

MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh

Vol. No. 23/03-06

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: March 6, 2023/6:00 p.m.

CALL TO ORDER

ROLL CALL
Mayor Felipe Perez
Mayor Pro Tem Elsa Lopez
Council Member Freddy Valdez
Council Member Silvia Renteria
Council Member Brady Jenkins

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Andrew Firebaugh Community Center to participate at this meeting, please contact the Deputy City Clerk at (559) 659-2043. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to the Andrew Firebaugh Community Center.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the Deputy City Clerk's office, during normal business hours.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

PRESENTATION

PUBLIC COMMENT

CONSENT CALENDAR

Items listed on the calendar are considered routine and are acted upon by one motion unless any Council member requests separate action. Typical items include minutes, claims, adoption of ordinances previously introduced and discussed, execution of agreements and other similar items.

1. APPROVAL OF MINUTES – The City Council regular meeting on February 6, 2023.

PUBLIC HEARING

None

NEW BUSINESS

2. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER USE OF THE RODEO GROUNDS AND WAIVER OF RENTAL FEES BY FIREBAUGH-MENDOTA METHODIST CHURCH, FOR A DINNER DANCE ON MARCH 18, 2023.

Recommended Action: Council receives public comment & takes action.

3. RESOLUTION NO. 23-07 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPOINTMENT OF CITY MEMBERS TO THE SPECIAL CITY SELECTION COMMITTEE OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD.

Recommended Action: Council receives public comment & approves Res. No. 23-07.

4. **RESOLUTION NO. 23-08 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH OPPOSING INITIATIVE 21-0042A1, LIMITS ABILITY OF VOTERS AND STATE AND LOCAL GOVERNMENTS TO RAISE REVENUES FOR GOVERNMENT SERVICES.**

Recommended Action: Council receives public comment & approves Res. No. 23-08.

5. **RESOLUTION NO. 23-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ACCEPTING BID AND AWARDED CONTRACT TO TERRA WEST CONSTRUCTION, INC. FOR THE 22/23 CONCRETE IMPROVEMENTS AND STREET REHABILITATION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

Recommended Action: Council receives public comment & approves Res. No. 23-09.

6. **UPDATE ON ORDINANCE NO. 21-04 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH REPEALING SECTIONS 9-1.1, 9-1.2, 9-1.3, AND 9-1.4 OF CHAPTER 9 [TRAILERS AND TRAILER PARKS] OF THE MUNICIPAL CODE, REPLACING THE HEADING OF CHAPTER 9 WITH THE TITLE "MOBILE HOME PARKS ACT", AND ADDING SECTIONS 9-1.1 THROUGH 9-1.11 RELATING TO THE ASSUMPTION OF RESPONSIBILITY OF ENFORCING THE MOBILE HOME PARKS ACT AND SPECIAL OCCUPANCY PARKS ACT OF THE CALIFORNIA HEALTH AND SAFETY CODE.**

Recommended Action: Council receives public comment & gives staff direction.

7. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER AND DISCUSS THE DEDICATION OF THE FIREBAUGH FIRE DEPARTMENT TO THE BORBOA FAMILY.**

Recommended Action: Council receives public comment & gives staff direction.

8. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER AND DISCUSS THE SELECTION OF A SOLAR COMPANY FOR THE NEW POLICE DEPARTMENT, FIRE STATION AND VFW HALL.**

Recommended Action: Council receives public comment & gives staff direction.

STAFF REPORTS

PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY

CLOSED SESSION

9. **Government Code Section 54956.9(d)(2)** - Conference with Legal Counsel – Anticipated Litigation

Significant Exposure to Litigation - One potential case

10. **Government Code Section 54957.6.**

CONFERENCE WITH LABOR NEGOTIATORS: ALL REPRESENTED & UNREPRESENTED EMPLOYEES

City Negotiator: Ben Gallegos

Employee Organizations: Police & Public Works bargaining units and all unrepresented positions.

ANNOUNCEMENT AFTER CLOSED SESSION

ADJOURNMENT

Certification of posting the agenda

I declare under penalty of perjury that I am employed by the City of Firebaugh and that I posted this agenda on the bulletin boards at City Hall, March 3, 2023, at 5:00 p.m. by Rita Lozano Deputy City Clerk.

MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh
Vol. No. 23/02-03

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: February 6, 2023/6:00 p.m.

CALL TO ORDER Meeting called to order by Mayor Perez at 6:00 p.m.

ROLL CALL Mayor Felipe Pérez
Mayor Pro Tem Elsa Lopez
Council Member Freddy Valdez
Council Member Silvia Renteria
Council Member Brady Jenkins

ABSENT:

OTHERS: City Attorney James McCann; City Manager Ben Gallegos; Deputy Clerk, Rita Lozano; Public Works Director, Michael Molina; Finance Director, Pio Martin; Fire Chief John Borboa; City Clerk, Amanda Fleming; City Engineer, Mario Gouveia; Fernando Campa, Chris Gutierrez & others.

PLEDGE OF ALLEGIANCE Council Member Lopez led pledge of Allegiance.

APPROVAL OF THE AGENDA

Motion to approve agenda by Council Member Valdez, second by Council Member Jenkins, motion passed by 5-0 vote.

PRESENTATION

- Syserco Energy Solutions, Inc.
- SitelogIQ's Central Valley Local Government Energy Team

PUBLIC COMMENT

None

CONSENT CALENDAR

1. APPROVAL OF MINUTES – The City Council regular meeting on December 19, 2022.
2. WARRANT REGISTER – Period starting December 1 and ending on December 31, 2022.

December 2022	General Warrants	#43649 - #43829	\$ 1,326,409.03
	Payroll Warrants	#71925 - #71937	\$ 145,376.81
	TOTAL		\$ 1,471,785.84

3. WARRANT REGISTER – Period starting January 1 and ending on January 31, 2023.

January 2023	General Warrants	#43830 - #43932	\$ 920,014.19
	Payroll Warrants	#71938 - #71955	\$ 143,396.15
	TOTAL		\$ 1,063,410.34

Motion to approve Consent Calendar with the following checks pulled: #43710-43730, #43805, #43873, #43889, #43894, by Council Member Valdez, second by Council Member Lopez, motion passed by 5-0 vote.

Motion to approve the following checks pulled: #43710-43730 – ARPA funds approved by Res. 22-56, #43805 – Petty Cash for Dog Pound food supplies, #43873 – Supersaver portable table for Maldonado Park, #43889 – Senior Citizens Lunch paid from their funding, which the city manages, #43894 – Donaghy Beer Purchase bill from the 2022 carnival, by Council Member Valdez, second by Council Member Jenkins, motion passed by 5-0 vote.

PUBLIC HEARING - None

NEW BUSINESS

4. **RESOLUTION NO. 23-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ACCEPTING BID AND AWARDING CONTRACT TO EMMETT VALLEY CONSTRUCTION, INC. FOR THE J STREET AND 10TH STREET IMPROVEMENTS, FEDERAL-AID PROJECT NO. CML-5224(027) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

Motion to approve Resolution No. 23-01 by Council Member Jenkins, second by Council Member Lopez, motion passed by 5-0 vote.

5. **RESOLUTION NO. 23-02 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH OF ADOPTING AND RECERTIFYING THE UPDATED SEWER SYSTEM MANAGEMENT PLAN (SSMP).**

Motion to approve Resolution No. 23-02 by Council Member Lopez, second by Council Member Jenkins, motion passed by 5-0 vote.

6. **RESOLUTION NO. 23-03 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ACCEPTING COMPLETION OF 22/23 SBI SLURRY SEALS PROJECT, AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION WITH FRESNO COUNTY AND AUTHORIZING THE CITY MANAGER TO MAKE FINAL PAYMENT OF RETENTION MONIES TO VSS INTERNATIONAL, INC.**

Motion to approve Resolution No. 23-03 by Council Member Jenkins, second by Council Member Lopez, motion passed by 5-0 vote.

7. **RESOLUTION NO. 23-04 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE DESIGNATION OF PERSONS ON SIGNATURE CARDS OF THE FINANCIAL INSTITUTIONS USED BY THE CITY WHICH AUTHORIZE SIGNATURE OF CITY WARRANTS & PAYROLL CHECKS.**

Motion to approve Resolution No. 23-04, removing "acting" on city manager, removing Marcia Sablan, and adding Elsa Lopez by Council Member Jenkins, second by Council Member Renteria, motion passed by 5-0 vote.

8. **RESOLUTION NO. 23-05 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING A SUBRECIPIENT AGREEMENT BETWEEN THE COUNTY OF FRESNO AND THE CITY OF FIREBAUGH FOR REPLACEMENT OF LAS DELTAS WATER STORAGE TANK.**

Motion to approve Resolution No. 23-05, agreement between County of Fresno & City for the HUD tank replacement by Council Member Lopez, second by Council Member Jenkins, motion passed by 5-0 vote.

9. **RESOLUTION NO. 23-06 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH SUPPORTING AND URGING THE APPROVAL AND FUNDING OF THE GRANT APPLICATION SUBMITTED BY THE CITY OF HURON TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION FOR A LOCAL AGENCY TECHNICAL ASSISTANCE GRANT.**

Public Utilities Commission for broadband, grant funding of \$5,000, no funding available at this time but additional funding maybe allocated.

Motion to approve Resolution No. 23-06 by Council Member Valdez, second by Council Member Jenkins, motion passed by 5-0 vote.

10. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER AND DISCUSS THE REQUEST FROM CEN CAL BUILDERS RE: DEL RIO ESTATES HOUSING DEVELOPMENT AND DIAZ STREET.

Contractor's representative requested to be on agenda to ask council to consider amendments to their project from cement wall to wood fence, and to not have to develop Diaz Street. Staff advised the request must go before the Planning Commission for consideration not the City Council. A public hearing announcing the Planning Meeting would be required for the consideration of the requested amendments.

No action taken.

11. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER AND DISCUSS THE BUSINESS LICENSE FEES.

Recommendation for staff to amend business license fees by categories or types of business, verse gross earnings, present new fees to council for consideration at a future council meeting.

12. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER AND DISCUSS NAMING THE NEW FIRE STATION.

Motion to name the new fire station the Borboa Fire Station, after the 55 years plus of volunteer Fire Chief service from the Borboa family members by Council Member Lopez, second by Council Member Renteria, motion passes 2-1-2. Council Member Valdez – no, Council Member Jenkins and Mayor Perez – abstained.

13. THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER AND DISCUSS PROCEEDING WITH AN RFQ FOR CITY ATTORNEY SERVICES.

Motion to proceed with the RFP for City Attorney Services by Council Member Valdez, second by Council Member Jenkins; motion passes by 3-2 vote. Council Member Lopez and Council Member Renteria – no.

STAFF REPORTS

- Police Chief Sal Raygoza – working on annual report and the ordinance on trailer parks to provide an update.
- Fire Chief, John Borboa – nothing to report.
- Public Works Director, Michael Molina – nothing to report.
- City Manager, Ben Gallegos – working with Retail Strategies on recruiting new businesses, they stated the city has been doing everything that they would recommend in succeeding on getting new businesses to our town.
- City Engineer Mario Gouveia – alley project on 8th through 9th Street is stalled due to the weather. HWY 33 beautification permit is moving forward and is scheduled to go out in April. Caltrans is potholing on Morris to Lyon on Hwy 33 to prepare for the project, they're also working with the railroad company to start work there later this year. Council Member Lopez asked what we are doing with Cen Cal, Cen Cal must meet the city standards, any amendments request must go be the planning commission for consideration.
- Deputy City Clerk, Rita Lozano – please submit your Form 700 before the deadline to avoid fines, members that have served on COG committees, need to complete a Form 700 for each committee served, I will be on vacation all next week.
- Finance Director, Pio Martin – hoping the have the audit report to present soon.
- City Attorney, James McCann – nothing to report.
- Council Member Lopez – suggested a Josh Allen Memorial that was requested by Council Member Jenkins, be placed at 13th St, place on a future agenda for consideration.

- **Council Member Renteria** – attended the League of Cities Conference, learned how many rules we do/can break, we should all go to training as a refresher course to avoid bigger issues.
- **Council Member Valdez** – Saturday, attended meeting with State Assembly woman Esmeralda Soria held for the westside communities to discuss the issues of our towns, still seeking Prop 68 funding for parks, as well as funding to hire kids.
- **Council Member Perez** – attended the last COG meeting, the Director said we have a city app to provide information, city should get a charger for Tesla vehicles, their bringing an agency from LA, I informed them we are a community of low income, we should hire locally, instead of bring agency from big cities like LA. Requested the lines on Clyde Fannon be painted, since there hard to see, and address the truck parking issue in that area too. City Manager replied, he attended a meeting on the grid, and believes they want to place a charging station at the park on 16th.

PUBLIC COMMENT

None

Motion to enter close session at 8:25 pm by Council Member Jenkins, second by Council Member Valdez, motion passes by a 5-0 vote.

CLOSED SESSION

14. Government Code Section 54957

PUBLIC EMPLOYEE EVALUATION: City Manager.

Motion to enter open session at 9:18 pm by Council Member Valdez, second by Council Member Jenkins, motion passes by a 5-0 vote.

ANNOUNCEMENT AFTER CLOSED SESSION

No action taken.

ADJOURNMENT

Motion to adjourn at 9:19 pm by Council Member Valdez, second by Council Member Lopez, motion passes by a 5-0 vote.

ORGANIZATION: FIREBAUGH-MENDOTA METHODIST CHURCH

PRESENTING: DENISE BORBOA
PASTOR BOB GILBERG

DATE OF
EVENT: 03.18.2023

LOCATION: RODEO GROUNDS.

REQUEST: REQUESTING TO HAVE FEES WAIVED
FOR RENTAL OF FACILITY. THE CHURCH
WILL BE HOSTING A DINNER DANCE
TO RAISE FUNDS TO BUY BACK THE
CHURCH AND BREAK AWAY FROM
THE METHODIST DENOMINATION.
ALL BENEFITS WILL GO TOWARDS OUR
GOAL OF BUYING THE CHURCH.

RESOLUTION NO. 23-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPOINTMENT
OF CITY MEMBERS TO THE SPECIAL CITY SELECTION COMMITTEE OF THE SAN
JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD**

WHEREAS, Health and Safety Code Section 40600.5 created a Special City Selection Committee for the appointment of city members of the San Joaquin Valley Air Pollution Control District (District) Governing Board, and

WHEREAS, the Special City Selection Committee has adopted procedures and a rotation schedule for making their appointments, and based upon the adopted rotation schedule a city council member representing a city with a population of less than 100,000 from Fresno County shall be appointed to the District Governing Board, and

WHEREAS, in selecting a nominee for appointment by the Special City Selection Committee to the District Governing Board, the City Council considered the application materials for the eligible candidates, and

WHEREAS, the Vote to select a nominee took place as an item on the publicly noticed agenda and was discussed during the normal city council meeting with time for public comment.

