required Resolutions call and give notice of the November 5, 2024 General Municipal Election, request the Solano County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election, and adopt regulations pertaining to candidate statements.

STAFF REPORT: The resolution requesting consolidation with Solano County authorizes the Registrar of Voters to consolidate the General Municipal Election with the Statewide General Election, to conduct the election, and canvass the returns of the election. The City agrees to reimburse the County for costs of election services provided to the City for its portion of the consolidated election.

The candidate nomination filing period is July 15, 2024 through August 9, 2024. If an incumbent fails to file by 5:00 p.m. on August 9, 2024, the filing period is extended until 5:00 p.m. on August 14, 2024, for any candidate other than the incumbent. Any person wishing to submit nomination papers must be a registered voter at the time nomination papers are issued.

At every local election, a candidate is given the opportunity to place their “Statement of Qualifications” in the Sample Ballot. Candidate statements are optional, and the cost is passed on to the candidate. The

cost is based on translating, typesetting, printing, and distribution. Payment is required from the candidate at the time the statement is filed. The Solano County Registrar of Voters has estimated and published the cost for filing a 200-word Candidate’s Statement of Qualifications. The estimated cost for filing a candidate’s Statement of Qualifications printed in English is \$288.88. This year candidates have the option of having the candidate’s Statement of Qualifications printed in Spanish and/or Tagalog. There is an additional cost of \$338.88 to have the statement translated and printed in each additional language. Each translated statement is in addition to the cost of the English statement. It should be noted that the amounts are estimates and may increase or decrease based on actual cost.

STAFF RECOMMENDATION:

It is recommended that the City Council Adopt Resolutions Calling for a General Municipal Election, Requesting Consolidation of November 5, 2024, General Municipal Election, and Adopting Regulations Pertaining Candidate Statements:

1. Council Adoption of Resolution No. 2024-___: Giving Notice and Calling for the Holding of a General Municipal Election to be Held on Tuesday, November 5, 2024, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities; and
2. Council Adoption of Resolution No. 2024-___: Requesting the Board of Supervisors of the County of Solano to Consolidate a General Municipal Election to be Held on Tuesday, November 5, 2024, with the Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Elections Code; and
3. Council Adoption of Resolution No. 2024-___: Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be Held on Tuesday, November 5, 2024.

DOCUMENTS ATTACHED:

1. Resolution Giving Notice and Calling for the Holding of a General Municipal Election to be Held on Tuesday, November 5, 2024, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities; and
2. Resolution Requesting the Board of Supervisors of the County of Solano to Consolidate a General Municipal Election to be Held on Tuesday, November 5, 2024, with the Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Elections Code; and
3. Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be Held on Tuesday, November 5, 2024.

PREPARED BY:

Bret Prebula, City Manager

ATTACHMENTS:

1. [Resolution Calling and Giving Notice of November 5, 2024 Election](#)
 2. [Resolution Requesting Solano County Board of Supervisors to Consolidate the November 5, 2024 General Municipal Election with the Statewide General Election](#)
 3. [Resolution re Candidate Statement Regulations for November 5, 2024 Election](#)
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SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 7. That in the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the Solano County Registrar, the City Council, in accordance with Section 15651(a) of the Elections Code, shall set a date and time and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

[SIGNATURES ON FOLLOWING PAGE]

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PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council
of the City of Suisun City, California, on July 2, 2024.

Alma Hernandez, Mayor

ATTEST:

Anita Skinner
City Clerk

CERTIFICATION

I, Anita Skinner, City Clerk of the City of Suisun City, do hereby certify that the above
and foregoing Resolution No. 2024-___ was duly passed, approved and adopted, by the City
Council of the City of Suisun City at a regular meeting held on July 2, 2024, by the following
vote:

AYES: Councilmembers: _____
NOES: Councilmembers: _____
ABSENT: Councilmembers: _____
ABSTAIN: Councilmembers: _____

WITNESS my hand and the seal of said City this 2nd day of July 2024.

Anita Skinner
City Clerk

1 **RESOLUTION NO. 2024-**

2 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY,**
3 **CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE**
4 **OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE**
5 **VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024**

6 **WHEREAS,** Section 13307 of the Elections Code of the State of California provides that
7 the governing body of any local agency adopt regulations pertaining to materials prepared by any
8 candidate for a municipal election, including costs of the candidates statements.

9 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY,**
10 **CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER**
11 **AS FOLLOWS:**

12 **SECTION 1. GENERAL PROVISIONS.**

13 That pursuant to Section 13307 of the California Elections Code of the State of California,
14 each candidate for elective office to be voted for at an Election to be held in the City of Suisun
15 City on November 5, 2024, may prepare a candidate's statement on an appropriate form provided
16 by the City Clerk. The statement may include the name, age and occupation of the candidate and
17 a brief description of no more than 200 (two hundred) words of the candidate's education and
18 qualifications expressed by the candidate himself or herself. The statement shall not include party
19 affiliation of the candidate, nor membership or activity in partisan political organizations. The
20 statement shall be filed in the office of the City Clerk at the time the candidate's nomination papers
21 are filed. The statement may be withdrawn, but not changed, during the period for filing
22 nomination papers and until 5:00 p.m. of the next working day after the close of the nomination
23 period.

24 **SECTION 2. FOREIGN LANGUAGE POLICY**

25
26 A. Pursuant to the Federal Voting Rights Act, candidates statements will be translated into
27 all languages required by the County of Solano. The County is required to translate
28 candidate's statements into the following languages: Spanish and/or Tagalog.

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B. The County will print and mail voter information guides and candidates statements to all voters in Spanish and/or Tagalog.

SECTION 3. PAYMENT

A. Translations

1. The candidates shall be required to pay for the cost of translating the candidates statement into any required foreign language requested by the candidate as specified in Section 2 above, in the main voter pamphlet.

B. Printing

1. The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidates statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965, as amended, and require each candidate filing a statement to pay in advance to the local agency their estimated pro rata share of printing costs as a condition of having their statement included in the voters pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the clerk is not bound by the estimate and may, on a pro rata basis, bill the candidates for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the clerk may require the candidates to pay the balance of the cost incurred. In the event of overpayment, the clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

a. The candidates at the time of filing their candidate statement shall be required to pay for the cost of printing, handling, and mailing their candidate statement of qualifications in English in the main voter pamphlet in the amount of \$288.88.

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- b. The candidates at the time of filing their candidate statement shall be required to pay for the estimated cost of printing, handling, and mailing their candidate statement of qualifications in Spanish in the main voter pamphlet in the amount of \$338.88.
- c. The candidate at the time of filing their candidate statement shall be required to pay for the estimated cost of printing, handling, and mailing their candidates statement of qualifications in Tagalog in the main voter pamphlet in the amount of \$338.88.

SECTION 4. ADDITIONAL MATERIALS PROHIBITED

No candidate will be permitted to include additional materials in the voter information guide.

SECTION 5. COPY OF THIS RESOLUTION

That the City Clerk shall provide each candidate or the candidate’s representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 6. PREVIOUS RESOLUTIONS REPEALED

That all previous resolutions establishing Council policy on payment for candidates’ statements are repealed.

SECTION 7. NOVEMBER 5, 2024 ELECTION

That this Resolution shall apply only to the election to be held on November 5, 2024 and shall then be repealed.

1 **PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council
2 of the City of Suisun City, California, on July 2, 2024.

3
4 _____
Alma Hernandez, Mayor

5 ATTEST:

6 _____
Anita Skinner
7 City Clerk

8 **CERTIFICATION**

9 I, Anita Skinner, City Clerk of the City of Suisun City, do hereby certify that the above
10 and foregoing Resolution No. 2024-____ was duly passed, approved and adopted, by the City
11 Council of the City of Suisun City at a regular meeting held on July 2, 2024, by the following
vote:

12 **AYES:** Councilmembers: _____
13 **NOES:** Councilmembers: _____
14 **ABSENT:** Councilmembers: _____
ABSTAIN: Councilmembers: _____

15 **WITNESS** my hand and the seal of said City this 2nd day of July 2024.

16
17
18 _____
Anita Skinner
19 City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: July 2, 2024

AGENDA ITEM: City Council/Successor Agency/Housing Authority Approval of the Minutes of the Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on May 21, 2024, and May 28, 2024.

FISCAL IMPACT: None

STRATEGIC PLAN: Provide Good Governance.

BACKGROUND: Pursuant to Government Code 40801, the City Clerk shall keep an accurate record of the proceedings of the City Council meetings. City Council minutes are prepared in a manner consistent with the intent of the Government Code. Minutes provide a record of when and where the meeting took place, type of meeting, and report any action taken, including the vote of each member of the City Council.

STAFF REPORT: The minutes of the meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on May 21, 2024, and May 28, 2024, are submitted for your approval.

STAFF RECOMMENDATION: City Council/Successor Agency/Housing Authority Approval of the Minutes of the Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on May 21, 2024, and May 28, 2024.

DOCUMENTS ATTACHED:

1. Minutes - May 21, 2024, Regular Meeting of the City Council-Successor Agency-Housing Authority
 2. Minutes - May 28, 2024, Regular Meeting of the City Council-Successor Agency-Housing Authority
-

PREPARED BY:	Anita Skinner, City Clerk
REVIEWED BY:	Bret Prebula, City Manager
APPROVED BY:	Bret Prebula, City Manager

ATTACHMENTS:

1. [Minutes - May 21, 2024, Regular Meeting of the City Council-Successor Agency-Housing Authority](#)
2. [Minutes - May 28, 2024, Regular Meeting of the City Council-Successor Agency-Housing Authority](#)

CITY COUNCIL
Alma Hernandez, Mayor
Princess Washington, Mayor Pro Tem
Jenalee Dawson, Councilmember
Marlon L Osum, Councilmember
Amit Pal, Councilmember



CITY COUNCIL MEETING

MINUTES
REGULAR MEETING OF THE SUISUN CITY COUNCIL,
SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY,
AND SUISUN CITY HOUSING AUTHORITY
TUESDAY, MAY 21, 2024
5:00 PM

Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California

5:00 P.M. CLOSED SESSION
6:30 P.M. REGULAR MEETING

MEETINGS ARE HELD IN-PERSON, PUBLIC PARTICIPATION IS ALSO AVAILABLE VIA ZOOM

ZOOM MEETING INFORMATION:

WEBSITE: <https://zoom.us/join>

*MEETING ID: **874 4508 3198***

CALL IN PHONE NUMBER: (707) 438-1720

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING BY EMAILING
CLERK@SUISUN.COM (PRIOR TO 4 PM), VIA WEBSITE, OR ZOOM CALL IN PHONE NUMBER (707) 438-1720*

*(If attending the meeting via phone press *9 to raise your hand and *6 to unmute/mute for public comment.)*

(Next Ord. No. – 809)

(Next City Council Res. No. 2024 – 57)

Next Suisun City Council Acting as Successor Agency Res. No. SA2024 - 01)

(Next Housing Authority Res. No. HA2024 – 01)

5:00 P.M CLOSED SESSION

CALL TO ORDER

Mayor Hernandez called the meeting to order at 5:00 pm.

ROLL CALL

PRESENT: Dawson, Hernandez, Osum, Pal, Washington

ABSENT: None

CONFLICT OF INTEREST NOTIFICATION

(Any items on the closed session agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

PUBLIC COMMENT CLOSED SESSION

(In accordance with Section 54956(a), public comments are limited to items on this closed session agenda, and to no more than 3 minutes unless allowable by the Mayor/Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the City Clerk. By law, no prolonged discussion or action may be taken on any item raised during the comment period.)

CLOSED SESSION

Pursuant to California Government Code Section 54950 the Suisun City Council will hold a Closed Session for the Purpose of:

1. CONFERENCE WITH LABOR NEGOTIATOR

A Closed Session will be held, pursuant to Government Code Section 54957.6, to Conduct Labor Negotiations among:

Agency Negotiator: City Manager, Bret Prebula

Employee Organizations:

Suisun City Professional Firefighters' Association;

Unrepresented Employees

Council entered into closed session at 5:01pm.

RECESS TO CLOSED SESSION (City Manager Conference Room, City Hall)

6:30 RECONVENE OPEN SESSION

Closed Session ended at 6:31pm.

CALL TO ORDER

Mayor Hernandez called the meeting to order at 6:31pm.

ROLL CALL

PRESENT: Dawson, Hernandez, Osum, Pal, Washington

ABSENT: None

PLEDGE OF ALLEGIANCE

Pledge was led by Commander Mike Johnson.

INVOCATION

Clerk Skinner gave the Invocation.

CLOSED SESSION REPORT

Announcement of Actions Taken, if any in Closed Session.

APPROVAL OF REORDERING OF AGENDA

Motion by Council Member Dawson to have Presentations before Public Comments and seconded by Council Member Pal. Motion passed by the following vote:

AYES: Dawson, Hernandez, Osum, Pal, Washington
NOES: None
ABSENT: None

CONFLICT OF INTEREST NOTIFICATION

(Any items on the regular meeting agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

Council Member Pal has a conflict with Item #7.

REPORTS (Informational items only.)

2. City Manager Update - (Prebula: bprebula@suisun.com).
 - Brett budget study session next Tuesday, 5/28
 - State of the City on 5/30 at the Nelson Center

Mayor and Council wished Mr. Prebula a speedy recovery.

3. City Attorney Report - (Taylor/Andrews).
None. Wish Mr. Prebula a speedy recovery.

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

4. Proclamations Presented at Meeting - (Hernandez: ahernandez@suisun.com):
 - a. Proclamation Proclaiming the Month of May 2024, as "Older Americans Month"
Mayor Hernandez read the proclamations which were presented to representatives from Meals on Wheels by Council Member Dawson; Solano Mobility by Council Member Pal and Veterans of Foreign Wars Post 2333 by Council Member Osum.
 - b. Proclamation Proclaiming the Month of June 2024, as "Pride Month"
Mayor Hernandez read proclamation and presented by Vice Mayor Washington to members of the LBGTQ community. Trish thanked the Council for their support.
 - c. Proclamation Proclaiming May 19-25, 2024, as "National Public Works Week"
Mayor read and presented by Council Member Dawson to members of the Public Works Department.
Director Vue appreciates the Council support and appreciates his staff and their hard work. Jim Herrod, Maintenance Superintendent thanked the Council and commented that there was over 100 years of service among staff members.
 - d. Proclamation Proclaiming May 18-24, 2024, as "National Safe Boating Week"
Mayor Hernandez read proclamation and presented by Council Member Osum to Recreation Manager Janet Hull.

PUBLIC COMMENT

(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Mayor/Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the City Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)

Tom LeBlanc spoke on recent news articles about CA Forever and stated that Council had an obligation to let the public know if you have business dealings with that group.

Barbara Kraig thanked Public Works and the person who cleans bathrooms at waterfront; spoke on the safety of residents in the area of the 3 recent fires in old town at the end of West Street; and thanked those council members who have reached out to her.

Steve Olry commented on Public Works job being made harder due to lack of enforcement; commented and commended Vice Mayor Washington's comments on future water rights, homeless comments, Measure S comments about misallocation of funds.

Donna LeBlanc commented on dirty sidewalks along the waterfront; the waterway is filled with garbage; garbage cans are filthy and covered with graffiti.

Michelle Chavez thanked those who received proclamations tonight; couldn't do what she does without the help of Public Works; is there an interim plan for the homeless until the court's June decision?

George Guynn commented on the high legal bills; need to watch numbers; garbage bill lien comments.

James Berg commented on water rights; homeless fires; numerous items on the consent calendar; the need for an agenda committee for more public input.

COUNCIL COMMENTS

5. Council/Board Member Updates.

Council Member Dawson thanked all the health faire vendors and participants; spoke with city manager and downtown residents regarding fires and what can be done to be proactive in working with outside agencies.

Council Member Pal commented that we should go to the top when dealing with outside agencies and encouraged residents to google, email those agencies.

Council Member Osum commented on innovative or creative ways to deal with the homeless crisis in enforcing codes while waiting for the June court decision.

Vice Mayor Washington commented on water rights issues; Farmers Market was great; great meeting with the Yacht Club on more commercial activity in our waterways; great meeting with Mama Lane at the Train Station and encouraged residents to patronage her; congratulations to Haley Alexander for Dispatcher of the year; no office hours Tuesday but rescheduled for Friday.

Mayor Hernandez thanked Council Member Dawson for bringing resources to Suisun, collective work among council and thanked the city manager for a true partnership.

CONSENT CALENDAR

Consent calendar items requiring little or no discussion may be acted upon with one motion.

City Council

6. Council Adoption of Resolution No. 2024-57: Approving the Purchase of a Groundmaster 4000-D T4 Diesel Mower - (Vue: nvue@suisun.com).
7. Council Adoption of Resolution No. 2024-58: Accepting the State Route 12 Landscape Improvements Project as Complete and Authorizing the City Manager to Record the Notice of Completion for the Project - (Vue: nvue@suisun.com).
8. Council Adoption of Resolution No. 2024-59: Authorizing the City Manager to Enter into a Construction Contract on the City's Behalf with Pavement Coatings Company for the 2024 Asphalt Rubber Cape Seal Project - (Vue: nvue@suisun.com).
9. Council Adoption of Resolution No. 2024-60 Authorizing the Acceptance of Three Irrevocable Offers of Dedication including of a Public Utility Easement, a Non-Exclusive Public Utility Easement, and a Public Right of Way Dedication from Red Tail Multifamily Land Development, Inc. (Blossom Apartments) for Portions of Lot 68 & 69 Assessor's Parcel Number (APN) 0037-130-010. (Vue - nvue@suisun.com)
10. Initiate and Provide Intent to the Levy and Collection of Assessments for the City's Landscaping & Lighting Districts - (Vue: nvue@suisun.com):
 - a. Council Adoption of Resolution No. 2024-61: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the Suisun City Maintenance Assessment Districts for Fiscal Year 2024-25; and
 - b. Council Adoption of Resolution No. 2024-62: Declaring its Intention to Levy and Collect Assessments within the City's Maintenance Assessment Districts for Fiscal Year 2024-25 and announcing that the Associated Public Hearing Will Be Held on June 18, 2024.
11. Initiate and Provide Intent to the Levy and Collection of Assessments for the McCoy Creek Parking Benefit Assessment District - (Vue: nvue@suisun.com):
 - a. Council Adoption of Resolution No. 2024-63: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2024-25; and
 - b. Council Adoption of Resolution No. 2024-64: Declaring its Intention to Levy and Collect Assessments within the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2024-25.
12. Council Adoption of Resolution No. 2024-65: Accepting the Suisun City Marina Annual Dock Maintenance and Inspection Services Project as Complete and Authorizing the City Manager to Record the Notice of Completion for the Project - (Lofthus: klofthus@suisun.com)
13. Council Adoption of Resolution No. 2024-66: Authorizing the City Manager to Execute a Contract with Optimized Investment Partners, for Investment Advisory Services for City Funds - (Deol: ideol@suisun.com).

Joint City Council/Suisun City Council Acting as Successor Agency

14. Accept the Investment Report for the Quarter Ending March 31, 2024 - (Luna: eluna@suisun.com).
15. Council/Agency Approval of April 2024 Accounts Payable and Payroll Warrants - (Deol: Ideol@suisun.com).

Joint City Council / Suisun City Council Acting as Successor Agency / Housing Authority

16. City Council/Successor Agency/Housing Authority Approval of the Minutes of the Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on May 7, 2024 – (Skinner: clerk@suisun.com).

Mayor Hernandez pulled Items 6 and 13; Council Member Dawson pulled Item 10.

Donna LeBlanc

Item 7 commented the final budget leaves \$86K+ that was not spent during the project and will we need to return money back to state or can we keep the money to complete the fencing in the center median?

Item 8 road repair for Marina Blvd and Old Railroad Avenue, agreement attached does not specify a warranty on materials that are going to be used and would like to know what it was.

James Berg

Item 12 comments on the marina repair and the fishing dock being taken down due to it being unsafe; is the fishing dock part of the marina repair and concerned that it is still being used setting the city up for litigation.

Item 15 commented there are 10 amazon accounts, why is there not just one account and why is the city not shopping local.

George Guynn commented on accounts payable and payroll warrants really need to be scrutinized and that the same company is always being used instead of shopping around for lower estimates.

Steve Olry

Item 15 commented he does not like having so many items lumped together under consent; would like to see a 2-3 minutes presentation on each item.

Mayor Hernandez

Item 6 commented that council approved these mowers in April, 2022 and because of supply and logistics only one was able to be obtained and with the time that has passed the city is going with a different vendor.

Motion by Council Member Dawson to approve Consent Calendar Items 7,8,9, 11, 12, 14, 15, 16 and seconded by Council Member Pal. Motion passed by the following vote:

AYES: Dawson, Hernandez, Osum, Pal, Washington
NOES: None
ABSENT: None

Donna LeBlanc

Item 6 asked since the new mower is a lower cost will the money go back to the LLD's and because it has been sitting for two years will there be interest on those funds?

Both Mr. Prebula and Director Vue responded to the question.

Motion by Mayor Hernandez to approve Consent Calendar Item 6 and seconded by Council Member Dawson. Motion passed by the following vote:

AYES: Dawson, Hernandez, Osum, Pal, Washington
NOES: None
ABSENT: None

Item 10

Council Member Dawson pulled Item 10 asking that explanation be given to the pitfalls the city faces with the LLD districts.

Mr. Prebula explained the lack of funding to care for the parks.

James Berg commented the LLD's need to be restructured; lack of dredging fund comments.

Motion by Council Member Dawson to approve Consent Calendar Item 10 and seconded by Mayor Hernandez. Motion passed by the following vote:

AYES: Dawson, Hernandez, Osum, Pal, Washington
NOES: None
ABSENT: None

Item 13

Mayor Hernandez asked for clarification and an explanation for the compensation term and contract year for the new firm.

Both Mr. Prebula and Finance Director Deol gave explanations.

James Berg commented he has been following this portfolio and spoke with Director Deol and agrees that we have been underperforming and asked what is the drastic point that we would be charged more?

George Guynn commented kudos to Finance Director and City Manager for coming up with this idea.

Motion by Mayor Hernandez to approve Consent Calendar Item 13 and seconded by Council Member Pal. Motion passed by the following vote:

AYES: Dawson, Hernandez, Osum, Pal, Washington
NOES: None
ABSENT: None

Clerk Skinner stated she had misplaced a comment card for Item 15. Mayor Hernandez stated would allow the comment to be heard but no action could be taken as it had already been approved.

Item 15

Steve Olry commented on legal fees and asked that "other legal expenses" be clarified in the future.