NOW, THEREFORE, BE IT RESOLVED that the City of Firebaugh nominates City Council Member Felipe Perez as the City of Firebaugh's representative and Council Member Elsa Lopez as an alternate to the Special City Selection Committee for appointment to the District Governing Board.

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Firebaugh on the 6th day of March, 2023 by the following call vote:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

APPROVED:

ATTEST:

Felipe Perez
Mayor

Rita Lozano
Deputy City Clerk

RESOLUTION NO. 23-08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH OPPOSING
INITIATIVE 21-0042A1, LIMITS ABILITY OF VOTERS AND STATE AND
LOCAL GOVERNMENTS TO RAISE REVENUES FOR GOVERNMENT SERVICES**

WHEREAS, an association representing California's wealthiest corporations and developers is spending millions to push a deceptive proposition aimed for the November 2024 statewide ballot; and

WHEREAS, the measure includes undemocratic provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, including local infrastructure and our environment; and

WHEREAS, the measure may make it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods; and

WHEREAS, the measure puts billions of dollars currently dedicated to local services at risk and could force cuts to fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more; and

THEREFORE, BE IT RESOLVED that the City of Firebaugh opposes Initiative 21-0042A1; and

THEREFORE, BE IT FURTHER RESOLVED, that the City of Firebaugh will join the No on Initiative 21-0042A1 coalition, a growing coalition of public safety, education, labor, local government, and infrastructure groups throughout the state.

We direct staff to email a copy of this adopted resolution to the League of California Cities at BallotMeasures@calcities.org.

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Firebaugh on the 6th day of March 2023 by the following call vote:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

APPROVED:

ATTEST:

Felipe Perez, Mayor

Rita Lozano, Deputy City Clerk



The Taxpayer Protection and Government Accountability Act Initiative No. 21-0042A1¹

Feb. 1, 2023

Effective date: Any new or increased tax or fee adopted by the Legislature, a city council, or the local voters after **January 1, 2022**, must comply with the Act's new rules.

Voters

- Local advisory measures are prohibited. No measure may appear on the ballot asking for approval of a general tax that would allow the voters to express a preference for how the revenue from the general tax will, could, or should be used.
- Overturns *Upland* decision which upheld a special tax that had been placed on the ballot by the voters to be approved by a majority vote. Taxes proposed by initiative will be subject to the same rules as taxes placed on the ballot by a city council.
- Voters may not amend a city charter to impose, extend, or increase a tax or fee.

Local taxes

- Requires voter approval in order to apply an existing tax:
 - to territory that is annexed.
 - to a new service or product, for example when a utility user tax is applied to a new service.
- All new or increased taxes adopted after Jan. 1, 2022, must include a sunset date.

State taxes

- All new or increased state taxes require statewide voter approval.
- Prohibits a property tax "surcharge" (increase). Prohibits any allocation of property tax to the state.

¹ This is a summary of some of the more significant provisions of the Act. Please review the Act for a complete understanding of the changes it makes to the Constitution.

Fees and charges

- Fees and charges for services and permits may not exceed the "actual cost" of providing the product or service for which the fee is charged. "Actual cost" is the "minimum amount necessary." Examples include planning services, excavation and encroachment permits, preparation of candidate statement, and permit parking.
- State and cities have the burden of proving by "clear and convincing evidence" that a fee/charge is not a tax, that the amount is reasonable, and that it does not exceed "actual cost."
- Franchise fees — historically considered fees, not taxes — will more likely be considered taxes due to the elimination of an existing category of "fee" and the requirement that charges to entrance, purchase, rental, or lease of government property be "reasonable." The state and cities issue franchises to oil companies, utilities, gas companies, railroads, garbage companies, cable companies, and other corporations.
- No fee or charge or exaction regulating vehicle miles traveled can be imposed as a condition of property development or occupancy.

Fines and penalties (administrative enforcement of state law and municipal codes)

- May require voter approval of fines and penalties for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties. Examples include nuisance abatement, organic waste reduction requirements, and failure to maintain a vacant property.

ACTION ALERT

State Ballot Measure Restricting Voters' Input and Local Taxing Authority

***** CITY RESOLUTIONS NEEDED *****

ACTION:

The anti-local control California Business Roundtable measure has qualified for the November 2024 ballot. Cal Cities requests cities **adopt a city resolution to demonstrate how harmful this measure would be to their community and the people of California.**

Send adopted city resolutions to BallotMeasures@calcities.org as soon as possible. A *sample city resolution* is attached.

BACKGROUND

On Feb. 1, 2023, the "Taxpayer Protection and Government Accountability Act," or [AG# 21-0042A1](#), qualified for the November 2024 ballot. This anti-local control measure will decimate vital local and state services to the benefit of wealthy corporations. The measure is sponsored by the California Business Roundtable (CBRT) — the lobbying arm of the largest and wealthiest corporations in California.

Cal Cities, along with a broad coalition of local governments, labor, public safety, education, and infrastructure advocates, strongly oppose this initiative.

SUMMARY

The initiative limits voters' authority, adopts new and stricter rules for raising taxes and fees, and may make it more difficult to hold violators of state and local laws accountable.

Effective date

- All new or increased taxes or fees adopted by the Legislature, a city council, or the local voters after **Jan. 1, 2022**, must comply with the Act's new rules.

State taxes

- All new or increased state taxes will require majority voter approval.

Local taxes

- New requirements for voter approval:
 - when an existing tax is applied to a newly annexed territory.
 - when an existing tax is applied to a new service or product, for example when a utility user tax is applied to a new service.
- All new or increased taxes adopted after Jan. 1, 2022, must include a sunset date.

Fees and charges

- Requires that charges for access, use and rental of government property be "reasonable" such as fees charged for use of government facilities and public works infrastructure to oil companies, utilities, gas companies, cable companies, and other corporations.
- Fees and charges for services and permits may not exceed the "actual cost" of providing the product or service for which the fee is charged. "Actual cost" is the "minimum amount necessary." Examples include planning services, excavation and encroachment permits, preparation of candidate statement, and permit parking.
- State and cities have burden of proving by "clear and convincing evidence" that a fee/charge is not a tax, that the amount is reasonable, and that it does not exceed the "actual cost."
- No fee or charge or exaction regulating vehicle miles traveled can be imposed on new development.

Fines and penalties [administrative enforcement of state law and municipal codes]

- May require voter approval of fines and penalties for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties. Examples include nuisance abatement, organic waste reduction requirements, and failure to maintain a vacant property.

Voters

- Local advisory measures are prohibited. No measure may appear on the ballot asking for approval of a general tax that would express the voters' preference for how the tax revenue should be used.
- Overturns *Upland* decision so taxes proposed by initiative are subject to the same rules as taxes placed on the ballot by a city council.
- Voters may not amend a city charter to impose, extend, or increase a tax or fee.

Fiscal

- Puts approximately \$2 billion from fees and charges at risk each year, subject to legal peril.
- Puts approximately \$2 billion of annual tax revenue at risk. Many tax measures approved between 2022-2024 will need to be resubmitted to voters to comply and be reapproved.

TALKING POINTS

Jeopardizes vital local and state services

- This far-reaching measure puts at risk billions of dollars currently dedicated to critical state and local services.
- It could force cuts to fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more.

Undermines voter rights, transparency, and accountability

- This misleading measure changes our Constitution to make it more difficult for local voters to pass measures needed to fund local services and projects.
- It also includes a provision that would retroactively cancel measures that were passed by local voters — effectively undermining the rights of voters to decide for themselves what their communities need.
- It would limit voter input by prohibiting local advisory measures, where voters provide direction to politicians on how they want their local tax dollars spent.

Opens the door for lawsuits, bureaucracy, and red tape that will cost taxpayers and hurt our communities

- The measure would encourage lawsuits, bureaucracy, and red tape that would cost local taxpayers millions — while significantly delaying and stopping investments in vital services.

Gives wealthy corporations a major loophole to avoid paying their fair share — forcing local residents and taxpayers to pay more

- The measure would create new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, including local infrastructure and our environment — shifting the burden and making individual taxpayers pay more.

Allows corporations to dodge enforcement when they violate environmental, health, public safety, and other laws

- The deceptive scheme may create new loopholes that make it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods.

Fiscal and Program Effects of Initiative 21-0042A1 on Local Governments

If Initiative 21-0042A1 is placed on the ballot and passed by voters, it will result in:

- Over \$20 billion of local government fee and charge revenues over 10 years placed at heightened **legal peril**. Related public service reductions across virtually every aspect of city, county, special district, and school services especially for drinking water, sewer sanitation, and public health and safety.
- About \$2 billion of revenues each year from fees and charges adopted after January 1, 2021 **subject to legal peril**.¹
- Over \$2 billion dollars of annual revenues from dozens of tax measures approved by voters between January 1, 2022 and the effective date of the act² subject to additional voter approval if not in compliance with the initiative.
- Indeterminable legal and administrative burdens and costs on local government from new and more empowered legal challenges, and bureaucratic cost tracking requirements.
- The delay and deterrence of municipal annexations.
- Substantially higher legal and administrative cost of public infrastructure financing which will delay and deter new residential and commercial development.
- Service and infrastructure declines including in fire and emergency response, law enforcement, public health, drinking water, sewer sanitation, parks, libraries, public schools, affordable housing, homelessness prevention and mental health services.

1. Local Government Taxes and Services Threatened

With regard to taxes, Initiative 21-0042A1:

- Prohibits advisory, non-binding measures as to use of tax proceeds on the same ballot.
 - Voters may be less informed and more likely to vote against measures.
- Eliminates the ability of special tax measures proposed by citizen initiative to be enacted by majority voter approval (*Upland*).³
 - Because the case law regarding citizen initiative special taxes approved by majority vote (*Upland*) is so recent, it is unknown how common these sorts of measures might be in the future. This initiative would prohibit such measures after the effective date of the initiative. Any such measures adopted after January 1, 2022 through the effective date of the Act should it pass would be void a year after the effective date of the initiative.
- Requires that tax measures include a specific duration of time that the tax will be imposed. This seems to require that all tax increases or extensions contain a sunset (end date).
 - This would require additional tax measures to extend previously approved taxes.
- A city charter may not be amended to impose, extend, or increase a tax might interfere with the ability of cities that do not already have such authority in their charters to adopt Property Transfer Taxes.
 - There are no more than a few of these every few years, but it is a valuable tax for those that adopt it.

¹ Assumes fee increases since January 1, 2022 would be subject to possible legal challenge if not adopted in compliance with the Initiative.

² The effective date of the initiative would be sometime in December 2024, the date the California Secretary of State certifies the election results of the November 5, 2024 election.

³ Unlike the initiative 17-0050, this initiative **does not** eliminate that ability of cities and counties to adopt general taxes by majority voter approval.

- Requires that a tax measure adopted after January 1, 2022 and before the effective date of the initiative that was not adopted in accordance with the measure be readopted in compliance with the measure or will be void twelve months after the effective date of the initiative.
 - If past election patterns and elections in 2022 are an indication, over 200 tax measures approving more than \$2 billion annual revenues to support local public services would not be in compliance and would be subject to reenactment. Most will be taxes without a specific end date and special taxes (including parcel taxes). Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, the measures would each require declaration of emergency and unanimous vote of the governing board to be placed on a special election ballot within a year for approval or the tax will be void after that date. I would expect most to succeed, but some will not, in particular citizen initiative majority vote special taxes which would have to meet a higher voter approval threshold to continue.
- Requires voter approval to expand an existing tax to new territory (annexations). This would require additional tax measures and would deter annexations and land development in cities.
 - If a tax is "extended" to an annexed area without a vote after January 1, 2022, it will be void 12 months later until brought into compliance. Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, such extensions would each require unanimous vote of the agency board to be placed on a special election ballot or would be void a year later.

1.a. Number of Measures and Value of Local Taxes at Risk⁴

Over a hundred local measures were approved in 2022 that likely do not comply with the provisions of Initiative 21-0042A1. Nearly \$2 billion of annual revenues from these voter approved measures will cease a year after the effective date of the measure, reducing the local public services funded by these measures. We can expect a similar volume of measures in 2024 and a similar volume of non-compliance. So the combined total of annual local funding directly affected by Initiative 21-0042A1 due to its retroactivity provision is about \$4 billion.

Citizen Initiative Special Taxes in 2022.

Special taxes placed on the ballot by citizen initiative and approved after January 1, 2022 by a majority but less than two-thirds of the voters are out of compliance with Initiative 21-0042A1.

On June 7, 2022, there were three local special tax measures placed on the ballot by citizen initiative. Two failed to get majority voter approval. A one percent transactions and use tax (sales tax) for the John C. Fremont Healthcare District in Mariposa County received 69.6 percent approval, over the two thirds needed for any special tax under California Constitution Article XIII C. So this measure was passed in compliance with Initiative 21-0042A1.

June 2022 Initiative Special Taxes - majority voter approval

<u>Agency Name</u>	<u>County</u>		<u>Tax/Fee</u>	<u>Rate</u>	<u>Estimated Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>	
John C. Fremont Healthcare District	Mariposa	Measure N	Transactions & Use Tax	1 cent	\$ 150,000	hospital	40yrs	69.6%	PASS
County of Kings	Kings	Measure F	Transactions & Use Tax	1/2 cent	\$ 11,700,000	fire	none	37.6%	FAIL
Manhattan Beach USD	Los Angeles	Measure A	School Parcel Tax	\$1095/yr	\$ 12,000,000	schools	12yrs	31.2%	FAIL

On November 8, 2022, there were 14 local special taxes placed on the ballot by citizen initiative. Seven of these

⁴ Source: Compilation and summary of data from County elections offices.

measures failed with less than majority voter approval. The other seven measures received majority, but less than two-thirds, voter approval. These measures passed under current law but are out of compliance with Initiative 21-0042A1. Taken together these seven taxes will provide estimated annual revenues of **from \$900,000 to \$1.4 billion** in support of parks and recreation, zoo, library, affordable housing, transportation, homelessness prevention, and schools in these communities.