PUBLIC HEARING

City Council

17. Council Introduction and Waive Reading of Ordinance No. ____: An Ordinance of the City Council of the City of Suisun City Adopting the Waterfront District Specific Plan Amendments - (Bermudez: jbermudez@suisun.com) - (Continued to a date uncertain).

Mayor Hernandez stated this item will be continued to a date uncertain.

Council Member Pal stepped away from dais at 8:49pm due to conflict.

Mr. Prebula gave a brief explanation as to why this item is being continued to a date uncertain.

Mayor Hernandez opened the Public Hearing.

Online

Ruth Forney commented that council consider an economic development team; and a dream she won't give up on is to bring a riverboat back.

James Berg asked for clarification on dates and deadlines.

Development Service Director Jim Bermudez responded to questions regarding deadlines.

There being no further comments the item is continued to date uncertain.

Council Member Pal returned to dais at 9:01pm.

GENERAL BUSINESS

City Council

18. Council Adoption of Resolution No. 2024-67: Authorizing the Staff Recommendation to Approve the Suisun City Microtransit Fiscal Year 2024-25 Budget to Support Mobility within Suisun City - (Lofthus: kllofthus@suisun.com).

Brandon Thompson presented the report.

Council asked clarifying questions.

Robert Basa requested to have a used bus donated to his organization to help with their seniors.

Mr. Thompson responded to questions.

Motion by Council Member Pal to approve the Microtransit Budget and seconded by Council Member Osum. Motion passed by the following vote:

AYES: Dawson, Hernandez, Osum, Pal, Washington
NOES: None
ABSENT: None

19. Fiscal Year 2024-25 Annual Presentation of Conceptual Budget Strategy - (Deol: Ideol@suisun.com).

Mayor Hernandez stated this item is moved to Tuesday, May 28.

REPORTS: (Informational items only)

20. Non-Discussion Items.

ADJOURNMENT

There being no further business the meeting was adjourned at 9:33pm.

Anita Skinner, City Clerk

CITY COUNCIL
Alma Hernandez, Mayor
Princess Washington, Mayor Pro Tem
Jenalee Dawson, Councilmember
Marlon L Osum, Councilmember
Amit Pal, Councilmember



CITY COUNCIL MEETING

MINUTES
REGULAR MEETING OF THE SUISUN CITY COUNCIL,
SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY,
AND SUISUN CITY HOUSING AUTHORITY
TUESDAY, MAY 28, 2024
5:00 PM

Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California

MEETINGS ARE HELD IN-PERSON, PUBLIC PARTICIPATION IS ALSO AVAILABLE VIA ZOOM

ZOOM MEETING INFORMATION:

WEBSITE: <https://zoom.us/join>

*MEETING ID: **850 8730 3879***

CALL IN PHONE NUMBER: (707) 438-1720

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING BY EMAILING
CLERK@SUISUN.COM (PRIOR TO 4 PM), VIA WEBSITE, OR ZOOM CALL IN PHONE NUMBER (707) 438-1720*

*(If attending the meeting via phone press *9 to raise your hand and *6 to unmute/mute for public comment.)*

(Next Ord. No. – 809)

(Next City Council Res. No. 2024 – 68)

Next Suisun City Council Acting as Successor Agency Res. No. SA2024 - 01)

(Next Housing Authority Res. No. HA2024 – 01)

CALL TO ORDER

Mayor Hernandez called the meeting to order at 5:00pm.

ROLL CALL

PRESENT: Dawson, Hernandez, Osum, Pal, Washington

ABSENT: None

PLEDGE OF ALLEGIANCE

Council Member Dawson led the Pledge

INVOCATION

Clerk Skinner gave the Invocation.

APPROVAL OF REORDERING OF AGENDA - None

CONFLICT OF INTEREST NOTIFICATION - None

(Any items on the regular meeting agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

REPORTS (Informational items only.)

1. City Manager Update - (Prebula: bprebula@suisun.com).
State of the City will be held on May 30 at the Nelson Center at 6pm; use city platform to ask any questions of Council/Staff; city website to visit the link for the Bay Delta Plan.
2. City Attorney Report - (Taylor/Andrews).
No report.

PUBLIC COMMENT

(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Mayor/Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the City Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)

Steve Olry commented on the dangerous growing number of cars running red lights at Hwy 12/Sunset; Budget committee in reference to Measure S, city went on a spending spree right after COVID; city is going to need that Measure S extension and how are we going to be assured funds won't be miss-spent again.

Donna LeBlanc spoke on tall weeds next to Day Park; hopes the budget report will be insightful.
Mr. Prebula – Code enforcement is actively working with property owners to manage vacant properties.

James Berg commented the building that houses Virgil's and a restaurant is up for sale and concerned about possibly losing two businesses if new locations can't be found; big hit for the city; Marine building on Kellogg Street is still vacant; concerned about his public safety downtown, played a recording of a threat by a transient.

Michelle Chavez looking forward to participating in the budget workshop.

George Guynn, ditto to previous comments; city not making much change to the situations; garbage lien comment; get new people on the taxation committee; reorganization time, if promises are made they need to be kept.

Catherine Brown commented on trash; van parked on Main Street that is plugged into utilities; commented on trash cans at events; park benches along the waterfront are filthy; presented information on a Vanguard walkable trash vacuum.

PRESENTATIONS/APPOINTMENTS - NONE

(Presentations, Awards, Proclamations, Appointments).

COUNCIL COMMENTS

Vice Mayor Washington spoke on event taking place June 1, Kroc Center.

Mayor Hernandez gave a brief reminder of the ribbon cutting ceremony for the McCoy Creek trail at Blossom Ave.

CONSENT CALENDAR - NONE

Consent calendar items requiring little or no discussion may be acted upon with one motion.

PUBLIC HEARING - NONE

GENERAL BUSINESS

3. Fiscal Year 2024-25 Annual Presentation of Conceptual Budget Strategy - (Deol: Ideol@suisun.com).

Finance Director Deol gave a brief introduction. City Manager Bret Prebula presented the report.

- Roadmap to Resiliency
- Community Support
- Resiliency Roadmap
 - Bridging the cap by using city reserves

Director Deol presented information on the following:

- Update (New Enterprise Resources Planning System (ERP))
- Insurance Cost increases
- Budget Summary – Revenues/Expenditures
- General Fund Overview
- Measure S Overview
 - Funded Positions
 - Special Projects
- American Rescue Plan ACT (ARPA)
 - Significant Projects
 - Revenue Loss Recovery Fund

Vice Mayor Washington asked for further clarification on the Homelessness Project which Mr. Prebula did.

Council Member Dawson asked about the contract for ‘beds’

Ms. Deol continued:

- Departmental Staffing Overview (Current/Future Needs)
 - Elected Officials
 - City Manager
 - Information Technology Department
 - Non-Departmental
 - Fire Department
 - Chief Lopez presented the report for his department

- Finance Department
 - Director Deol presented the report for her department

Vice Mayor Washington left dais at 6:23 pm and returned at 6:26pm

- Development Services Department
 - Director Bermudez presented the report for his department
- Recreation, Parks & Marina Department
 - Director Lofthus presented the report for his department
- Human Resources Department
 - City Manager Prebula presented the report for the department
- Police Department
 - Chief Roth presented the report for his department

Council Member Dawson had a clarifying question on the need of additional dispatchers.

- Public Works Department
 - Director Vue presented the report for his department
- Options
 - Economic Development Strategy & Implementation Plan
 - Homelessness Project
 - Development Impact Fees study
 - Strategic Planning Retreat with Council
 - Economic Development Marketing

Council questions:

Council Member Pal had questions on City Management Department and the delay in staffing.

PUBLIC COMMENTS

Donna LeBlanc commented the presentation was very clear; agreed with needing another staff person in City Manager Department; Public Works needs staffing, possibly 2 part-time instead of 1 full time; Police needs staffed vehicles on the street;

Michelle Chavez asked if presentation can be posted on the city website; full amount for the Bronze level; can the retreat be done differently; homelessness project, what happens to monies not used by other cities.

George Guynn presentations asking for more money and more staff; Fire Department does not need to be in the ambulance business; Police Department needs people but needs to come up with a compromise; Public Works provide a lot more results for the money, road work seems to be last on agenda; dredging comments.

James Berg commented 2-3 years before in a world of hurt; mid-year budget funds were moved around; reserve funds to balance budget and will eventually have to replenish that; unfunded liability; cannabis taxes; keep being transparent.

Steve Olry commented it was a good presentation; our problem is demographics and geared to low-income; need to promote local business.

ON LINE

Tim commented on Fire Department bathroom remodel and wants more detail; Fire is too top heavy; too much for retreat; RPMA has always struggled and realistically all programs should be free; go all in on the 34-acre parcel; city is located on the water and we do not have one seafood restaurant.

Wanda commented on the City Manager's presentation; \$75K for professional services entail; don't need to bring in more low-income housing.

City Manager Prebula commented on the "retreat", it is a strategic planning session at an outside location. Fire Department bathroom remodel- sewer lines need to be repaired, two showers needed, prevailing wages; waterfront is part of that strategic plan; roads will require a full study presentation; Public Works, part time does not work well; 34-acre parcel needs economic study and; cannabis, have 2 more licenses available and working on when to bring back ordinance; forensic audits are extremely expensive.

Council Member Pal left dais at 8:01pm and returned at 8:03pm.

Mayor Hernandez commented there is a Measure S Committee meeting at City Hall at 3pm tomorrow.

Council Member Osum thanked staff for presentation; Economic Development Strategy and Implementation Plan asked if this would make Suisun a destination; still wants to establish an Economic Board.

Council Member Dawson asked what the implications are if Measure S does not pass. Mr. Prebula stated it would be put on the ballot in 2025 and 2026 if it does not pass the year prior.

Council Member Pal asked if council could continue discussion with Mr. Prebula.

Vice Mayor Washington commented the city has a lot of studies and surveys done already; do a better job of relaying to the public; Measure S meeting at 3pm; need to have a contingency plan; grateful for staff and what they are doing with current staff; how info is relayed to the public is extremely important.

Mayor Hernandez commented that this council inherited the city's current situation; spoke about a previous council opportunity that would have allowed the residents vote on a tax measure but failed to pass by a majority vote of one council member to place it on a ballot; spoke on visions for the city; have a united council on what it means to become sustainable and the long term thinking. Thanked everyone for their comments and participating.

REPORTS: (Informational items only)

4. Non-Discussion Items.

ADJOURNMENT

There being no further business the meeting was adjourned at 8:37pm.

Anita Skinner, City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: July 2, 2024

AGENDA ITEM: Submission of a General Transactions and Use Tax ("Sales Tax") Measure at the November 5, 2024, which includes:

- a. Council Adoption of Resolution No. 2024-___: Calling and Giving Notice of the Holding of a General Municipal Election to be Held on November 5, 2024, for the Purpose of Submitting to the Voters of the City of Suisun City an Initiative Measure Renewing the Current 1% Local Transactions and Use ("Sales") Tax at a 1.75% Rate and Extending Thereof for 15 Years from its Operative Date for the Generation of General Municipal Revenue, and Requesting the County of Solano to Consolidate the City's General Municipal Election to be Held on November 5, 2024, with the Statewide General Election to be Held on that Date Pursuant to Section 10403 of the Elections Code
- b. Council Adoption of Resolution No. 2024-___: Providing for the Filing of Arguments, Setting Priorities for Filing Written Arguments and Directing the City Attorney to Prepare an Impartial Analysis, All Regarding a General Municipal Election to be Held on November 5, 2024, for the Purpose of Submitting to the Voters an Initiative Measure Renewing the Current 1% Local Transactions and Use ("Sales") Tax at a 1.75% Rate and Extending Thereof for 15 Years from its Operative Date for the Generation of General Municipal Revenue.
- c. Council Adoption of Resolution No. 2024-___: Providing for the Filing of Rebuttal Argument Regarding a General Municipal Election to be Held on November 5, 2024, for the Purpose of Submitting to the Voters an Initiative Measure Renewing the Current 1% Local Transaction and Use ("Sales") Tax at a 1.75% Rate and Extending Thereof for 15 Years from its Operative Date for the Generation of General Municipal Revenue.
- d. Council Introduction and First Reading, by title only, of an Ordinance of the People of the City of Suisun City Renewing the 1% General Transactions and Use ("Sales") Tax Codified at Chapter 3.14 to Title 3 of the Suisun City Code and Increasing the Sales Tax to 1.75% to be Administered by the California Department of Tax and Fee Administration, Subject to the Approval of a Majority of the Electors Voting on the Tax Measure at the General Municipal Election to be Held on Tuesday, November 5, 2024; and
- e. Appointment of the Mayor and one Councilmember to prepare a written argument for the measure.

FISCAL IMPACT: The Solano County Registrar of Voters has estimated the cost to administer the election at \$5,00 per registered voter, and an additional \$0.30 for each ballot measure. Suisun City currently has 16,190 registered voters. The estimated cost of submitting the transactions and use tax measure to the City's electorate at the November 5, 2024, general election is \$5,000. The proposed, locally enacted, Sales Tax measure is projected to generate general fund revenue of approximately \$6,766,000 annually. The projections are based on current economic data and trends and are subject to change with changes to economic activity within the city.

If the City were to hold a stand-alone precinct election the estimated cost for the County to administer the election is \$15.00 per registered voter or approximately \$242,850. A ballot measure submitted in the next Primary Election is \$7.00 per registered voter, or approximately \$113,330.

STRATEGIC PLAN: Provide Good Governance; Develop Sustainable Economy; Ensure Fiscal Solvency.

BACKGROUND:

As the City has conveyed in recent town halls, City Council meetings, and at the State of the City, Suisun City is focusing on decisions that will last decades and not years. The need to increase public safety staffing, improved parks maintenance, code enforcement, and roads staffing and efforts, among other needs, will require a multi phased approach. That said, without the first step, which is passing Measure S, we will not have the time to implement the other aspects of the plan, thus significant reductions in service delivery to vital pieces of our city such as police, fire, and parks would immediately need to occur. These cuts would set the city on a path to lose its ability to foster the community our residents desire.

In prior decades, the City was getting by with a tight budget for many years until two things happened. First, the Great Recession of 2008 and second the elimination of redevelopment occurred in 2012 taking millions of dollars in necessary revenues away from the City. Those two events were devastating to the City’s finances. Measure S was critical in 2016 to save the City from insolvency.

The proposed sales tax measure is critical now in 2024 because Measure S will sunset in the next few years and the City is still suffering from the loss of millions of dollars in redevelopment funds. Before 2012, redevelopment funds made more general funds available to pay for critical public safety services because redevelopment funds (instead of general funds) helped to pay for the costs of development in the City and redevelopment funds also paid for the costs to reduce blight in the City. Most of those costs now have to be paid out of the general fund.

Additionally, the City is still trying to recover from the devastating impacts of COVID-19 on local businesses and the resulting loss of tax revenues.

Thus, there is an urgent need for this sales tax measure. The process and legal requirements for voter approval of this sales tax measure are explained below.

STAFF REPORT:

1. Overview

Section 2 of this Report discusses the proposed transactions and use tax (commonly known as a “sales tax”).

Section 3 of this Report discusses the election resolutions needed to submit the proposed tax measure to the voters at the November 5, 2024, election.

Section 4 of this Report discusses the procedural requirements, including the actions needed to be taken, vote requirements for the City Council to submit the measure to the voters, and voter approval requirements.

2. Proposed Transactions and Use Tax

State law permits the City to impose a “transactions and use tax” (commonly known as a “sales tax”). For purposes of this report, the term “sales tax” will be used to refer to a “transactions and use tax”). The City currently has a sales tax which is codified in Chapter 3.14 of the Suisun Municipal Code (“Chapter 3.14”). The current rate under Chapter 3.14 is 1% and is set to expire in 2026. State law effectively caps the total sales tax that may be imposed in the county at 2%, including sales taxes imposed by other public entities (e.g., Solano County). Effectively, this means that the City is able to renew the current local sales tax at a rate of 1.75%.

Attached to this report is an ordinance (“Sales Tax Ordinance”) that, if approved by the voters, would enact a transactions and use tax rate of 1.75%. This proposed tax would be a general tax and collected revenues would be deposited in the City’s General Fund to fund City services and programs. If approved by the voters, the total annual revenue resulting from this proposed transactions and use tax is estimated to be \$6,766,000 annually for fifteen years.

The Sales Tax Ordinance also establishes a citizen’s oversight committee in its Section 3.14.160 with the same membership as the oversight committee established under Chapter 3.14 (i.e., Measure S) as follows:

“A city general tax oversight committee is hereby established to review the expenditure of the revenues collected pursuant to this ordinance. Except as provided by resolution of the City Council, the committee shall consist of the same membership, same terms, and same duties and qualifications as the committee established pursuant to Section 3.14.220 of Chapter 3.14 of Title 3 of the Suisun Municipal Code. Such resolution may be amended by resolution of the City Council.”

The City Council is asked to take the actions necessary (see below) to submit a general sales tax measure with a rate of 1.75% to the voters at the November 5, 2024, general municipal election.

3. Three Election Resolutions

A. Generally.

Three election resolutions concerning the proposed general sales tax are presented for consideration by the City Council.

The first resolution orders the submission of the proposed sales tax to the voters at the November 5, 2024, election, approves the Sales Tax Ordinance for the purposes of submission to the voters, and requests that the County Board of Supervisors consolidate the same with the statewide general election occurring on the same date.

The second resolution authorizes the drafting of arguments and setting priorities for filing written arguments, as well as directing the City Attorney to prepare an impartial analysis of the proposed Sales Tax Ordinance. The second resolution further establishes priorities under State law for choosing among multiple arguments.

The third resolution provides for the filing of rebuttal arguments to the primary written arguments. The rebuttal arguments are prepared by the opposite authors of the primary written arguments.

B. Ballot Label.

The first resolution includes a “ballot label” (also known as the ballot question) which describes the

proposed Sales Tax ordinance and which is the question actually presented to the voters. Ballot labels are limited to 75 words or less. The Council may revise the language used for the ballot label within the following state law restrictions:

- i. “If the proposed measure imposes a tax or raises the rate of a tax, the ballot shall include in the statement of the measure to be voted on the amount of money to be raised annually and the rate and duration of the tax to be levied.” (Election Code section 13119(b).)
- ii. “The statement of the measure shall be a true and impartial synopsis of the purpose of the proposed measure, and shall be in language that is neither argumentative nor likely to create prejudice for or against the measure.” (Election Code section 13119(c).)
- iii. The ballot label must be in the form of “Shall the measure ... be adopted?”

This proposed sales tax is a general tax and the revenue will be deposited into the General Fund and may be spent for unrestricted general revenue purposes, and the ballot label may make reference to possible uses (while not committing the revenue to those uses).

C. Argument Authorization.

The second resolution authorizes the preparation of a written argument concerning the ballot measure, and further establishes the priorities if multiple arguments are submitted (whether in favor or against). The Mayor and one Council Member will prepare an argument in favor of the sales tax ballot measure (unless a majority of the Council provide an alternative direction through a motion approved at the public hearing).

D. Rebuttals.

California Elections Code Section 9283 authorizes the City Council, by majority vote, to adopt provisions for the filing of rebuttal arguments regarding city measures submitted at municipal elections. Rebuttal arguments are optional under state law and are allowed at the discretion of the City Council. If the City Council does not desire to authorize rebuttal arguments, then Council should not approve this third election resolution.

4. Procedural Requirements

The State of California administers all sales taxes statewide through the California Department of Tax and Fee Administration (“CDTFA”). The CDTFA can make technical changes to a sales tax measure to comply with its rules and procedures for sales tax administration. It is possible that technical changes will be required by the CDTFA after the public hearing of this sales tax measure. Any such technical changes will not impact the intent of the measure. Instead, those changes by CDTFA are to ensure that the sales tax measure can be properly administered by CDTFA if the measure is approved by the voters at the November 2024 election.

A two-thirds (i.e., 4 Councilmembers) vote of all members of the City Council (Gov’t Code § 53724(b); Rev. & Taxation Code Section 7285.9) will be required to pass the resolution to order the submission of the proposed Sales Tax to the voters and to approve the Sales Tax Ordinance. Additionally, Revenue & Taxation Code Section 7285.9 requires that the City Council approve the Sales Tax Ordinance, which includes the City Council conducting the first reading, by title only, of the Sales Tax Ordinance. The City Council will subsequently adopt the Sales Tax Ordinance, after the November 5, 2024, election if it is approved by the voters, during the second and final reading of the ordinance for the measure.

Passage of the Sales Tax measure will require approval by a majority of the voters. The proposed taxes

will generate revenue, deposited in the general fund, available for any general governmental purpose. Thus, the taxes are considered “general taxes.” Under Proposition 218, the levy of a new general tax must be approved by a majority of voters. (Cal. Const. art. 13C, § 2(b).)

STAFF RECOMMENDATION:

It is recommended that the City Council:

1. Council Adoption of Resolution No. 2024-___: Calling and Giving Notice of the Holding of a General Municipal Election to be Held on November 5, 2024, for the Purpose of Submitting to the Voters of the City of Suisun City an Initiative Measure Renewing the Current 1% Local Transactions and Use (“Sales”) Tax at a 1.75% Rate and Extending Thereof for 15 Years from its Operative Date for the Generation of General Municipal Revenue, and Requesting the County of Solano to Consolidate the City’s General Municipal Election to be Held on November 5, 2024, with the Statewide General Election to be Held on that Date Pursuant to Section 10403 of the Elections Code.
2. Council Adoption of Resolution No. 2024-___: Providing for the Filing of Arguments, Setting Priorities for Filing Written Arguments and Directing the City Attorney to Prepare an Impartial Analysis, All Regarding a General Municipal Election to be Held on November 5, 2024, for the Purpose of Submitting to the Voters an Initiative Measure Renewing the Current 1% Local Transactions and Use (“Sales”) Tax at a 1.75% Rate and Extending Thereof for 15 Years from its Operative Date for the Generation of General Municipal Revenue.
3. Council Adoption of Resolution No. 2024-___: Providing for the Filing of Rebuttal Argument Regarding a General Municipal Election to be Held on November 5, 2024, for the Purpose of Submitting to the Voters an Initiative Measure Renewing the Current 1% Local Transaction and Use (“Sales”) Tax at a 1.75% Rate and Extending Thereof for 15 Years from its Operative Date for the Generation of General Municipal Revenue.
4. Council Introduction and First Reading, by title only, of an Ordinance of the People of the City of Suisun City Renewing the 1% General Transactions and Use (“Sales”) Tax Codified at Chapter 3.14 to Title 3 of the Suisun City Code and Increasing the Sales Tax to 1.75% to be Administered by the California Department of Tax and Fee Administration, Subject to the Approval of a Majority of the Electors Voting on the Tax Measure at the General Municipal Election to be Held on Tuesday, November 5, 2024; and
5. Appointment of the Mayor and one Councilmember to prepare a written argument for the measure.