November 2022 Initiative Special Taxes - majority voter approval

<u>Agency Name</u>	<u>County</u>	<u>Tax/Fee</u>	<u>Rate</u>	<u>Estimated Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>	
Crockett Community Services District	Contra Costa	Measure L	Parcel Tax	\$50/parcel	\$ 60,000	parks/recre	none	62.8% PASS
Oakland	Alameda	Measure Y	Parcel Tax	\$68/parcel	\$ 12,000,000	zoo	20yrs	62.5% PASS
County of Mendocino		Measure O	Transactions & Use Tax	1/8 cent then 1/4 cent in 2027	\$ 4,000,000	library	none	60.8% PASS
Los Angeles	Los Angeles	Measure ULA	Property Transfer Tax	4% if >\$5m, 5.5% if >\$10m	\$600 m to \$1.1 b	affordable housing	none	57.3% PASS
County of Sacramento		Measure A	Transactions & Use Tax	same 1/2 cent	\$ 212,512,500	transportati	40yrs	55.3% PASS
San Francisco		Proposition M	Business Operations Tax	\$2500-\$5000/vacant resid unit	\$ 20,000,000	housing	30yrs	54.5% PASS
Santa Monica	Los Angeles	Measure GS	Property Transfer Tax	\$56/\$1000 if >\$8m	\$ 50,000,000	schools, homelessne ss, afford. housing	none	53.3% PASS
Total \$900,000 to \$1.4 billion								

<u>Agency Name</u>	<u>County</u>	<u>Tax/Fee</u>	<u>Rate</u>	<u>Estimated Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>	
County of Calaveras		Measure A	Transactions & Use Tax	1 cent	\$ 5,000,000	fire	none	49.4% FAIL
South San Francisco (for Schools)	San Mateo	Measure DD	School Parcel Tax	\$2.50/sf	\$ 55,900,000	schools	none	47.2% FAIL
County of Fresno (for CSU)		Measure E	Transactions & Use Tax	1/5 ct, 1/40 ct (Reedley)	\$ 36,000,000	Calif State Univ	20yrs	46.9% FAIL
Santa Cruz	Santa Cruz	Measure N	Parcel Tax	\$6k/vacant SFU	xxx	vacant property	xxx	44.2% FAIL
County of Monterey		Measure Q	Parcel Tax	\$49/parcel	\$ 5,500,000	childcare	10yrs	41.1% FAIL
San Francisco City College	San Francisco	Measure O	School Parcel Tax	\$150/sfu	\$ 37,000,000	schools	10yrs	36.7% FAIL
Morro Bay	San Luis Obispo	Measure B	Parcel Tax	\$120+/parcel	\$ 680,000	harbor	none	36.0% FAIL
Inverness Public Utility District	Marin	Measure O	Parcel Tax	\$0.20/sf, \$150/vacant	\$ 276,000	fire	none	27.0% FAIL

Non-Specific Tax Durations in 2022

Voters approved 106 measures in June 2022 (10) and November 2022 (96) that do not provide a specific duration of time that the tax will be imposed (end date). Typically, the ballot titles for these measures state that the tax would be imposed "until ended by voters." Four of these measures also did not include any estimate of the annual revenues that the tax would generate, another violation of initiative 21-0042A1. Taken together, these approved local measures generate **\$561 million per year** that will expire a year after the effective date of the initiative if Initiative 21-0042A1 passes.

Measures in 2022 with Non-Specific Durations

<u>Agency Name</u>	<u>County</u>		<u>Tax/Fee</u>	<u>Rate</u>	<u>Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>	
Oakland	Alameda	Measure T	Business Tax General	various	\$ 20,900,000		none	71.4%	PASS
Culver City	Los Angeles	Measure BL	Business Tax General	various	\$ 10,000,000		none	60.5%	PASS
El Segundo	Los Angeles	Measure BT	Business Tax General	various	\$ 3,000,000		none	51.2%	PASS
Pico Rivera	Los Angeles	Measure AB	Business Tax General	various	\$ 5,800,000		none	75.5%	PASS
Santa Ana	Orange	Measure W	Business Tax General	various	neutral		none	64.8%	PASS
Tracy	San Joaquin	Measure B	Business Tax General	various	\$ 3,200,000		none	72.6%	PASS
Burlingame	San Mateo	Measure X	Business Tax General	various	\$ 2,500,000		none	75.1%	PASS
Los Gatos	Santa Clara	Measure J	Business Tax General	various	\$ 1,100,000		none	53.4%	PASS
Santa Clara	Santa Clara	Measure H	Business Tax General	\$45/employee, \$15/rental unit	\$ 6,000,000		none	59.5%	PASS
Brisbane	San Mateo	Measure O	Business Tax lodging busn	\$2.50/m/day	\$ 250,000		none	69.2%	PASS
East Palo Alto	San Mateo	Measure L	Business Tax resid. rentals	2.5% gross Rcpts	\$ 1,480,000		none	69.9%	PASS
County of Santa Cruz Unincorporated		Measure C	Busn Tax- disp cups	12.5cents/cup	\$ 700,000		none	68.2%	PASS
South Lake Tahoe	El Dorado	Measure G	Busn Tax Cannabis	6% retail, manufacturing	\$ 950,000		none	62.9%	PASS
McFarland	Kern	Measure O	Busn Tax Cannabis	8% of gross receipts retail	\$ 1,800,000		none	63.5%	PASS
Avenal	Kings	Measure C	Busn Tax Cannabis	\$25+/s for 15% gr rcpts	\$ 600,000		none	61.8%	PASS
Baldwin Park	Los Angeles	Measure CB	Busn Tax Cannabis	4% gross Rcpts	\$ 300,000		none	51.3%	PASS
Claremont	Los Angeles	Measure CT	Busn Tax Cannabis	4%-7% gr rcpts, \$1-	\$ 500,000		none	61.1%	PASS
County of Los Angeles Unincorporated		Measure C	Busn Tax Cannabis	4% gross receipts retail	\$ 15,170,000		none	60.1%	PASS
Cudahy	Los Angeles	Measure BA	Busn Tax Cannabis	15% gross Rcpts	\$ 3,600,000		none	54.0%	PASS
El Segundo	Los Angeles	Measure Y	Busn Tax Cannabis	10% Gross Rcpt,	\$ 1,500,000		none	72.8%	PASS
Hermosa Beach	Los Angeles	Measure T	Busn Tax Cannabis	10% Gross Rcpt,	\$ 1,500,000		none	67.6%	PASS
Lynwood	Los Angeles	Measure TR	Busn Tax Cannabis	5%to 10%	\$ 3,000,000		none	66.4%	PASS
Santa Monica	Los Angeles	Measure HM	Busn Tax Cannabis	10% gross Rcpts	\$ 5,000,000		none	66.4%	PASS
South El Monte	Los Angeles	Measure CM	Busn Tax Cannabis	6% special excise tax on	\$ 126,000		none	53.7%	PASS
Monterey	Monterey	Measure J	Busn Tax Cannabis	6% gross Rcpt	\$ 1,300,000		none	65.2%	PASS
Pacific Grove	Monterey	Measure N	Busn Tax Cannabis	6% gross Rcpt	\$ 300,000		none	70.8%	PASS
Huntington Beach	Orange	Measure O	Busn Tax Cannabis	6% retail, 1% other	\$ 600,000		none	54.7%	PASS

Measures in 2022 with Non-Specific Durations

Agency Name	County		Tax/Fee	Rate	Annual Revenue	Use	Sunset	YES%
Laguna Woods	Orange	Measure T	Busn Tax Cannabis	4%-10% of gross receipts	\$ 750,000		none	61.1% PASS
Corona	Riverside	Measure G	Busn Tax Cannabis	9% of gross receipts for	\$ 5,000,000		none	61.6% PASS
Montclair	San Bernardino	Measure R	Busn Tax Cannabis	7% gross Rcpts	\$ 3,500,000		none	70.3% PASS
County of San Diego Unincorporated		Measure A	Busn Tax Cannabis	6% retail, 3% distribution,	\$ 5,600,000		none	57.4% PASS
Encinitas	San Diego	Measure L	Busn Tax Cannabis	4% to 7% of gross receipts	\$ 1,400,000		none	65.1% PASS
Healdsburg	Sonoma	Measure M	Busn Tax Cannabis	8% gross Rcpt	\$ 500,000		none	72.7% PASS
Exeter	Tulare	Measure B	Busn Tax Cannabis	10% retail and other, \$10/sf	?		none	66.5% PASS
Tulare	Tulare	Measure Y	Busn Tax Cannabis	10% retail and other, \$10/sf	?		none	65.2% PASS
Woodland	Yolo	Measure K	Busn Tax Cannabis	10% gross Rcpts	?		none	66.2% PASS
Redlands	San Bernardino	Measure J	Busn Tax Distrib centers	from \$0.047/sf to \$0.105/sf	\$ 530,000		none	53.5% PASS
Arcadia	Los Angeles	Measure SW	Busn Tax Sports Betting	5% gross Rcpts	n/a*		none	63.9% PASS
Albany	Alameda	Measure K	ParcelTax	\$0.074+/sf	\$ 1,950,000	fire/EMS	none	76.0% PASS
Cameron Park Airport District	El Dorado	Measure J	ParcelTax	by \$600 to \$900/parcel	\$ 117,900	airport/streets	none	78.2% PASS
Highlands Village Lighting Benefit Zone	El Dorado	Measure L	ParcelTax	\$140+/parcel	\$ 10,920	streets	none	86.3% PASS
Knolls Property Owners CSD	El Dorado	Measure P	ParcelTax	by \$300+ to \$600+/parcel	\$ 8,400	streets	none	75.5% PASS
Sundance Trail Zone of Benefit	El Dorado	Measure C	ParcelTax	\$600+/yr	\$ 24,000	roads	none	73.2% PASS
South Pasadena	Los Angeles	Measure LL	ParcelTax	xxx	?	library	none	86.2% PASS
River Delta Fire District	Sacramento	Measure H	ParcelTax	\$90/yr	\$ 130,000	fire	none	72.1% PASS
Emeryville	Alameda	Measure O	PropTransfTax	\$15/\$1000 if \$1m-\$2m	\$ 5,000,000		none	71.6% PASS
San Mateo	San Mateo	Measure CC	PropTransfTax	by 1% to 1.5% if >\$10m	\$ 4,800,000		none	71.8% PASS
Alameda	Alameda	Measure F	TOT	by 4% to 14%	\$ 910,000		none	59.2% PASS
Clovis	Fresno	Measure B	TOT	by 2% to 12%	\$ 500,000		none	69.7% PASS
Kerman	Fresno	Measure G	TOT	10%	\$ 40,000		none	62.3% PASS
Trinidad	Humboldt	Measure P	TOT	by 4% to 12%	\$ 65,000		none	77.6% PASS
Imperial	Imperial	Measure G	TOT	by 4% to 12%	\$ 600,000		none	56.2% PASS
Arcadia	Los Angeles	Measure HT	TOT	by 2% to 12%	\$ 730,000		none	54.1% PASS
Santa Monica	Los Angeles	Measure CS	TOT	by 1%, 3% home shares	\$ 4,100,000		none	73.7% PASS

Notes

?= Ballot measure title did not include an estimate of annual revenues, also not in compliance with Initiative 21-0042A1.

n/a*= Arcadia Measure SW passed but sports betting remains illegal after the failure of Propositions 26 and 27 on the November statewide ballot.

Measures in 2022 with Non-Specific Durations

Agency Name	County		Tax/Fee	Rate	Annual Revenue	Use	Sunset	YES%
Anaheim	Orange	Measure J	TOT	online travel companies	\$ 3,000,000		none	59.2% PASS
La Palma	Orange	Measure P	TOT	by 4% to 12%	\$ 200,000		none	71.1% PASS
Colfax	Placer	Measure B	TOT	by 2% to 10%	\$ 29,000		none	73.5% PASS
Rocklin	Placer	Measure F	TOT	by 2% to 10%	\$ 300,000		none	59.8% PASS
Roseville	Placer	Measure C	TOT	by 4% to 10%	\$ 3,000,000		none	73.0% PASS
Big Bear Lake	San Bernardino	Measure P	TOT	by 2% to 10%	\$ 1,300,000		none	54.4% PASS
Grand Terrace	San Bernardino	Measure M	TOT	new 10%	\$ 250,000		none	51.9% PASS
Yucca Valley	San Bernardino	Measure K	TOT	by 5% to 12%	\$ 1,300,000		none	71.9% PASS
Imperial Beach	San Diego	Measure R	TOT	by 4% to 14%	\$ 400,000		none	67.4% PASS
El Paso de Robles	San Luis Obispo	Measure F	TOT	by 1% to 11%	\$ 750,000		none	61.2% PASS
Belmont	San Mateo	Measure K	TOT	by 2% to 14%	\$ 600,000		none	79.3% PASS
Millbrae	San Mateo	Measure N	TOT	by 2% to 14%	\$ 1,500,000		none	75.8% PASS
County of Humboldt Unincorporated		Measure J	TOT	by 2% to 12%	\$ 3,080,000		none	63.3% PASS
County of Placer - North Tahoe TOT Area		Measure A	TOT	by 2% to 10%	\$ 4,000,000		none	90.0% PASS
County of Santa Cruz Unincorporated		Measure B	TOT	by 1% to 12%	\$ 2,300,000		none	69.2% PASS
County of El Dorado - East Slope Tahoe		Measure S	TOT 2/3	by 4% to 14%	\$ 2,500,000		none	81.8% PASS
Chico	Butte	Measure H	TrUT	1 cent	\$ 24,000,000		none	52.4% PASS
Mendota	Fresno	Measure H	TrUT	1.25 cent	\$ 493,498		none	57.2% PASS
Blue Lake	Humboldt	Measure R	TrUT	1 cent	\$ 30,000		none	55.4% PASS
Rio Dell	Humboldt	Measure O	TrUT	3/4cent	\$ 400,000		none	53.3% PASS
County of Kern unincorporated areas		Measure K	TrUT	1 cent	\$ 54,000,000		none	50.8% PASS
McFarland	Kern	Measure M	TrUT	1 cent	\$ 579,662		none	62.2% PASS
Tehachapi	Kern	Measure S	TrUT	1 cent	\$ 4,000,000		none	57.2% PASS
Avenal	Kings	Measure A	TrUT	1 cent	\$ 500,000		none	72.5% PASS
Susanville	Lassen	Measure P	TrUT	1 cent	\$ 1,750,000		none	54.7% PASS
Baldwin Park	Los Angeles	Measure BP	TrUT	3/4 cent	\$ 6,000,000		none	58.1% PASS
Malibu	Los Angeles	Measure MC	TrUT	1/2 cent	\$ 3,000,000		none	52.6% PASS
Monterey Park	Los Angeles	Measure MP	TrUT	3/4 cent	\$ 6,000,000		none	58.5% PASS
Torrance	Los Angeles	Measure SS1	TrUT	1/2 cent	\$ 18,000,000		none	55.0% PASS
Larkspur	Marin	Measure G	TrUT	1/4 cent	\$ 700,000		none	59.4% PASS
Sand City	Monterey	Measure L	TrUT	by 1/2cent to 1.5cents	\$ 1,400,000		none	68.7% PASS
Hemet	Riverside	Measure H	TrUT	same 1 cent	\$ 15,000,000		none	58.0% PASS
Elk Grove	Sacramento	Measure E	TrUT	1 cent	\$ 21,000,000		none	54.1% PASS
Galt	Sacramento	Measure Q	TrUT	1 cent	\$ 3,600,000		none	52.4% PASS
Colton	San Bernardino	Measure S	TrUT	1 cent	\$ 9,500,000		none	66.8% PASS
Ontario	San Bernardino	Measure Q	TrUT	1 cent	\$ 95,000,000		none	53.2% PASS
Solana Beach	San Diego	Measure S	TrUT	1 cent	\$ 3,000,000		none	66.7% PASS
Brisbane	San Mateo	Measure U	TrUT	1/2 cent	\$ 2,000,000		none	63.9% PASS
Goleta	Santa Barbara	Measure B	TrUT	1 cent	\$ 10,600,000		none	64.7% PASS
Solvang	Santa Barbara	Measure U	TrUT	1 cent	\$ 1,600,000		none	63.1% PASS

Measures in 2022 with Non-Specific Durations

Agency Name	County	Tax/Fee	Rate	Annual Revenue	Use	Sunset	YES%	
Watsonville	Santa Cruz	Measure R	TrUT	1/2 cent	\$ 5,000,000		none	64.4% PASS
Vallejo	Solano	Measure P	TrUT	7/8 cent	\$ 18,000,000		none	54.7% PASS
Modesto	Stanislaus	Measure H	TrUT	1 cent	\$ 39,000,000		none	62.8% PASS
County of Colusa		Measure A	TrUT 2/3	1/2 cent	\$ 2,400,000	EMS	none	69.4% PASS
Atwater	Merced	Measure B	TrUT 2/3	same 1 cent	\$ 4,000,000	police/fire	none	73.7% PASS
Truckee	Nevada	Measure U	TrUT 2/3	by 1/4 cent to 1/2 cent	\$ 3,000,000	open space / trails	none	76.4% PASS
Palo Alto	Santa Clara	Measure L	Utility Transfer	18% gas	\$ 7,000,000		none	77.7% PASS
Santa Clara	Santa Clara	Measure G	Utility Transfer	5 %	\$ 30,000,000		none	84.2% PASS
Hercules	Contra Costa	Measure N	UUT	8%	\$ 3,600,000		none	69.3% PASS
Carson	Los Angeles	Measure UU	UUT	2% electr. gas	\$ 8,000,000		none	78.4% PASS
Sebastopol	Sonoma	Measure N	UUT	3.75% (same)	\$ 700,000		none	83.5% PASS

Co-temporal Advisory Measures in 2022

At the November 2022 election, there was just one local general tax measure that was accompanied by an advisory measure as to the use of funds. The City of Santa Monica's Measure DT property transfer tax failed with just 34 percent approval as voters instead chose the citizen initiative Measure GS.

There was also just one such tax use advisory measure on the June 2022 election. Susanville's voters passed Measure P, a 1 percent transactions and use (sales) tax that generates \$1.75 million per year⁵ for general city services. The measure was accompanied by advisory Measure Q, accompanied the city's It asked, "If Measure P passes, should the revenues be used to balance the budget to maintain and enhance existing public safety services (police and fire), and provide funding to support street infrastructure improvements and provide funding to support economic development efforts designed to increase businesses, jobs and visitors to Susanville?" Both measures passed. Under Initiative 21-0042A1, the tax will expire a year after the effective date of the initiative (i.e., in December 2025).

1.b. Additional Costs and Public Service Effects of the Tax Provisions

Assuming a similar volume of local measures through 2024 as we saw in 2022, there will be over 200 local measures that will need to be redrafted to comply with the Initiative and placed back on the ballot for the taxes to continue after December 2025. The costs of re-drafting, re-placing and re-voting on these measures, previously legally approved by voters, will be in the tens of millions in total statewide.

2. "Exempt Charges" (fees and charges that are not taxes) and Services Threatened

With regard to fees and charges adopted after January 1, 2022, Initiative 21-0042A1:

- Subjects new fees and charges for a product or service to a new "actual and reasonable test."
- Subjects fees and charges for entrance to local government property; and rental and sale of local government property to a new, undefined, "reasonable" test.
- Allows legal challenge to any tax adopted before the effective date of the initiative and after January 1,

⁵ The Susanville measure also did not include a specific end date and so is included in the list and totals of those measures.

2022. Such a lawsuit could enjoin (stop) the enactment of the tax pending the outcome of the legal challenge.

- Subjects a challenged fee to new, higher burdens of proof if legally challenged.

2.a. Value on New Local Government Fees and Charges at Risk⁶

Virtually every city, county, and special district must regularly (e.g., annually) adopt increases to fee rates and charges and revise rate schedules to accommodate new users and activities. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies and increases in those fees simply to accommodate inflation, the amount of local government fee and charge revenue placed at risk is about **\$2 billion per year including those adopted since January 1, 2022. Of \$2 billion, about \$900 million (45 percent) is for special districts, \$800 million (40 percent) is cities, and \$300 million (15 percent) is counties.**⁷

Major examples of affected fees and charges are:

1. Certain water, sanitary sewer, wastewater, garbage, electric, gas service fees.
2. Nuisance abatement charges - such as for weed, rubbish and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
3. Emergency response fees - such as in connection with DUI.
4. Advanced Life Support (ALS) transport charges.
5. Business improvement district charges.
6. Fees for processing of land use and development applications such as plan check fees, use permits, design review, environmental assessment, plan amendment, subdivision map changes.
7. Document processing and duplication fees.
8. Facility use charges, parking fees, tolls.
9. Fines, penalties.
10. Fees for parks and recreation services.

2.b. Additional Costs and Public Service Effects of the Fee/Charge Provisions

In addition to service delays and disruptions due to fee and charge revenues placed at greater legal risk, there would be substantial additional costs for legal defense. The risk to fees and charges will make infrastructure financing more difficult and will deter new residential and commercial development.



⁶ Source: California State Controller Annual Reports of Financial Transactions concerning cities, counties and special districts, summarized with an assumed growth due to fee rate increases (not population) of 2 percent annually.

⁷ School fees are also affected but the amount is negligible by comparison.

Business Roundtable Board

Aera Energy	Kilroy Realty
Albertsons	LevatoLaw
Altria (tobacco)	Majestic Realty
Anthem Blue Cross	Marathon Petroleum Corp.
Automobile Club of Southern California	McKinsey & Company
Bittle Enterprises (Enterprise	National CORE
Rent-a-car)	PepsiCo
Blackstone	PhRMA
Caruso Management (Rick Caruso)	Sempra
Chevron	State Farm
C.J. Segerstrom & Sons	Sutter Health
Dart Container	Union Pacific Railroad
DLA Piper (Law Firm)	United Airlines
Douglas Emmett	UPS
Eli Lilly & Company	Valero
Exxon	Western National Group
Farmers Group (Insurance)	Wells Fargo
Fivepoint (Developer)	Wellpoint (insurance)
Global Medical Response Solution	Western National Group
Grimmway Farms	
Irvine Company	
KB Homes	



TO: Felipe Perez and Council Members
FROM: Mario Gouveia, City Engineer
DATE: March 6, 2023
SUBJECT: Resolution No. 23-09

RECOMMENDATION:

Council by motion adopt Resolution No. 23-09 – Accepting the low bid from Terra West Construction, Inc. for the 22/23 Concrete Improvements and Street Rehabilitation project and authorize the City Manager to execute the Agreement.

BACKGROUND:

The City of Firebaugh identified the need for concrete and pavement repairs in various areas of the city. The 22/23 Concrete Improvements and Street Rehabilitation project addresses some of those needs and consists of constructing curb and gutter, sidewalk, and concrete repairs at various locations in the downtown area. The work also includes pulverizing and repaving a portion of 9th and M Street, and planning and repaving on O Street.

Following a public bidding process, the project was advertised on February 1, 2023, February 8, 2023, and February 15, 2023. The City received a total of seven (7) bids that were opened and read aloud at 2:00 p.m. on February 23, 2023, at the City of Firebaugh City Hall, this being the advertised bid opening date and time. The lowest responsible and responsive bid was submitted by Terra West Construction, Inc. The bid results were as listed:

Terra West Construction, Inc.	\$ 454,373.00
Bush Engineering, Inc.	\$ 473,732.00
American Paving Co.	\$ 528,132.70
Emmett Valley Construction, Inc.	\$ 536,541.50
R.J. Berry Jr., Inc.	\$ 576,101.50
Avison Construction, Inc.	\$ 664,465.00
TBS Contractors	\$ 686,998.80
Engineer's Estimate	\$ 622,026.00

It is recommended that a Contract be awarded to Terra West Construction, Inc. in the amount of four hundred fifty-four thousand three hundred seventy-three dollars and zero cents (\$454,373.00).

FISCAL IMPACT:

Construction of 22/23 Concrete Improvements and Street Rehabilitation will be funded using Local Funds.

ATTACHMENTS:

1. Resolution No. 23-09
2. Abstract of Bids

RESOLUTION NO. 23-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ACCEPTING
BID AND AWARING CONTRACT TO TERRA WEST CONSTRUCTION, INC. FOR THE
22/23 CONCRETE IMPROVEMENTS AND STREET REHABILITATION PROJECT
AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the Invitation to Bid for the 22/23 Concrete Improvements and Street Rehabilitation Project was advertised in the Firebaugh-Mendota Journal on February 1, 2023; and

WHEREAS, a total of seven (7) bids were opened and read aloud at 2:00 p.m. on February 23, 2023, at the City of Firebaugh City Hall, this being the advertised bid opening date and time. The bid results were as listed:

Terra West Construction, Inc.	\$	454,373.00
Bush Engineering, Inc.	\$	473,732.00
American Paving Co.	\$	528,132.70
Emmett Valley Construction, Inc.	\$	536,541.50
R.J. Berry Jr., Inc.	\$	576,101.50
Avison Construction, Inc.	\$	664,465.00
TBS Contractors	\$	686,998.80
Engineer's Estimate	\$	622,026.00

WHEREAS, the bids have been reviewed and Terra West Construction, Inc. submitted the lowest responsive and responsible bid; and

NOW THEREFORE, by the City Council of the City of Firebaugh, County of Fresno, California, resolves as follows:

1. Adopts a Resolution to award a contract to Terra West Construction, Inc. for four hundred fifty-four thousand three hundred seventy-three dollars and zero cents (\$454,373.00).
2. Authorize the City Manager to sign the Agreement with Emmett Valley Construction, Inc. on behalf of the City of Firebaugh.

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Firebaugh on the 6th day of March, 2023 by the following call vote:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

APPROVED:

ATTEST:

Felipe Perez, Mayor

Rita Lozano, Deputy City Clerk

ATTEST:

I, hereby certify that the forgoing resolution was regularly introduced, passed and adopted at a regular meeting of the City Council of the City of Firebaugh this 6th day of February 2023.

Rita Lozano, Deputy City Clerk of the City of Firebaugh

ABSTRACT OF BIDS FOR
City of Firebaugh
22/23 Concrete Improvements and Street Rehabilitation
Bid Opening: February 23, 2023 at 2:00 p.m.

			<i>Engineer's Estimate</i>		Terra West Const., Inc. 1030 Gettsburg Ave. Ste 107 Clovis, CA 93612		Bush Engineering, Inc. 518 N. Redington St. Hanford, CA 93230		American Paving Co. PO Box 27587 Fresno, CA 93729		Emmett Valley Const., Inc. 9662 W. Kearney Blvd. Fresno, CA 93706		R. J. Berry Jr., Inc. PO Box 468 Selma, CA 93662		Avison Construction, Inc. 40434 Brickyard Drive Madera, CA 93636		TBS Contractors 1605 E. Gerard Ave. Merced, CA 95341	
Item No.	Item Description	Quantity and Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization	1 LS	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	8,500.00	8,500.00	20,000.00	20,000.00	20,000.00	20,000.00	13,750.00	13,750.00
2	Traffic Control	1 LS	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00
3	Construct Type A Catch Basin	1 EA	7,500.00	7,500.00	8,100.00	8,100.00	12,360.00	12,360.00	12,000.00	12,000.00	8,000.00	8,000.00	11,000.00	11,000.00	10,000.00	10,000.00	6,230.00	6,230.00
4	Construct Circular Catch Basin	1 EA	7,500.00	7,500.00	6,000.00	6,000.00	12,360.00	12,360.00	12,000.00	12,000.00	6,500.00	6,500.00	11,000.00	11,000.00	7,500.00	7,500.00	6,230.00	6,230.00
5	Remove and Replace Curb and Gutter	673 LF	140.00	94,220.00	78.00	52,494.00	71.00	47,783.00	90.00	60,570.00	91.00	61,243.00	90.00	60,570.00	135.00	90,855.00	136.51	91,871.23
6	Construct Concrete Sidewalk	2,533 SF	25.00	63,325.00	27.00	68,391.00	20.00	50,660.00	25.40	64,338.20	40.00	101,320.00	35.00	88,655.00	35.00	88,655.00	30.07	76,167.31
7	Remove and Replace Valley Gutter	1 EA	20,000.00	20,000.00	10,000.00	10,000.00	11,000.00	11,000.00	20,000.00	20,000.00	4,500.00	4,500.00	18,000.00	18,000.00	15,000.00	15,000.00	17,217.50	17,217.50
8	Remove and Replace Alley Approach	2 EA	10,000.00	20,000.00	* 2,050.00	4,100.00	5,072.00	10,144.00	10,000.00	20,000.00	2,000.00	4,000.00	12,000.00	24,000.00	8,000.00	16,000.00	16,437.50	32,875.00
9	Remove and Replace Commercial Drivwy	2 EA	12,000.00	24,000.00	7,000.00	14,000.00	6,535.00	13,070.00	13,000.00	26,000.00	3,000.00	6,000.00	13,000.00	26,000.00	14,000.00	28,000.00	18,951.25	37,902.50
10	Construct Case A Curb Ramp	1 EA	10,000.00	10,000.00	3,000.00	3,000.00	8,247.00	8,247.00	10,000.00	10,000.00	2,000.00	2,000.00	12,000.00	12,000.00	4,000.00	4,000.00	12,380.00	12,380.00
11	Construct Concrete Repairs at Maldonado Park	1,500 SF	30.00	45,000.00	22.00	33,000.00	26.00	39,000.00	24.00	36,000.00	34.00	51,000.00	30.00	45,000.00	35.00	52,500.00	35.83	53,745.00
12	Construct AC Pavement Repair	1,102 SF	10.00	11,020.00	19.00	20,938.00	17.00	18,734.00	17.00	18,734.00	35.00	38,570.00	15.00	16,530.00	32.00	35,264.00	21.88	24,111.76
13	Asphalt Concrete Planing	37,150 SF	1.25	46,437.50	0.40	14,860.00	0.41	15,231.50	0.45	16,717.50	0.40	14,860.00	0.40	14,860.00	0.90	33,435.00	0.83	30,834.50
14	Pulverize and Grade Pavement	36,050 SF	1.30	46,865.00	0.60	21,630.00	0.90	32,445.00	0.60	21,630.00	1.20	43,260.00	1.50	54,075.00	1.00	36,050.00	1.24	44,702.00
15	Furnish and Place Asphalt Concrete	1,320 TN	135.00	178,200.00	116.00	153,120.00	112.50	148,500.00	120.00	158,400.00	127.00	167,640.00	115.00	151,800.00	150.00	198,000.00	157.85	208,362.00
16	Adjust Manhole Cover	4 EA	1,400.00	5,600.00	2,100.00	8,400.00	2,255.00	9,020.00	2,300.00	9,200.00	750.00	3,000.00	1,500.00	6,000.00	2,000.00	8,000.00	1,875.00	7,500.00
17	Adjust Water Meter Box	1 EA	900.00	900.00	350.00	350.00	2,192.00	2,192.00	1,600.00	1,600.00	650.00	650.00	1,000.00	1,000.00	1,200.00	1,200.00	1,562.50	1,562.50
18	Adjust Electrical Pull Box	1 EA	700.00	700.00	500.00	500.00	2,192.00	2,192.00	1,600.00	1,600.00	750.00	750.00	1,000.00	1,000.00	1,200.00	1,200.00	1,562.50	1,562.50
19	Apply Single 8-Inch Striping	50 LF	4.00	200.00	4.00	200.00	48.25	2,412.50	5.00	250.00	4.00	200.00	3.50	175.00	6.00	300.00	3.75	187.50
20	Apply Single 4-Inch Striping	1,035 LF	3.50	3,622.50	2.00	2,070.00	3.00	3,105.00	3.00	3,105.00	1.50	1,552.50	1.50	1,552.50	2.00	2,070.00	2.50	2,587.50
21	Apply Double 4-Inch Striping	1,160 LF	3.50	4,060.00	3.00	3,480.00	4.00	4,640.00	5.00	5,800.00	3.00	3,480.00	3.00	3,480.00	5.00	5,800.00	5.00	5,800.00
22	Apply Thermoplastic Markings	448 SF	12.00	5,376.00	5.00	2,240.00	7.00	3,136.00	6.00	2,688.00	4.50	2,016.00	4.25	1,904.00	7.00	3,136.00	8.75	3,920.00
BID TOTAL.			\$622,026.00		** \$454,373.00		\$473,732.00		\$528,132.70		\$536,541.50		\$576,101.50		\$664,465.00		\$686,998.80	