DOCUMENTS ATTACHED:

1. Resolution No. 2024-___: Calling and Giving Notice of the Holding of a General Municipal Election to be Held on November 5, 2024, for the Purpose of Submitting to the Voters of the City of Suisun City an Initiative Measure Renewing the Current 1% Local Transactions and Use (“Sales”) Tax at a 1.75% Rate and Extending Thereof for 15 Years from its Operative Date for the Generation of General Municipal Revenue, and Requesting the County of Solano to Consolidate the City’s General Municipal Election to be Held on November 5, 2024, with the Statewide General Election to be Held on that Date Pursuant to Section 10403 of the Elections Code.
2. Resolution No. 2024-___: Providing for the Filing of Arguments, Setting Priorities for Filing Written Arguments and Directing the City Attorney to Prepare an Impartial Analysis, All Regarding a General Municipal Election to be Held on November 5, 2024, for the Purpose of Submitting to the Voters an Initiative Measure Renewing the Current 1% Local Transactions and

Use (“Sales”) Tax at a 1.75% Rate and Extending Thereof for 15 Years from its Operative Date for the Generation of General Municipal Revenue.

3. Resolution No. 2024-___: Providing for the Filing of Rebuttal Argument Regarding a General Municipal Election to be Held on November 5, 2024, for the Purpose of Submitting to the Voters an Initiative Measure Renewing the Current 1% Local Transaction and Use (“Sales”) Tax at a 1.75% Rate and Extending Thereof for 15 Years from its Operative Date for the Generation of General Municipal Revenue.
4. Ordinance of the People of the City of Suisun City Renewing the 1% General Transactions and Use (“Sales”) Tax Codified at Chapter 3.14 to Title 3 of the Suisun City Code and Increasing the Sales Tax to 1.75% to be Administered by the California Department of Tax and Fee Administration, Subject to the Approval of a Majority of the Electors Voting on the Tax Measure at the General Municipal Election to be Held on Tuesday, November 5, 2024.
5. Notice of Public Hearing and Summary of Proposed Ordinance.

PREPARED BY:

Bret Prebula, City Manager

ATTACHMENTS:

1. Calling, Giving Notice and Requesting Consolidation of General Municipal Election for Submission of Initiative Measure
2. Resolution Providing for the Filing of, Setting Priorities for Filing Written Arguments and Directing City Attorney to Prepare an Impartial Analysis
3. Resolution Providing for the Filing of Rebuttal Arguments for Sales Tax Measure
4. Ordinance Renewing the General Transactions and Use Sales Tax
5. Notice of Public Hearing and Summary of Proposed Ordinance

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF THE CITY OF SUISUN CITY AN INITIATIVE MEASURE RENEWING THE CURRENT 1% LOCAL TRANSACTIONS AND USE (“SALES”) TAX AT A 1.75% RATE AND EXTENDING THEREOF FOR 15 YEARS FROM ITS OPERATIVE DATE FOR THE GENERATION OF GENERAL MUNICIPAL REVENUE; AND REQUESTING THE COUNTY OF SOLANO TO CONSOLIDATE THE CITY’S GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the City of Suisun City (“City”) is facing a severe budget deficit that threatens the future of the City and directly impacts the safety and quality of life of local residents; and

WHEREAS, after several years of declining city revenues, the City does not receive sufficient revenue to sustain current operations and essential services for residents; and

WHEREAS, Suisun City currently relies upon limited emergency reserves and temporary COVID relief funding to sustain services, but temporary COVID relief funds are now fully expended and limited emergency reserves will soon be depleted; and

WHEREAS, at the City Council meeting on May 28, 2024, the City’s Finance Department reported to the City Council that in fiscal year 2024-25 the City will operate at a deficit of nearly \$2 million, which it plans to cover from the City’s reserve funds, using 40% of the City’s reserves for that purpose; and

WHEREAS, at the City Council meeting on June 16, 2024, the City’s Finance Department reported to the City Council that unless revenues substantially increase to bridge the budget shortfall prior to fiscal year 2025-26, the City’s Finance Department anticipates that the City will be required to make drastic cuts to its services, which will impact the City’s residents and businesses; and

WHEREAS, in 2016, 69% of local voters in Suisun City approved a 1% sales tax measure that currently provides approximately \$3.9 million in annual funding to support essential city services and this funding is now set to expire; and

WHEREAS, if current local sales tax funding expires and Suisun City is unable to secure additional revenue, city leaders may be forced to consider declaring bankruptcy for the City which will mean immediate and direct reductions in city services, quality of life, and potentially safety of the community; and

1 **WHEREAS**, deep cuts to the city budget and potential bankruptcy could lead to the
2 elimination of Suisun City’s locally controlled fire department, police department, parks,
3 libraries, youth and senior programs, among other services; and

4 **WHEREAS**, over the past five years Suisun City has experienced nearly a 200%
5 increase in fires, a 32% increase medical emergencies, and a 29% increase in overall 911 calls
6 for service, 70% of which are for medical emergencies; and

7 **WHEREAS**, current police and fire department staffing levels are lower than the
8 standard for a community the size of Suisun City, and, at times, only two or three police officers
9 are on duty, making it challenging to patrol neighborhoods and respond to emergency calls; and

10 **WHEREAS**, the police department lacks the resources needed to address the nuisances
11 associated with homelessness, which negatively impacts safety and quality of life in the City;
12 and

13 **WHEREAS**, the police department currently operates with only 26 sworn Officers,
14 which is several Officers below recommended staffing levels, causing increased response times
15 and reduced ability to respond to lower priority calls, to enforce traffic regulations, and to solve
16 past crimes; and

17 **WHEREAS**, two-thirds of the fire department’s 911 calls are for medical emergencies,
18 requiring the fast response of a paramedic and current emergency response staffing results in
19 response times as high as 50 minutes for some calls, while the national standard for response
20 times is five minutes; and

21 **WHEREAS**, the fire department has a critical need to develop a second fire station to
22 improve response times and save lives by allowing it to arrive on scene within five minutes, as
23 contemplated in the City’s General Plan; and

24 **WHEREAS**, to improve the city’s financial stability, avoid potential bankruptcy, and
25 maintain locally controlled services, the Suisun City Council believes that the expiring locally
26 controlled sales tax funding approved by voters in 2016 needs to be renewed with an increase
27 in the rate to 1.75% to provide additional locally controlled revenue; and

28 **WHEREAS**, locally controlled funding from a renewed and increased sales tax
measure would protect and sustain essential city services, including addressing crime and public
nuisances associated with homelessness, preventing the elimination of neighborhood police
patrols, maintaining local fire protection and improving 911 emergency response times, and
maintaining city infrastructure including local streets and roads; and

WHEREAS, to help ensure the cost of a renewed and increased sales tax measure is
not a burden to those on fixed or limited incomes, essential purchases such as groceries,
prescription medicine, and diapers are exempt from the cost of sales tax;

1 **WHEREAS**, sales tax is paid by anyone who shops in Suisun City, including visitors,
2 to help ensure that nonresidents who work or shop in Suisun City pay a fair share for local
3 services, roads, and infrastructure they use; and

4 **WHEREAS**, a measure to renew and increase local sales tax funding would continue
5 strict fiscal accountability requirements, including public disclosure of all spending, and
6 independent citizen oversight; and

7 **WHEREAS**, all funds from a measure to renew and increase local sales tax funding
8 must stay local in Suisun City for local needs, and no funds can be taken away by the State; and

9 **WHEREAS**, on July 2, 2024, the City Council previously called and gave notice of a
10 general municipal election to be held on November 5, 2024, and requested consolidation of the
11 same with the statewide general election to be held on that date pursuant to Elections Code
12 Section 10403; and

13 **WHEREAS**, the City currently has a general transactions and use tax pursuant to
14 Chapter 3.14 of Title 3 of the Suisun City Municipal Code at a rate of 1%, which is set to expire
15 in the near future; and

16 **WHEREAS**, on July 2, 2024, the City Council of the City of Suisun City ordered the
17 submission to the voters at the general municipal election on November 5, 2024, a ballot
18 measure to consider approving a proposed ordinance renewing the 1% sales tax at a rate of
19 1.75% and extending the tax for a period of 15 years from its operative date, where generated
20 revenues will be deposited in the City’s General Fund, which requires approval of the majority
21 of voters at either a general or a special election; and

22 **WHEREAS**, the City Council of the City of Suisun City is authorized and directed by
23 statute to submit to the voters the foregoing ballot measure and that such submittal be
24 consolidated with the previously called general municipal election to be held on November 5,
25 2024, and that this measure be submitted as part of that election.

26 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY,
27 HEREBY RESOLVES AS FOLLOWS:**

28 **Section 1.**

Pursuant to California Constitution Article XIII C, Section 2, Government Code Section 53724,
and Elections Code Section 9222, the City Council of the City of Suisun City hereby calls an
election and submits to the qualified voters of the City a measure that, if approved, would renew
the current 1% sales tax and increase its rate to 1.75% for a period of 15 years from its operative
date, as authorized by Revenue and Taxation Code section 7285.9. This measure shall be
designated by letter by the Solano County Elections Department. Pursuant to Election Code
Section 10400 et seq., the election for this measure shall be consolidated with the established
election to be conducted on November 5, 2024.

Section 2.

The City Council of the City of Suisun City, hereby orders the following
measure be submitted to the voters at the aforementioned general municipal election:

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Suisun City Essential Services/ Public Safety Protection Measure. To maintain Suisun City’s financial stability and prevent cuts to city services, such as addressing crime/public nuisances associated with homelessness, preventing elimination of neighborhood police patrols, preventing cuts to 9-1-1 fire/ emergency medical response; and maintaining streets, shall the measure be adopted renewing the current 1% local sales tax at a 1.75% rate, providing approximately \$6,766,000 annually for 15 years, requiring independent audits, oversight, all fund local controlled?	YES
	NO

Section 3. The text of the proposed ordinance as provided above is to be submitted to the voters is attached as **Exhibit A** to this Resolution (“Ordinance”) and is incorporated herein by reference. The City Council hereby approves the Ordinance and the form thereof, pursuant to Revenue & Taxation Code Section 7285.9. The City Council further approves its submission to the voters at the November 5, 2024 general municipal election. The City’s designated elections official is hereby authorized and directed to make any changes to the text of the Ordinance or this Resolution as required to conform to any requirements of law.

Section 4. The Ordinance attached as **Exhibit A** to this Resolution is available at no cost from the City Clerk's Office at 707-421-7302 or on the City's website: suisuncity.com. A statement about how to obtain the full text of the Ordinance will be included in the Voter Information Pamphlet below the Impartial Analysis.

Section 5. The vote requirement for the measure to pass is a majority (50% +1) of the votes cast.

Section 6. The City’s designated elections official is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 7. The ballots to be used at the election shall be in form and content as required by law, and that the election shall be held and conducted in the manner prescribed by law.