Subcontractors Listed:

Madera Concrete Co.	Pavement Recycling, Inc.	Haydon Construction Inc.	Safety Network	Fresno Concrete Const., Inc.	None	Hensley Paving & Gen. Eng.
	Haydon Construction Inc.	T&T Pavement Markings	Madera Concrete Co.	Haydon Construction Inc.		Womack Striping, Inc.
	Madera Concrete Co.		T&T Pavement Markings	T&T Pavement Markings		
	T&T Pavement Markings					

* Corrected unit price per Information to Bidders pg. 1-1, paragraph 9, item (a)

** Corrected bid total due to correction of bid item # 8



Firebaugh Police Department

Memo

To: Honorable Mayor Felipe Perez and City Councilmembers
From: Chief Salvador Raygoza
CC: City Manager Benjamin Gallegos
Date: 03/01/2023
Re: Ordinance Mobile Home Parks

In late 2021, Council asked city staff to investigate the possibility of city code enforcement and the building department assumed the responsibility of enforcing California's Mobile Home Park Act within the city limits. The California Department of Housing and Community Development is currently responsible for issuing permits and inspections of mobile home parks within the City of Firebaugh. The city has no authority to conduct code enforcement inspections or issue permits. City Council wanted to explore the idea due to none-response by state inspectors regarding repeated complaints of some of the substandard housing at some of the city's mobile home parks.

More than 20 million people live at mobile home parks within the U.S., largely due to its affordability. The City of Firebaugh currently has four mobile home parks within the city limits, two are privately owned by investors and the other two are owned by local long-time Firebaugh residents.

To comprehend the impact this would have on the city's building department and the police department's code enforcement officer, staff had two community meetings to hear some of the concerns from mobile home park owners and residents who live there. Code enforcement also began looking into potential issues within the existing mobile home parks that would become city issues if a municipal code ordinance were adopted. During the meetings we discovered a mixture of opinions from the owners and residents relating to the city taking over mobile homes parks code enforcement.

Most of the residents are against the city taking over due to possible strict rules, existing violations, evictions, lack of local housing and permits. Residents are also concerned about rents and other utilities being raised by mobile home parks owners and the city not doing anything to protect them from their landlord. A resident asked about the city having rent control ordinance to protect them from the owners that are pushing for higher rents to get them to move out.

On the other hand, most of the mobile park owners would like the city to pass the Mobile Parks Ordinance and take over the code enforcement within the city's mobile parks. The owners see the ordinance as something that will be beneficial to the city, owners, and tenants due to local oversight.

Code enforcement discovered that a large number of mobile homes at certain locations will require lots of code enforcement attention requiring countless hours of work from the building department and code enforcement officer. Some of the most noticeable violations that were noted is as follows:

- alteration of existing mobile home.
- accessory structures or additions.
- exposed electrical and plumbing equipment.
- Combustible debris next to mobile home.
- appliances outside connected with extension cords.
- stairways not safe or stable.
- Unsafe attached carports and awnings.

We anticipate that some of the mobile homes are going to be inhabitable, based on mobile home code enforcement standards.

The Firebaugh Police Department is responsible for enforcing the city municipal code, which covers a broad range of things, such as animal control, unpermitted structures, parking enforcement and a variety of other cases ranging from public nuisance to zoning. The department currently has one Code Enforcement Officer that responds to municipal code complaints, and he addresses code violations that he observes while driving around the city. The officer works 24 to 30 hours a week, not enough time to address all the existing issues within the city. Code enforcement complaints and existing Issues are often addressed based on their priority level, with most dangerous cases getting the most urgent response. The police department and city hall does not have the staffing to deal with mobile home code enforcement and inspections.

I recommend that we do not adopt the Mobile Home Parks Ordinance introduced to council December of 2021 for the following reasons.

- Staffing issues
- Displaced Residents
- Lack of local affordable housing
- Allow mobile park owners time to get their tenants in compliance or they can get tenants evicted for none compliance

Report is submitted to council for discussion, consideration and provide staff direction on City Council wishes.

ORDINANCE NO. 21-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH REPEALING SECTIONS 9-1.1, 9-1.2, 9-1.3, AND 9-1.4 OF CHAPTER 9 [TRAILERS AND TRAILER PARKS] OF THE MUNICIPAL CODE, REPLACING THE HEADING OF CHAPTER 9 WITH THE TITLE “MOBILEHOME PARKS ACT”, AND ADDING SECTIONS 9-1.1 THROUGH 9-1.11 RELATING TO THE ASSUMPTION OF RESPONSIBILITY OF ENFORCING THE MOBILEHOME PARKS ACT AND SPECIAL OCCUPANCY PARKS ACT OF THE CALIFORNIA HEALTH AND SAFETY CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FIREBAUGH DOES ORDAIN AS FOLLOWS:

Section 1. Sections 9-1.1, 9-1.2, 9-1.3, and 9-1.4 of Chapter 9 [Trailers and Trailer Parks] of the Firebaugh Municipal Code are hereby repealed.

Section 2. The heading of Chapter 9 of the Firebaugh Municipal Code is hereby amended, and new sections 9-1.1 through 9-1.12, are hereby added to Chapter 9 of the Firebaugh Municipal Code to read as follows:

Chapter 9 Mobilehome Parks Act

§ 9-1.1	Legislative Findings.
§ 9-1.2	Assumption of Responsibilities.
§ 9-1.3	Delegation of Authority.
§ 9-1.4	Schedule of Fees.
§ 9-1.5	Statement of Objectives.
§ 9-1.6	Description of Existing Mobilehome Parks.
§ 9-1.7	Effective Date of Assumption.
§ 9-1.8	Method of Enforcement.
§ 9-1.9	Use of State Forms.
§ 9-1.10	Permits to Operate and State Fees.
§ 9-1.11	Transmittal of Ordinance.
§ 9-1.12	Notice of Assumption of Enforcement.

§ 9-1.1 Legislative Findings.

The City Council finds and determines that:

- a. The City of Firebaugh (City) currently has four (4) mobilehome parks operating within the City.
- b. The mobilehome parks within the City have not been inspected for compliance with state building regulations in several years.
- c. Many of the buildings within the City’s mobilehome parks are maintained in a substandard condition with noticeable structural issues and constitute fire hazards.
- d. The City currently lacks jurisdiction to inspect and enforce state building regulations relating to mobilehome parks, as the California Department of Housing and Community Development (HCD) retains such authority.
- e. HCD is responsible for approximately 83% of all mobilehome parks throughout the state.
- f. The City has significant need for timely inspection and enforcement of its mobilehome parks in order to maintain the health and safety of its citizens.
- g. The rural character of the City necessitates a local enforcement focus.
- h. California Health and Safety Code section 18300 provides a mechanism for the City to assume responsibility of the enforcement of state law relating to mobilehome parks and special occupancy parks.

- i. The City has the staff and ability to assume responsibility for the enforcement of its mobilehome parks.
- j. This Ordinance is necessary to provide the necessary public health and safety enforcement and regulatory tools to address the health and safety concerns affecting the City's mobilehome parks.

§ 9-1.2 Assumption of Responsibilities.

Pursuant to Section 18300 of the California Health and Safety Code, and upon authorization from the HCD and subject to the acceptance of reasonable conditions of approval, if any, the City of Firebaugh hereby assumes responsibility for the enforcement of Division 13, Part 2.1, commencing with section 18200 (Mobilehome Parks Act) and Part 2.3 commencing with section 18860 (Special Occupancy Parks Act), of the Health and Safety Code and their implementing regulations set forth in Title 25, California Code of Regulations Division 1, Chapters 2 and 2.2, the building standards published in the California State Building Standards Code relating to mobilehome parks, special occupancy parks, travel trailer parks, recreational trailer parks, temporary trailer parks, incident camping areas, and tent camps and the related administrative regulations (collective referred to as "the Acts".)

§ 9-1.3 Delegation of Authority.

Pursuant to HCD approval, the City shall be the enforcement agency as defined by section 18207 of the Health and Safety Code and will assign the responsibility for the enforcement of the Acts to the City's Police Department. The Police Department shall provide qualified personnel for the actual enforcement of the Acts. The Department will assign one (1) code enforcement officer to be dedicated to carrying out the duties and responsibilities of the Acts, including but not limited to inspecting the City's mobilehome parks and issuing notices of violation when necessary. The Police Department may utilize other code enforcement officers to assist when necessary.

The City will assign the responsibility for the collection and issuance of permits and state fees, maintenance of mobilehome park records, and the monitoring of compliance of the mobilehome parks, to the City's Building Department.

§ 9-1.4 Schedule of Fees.

The City hereby adopts the fee schedules as contained in the Acts at Division 13, Parts 2.1 and 2.3, and implementing regulations. Any increases or revisions of the fee schedules noted above will be enforceable within the City limits.

§ 9-1.5 Statement of Objectives.

The City hereby adopts the program and statement of objectives contained in the Acts. The City's specific local objectives, include but are not limited to providing timely and reliable enforcement of the Acts, reduction of threats of fire, and protections public health, safety, and welfare inside of Mobilehome and Special Occupancy Parks. The City intends to enforce and implement the program to include all parks now under HCD jurisdiction and any new parks that may be created within the City.

§ 9-1.6 Description of Existing Mobilehome Parks.

According to statistics provided by HCD, there are currently four (4) mobilehome parks within the City, which includes ninety-eight (98) mobilehome spaces, nine (9) recreational vehicle spaces with drains, and four (4) recreational vehicle spaces without drains. Immediately upon assumption of enforcement responsibilities the City will initiate inspection pursuant to the requirements of the Acts. The occupancy and condition of mobilehome parks shall be substantiated upon approval by the HCD to assume responsibility for enforcing the Acts.

§ 9-1.7 Effective Date of Assumption.

The effective date of assumption of enforcement responsibilities shall be within thirty (30) days following adoption of this ordinance and HCD approval.

§ 9-1.8 Method of Enforcement.

Not later than thirty (30) days from the Effective Date of Assumption of Enforcement, as defined in section 9-1.7, the City shall commence and thereafter diligently enforce the Acts as follows:

- a. Review and maintain relevant files provided by HCD and compare same with records on file with the City.
- b. Review pertinent state building standards relevant to mobilehomes, manufactured homes, and special occupancy parks.
- c. Ascertain the status of all permits to operate, construction permits, and enforce relevant requirements.
- d. Investigate and resolve complaints received from occupants, neighbors, other agencies, and all other sources of complaints.
- e. Perform annual mobilehome park maintenance inspections consistent with the Acts as set forth in Health and Safety Code section 18400.1 and its implementing regulations.
- f. Take all other actions as are deemed appropriate in furtherance of state laws and regulations.

§ 9-1.9 Use of State Forms.

When enforcing the Acts, the City shall utilize the following HCD forms:

- a. HCD 500A – Application for Permit to Operate.
- b. HCD 503B – Annual Permit to Operate.
- c. HCD 513B – Manufactured Home or Mobilehome Installation Acceptance.
- d. HCD 513C – Certificate of Occupancy.
- e. HCD 538 – Plot Plan.

§ 9-1.10 Permits to Operate and State Fees.

- a. The City shall bill each of the mobilehome parks within its jurisdiction for the state fees required for the annual permit to operate, and issue said permits upon collection of the state fees.
- b. The City shall send a copy of all permits to operate and state fees collected to the Administrative Office of the Division of Codes and Standards, no later than thirty (30) days after the City's issuance of such permits and receipt of such funds.

§ 9-1.11 Transmittal of Ordinance.

The City Clerk is hereby instructed to transmit two (2) certified copies of this Ordinance to the Director of HCD and to the Administrative Office of the Division of Codes and Standards to P.O. Box 278180, Sacramento, CA 95827-8180, within ten (10) days of the date of adoption which, in any event, shall not be less than thirty (30) days before the Effective Date of Assumption of Enforcement Responsibilities (§ 9-1.7.)

§ 9-1.12 Notice of Assumption of Enforcement.

Upon HCD's approval of the City's assumption of enforcement of the Acts over the mobilehome parks, and no later than two (2) weeks prior to the Effective Date of Assumption of Enforcement Responsibilities (§ 9-1.7), the City shall notify in writing each of the mobilehome parks and special occupancy parks within its jurisdiction of the change in enforcement and that the Building Department is now responsible for enforcement and issuance of permits.

Section 3. This ordinance shall take effect thirty (30) days after its adoption.

Section 4. The City Clerk is authorized and directed to cause this ordinance to be codified after its adoption.

Section 5. The City Clerk is further authorized and directed to cause this ordinance, or a summary of this ordinance, to be published once in a newspaper of general circulation published and circulated in the City of Firebaugh within fifteen (15) days after its adoption. If a summary of this ordinance is published, then the City Clerk also shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the Office of the City Clerk at least five (5) days prior to the Council's meeting at which the ordinance is to be adopted and again after the meeting at which the ordinance is adopted. The City Attorney shall approve the summary.

* * *

The foregoing Ordinance No. 21-04 was introduced at a regular meeting of the City Council of the City of Firebaugh on the 1st day of November 2021, and was passed and adopted at a regular meeting of the City Council on the 20th day of December, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Freddy Valdez, Mayor

Rita Lozano, Deputy City Clerk

MEMORANDUM

DATE: 02/28/2023

TO: Honorable Mayor, Felipe Perez
City Council Members, City Manager and Staff

FROM: Councilmember Silvia Renteria

SUBJECT: Consider accepting the dedication of the Firebaugh Fire Department to the Borboa Family.

BACKGROUND: The Firebaugh Fire Department project is nearing complete and will replace the fire station currently located at 1575-11th Street, which was built around 1948. Between 1920 and 2023, many men and women have volunteered their time, and sacrificed their lives to protect life and property.

DISCUSSION: To dedicate the new Firebaugh Fire Department to the Borboa Family.

Since 1920, the Borboa family have been part of the Firebaugh Fire Department and have worked tirelessly to protect life and property. Their mission was to assure that the fire department would serve a greater purpose for the community and the citizens. Their service, commitment and dedication has shown their loyalty to the City of Firebaugh.

Borboa Firemen: Ramon A. Borboa (First Fire Chief 1920 – approximately 1935), Casey Borboa (Fire Chief 1940 – 1979), John G. Borboa (Fire Chief 1979 – 2023), David Borboa, Cecil Borboa, Ramon Borboa, Jr., Tootie Borboa, Gilbert Borboa, Brad Borboa

I ask that council put aside their personal preconceived opinions and recognize that the Borboa men have left a legacy, which has demonstrated their loyalty, commitment and dedication to the Firebaugh Volunteer Fire Department.

FISCAL IMPACT: There is no fiscal impact associated with this request.

RECOMMENDATION: Approve the Dedication of the new Firebaugh Fire Department to the Borboa Family.

PROPOSED ENGRAVING:

**This new building was made possible through a generous grant from
the Community Development Block Grant and will replace
the original fire station located at 1575-11th Street.**

**In gratitude, honor and recognition of the Borboa Family for
seventy-five years of service, commitment and dedication
to the Firebaugh Volunteer Fire Department
and the citizens of Firebaugh.**

Dedicated Month DD, YYYY

MAYOR – FELIPE PEREZ

FIRE CHIEF – JOHN G. BORBOA

CITY COUNCIL

ELSA LOPEZ

ALFRED VALDEZ

BRADY JENKINS

MARCIA SABLAN

I wish to offer my proposal in honoring the Borboa Family. Certainly, it is a most fitting honor and one of the most deserved ones I know of.

John, I want to extend my deepest appreciation for the years, efforts, and service you and your family have dedicated to the community of Firebaugh and surrounding areas. Thank you. ~ Silvia Renteria, Councilmember



SYSERCO
ENERGY SOLUTIONS

City of Firebaugh

Presented by:

Heather Roeme & Josh Sarpotdar
Syserco Energy Solutions, Inc.

Police Department & Fire Station



* Engineering Helioscope design provided upon SES selection

Confidential & Proprietary

Project Details



Purchase / Contract Price:	\$628,923
Estimated Inflation Reduction Act / Investment Tax Credit:	\$188,677
Net Purchase Price (Amount Needed to Finance):	\$440,246

Ongoing and Planned Expenses:

Performance Guarantee: Available Under Separate Contract:	\$2,235 in Yr 1
Estimated O&M: (1x Panel Wash/Yr., Inspection and Minor Repairs if necessary)	\$1,500 in Yr 1
Budget for Inverter Replacement (Year 12):	\$12,500

Project Cash Flow Model A



Modeled using Annual Savings of \$42,224 – using CURRENT PG&E Rates

Model A.)

CEC ECAA Loan at 1% Interest – 13 Year Term

3% Annual Escalator for Utility Costs

3% Annual Escalator for O&M and Performance Guarantee Costs

Cash Flow Analysis CEC ECAA 1% Loan Assumes 3% Annual Utility Escalation



Project Cost \$	\$ 628,923
Inflation Reduction Act	\$ 188,677

Solar Police, Fire & VFW Aggregate

Principal (Net Project Cost)	\$ 440,246
Rate (CEC ECAA Loan)	1.00%
Term (yrs)	13

Annual Utility Rate Escalation	Performance Guarantee & O&M Annual Escalator
3.0%	3.0%

Year	Loan Repayment \$	Utility Savings \$	Performance Guarantee Expense \$	Annual O&M Expense (Est.)	Inverter Replacement Cost (Est.)	Annual Savings \$	Cumulative Savings	Cash Flow	Cumulative Cash Flow
1	(\$36,283)	\$ 42,224	\$ (2,235)	\$ (1,500)		\$ 38,489	\$ 38,489	\$ 706	\$ 706
2	(\$36,283)	\$ 43,491	\$ (2,302)	\$ (1,545)		\$ 39,644	\$ 78,133	\$ 1,816	\$ 2,522
3	(\$36,283)	\$ 44,795	\$ (2,235)	\$ (1,591)		\$ 40,969	\$ 119,102	\$ 3,095	\$ 5,617
4	(\$36,283)	\$ 46,139	\$ (2,235)	\$ (1,639)		\$ 42,265	\$ 161,367	\$ 4,343	\$ 9,960
5	(\$36,283)	\$ 47,523	\$ (2,235)	\$ (1,688)		\$ 43,600	\$ 204,967	\$ 5,629	\$ 15,589
6	(\$36,283)	\$ 48,949	\$ (2,235)	\$ (1,739)		\$ 44,975	\$ 249,942	\$ 6,954	\$ 22,543
7	(\$36,283)	\$ 50,418	\$ (2,235)	\$ (1,791)		\$ 46,392	\$ 296,334	\$ 8,318	\$ 30,861
8	(\$36,283)	\$ 51,930	\$ (2,235)	\$ (1,845)		\$ 47,850	\$ 344,184	\$ 9,723	\$ 40,584
9	(\$36,283)	\$ 53,488	\$ (2,235)	\$ (1,900)		\$ 49,353	\$ 393,537	\$ 11,170	\$ 51,754
10	(\$36,283)	\$ 55,093	\$ (2,235)	\$ (1,957)		\$ 50,901	\$ 444,438	\$ 12,661	\$ 64,414
11	(\$36,283)	\$ 56,746	\$ (2,235)	\$ (2,016)		\$ 52,495	\$ 496,933	\$ 14,196	\$ 78,610
12	(\$36,283)	\$ 58,448	\$ (2,235)	\$ (2,076)	\$ (12,500)	\$ 41,637	\$ 538,569	\$ 3,277	\$ 81,887
13	(\$36,283)	\$ 60,201	\$ (2,302)	\$ (2,139)		\$ 57,899	\$ 596,468	\$ 19,478	\$ 101,365
14		\$ 62,007	\$ (2,371)	\$ (2,203)		\$ 57,433	\$ 653,902	\$ 57,433	\$ 158,799
15		\$ 63,868	\$ (2,442)	\$ (2,269)		\$ 59,156	\$ 713,058	\$ 59,156	\$ 217,955
16		\$ 65,784	\$ (2,516)	\$ (2,337)		\$ 60,931	\$ 773,990	\$ 60,931	\$ 278,886
17		\$ 67,757	\$ (2,591)	\$ (2,407)		\$ 62,759	\$ 836,749	\$ 62,759	\$ 341,645
18		\$ 69,790	\$ (2,669)	\$ (2,479)		\$ 64,642	\$ 901,390	\$ 64,642	\$ 406,287
19		\$ 71,884	\$ (2,749)	\$ (2,554)		\$ 66,581	\$ 967,972	\$ 66,581	\$ 472,868
20		\$ 74,040	\$ (2,831)	\$ (2,630)		\$ 68,579	\$ 1,036,550	\$ 68,579	\$ 541,447

Project Cash Flow Model B



Modeled using Annual Savings of \$42,224 – using CURRENT PG&E Rates

Model B.)

CEC ECAA Loan at 1% Interest – 13 Year Term

6% Annual Escalator for Utility Costs

3% Annual Escalator for O&M and Performance Guarantee Costs

Cash Flow Analysis CEC ECAA 1% Loan Assumes 3% Annual Utility Escalation



Project Cost \$	\$ 628,923
Inflation Reduction Act	\$ 188,677

Solar Police, Fire & VFW Aggregate

Principal (Net Project Cost)	\$ 440,246
Rate (CEC ECAA Loan)	1.00%
Term (yrs)	13

Annual Utility Rate Escalation	Performance Guarantee & O&M Annual Escalator
6.0%	3.0%

Year	Loan Repayment \$	Utility Savings \$	Performance Guarantee Expense \$	Annual O&M Expense (Est.)	Inverter Replacement Cost (Est.)	Annual Savings \$	Cumulative Savings	Cash Flow	Cumulative Cash Flow
1	(\$36,283)	\$ 42,224	\$ (2,235)	\$ (1,500)		\$ 38,489	\$ 38,489	\$ 706	\$ 706
2	(\$36,283)	\$ 44,757	\$ (2,302)	\$ (1,545)		\$ 40,910	\$ 79,399	\$ 3,083	\$ 3,789
3	(\$36,283)	\$ 47,443	\$ (2,235)	\$ (1,591)		\$ 43,617	\$ 123,016	\$ 5,742	\$ 9,531
4	(\$36,283)	\$ 50,289	\$ (2,235)	\$ (1,639)		\$ 46,415	\$ 169,431	\$ 8,493	\$ 18,025
5	(\$36,283)	\$ 53,307	\$ (2,235)	\$ (1,688)		\$ 49,384	\$ 218,815	\$ 11,412	\$ 29,437
6	(\$36,283)	\$ 56,505	\$ (2,235)	\$ (1,739)		\$ 52,531	\$ 271,346	\$ 14,510	\$ 43,947
7	(\$36,283)	\$ 59,896	\$ (2,235)	\$ (1,791)		\$ 55,869	\$ 327,216	\$ 17,796	\$ 61,742
8	(\$36,283)	\$ 63,489	\$ (2,235)	\$ (1,845)		\$ 59,409	\$ 386,625	\$ 21,282	\$ 83,024
9	(\$36,283)	\$ 67,299	\$ (2,235)	\$ (1,900)		\$ 63,163	\$ 449,789	\$ 24,981	\$ 108,005
10	(\$36,283)	\$ 71,337	\$ (2,235)	\$ (1,957)		\$ 67,144	\$ 516,933	\$ 28,904	\$ 136,909
11	(\$36,283)	\$ 75,617	\$ (2,235)	\$ (2,016)		\$ 71,366	\$ 588,299	\$ 33,067	\$ 169,976
12	(\$36,283)	\$ 80,154	\$ (2,235)	\$ (2,076)	\$ (12,500)	\$ 63,342	\$ 651,641	\$ 24,983	\$ 194,960
13	(\$36,283)	\$ 84,963	\$ (2,302)	\$ (2,139)		\$ 82,661	\$ 734,302	\$ 44,239	\$ 239,199
14		\$ 90,061	\$ (2,371)	\$ (2,203)		\$ 85,487	\$ 819,789	\$ 85,487	\$ 324,686
15		\$ 95,464	\$ (2,442)	\$ (2,269)		\$ 90,753	\$ 910,542	\$ 90,753	\$ 415,439
16		\$ 101,192	\$ (2,516)	\$ (2,337)		\$ 96,340	\$ 1,006,882	\$ 96,340	\$ 511,779
17		\$ 107,264	\$ (2,591)	\$ (2,407)		\$ 102,266	\$ 1,109,148	\$ 102,266	\$ 614,045
18		\$ 113,700	\$ (2,669)	\$ (2,479)		\$ 108,552	\$ 1,217,700	\$ 108,552	\$ 722,596
19		\$ 120,522	\$ (2,749)	\$ (2,554)		\$ 115,219	\$ 1,332,919	\$ 115,219	\$ 837,816
20		\$ 127,753	\$ (2,831)	\$ (2,630)		\$ 122,301	\$ 1,455,210	\$ 122,301	\$ 960,107

Next Steps

- Authorize City Manager to Finish Negotiations with SES
- Submit Application to secure NEM2 Solar Interconnection (**THIS IS URGENT!!!**)
- SES Works With Pio to Secure Funding
- City and SES Execute CA 4217 Agreement March 2023
- Kick off Project April 2023

Thank you for your time!

Please feel free to contact me.

Josh Sarpotdar

Project Development Manager

j.sarpotdar@syserco-es.com | 916.496.5389

Heather Roeme

Customer Care-Key Account Manager

h.roeme@syserco-es.com | 559.290.1277



March 3, 2023

Ben Gallegos
City Manager
City of Firebaugh
1133 P Street
Firebaugh, CA 93622

RE: Facility Solution Project Feasibility and Letter of Agreement (LOA)

Dear Mr. Gallegos:

This Letter of Agreement (LOA) is intended to briefly describe the manner in which SitelogIQ and the City of Firebaugh will work together during the engineering process, as well as the obligations of each party with respect to the engineering process.

Client Identification: City of Firebaugh

Facility Location(s):

Fire Department
Police Department
VFW Hall

Area of Focus:

SitelogIQ will provide a proposal and Facility Solution agreement for the implementation of facility improvements, energy conservation, energy generation, and/or energy management services.

Scope of Services:

- A. SitelogIQ will conduct a site visit to the Facility(ies) to perform a physical audit and collect data. The Client will cooperate and collaborate with SitelogIQ during this phase by providing copies of requested data, including (if available): Site and/or system drawings, historical operating data produced or recorded by existing controls or meters, manual logs, and any other data that may be pertinent to this evaluation.
- B. Client will also make operational personnel available at reasonable times for in-person and telephone interviews with SitelogIQ to answer questions about existing facilities conditions, operating profile and existing equipment operation.
- C. Where operational data is not available to support the analysis, SitelogIQ will utilize standard



engineering practices and assumptions to provide a conservative analysis on the potential energy savings from installing the energy conservation measures.