Section 8. The City Council authorizes its designated elections official to administer the election and is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 9. Pursuant to California Election Code Section 10242, the polls for the General Municipal Election shall open at seven o’clock a.m. on the day of the election, and shall remain open continuously from that time until eight o’clock p.m. of the same day when the polls shall be closed, except as otherwise provided in California Election Code Section 14401.

1 **Section 10.** In all particulars not recited in this Resolution, the General Municipal Election
2 shall be held and conducted in accordance with the provisions of law regulating municipal and
statewide elections, including, but not limited to, Elections Code Section 10418.

3 **Section 11.** Notice of the time and place of holding the General Municipal Election is hereby
4 given and the City's designated elections official is authorized, instructed and directed to give
further or additional notice of the election, in the time, form and manner required by law.

5 **Section 12.** Pursuant to Sections 10402 and 10403 of the Elections Code, the Solano County
6 Board of Supervisors is hereby requested to consent and agree to the consolidation of the
7 submission of the above-mentioned proposed measure at the General Municipal Election with
the election conducted by Solano County to be held on Tuesday, November 5, 2024.

8 **Section 13.** The Solano County Registrar of Voters is authorized to canvass the returns of
9 the general municipal election. The election shall be held in all respects as if there were only
one election, and only one form of ballot shall be used.

10 **Section 14.** The Solano County Board of Supervisors is requested to issue instructions to the
11 Solano County Registrar of Voters to take any and all necessary steps for the holding of this
12 consolidated election.

13 **Section 15.** The City of Suisun City recognizes that additional costs will be incurred by
14 Solano County by reason of this consolidation and agrees to reimburse Solano County for any
costs.

15 **Section 16.** The designated elections official is hereby directed to file a certified copy of this
16 Resolution with the Solano County Board of Supervisors and the Solano County Registrar of
17 Voters.

18 **Section 17.** The City Clerk shall certify to the passage and adoption of this Resolution and
19 enter it into the book of original Resolutions. This Resolution shall be effective immediately
upon passage and adoption.

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PASSED, APPROVED AND ADOPTED this 2nd day of July, 2024.

Mayor Alma Hernandez

ATTEST:

Anita, Skinner, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SOLANO) SS:
CITY OF SUISUN CITY)

I, Anita Skinner, City Clerk of the City of Suisun City, do hereby certify that the foregoing Resolution, being Resolution No. 2024-___ was passed and approved by the City Council of the City of Suisun City, at a regular meeting of said Council held on July 2, 2024 and that said Resolution was adopted by the following vote:

AYES: Council Members: _____
NOES: Council Members: _____
ABSENT: Council Members: _____
ABSTAIN: Council Members: _____

WITNESS my hand and the seal of said City this 2nd day of July 2024.

Anita Skinner
City Clerk

RESOLUTION NO. 2024-

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY PROVIDING FOR THE FILING OF ARGUMENTS, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS, ALL REGARDING A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS AN INITIATIVE MEASURE RENEWING THE CURRENT 1% LOCAL TRANSACTIONS AND USE (“SALES”) TAX AT A 1.75% RATE AND EXTENDING THEREOF FOR 15 YEARS FROM ITS OPERATIVE DATE FOR THE GENERATION OF GENERAL MUNICIPAL REVENUE

WHEREAS, on July 2, 2024, the City Council called and gave notice of a general municipal election to be held on November 5, 2024, and requested consolidation of the same with the Statewide General Election to be held on that date pursuant to Elections Code Section 10403; and

WHEREAS, the City currently has a general transactions and use tax pursuant to Chapter 3.14 of Title 3 of the Suisun City Municipal Code at a rate of 1%, which is set to expire in the near future; and

WHEREAS, on July 2, 2024, the City Council of the City of Suisun City ordered the submission to the voters at the general municipal election on November 5, 2024, a ballot measure to consider approving a proposed ordinance renewing the 1% sales tax at a rate of 1.75% and extending the tax for a period of 15 years from its operative date, where generated revenues will be deposited in the City’s General Fund, which requires approval of the majority of voters at either a general or a special election:

Suisun City Essential Services/ Public Safety Protection Measure. To maintain Suisun City’s financial stability and prevent cuts to city services, such as addressing crime/public nuisances associated with homelessness, preventing elimination of neighborhood police patrols, preventing cuts to 9-1-1 fire/ emergency medical response; and maintaining streets, shall the measure be adopted renewing the current 1% local sales tax at a 1.75% rate, providing approximately \$6,766,000 annually for 15 years, requiring independent audits, oversight, all fund local controlled?	YES
	NO

WHEREAS, California Elections Code Section 9282 authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of arguments regarding city measures submitted at municipal elections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY, HEREBY RESOLVES AS FOLLOWS:

1 **Section 1.** Pursuant to Elections Code Sections 9282 and 9287, the City Council
2 hereby authorizes, but does not require, Mayor Alma Hernandez and one other City Council
Member to prepare a written argument in favor of the foregoing measure.

3 **Section 2.** In the event that more than one argument for or against the foregoing
4 measure is timely submitted, the City Council’s duly appointed elections official shall give
5 preference and priority first to arguments submitted by a member of the City Council, as
6 authorized by this Resolution, and second to individual voters, bona fide associations, or a
combination thereof, in the order set forth at California Elections Code Section 9287.

7 **Section 3.** In accordance with the requirements of Division 9, Chapter 3, Article 4
8 of the California Elections Code, all written arguments for or against the foregoing measure:
9 (1) shall not exceed three hundred (300) words in length; (2) shall be filed with the City’s
10 designated elections official; (3) shall be accompanied by the printed name(s) and signature(s)
11 of the person(s) submitting it, or if submitted on behalf of an organization, the name of the
12 organization, and the printed name and signature of at least one of the principal officers who is
13 the author of the argument; and (4) shall be accompanied by the Form of Statement to be Filed
by Author(s) of Argument as provided for in California Elections Code Section 9600. The
arguments shall be filed with the City Clerk on or before 4:30 pm on August 16, 2024. All
written arguments may be changed or withdrawn until and including the date fixed by the City’s
designated elections official, after which time no arguments for or against the foregoing
measure may be submitted to the elections official.

14 **Section 4.** The City Council hereby directs the City’s designated elections official to
15 transmit a copy of the foregoing measure to the City Attorney. In accordance with California
16 Elections Code Section 9280, the City Attorney is hereby directed to prepare an impartial
17 analysis of the measure (“Impartial Analysis”), not to exceed five hundred (500) words in
18 length, showing the effect of the measure on the existing law and the operation of the measure.
19 The impartial analysis shall be filed with the City Clerk on or before 4:30 pm on August 14,
20 2024. The analysis shall include a statement indicating whether the measure was placed on the
21 ballot by a petition signed by the requisite number of voters or by the governing body of the
22 City. In the event the entire text of the measure is not printed on the ballot, nor in the voter
23 information portion of the sample ballot, there shall be printed immediately below the impartial
analysis, in no less than 10-point bold type, a legend substantially as follows: “The above
statement is an impartial analysis of Ordinance or Measure __. If you desire a copy of the
ordinance or measure, please call the elections official's office at (insert telephone number) and
a copy will be mailed at no cost to you.” The impartial analysis shall be filed by the date set by
the City’s designated elections official for the filing of primary arguments.

24 **Section 5.** The City’s designated elections official shall cause the City Attorney’s
25 Impartial Analysis, and duly selected arguments, to be printed and distributed to voters in
accordance with State law regarding same.

26 **Section 6.** The City Clerk shall certify to the passage and adoption of this Resolution
27 and enter it into the book of original Resolutions. This Resolution shall be effective immediately
28 upon passage and adoption.

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PASSED, APPROVED AND ADOPTED this 2nd day of July, 2024.

Mayor Alma Hernandez

ATTEST:

Anita, Skinner, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SOLANO) SS:
CITY OF SUISUN CITY)

I, Anita Skinner, City Clerk of the City of Suisun City, do hereby certify that the foregoing Resolution, being Resolution No. 2024-___ was passed and approved by the City Council of the City of Suisun City, at a regular meeting of said Council held on July 2, 2024 and that said Resolution was adopted by the following vote:

AYES: Council Members: _____
NOES: Council Members: _____
ABSENT: Council Members: _____
ABSTAIN: Council Members: _____

WITNESS my hand and the seal of said City this 2nd day of July 2024.

Anita Skinner
City Clerk

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY PROVIDING FOR THE FILING OF REBUTTAL ARGUMENT REGARDING A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS AN INITIATIVE MEASURE RENEWING THE CURRENT 1% LOCAL TRANSACTIONS AND USE (“SALES”) TAX AT A 1.75% RATE AND EXTENDING THEREOF FOR 15 YEARS FROM ITS OPERATIVE DATE FOR THE GENERATION OF GENERAL MUNICIPAL REVENUE

WHEREAS, on July 2, 2024, the City Council called and gave notice of a general municipal election to be held on November 5, 2024, and requested consolidation of the same with the Statewide General Election to be held on that date pursuant to Elections Code Section 10403; and

WHEREAS, the City currently has a general transactions and use tax pursuant to Chapter 3.14 of Title 3 of the Suisun City Municipal Code at a rate of 1%, which is set to expire in the near future; and

WHEREAS, on July 2, 2024, the City Council of the City of Suisun City ordered the submission to the voters at the general municipal election on November 5, 2024, a ballot measure to consider approving a proposed ordinance renewing the 1% sales tax at a rate of 1.75% and extending the tax for a period of 15 years from its operative date, where generated revenues will be deposited in the City’s General Fund, which requires approval of the majority of voters at either a general or a special election:

Suisun City Essential Services/ Public Safety Protection Measure. To maintain Suisun City’s financial stability and prevent cuts to city services, such as addressing crime/public nuisances associated with homelessness, preventing elimination of neighborhood police patrols, preventing cuts to 9-1-1 fire/ emergency medical response;	YES
and maintaining streets, shall the measure be adopted renewing the current 1% local sales tax at a 1.75% rate, providing approximately \$6,766,000 annually for 15 years, requiring independent audits, oversight, all fund local controlled?	NO

WHEREAS, California Elections Code Section 9285 authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments regarding city measures submitted at municipal elections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY, RESOLVES AS FOLLOWS:

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STATE OF CALIFORNIA)
COUNTY OF SOLANO) SS:
CITY OF SUISUN CITY)

I, Anita Skinner, City Clerk of the City of Suisun City, do hereby certify that the foregoing Resolution, being Resolution No. 2024-___ was passed and approved by the City Council of the City of Suisun City, at a regular meeting of said Council held on July 2, 2024 and that said Resolution was adopted by the following vote:

AYES: Council Members: _____
NOES: Council Members: _____
ABSENT: Council Members: _____
ABSTAIN: Council Members: _____

WITNESS my hand and the seal of said City this 2nd day of July 2024.

Anita Skinner
City Clerk

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ORDINANCE NO.