- D. SitelogIQ will also analyze the potential for energy generation measures.
- E. SitelogIQ will recommend energy management and/or on-going monitoring services.
- F. For each of the targeted Energy Conservation Measures (ECMs), estimated (projected) operating costs will be calculated and then compared to existing operating costs. Existing conditions will be evaluated using data-logged or stipulated and mutually agreed operational schedules.
- G. SitelogIQ will prepare a return on investment analysis (consistent with the client's preferred evaluation methods based on agreed upon Economic Criteria noted below).
- H. SitelogIQ will provide budgetary construction costs estimates and a summary Scope of Work for all recommended ECMs. Cost estimates will represent a "turnkey" solution. Refer to Attachment A for the list of discussed potential ECM's to be evaluated.
- I. All design engineering required for preparation and submittal of Interconnection Application(s).
- J. The results will be presented to client as a recommended Scope of Work and a financial proforma (such as a Cash Flow) which will include costs and energy savings for the next 30 years with escalation of no more than 6% and including future maintenance & repair costs. As a result, True Cost of Ownership is presented to the client for their review and consideration

Client Responsibilities:

In order for SitelogIQ to provide the services described in this LOA, the Client agrees to provide (or cause its energy suppliers to provide) SitelogIQ with utility billing and interval data.

Development Efforts:

Client acknowledges that SitelogIQ will incur considerable expense in developing the Project. This expense includes the cost incurred by SitelogIQ's development team, the cost to visit the Site, and the cost to prepare the financial proforma. SitelogIQ is acting hereunder as an independent contractor and not as an agent or employee of the Client. SitelogIQ shall not represent or otherwise hold out itself or any of its directors, officers, partners, employees, or agents to be an agent or employee of the Client.

Interconnection Application:

If applicable, SitelogIQ may request important Distribution System information from the local utility regarding planned solar interconnection points, **prior** to submitting an Interconnection Application during construction of a Solar Generation PV Array. The purpose is to avoid or address early in the design phase any existing utility infrastructure that may prohibit or delay the construction of a



Solar Generation PV Array at any of the listed locations. Interconnection Application(s) will be prepared and submitted prior to April 14th 2023.

Ownership of Work:

All work products, including all proforma's, schedules, and scope of work documentation provided by SitelogIQ, will only become the property of the Client upon execution of a binding, irrevocable contract between the Client and SitelogIQ for the implementation of the ECMs proposed by SitelogIQ. Notwithstanding the foregoing, to the extent that any tangible work documentation produced by SitelogIQ contains SitelogIQ's pre-existing materials (including but not limited to templates, forms, and other SitelogIQ -created materials), SitelogIQ will remain the sole and exclusive owner of all such pre-existing materials.

Development Fee:

SitelogIQ will develop the Project for the firm, fixed fee/rate as listed below:

1. Total Fee not to exceed \$15,000.00 broken down in phases as follows:
 - a. \$7,500 Fixed Fee, Interconnection Application Phase. Includes one NEM 2.0 interconnection application for the PV system design chosen by Client. PG&E may require additional fees (not included in Total Fee) for additional studies and submittals (i.e. System Impact Study, etc.). Client will be responsible for additional PG&E fees if Client decides to move forward with such studies.
 - b. After the Interconnection Application Submittal a \$7,500 Fixed Fee, for System Design Phase. Upon Notice to Proceed by client, SitelogIQ will complete a design packet for the purposes of finalizing scope and a fixed price Proposal for discussions with Client.
2. Client shall be entitled to terminate this agreement for convenience upon the occurrence of the following circumstances:
 - a. At any time prior to the Design Phase. Client shall only be responsible for paying the Fixed Fee amount for the Interconnection Application Phase. (\$7,500)
 - b. After System Design Phase. Client shall be responsible for paying the Total Fee of the agreement. (\$15,000) as set forth herein.
3. In the event that the Client enters into a contract with SitelogIQ for the implementation of the ECMs within 60 days after presenting the Proposal, then SitelogIQ's cost to develop the Proposal will not be billed. If the Client enters into a contract with SitelogIQ at a later date, the Development Fee paid by the Client will be credited toward the project's total implementation cost.
4. If SitelogIQ cannot meet the Economic Criteria as defined below, Client will not compensate SitelogIQ for its LOA fee.

Economic Criteria:

The Client has represented to SitelogIQ that Client agrees to move forward with the project if the project is shown to reduce the operational expenses at the site over the useful life of the project. The main financial objectives of the project are as follows:



1. Provide a self-funded program, which pays for itself through expense reductions and meets the requirements of California Government Code 4217.10 et seq.
2. Project, or component of project, will meet requirements of the California Energy Commission, Energy Conservation Act 1% Loan Program to fund a portion of this project. SiteLogIQ shall assist the City in obtaining this funding.
3. SiteLogIQ shall assist the City in soliciting private placement project funding in the form of a Tax Exempt Municipal Lease, taxable bank funding, or other appropriate finance options.
4. SiteLogIQ shall assist the City in obtaining Federal Inflation Reduction Act incentives eligible to the City, as a result of this project.

This LOA shall be construed and enforced in accordance with the laws of the State of California without regard to principles of conflicts of law.

If you agree with the provisions set forth in this LOA, kindly sign and date the LOA below and return one fully-executed copy to my attention. Thank you again for providing SiteLogIQ with the opportunity to work with the City of Firebaugh on this important initiative.

Acceptance of Letter of Agreement

This agreement is between the City of Firebaugh and SiteLogIQ, Inc.

Client:

SiteLogIQ

Name:

Name: Eddie Jordan

Title:

Title: Vice President

Date:

Date:



**Attachment A:
Potential Facility Improvement, Energy Conservation and Energy Generation
Measures to be considered**

1. Solar Generation

City of Firebaugh – Clean Energy Project
Presented By: SitelogIQ's
Central Valley Local Government Energy Team





WHO WE ARE
OUR CALIFORNIA PRESENCE
PROGRAM OVERVIEW
PROPOSED SOLUTIONS & SAVINGS
ENERGY CONSERVATION MEASURES
PROJECTED PROGRAM FINANCIALS
ROADMAP TO EFFICIENCY
Q&A

WHO WE ARE

We deliver world-class energy, water, renewable and infrastructure programs for State and Local Governments.



400+
Employees



\$5 Billion
Constructed



11,000
Customer Sites



\$1 Billion Saved
in Energy & Ops



U.S. Owned Organization

Single-source of **accountability** and **responsibility** from conception to completion.

OUR CALIFORNIA PRESENCE

- Our largest client base is in California
- Staffed by nearly 150 energy professionals, engineers, and highly-trained technicians
- Extensive experience implementing Federal, State, and Utility programs for California Local Governments



AMADOR COUNTY
CALIFORNIA



Riverbank
CITY OF
CALIFORNIA

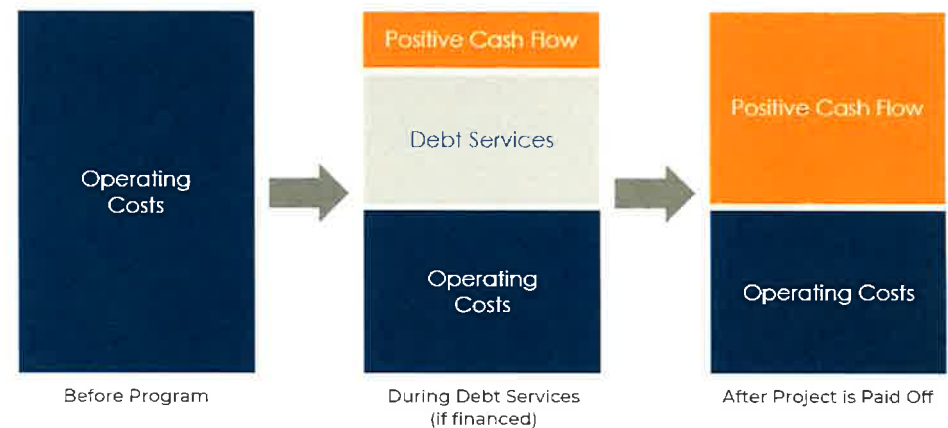


City of Parlier



PROGRAM OVERVIEW

- Cumulative positive cash flow
- Design/Build/O&M
- ECAA 1% Loan funded
- CA Government Code 4217
- Guaranteed performance-based outcome



PRELIMINARY SOLUTIONS & SAVINGS

Efficiency Conservation Measures

Solar Photovoltaic

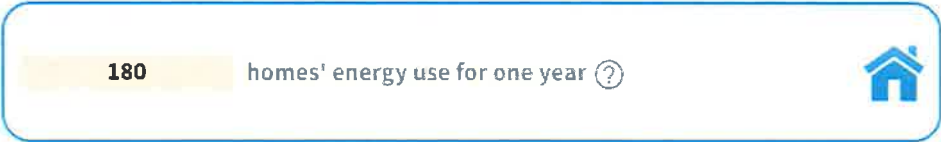


Year 1
Electric Savings
(\$)



30 Year
Net Savings
(\$)

Project Greenhouse Gas Emissions Savings Equivalents



SOLAR PHOTOVOLTAIC (PV)



Project Details:

- 98.2 kW System
- 178 Solar Panels
- Carport Structure & Roof Mounted

PROJECTED PROGRAM FINANCIALS

Estimated Project Value	\$450K
30 Year Net Project Savings	\$2.2M
Year 1 Annual Utility Savings	\$33K
IRA Direct Cash Payment 30%	\$135K



Proprietary and Confidential

PERFORMANCE VALIDATION



Electricity Cost Overview

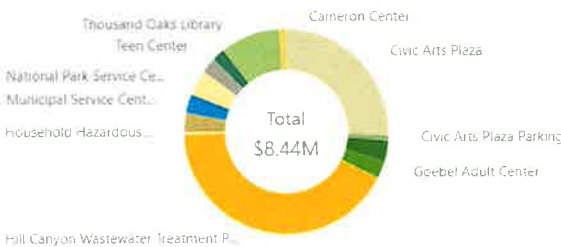
Data Available From January, 2010 to May, 2022

All

Year Selection

- 2022
- 2021
- 2020
- 2019
- 2018
- 2017
- 2016
- 2015
- 2014
- 2013
- 2012
- 2011
- 2010

Electric Cost by Site (\$)



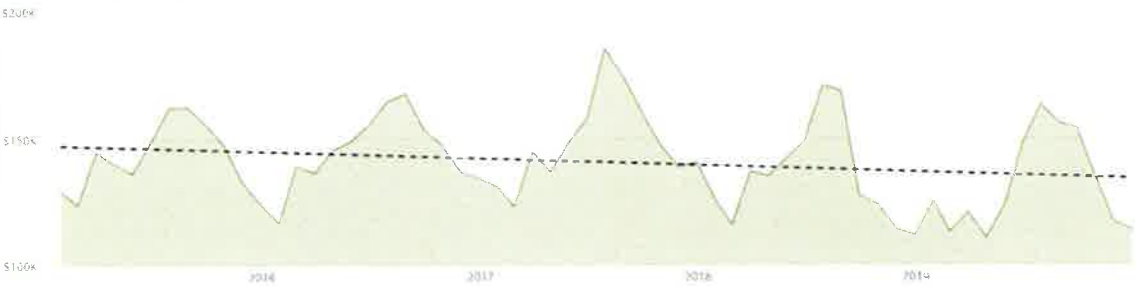
Electric Cost by Month and Year (\$)



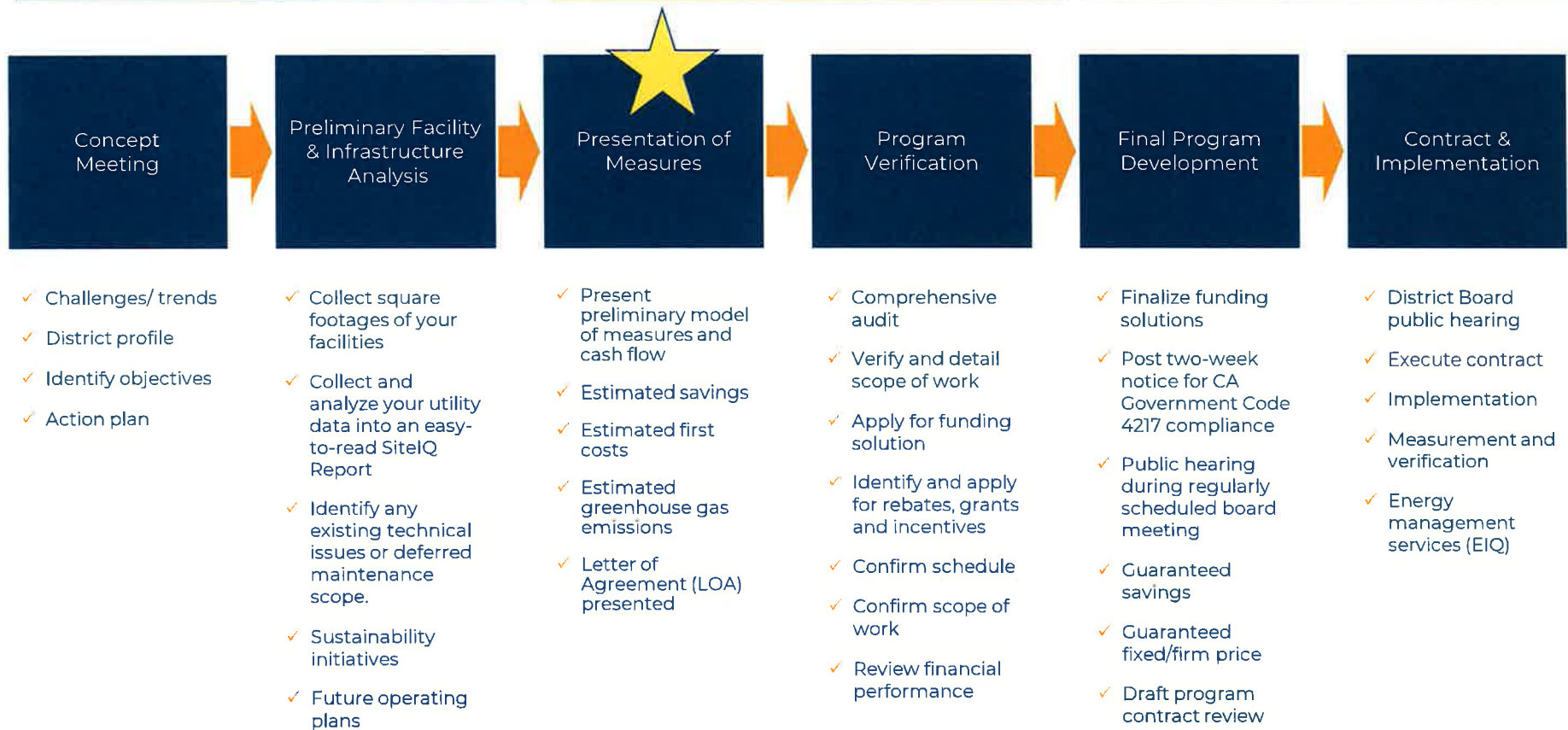
Annual Electric Cost (\$)

2022	\$0.72M
2021	\$1.77M
2020	\$1.57M
2019	\$1.58M
2018	\$1.62M
2017	\$1.79M
2016	\$1.74M
2015	\$1.71M
2014	\$1.66M
2013	\$1.59M
2012	\$1.58M
2011	\$1.65M
2010	\$1.63M

Electric Cost by Date (\$)



ROADMAP TO EFFICIENCY





Thank You

Jessica Ritter
Local Government Relations

M 559.547.1834

E Jessica.ritter@sitelogiq.com



FULL PROJECT PROFORMA CASH FLOW ^{1,2}



Scope: Solar @ Fire Station, Police Department & Offsetting Usage at VFW Hall

Year	Estimated Annual ECAA Loan Payment	Estimated Annual TEML Finance Payment	Solar O&M Service & Energy Dashboard	Incentives (IRA) 30%	Gross Annual Project Savings	Annual Net Savings	Cumulative Net Savings
0	\$ -	\$ -	\$ -		\$ 33,395	\$ 33,395	\$ 33,395
1	\$ 14,407	\$ -	\$ 4,400	\$ 135,000	\$ 35,399	\$ 151,592	\$ 184,987
2	\$ 28,814	\$ -	\$ 4,532		\$ 37,523	\$ 4,177	\$ 189,163
3	\$ 28,814	\$ -	\$ 4,668		\$ 39,774	\$ 6,292	\$ 195,455
4	\$ 28,814	\$ -	\$ 4,808		\$ 42,160	\$ 8,538	\$ 203,994
5	\$ 28,814	\$ -	\$ 4,952		\$ 44,690	\$ 10,924	\$ 214,917
6	\$ 28,814	\$ -	\$ 5,101		\$ 47,371	\$ 13,457	\$ 228,374
7	\$ 28,814	\$ -	\$ 5,254		\$ 50,214	\$ 16,146	\$ 244,520
8	\$ 28,814	\$ -	\$ 5,411		\$ 53,227	\$ 19,001	\$ 263,521
9	\$ 28,814	\$ -	\$ 5,574		\$ 56,420	\$ 22,032	\$ 285,553
10	\$ 28,814	\$ -	\$ 5,741		\$ 59,805	\$ 25,250	\$ 310,804
11	\$ 28,814	\$ -	\$ 5,913		\$ 63,394	\$ 28,666	\$ 339,470
12	\$ 28,814	\$ -	\$ 6,091		\$ 67,197	\$ 32,293	\$ 371,763
13	\$ 28,814	\$ -	\$ 6,273		\$ 71,229	\$ 36,142	\$ 407,905
14	\$ 28,814	\$ -	\$ 6,462		\$ 75,503	\$ 40,227	\$ 448,132
15	\$ 28,814	\$ -	\$ 6,655		\$ 80,033	\$ 44,564	\$ 492,696
16	\$ 28,814	\$ -	\$ 6,855		\$ 84,835	\$ 49,166	\$ 541,862
17	\$ 28,814	\$ -	\$ 7,061		\$ 89,925	\$ 54,050	\$ 595,912
18	\$ 43,221	\$ -	\$ 7,273		\$ 95,321	\$ 44,827	\$ 640,739
19	\$ -	\$ -	\$ 7,491		\$ 101,040	\$ 93,549	\$ 734,288
20	\$ -	\$ -	\$ 7,715		\$ 107,102	\$ 99,387	\$ 833,675
21	\$ -	\$ -	\$ 7,947		\$ 113,528	\$ 105,582	\$ 939,257
22	\$ -	\$ -	\$ 8,185		\$ 120,340	\$ 112,155	\$ 1,051,412
23	\$ -	\$ -	\$ 8,431		\$ 127,561	\$ 119,130	\$ 1,170,541
24	\$ -	\$ -	\$ 8,684		\$ 135,214	\$ 126,530	\$ 1,297,072
25	\$ -	\$ -	\$ 8,944		\$ 143,327	\$ 134,383	\$ 1,431,454
26	\$ -	\$ -	\$ 9,213		\$ 151,927	\$ 142,714	\$ 1,574,168
27	\$ -	\$ -	\$ 9,489		\$ 161,042	\$ 151,553	\$ 1,725,722
28	\$ -	\$ -	\$ 9,774		\$ 170,705	\$ 160,931	\$ 1,886,653
29	\$ -	\$ -	\$ 10,067		\$ 180,947	\$ 170,880	\$ 2,057,533
30	\$ -	\$ -	\$ 10,369		\$ 191,804	\$ 181,435	\$ 2,238,968
Totals	\$ 518,652	\$ -	\$ 209,332		\$ 2,831,943	\$ 2,238,968	\$ 2,238,968

Notes:

- 1) SiteLogIQ is not a Municipal Financial Advisor and this tool is used to confirm if the proposed project is Budget Neutral or better in compliance with CA Govt. Code 4217.
- 2) Cash Flow is based on a Preliminary Analysis using rough order of magnitude budgetary estimates and other standard assumptions. Final analysis and results may vary.
- 3) Scope of work includes Solar @ Fire Station, Police Department & Offsetting Usage at VFW Hall

INPUTS		
BASE PROJECT COST	\$ 450,000	This is the base cost of the project
5% Contingency (Recommended)	\$ 22,500	
ECAA LOAN AMOUNT	\$ 472,500	This is the portion of the total cost that is proposed to be financed via the Energy Conservation Assistance Act 1% Loan
ECAA FINANCE TERM (YEARS)	18	
ECAA INTEREST RATE	1.00%	
TEML LOAN AMOUNT	\$ -	This is the portion of the total cost that is proposed to be financed via Tax Exempt Municipal Lease.
TEML FINANCE TERM (YEARS)	-	
TEML INTEREST RATE	0.00%	
UTILITY ESCALATION	6.0%	
CALCULATED ENERGY SAVINGS	\$ 33,395	This is the Annual Gross savings from the Solar PV
SOLAR O&M COST	\$ 4,400	This is an estimated cost for Operation & Maintenance of the proposed solar array, as well as SiteLogIQ's energy management services dashboard
O&M/MAINT ESCALATION	3.0%	



City of Firebaugh Public Works Department Staff Report

To: Mayor Felipe Perez and City Council Members
From: Michael Molina, Public Works Director
Date: March 6, 2023 - Council Meeting

Water/Wastewater

The operation department has been working on the following:

1. Day to day operations of treatment plants.
2. Working on Well #12 Rehab

Streets

The Street Department has been working on the following:

1. Repairing Street Signs and install No Truck Parking signs on Clyde Fannon.
2. Filling potholes around town,
3. Assisted contractor with various construction jobs/issues at the new Police Station.

Parks

The Crew has been working on the following:

1. Installing new benches at Maldonado Park – Canopy area.
2. Routine maintenance at parks and city buildings.
3. Getting fields ready for the upcoming baseball season.

City Projects:

1. Emmett's Excavation, Inc. has about 80% of the new waterlines and services installed at the Zozaya project.
2. Emmett's Valley Excavation will began work on March 20, 2023, at the J Street/10th Street project.



FIREBAUGH POLICE DEPARTMENT

Memo

To: Honorable Mayor Felipe Perez and Council Members
From: Salvador Raygoza, Police Chief
cc: Benjamin Gallegos, City Manager
Date: 03/02/2023
Re: Staff Report

MONTHLY CRIME ANALYSIS:

During the last two months of 2023, Firebaugh officers took a total of 140 reports that can be classified as crime reports, incident reports and traffic accidents. The majority of reports taken were non-criminal and classified as incident reports. Officers issued 233 traffic citations and we only had 5 traffic accidents within the city limits.

Officers have been busy working traffic enforcement on an over-time basis paid by a grant from the California Office of Traffic Safety.

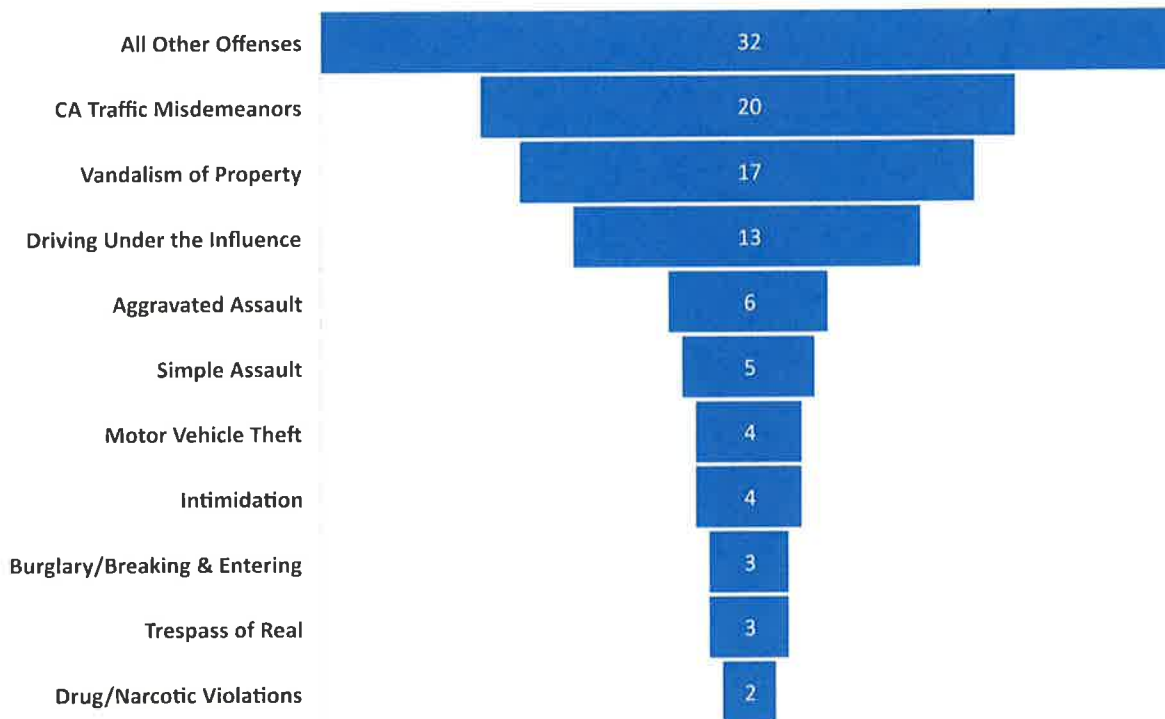
I have attached two graphs on the next page with a crime breakdown for the last two months. Our city continues to be one of the safest communities in the valley due to the hard work of everyone at the police department and our citizens who report all suspicious activity.

PERSONNEL:

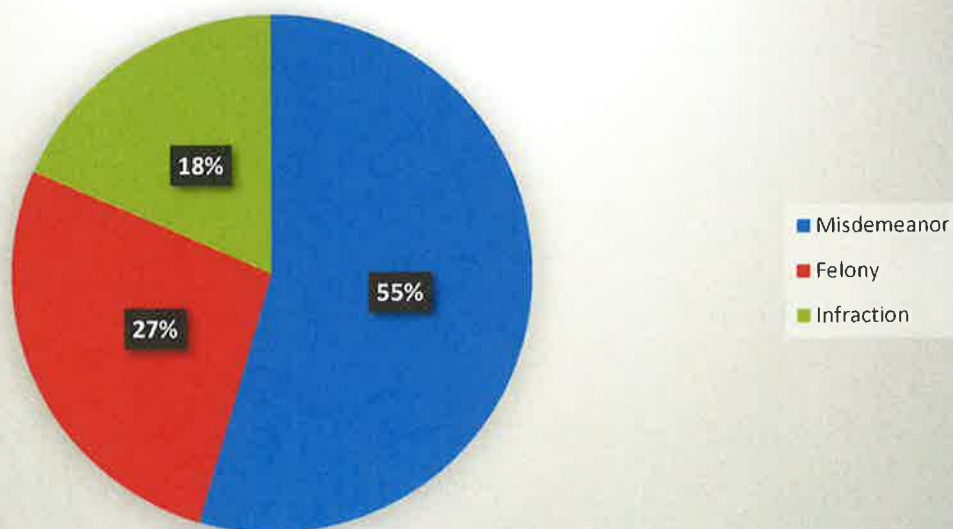
The department's personnel strength stands at 26, including 13 sworn officers, 5 full-time dispatchers, 5 reserve officers and 3 part-time dispatchers.

We had a part-time dispatcher Ana Santos resign her position in January of 2023. Her position was filled by new hire and local resident Angel Cruz who will be sworn in and introduced to council at the March 20, 2023, meeting.

Jan & Feb 2023



Breakdown Classification





1133 "P" STREET
FIREBAUGH, CALIFORNIA 93622-2547
(559) 659-2043
FAX (559) 659-3412

MEMORANDUM

DATE: MARCH 01, 2023
TO: CITY COUNCIL
FROM: JOHN G. BORBOA, FIRE CHIEF
SUBJECT: STAFF REPORT

Attached is a picture of an AMKUS Combination cutter and spreader extrication tool purchased by the Fire Department Association for \$14,306.69. This tool is unique in the sense that it is a complete E-Tool that runs on batteries only without the need for auxiliary hydraulic power units and what can be hundreds of feet of hydraulic hose.

Also pictured are two fire apparatus, also purchased by the Association in the last twelve months. One was acquired from a dealer in Florida and the second was acquired from the City of Fresno.

The large Type 1 will replace our E-550 as a first out and E-550 which is 29 years old will be delegated to reserve status. The smaller four wheel drive will compliment our off road vehicles on vegetation/river bottom fires. As we found out this past year, the river is going to continue to be a extreme problem area. Both of these vehicles have a fair market value today of \$130,000.00.







Volunteer Firefighter's Association of Firebaugh
 1575 11th Street
 Firebaugh, CA, 93622
 (559) 659-2073

UNITED SECURITY BANK
 1067 O STREET
 FIREBAUGH, CA. 93622
 90-4149/1211

1949

2/28/2023

PAY TO THE
ORDER OF

Cascade Fire Equipment Company

\$ **14,306.69

Fourteen Thousand Three Hundred Six and 69/100

DOLLARS



Cascade Fire Equipment Company
 P. O. Box 4248
 Medford, Oregon 97501



MEMO

INV957

Volunteer Firefighter's Association of Firebaugh

1949

Cascade Fire Equipment Company

2/28/2023

One (1) Amkus ICT716LB E-Tool Combi Tool with B
 Charged to City of Firebaugh on SO10180

14,306.69

General Operating

INV957

14,306.69

Volunteer Firefighter's Association of Firebaugh

1949

Cascade Fire Equipment Company

2/28/2023

One (1) Amkus ICT716LB E-Tool Combi Tool with B
 Charged to City of Firebaugh on SO10180

14,306.69

General Operating

INV957

14,306.69



100811