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF SUISUN CITY
RENEWING THE 1% GENERAL TRANSACTIONS AND USE
("SALES") TAX CODIFIED AT CHAPTER 3.14 TO TITLE 3 OF THE
SUISUN CITY CODE AND INCREASING THE SALES TAX TO 1.75%,
TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF
TAX AND FEE ADMINISTRATION, SUBJECT TO APPROVAL OF A
MAJORITY OF THE ELECTORS VOTING ON THE TAX MEASURE
AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON
TUESDAY, NOVEMBER 5, 2024**

WHEREAS, the City of Suisun City ("City") is facing a severe budget deficit that threatens the future of the City and directly impacts the safety and quality of life of local residents; and

WHEREAS, after several years of declining city revenues, the City does not receive sufficient revenue to sustain current operations and essential services for residents; and

WHEREAS, Suisun City currently relies upon limited emergency reserves and temporary COVID relief funding to sustain services, but temporary COVID relief funds are now fully expended and limited emergency reserves will soon be depleted; and

WHEREAS, at the City Council meeting on May 28, 2024, the City's Finance Department reported to the City Council that in fiscal year 2024-25 the City will operate at a deficit of nearly \$2 million, which it plans to cover from the City's reserve funds, using 40% of the City's reserves for that purpose; and

WHEREAS, at the City Council meeting on June 16, 2024, the City's Finance Department reported to the City Council that unless revenues substantially increase to bridge the budget shortfall prior to fiscal year 2025-26, the City's Finance Department anticipates that the City will be required to make drastic cuts to its services, which will impact the City's residents and businesses; and

WHEREAS, in 2016, 69% of local voters in Suisun City approved a 1% sales tax measure that currently provides approximately \$3.9 million in annual funding to support essential city services and this funding is now set to expire; and

WHEREAS, if current local sales tax funding expires and Suisun City is unable to secure additional revenue, city leaders may be forced to consider declaring bankruptcy for the City which will mean immediate and direct reductions in city services, quality of life, and potentially safety of the community; and

WHEREAS, deep cuts to the city budget and potential bankruptcy could lead to the elimination of Suisun City's locally controlled fire department, police department, parks, libraries, youth and senior programs, among other services; and

1 **WHEREAS**, over the past five years Suisun City has experienced nearly a 200%
2 increase in fires, a 32% increase medical emergencies, and a 29% increase in overall 911 calls
3 for service, 70% of which are for medical emergencies; and

4 **WHEREAS**, current police and fire department staffing levels are lower than the
5 standard for a community the size of Suisun City, and, at times, only two or three police officers
6 are on duty, making it challenging to patrol neighborhoods and respond to emergency calls; and

7 **WHEREAS**, the police department lacks the resources needed to address the nuisances
8 associated with homelessness, which negatively impacts safety and quality of life in the City;
9 and

10 **WHEREAS**, the police department currently operates with only 26 sworn Officers,
11 which is several Officers below recommended staffing levels, causing increased response times
12 and reduced ability to respond to lower priority calls, to enforce traffic regulations, and to solve
13 past crimes; and

14 **WHEREAS**, two-thirds of the fire department's 911 calls are for medical emergencies,
15 requiring the fast response of a paramedic and current emergency response staffing results in
16 response times as high as 50 minutes for some calls, while the national standard for response
17 times is five minutes; and

18 **WHEREAS**, the fire department has a critical need to develop a second fire station to
19 improve response times and save lives by allowing it to arrive on scene within five minutes, as
20 contemplated in the City's General Plan; and

21 **WHEREAS**, to improve the city's financial stability, avoid potential bankruptcy, and
22 maintain locally controlled services, the Suisun City Council believes that the expiring locally
23 controlled sales tax funding approved by voters in 2016 needs to be renewed with an increase
24 in the rate to 1.75% to provide additional locally controlled revenue; and

25 **WHEREAS**, locally controlled funding from a renewed and increased sales tax
26 measure would protect and sustain essential city services, including addressing crime and public
27 nuisances associated with homelessness, preventing the elimination of neighborhood police
28 patrols, maintaining local fire protection and improving 911 emergency response times, and
maintaining city infrastructure including local streets and roads; and

WHEREAS, to help ensure the cost of a renewed and increased sales tax measure is
not a burden to those on fixed or limited incomes, essential purchases such as groceries,
prescription medicine, and diapers are exempt from the cost of sales tax;

WHEREAS, sales tax is paid by anyone who shops in Suisun City, including visitors,
to help ensure that nonresidents who work or shop in Suisun City pay a fair share for local
services, roads, and infrastructure they use; and

WHEREAS, a measure to renew and increase local sales tax funding would continue
strict fiscal accountability requirements, including public disclosure of all spending, and
independent citizen oversight; and

1 **WHEREAS**, all funds from a measure to renew and increase local sales tax funding
2 must stay local in Suisun City for local needs, and no funds can be taken away by the State; and

3 **WHEREAS**, Article XIIC, Section 2 of the California Constitution authorizes a city to
4 impose a general tax if approved by a majority vote of the qualified electors; and

5 **WHEREAS**, the City of Suisun City (the “City”) imposed a General Transactions and
6 Use Tax, authorized by Part 1.6 (commencing with Section 7251) of Division 2 of the California
7 Revenue and Taxation Code, and Section 7285.9 of the California Revenue and Taxation Code
8 (“Authorizing Statutes”), which was passed by the electorate on November 8, 2016; and

9 **WHEREAS**, the Authorizing Statutes authorize the City to renew and increase the sales
10 tax with a new General Transactions and Use Tax ordinance (“Ordinance”), which shall be
11 operative if a majority of the electors voting on the measure vote to approve the Ordinance, at
12 an election called for that purpose; and

13 **WHEREAS**, this Ordinance proposes to renew the 1% Suisun City General
14 Transactions and Use Tax at the increased rate of 1.75%, which would sunset 15 years from the
15 Operative Date, as that term is defined below, with collected revenue being deposited in the
16 City’s General Fund; and

17 **WHEREAS**, California Constitution Article XIIC, Section 2, provides that an election
18 regarding a general tax must be consolidated with a regularly scheduled special or general
19 municipal election for members of the City Council; and

20 **WHEREAS**, a general municipal election has been called for Tuesday, November 5,
21 2024 by Resolution No. 2024-__, adopted on July 2, 2024; and

22 **WHEREAS**, by its Resolution No. 2024-__, adopted on July 2, 2024, the City Council
23 acted to submit this Ordinance to the City’s voters at the November 5, 2024 election and
24 approved this Ordinance pursuant to Revenue & Taxation Code Section 7285.9, which
25 Ordinance becomes effective upon the City’s voters’ approval; and

26 **WHEREAS**, this Ordinance renews the 1% general tax at the new rate of 1.75% and
27 would sunset 25 years after the Operative Date, where generated revenues will be deposited in
28 the City’s General Fund.

NOW THEREFORE, on the basis of the foregoing, the People of the City of Suisun
City, at the November 5, 2024 general municipal election do hereby Ordain as follows:

SECTION 1. The recitals set forth above are all true and correct and are incorporated
herein.

SECTION 2. Title 3, Chapter 3.14 of the City of Suisun City Municipal Code is hereby
repealed in its entirety and replaced to read as set forth below :

Section 3.14.010. Title of ordinance. This ordinance shall be known as the City of
Suisun City General Transactions and Use Tax Ordinance. The City of Suisun City hereinafter

1 shall be called "City." This ordinance shall be applicable only in the incorporated territory of
2 the City.

3 **Section 3.14.020. Basic definitions.** As used in this chapter, "city" means the City of
4 Suisun City and "tax" means the General Transactions and Use Tax imposed under the
5 provisions of this ordinance.

6 **Section 3.14.030. Operative date.** "Operative Date" means the first day of the first
7 calendar quarter commencing more than 110 days after the adoption of this ordinance, the date
8 of such adoption being as set forth below, and shall expire fifteen years thereafter.

9 **Section 3.14.040. Purpose.** This ordinance is adopted to achieve the following, among
10 other purposes, and directs that the provisions hereof be interpreted in order to accomplish those
11 purposes:

12 A. To impose a retail transactions and use tax in accordance with the provisions of
13 Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and
14 Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance
15 which shall be operative if a majority of the electors voting on the measure vote to approve the
16 imposition of the tax at an election called for that purpose.

17 B. To adopt a retail transactions and use tax ordinance that incorporates provisions
18 identical to those of the Sales and Use Tax Law of the State of California insofar as those
19 provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of
20 Division 2 of the Revenue and Taxation Code.

21 C. To adopt a retail transactions and use tax ordinance that imposes a tax and
22 provides a measure therefore that can be administered and collected by the California
23 Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable
24 to, and requires the least possible deviation from, the existing statutory and administrative
25 procedures followed by the California Department of Tax and Fee Administration in
26 administering and collecting the California State Sales and Use Taxes.

27 D. To adopt a retail transactions and use tax ordinance that can be administered in
28 a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6
of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the
transactions and use taxes, and at the same time, minimize the burden of record keeping upon
persons subject to taxation under the provisions of this ordinance.

Section 3.14.050. Contract with state. Prior to the operative date, the City shall
contract with the California Department of Tax and Fee Administration to perform all functions
incident to the administration and operation of this transactions and use tax ordinance; provided,
that if the City shall not have contracted with the California Department of Tax and Fee
Administration prior to the operative date, it shall nevertheless so contract and in such a case
the operative date shall be the first day of the first calendar quarter following the execution of
such a contract.

1 **Section 3.14.060. Transaction tax rate.** For the privilege of selling tangible personal
2 property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the
3 City at the rate of one and three-quarters percent (1.75%) of the gross receipts of any retailer
4 from the sale of all tangible personal property sold at retail in said territory on and after the
5 operative date of this ordinance.

6 **Section 3.14.070. Place of sale.** For the purposes of this ordinance, all retail sales are
7 consummated at the place of business of the retailer unless the tangible personal property sold
8 is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for
9 delivery to an out-of-state destination. The gross receipts from such sales shall include delivery
10 charges, when such charges are subject to the state sales and use tax, regardless of the place to
11 which delivery is made. In the event a retailer has no permanent place of business in the State
12 or has more than one place of business, the place or places at which the retail sales are
13 consummated shall be determined under rules and regulations to be prescribed and adopted by
14 the California Department of Tax and Fee Administration.

15 **Section 3.14.080. Use tax rate.** An excise tax is hereby imposed on the storage, use or
16 other consumption in the City of tangible personal property purchased from any retailer on and
17 after the operative date of this ordinance for storage, use or other consumption in said territory
18 at the rate of one and three-quarters percent (1.75%) of the sales price of the property. The
19 sales price shall include delivery charges when such charges are subject to state sales or use tax
20 regardless of the place to which delivery is made.

21 **Section 3.14.090. Proceeds of taxes.** The proceeds of the transactions and use tax
22 imposed by this chapter shall be deposited into the general fund of the city to be used for all
23 general government purposes which may include, but are not limited to, fire and police
24 protection, street and sidewalk repair and maintenance, park repair and maintenance,
25 recreational programs, building and code enforcement services, planning and zoning services,
26 capital equipment requirements, public infrastructure, repair and replacement of city facilities,
27 capital improvement projects, operational expenses, fiduciary responsibilities, administration,
28 indebtedness, and general obligations of the city. The tax imposed by this chapter is intended
to be and is, a general tax, the proceeds of which are to be spent as the city council shall in its
discretion, from time to time, determine.

Section 3.14.100. Revenue expended for unrestricted uses. Revenues from the
transaction and use tax enacted under this ordinance shall be expended by the city for
unrestricted general revenue uses.

Section 3.14.110. Adoption of provisions of state law. Except as otherwise provided
in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of
Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with
Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a
part of this ordinance as though fully set forth herein.

Section 3.14.120. Limitations on adoption of state law and collections of use taxes.
In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

1 A. Wherever the State of California is named or referred to as the taxing agency,
2 the name of this City shall be substituted therefor. However, the substitution shall not be made
3 when:

4 1. The word "State" is used as a part of the title of the State Controller, State
5 Treasurer, State Treasury, or the Constitution of the State of California;

6 2. The result of that substitution would require action to be taken by or
7 against this City or any agency, officer, or employee thereof rather than by or against the
8 California Department of Tax and Fee Administration, in performing the functions incident to
9 the administration or operation of this Ordinance.

10 3. In those sections, including, but not necessarily limited to sections
11 referring to the exterior boundaries of the State of California, where the result of the substitution
12 would be to:

13 a. Provide an exemption from this tax with respect to certain sales,
14 storage, use or other consumption of tangible personal property which would not otherwise be
15 exempt from this tax while such sales, storage, use or other consumption remain subject to tax
16 by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or

17 b. Impose this tax with respect to certain sales, storage, use or other
18 consumption of tangible personal property which would not be subject to tax by the state under
19 the said provision of that code.

20 4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715,
21 6737, 6797 or 6828 of the Revenue and Taxation Code.

22 B. The word "City" shall be substituted for the word "State" in the phrase "retailer
23 engaged in business in this State" in Section 6203 and in the definition of that phrase in Section
24 6203 of the Revenue and Taxation Code.

25 1. “A retailer engaged in business in the District” shall also include any
26 retailer that, in the preceding calendar year or the current calendar year, has total combined
27 sales of tangible personal property in this state or for delivery in the State by the retailer and all
28 persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For
purposes of this section, a person is related to another person if both persons are related to each
other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations
thereunder.

Section 3.14.130. Permit not required. If a seller's permit has been issued to a retailer
under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall
not be required by this ordinance.

Section 3.14.140. Exemptions and exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax
the amount of any sales tax or use tax imposed by the State of California or by any city, city

1 and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or
2 the amount of any state-administered transactions or use tax.

3 B. There are exempted from the computation of the amount of transactions tax the
4 gross receipts from:

5 1. Sales of tangible personal property, other than fuel or petroleum
6 products, to operators of aircraft to be used or consumed principally outside the county in which
7 the sale is made and directly and exclusively in the use of such aircraft as common carriers of
8 persons or property under the authority of the laws of this State, the United States, or any foreign
9 government.

10 2. Sales of property to be used outside the City which is shipped to a point
11 outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his
12 agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For
13 the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

14 a. With respect to vehicles (other than commercial vehicles) subject
15 to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the
16 Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code,
17 and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of
18 the Vehicle Code by registration to an out-of-City address and by a declaration under penalty
19 of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of
20 residence; and

21 b. With respect to commercial vehicles, by registration to a place of
22 business out-of-City and declaration under penalty of perjury, signed by the buyer, that the
23 vehicle will be operated from that address.

24 3. The sale of tangible personal property if the seller is obligated to furnish
25 the property for a fixed price pursuant to a contract entered into prior to the operative date of
26 this ordinance.

27 4. A lease of tangible personal property which is a continuing sale of such
28 property, for any period of time for which the lessor is obligated to lease the property for an
amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or
lease of tangible personal property shall be deemed not to be obligated pursuant to a contract
or lease for any period of time for which any party to the contract or lease has the unconditional
right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use
or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a
transactions tax under any state-administered transactions and use tax ordinance.

1 2. Other than fuel or petroleum products purchased by operators of aircraft
2 and used or consumed by such operators directly and exclusively in the use of such aircraft as
3 common carriers of persons or property for hire or compensation under a certificate of public
4 convenience and necessity issued pursuant to the laws of this State, the United States, or any
5 foreign government. This exemption is in addition to the exemptions provided in Sections 6366
6 and 6366.1 of the Revenue and Taxation Code of the State of California.

7 3. If the purchaser is obligated to purchase the property for a fixed price
8 pursuant to a contract entered into prior to the operative date of this ordinance.

9 4. If the possession of, or the exercise of any right or power over, the
10 tangible personal property arises under a lease which is a continuing purchase of such property
11 for any period of time for which the lessee is obligated to lease the property for an amount fixed
12 by a lease prior to the operative date of this ordinance.

13 5. For the purposes of subparagraphs (3) and (4) of this section, storage,
14 use, or other consumption, or possession of, or exercise of any right or power over, tangible
15 personal property shall be deemed not to be obligated pursuant to a contract or lease for any
16 period of time for which any party to the contract or lease has the unconditional right to
17 terminate the contract or lease upon notice, whether or not such right is exercised.

18 6. Except as provided in subparagraph (7), a retailer engaged in business in
19 the City shall not be required to collect use tax from the purchaser of tangible personal property,
20 unless the retailer ships or delivers the property into the City or participates within the City in
21 making the sale of the property, including, but not limited to, soliciting or receiving the order,
22 either directly or indirectly, at a place of business of the retailer in the City or through any
23 representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority
24 of the retailer.

25 7. "A retailer engaged in business in the City" shall also include any retailer
26 of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing
27 with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with
28 Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division
3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to
collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an
address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax
any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer
liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code
with respect to the sale to the person of the property the storage, use or other consumption of
which is subject to the use tax.

Section 3.14.150 Changes in law. All amendments subsequent to the effective date of
this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use
taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue

1 and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue
2 and Taxation Code, shall automatically become a part of this chapter, provided however, that
no such amendment shall operate so as to affect the rate of tax imposed by this chapter.

3 **Section 3.14.160. Enjoining collection forbidden.** No injunction or writ of mandate
4 or other legal or equitable process shall issue in any suit, action or proceeding in any court
5 against the State or the City, or against any officer of the State or the City, to prevent or enjoin
6 the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code,
of any tax or any amount of tax required to be collected.

7 **Section 3.14.170. Annual Audit.** The proceeds resulting from this transactions and use
8 tax shall be deposited into the city's general fund and become subject to the same independent
9 annual audit requirements as other general fund revenue. In addition the city's independent
10 auditor shall complete a general transactions and use tax compliance and internal control audit
report. Such report shall review whether the tax revenues collected pursuant to this chapter are
collected, managed, and expended in accordance with this chapter.

11 **Section 3.14.180. All funds staying local.** All tax revenues collected under the
12 authority of this chapter shall be expended solely on local municipal services, and shall not be
used for any other purposes.

13 **Section 3.14.190. Effective date.** This ordinance relates to the levying and collecting
14 of the City transactions and use taxes and shall take effect immediately as provided by law.

15 **Section 3.14.200. Termination date.** The authority to levy the tax imposed by this
16 ordinance shall continue until the fifteenth anniversary of its effective date.”

17
18 **Section 3.14. 210 Penalties.** Without limiting any remedies available at law or equity,
19 any person violating any of the provisions of this chapter shall be deemed guilty of a
misdemeanor.

20 **Section 3.14.220. Amendments.** All amendments subsequent to the effective date of
21 this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and
22 use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue
23 and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue
and Taxation Code, shall automatically become a part of this ordinance, provided however, that
no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

24 **Section 3.14.230. Severability.** If any provision of this ordinance or the application
25 thereof to any person or circumstance is held invalid, the remainder of the ordinance and the
26 application of such provisions to other persons or circumstances shall not be affected thereby.

27 **Section 3.14.240. Suisun City Oversight Committee.** The city council shall establish
28 a city general tax oversight committee to review the expenditure of the revenues collected
pursuant to this ordinance. The committee shall consist of five members appointed by the city
council. The committee members shall be residents and taxpayers in the city. The terms of the

1 committee members, as well as their specific duties shall be set forth in a resolution adopted by
2 the city council. Such resolution may be amended by resolution of the city council.

3 **SECTION 3. COUNCIL AUTHORITY TO AMEND.** This is a City Council-
4 sponsored initiative Ordinance which otherwise would only be subject to amendment by the
5 voters of the City. However, pursuant to Elections Code Section 9217, the City Council shall
6 have and retain the right and authority to amend the Ordinance to further its purposes and intent
(including but not limited to amendment for more efficient administration as determined by the
City Council) in any manner that does not increase a tax rate, or otherwise constitute a tax
increase for which voter approval is required by Article XIII C of the California Constitution.

7 **SECTION 4. CEQA EXEMPTION.** The adoption of this ordinance is not a "project"
8 subject to the requirements of the California Environmental Quality Act (CEQA) (Public
9 Resources Code Section §§ 21000 et seq.). CEQA Guideline 15378(b)(4) provides that the
10 creation of government funding mechanisms or other government fiscal activities that do not
involve any commitment to a specific project that may result in a potentially significant physical
impact on the environment are not projects subject to the requirements of CEQA.

11 **SECTION 5. APPROPRIATIONS LIMIT.** Pursuant to Article XIII B of the
12 California Constitution, the appropriations limit for the City of Suisun City is increased to the
13 maximum extent over the maximum period of time allowed under the law consistent with the
revenues generated by this general tax.

14 PASSED AND ADOPTED by the voters of the City of Suisun City at an election held
15 on November 5, 2024.

16 _____
17 Alma Hernandez, Mayor

18 ATTEST:

19 _____
20 Anita Skinner, City Clerk

21 *****

22 PASSED AND ADOPTED by the City Council of the City of Suisun City, State of
23 California, on this ____ day of _____ 2024.

24 _____
25 Alma Hernandez, Mayor

26 ATTEST:

27 _____
28 Anita Skinner, City Clerk

CERTIFICATION:

I, Anita Skinner, City Clerk of the City of Suisun, California, do hereby certify that Ordinance ___ was adopted by the City Council of the City of Suisun City at a regular meeting held on the _____ day of _____, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Anita Skinner, City Clerk

Ordinance No. ___ was submitted to the People of the City of Suisun City at the November 5, 2024, general municipal election. It was approved by the following vote of the electors:

YES: _____

NO: _____

CITY OF SUISUN CITY

Notice of Public Hearing And Summary of Proposed Ordinance

NOTICE IS HEREBY GIVEN that the City Council of the City of Suisun City (the “City Council”) will hold a public hearing to consider submitting a ballot measure to the voters at the November 5, 2024 general municipal election that would: (1) extend the transactions and use tax (a “Sales Tax” commonly known as Measure S, as approved by the voters in November 2016 and codified under Chapter 3.14 of Title 3 of the Municipal Code) beyond its current sunset of 10 years per Municipal Code section 3.14.030 and (2) increase the percentage of the current Sales Tax. Furthermore, at this public hearing, the City Council may also consider other matters relating to the above-mentioned ballot measure, including, but not limited to, the number of years that the Sales Tax would be extended and the amount that the Sales Tax percentage will be increased by, if approved by the voters at the November 2024 election.

The public hearing will take place at a regular meeting of the City Council on **Tuesday, July 2, 2024, at 7:00 p.m., or as soon thereafter as the matter can be heard, at the Suisun City Council Chambers, 701 Civic Center Boulevard, Suisun City, California.**

All interested persons are invited to attend the public hearing and comment upon any proposed action, express opinions, or submit evidence for or against the matter as outlined above.

If you have any questions or comments regarding this matter, please contact the City Clerk at (707) 421-7300 between 9:00 a.m. and 5:00 p.m., Monday through Thursday, or email clerk@suisun.com.

Donna Pock
Deputy City Clerk

DATED: *June 14, 2024*
TO BE PUBLISHED ON: *June 19, 2024*

CITY OF SUISUN CITY
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And Summary of Proposed Ordinance**

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Donna Pock
Deputy City Clerk
DR#00073542
Published: June 19, 2024